

In Re: The Matter of the Proposal to Close) HON. BERNETTA D. BUSH (RET.)
)
) Independent Hearing Officer
William H. King Elementary School)
Chicago, IL)
)
)

HEARING OFFICER REPORT AND RECOMMENDATIONS

BACKGROUND

On April 10, 2013, the undersigned attorney, licensed to practice in Illinois, was appointed to serve as an Independent Hearing Officer , pursuant to 105 ILSC 5/34-230(f) in the above matter. On April 26, 2013, at 5:30 P.M. a hearing was conducted in the Board Room of the offices of the Board of Education of the City of Chicago, located at 125 South Clark Street, Chicago, Illinois.

SUMMARY OF PROPOSED ACTIONS

The Chief Executive Officer (CEO) of the Chicago Public Schools (CPS), Barbara Byrd-Bennett, has proposed that the Chicago Board of Education (the Board) approve her proposal to close William H. King Elementary School (King), located at 740 South Campbell Ave., Chicago, IL 60612, at the end of the current school year because it is underutilized, based upon CPS Space Utilization Standards and student enrolment numbers recorded on the 20th attendance day for the 2013-2013 school year. Specifically King had 284 students enrolled on the 20th day of attendance for the 2012-1013 school year, but has the capacity to serve 690 students.

Because of the “Underutilization” of the King facility the CEO is recommending that King Students be relocated to Jensen Elementary Scholastic Academy (Jensen), located at 3030 W. Harrison Street. Jensen is a city-wide magnet school and will keep its magnet status. The CEO is also proposing that the geographic boundary currently associated with King be reassigned to Jensen, thus making Jensen the new neighborhood school for students living in the current King boundary.

NOTICE OF HEARING

On or before March 31, 2013 the CEO must publish notice of the proposed school action, in accordance with 105 ILCS 5/34-232. The statute further provides that the CEO shall provide notice of the proposed school actions at least 15 calendar days in advance of a public hearing or meeting. The notice shall include a written statement of the proposed action and how the proposed action meets the criteria set out in the guidelines published by CPS. Notice must be sent to the principal, staff, local school council, parents or guardians of the affected schools.

Additionally, the CEO must include in the Notice a draft school transition plan. The draft school transition plan will include, but not limited to, the following; (1) Services to support academic, social and emotional needs of the student; supports for students with disabilities, homeless students, and English language learners, and supports to address security and safety issues; (2) options to enroll in higher performing schools; (3) informational briefings regarding the choice of schools that include pertinent information to enable the parent or guardian and

child to make an informed choice, including the option to visit the school of choice prior to making a decision; and (4) provision of transportation where practicable.

The CEO must provide at least three opportunities for public comment on the proposed school action. At least two of these meetings must be held at sites convenient to the school and affected communities. One public hearing must be held at the Board of Education's offices. Notice of public comment and Public Hearing was sent to the parents or guardian of students, Administrators, Faculty, Staff and Local School Council Members, Aldermen and Legislators of King Elementary School and Jensen Scholastic Academy on March 21, 2013, as required by Illinois law, and/or the Chicago Board of Education's applicable Policies, Guidelines and Procedures. Notices were sent by US mail, electronic mail and posted on CPS website, (See CPS Exhibit 1A (1-6)).

Community hearings were held on April 6, 2013 and April 11, 2013. The public hearing was held on April 26, 2013, at 5:30 P.M. In accordance with 105 ILCS 5/34-230 (f), the undersigned an independent Hearing Officer, who is a licensed attorney, was selected to preside over the Public Hearing. The Hearing Officer must issue a report summarizing the public hearing and determine if the CEO has complied with the requirements of the statute.

If the CEO proposes a school action that does not comply with the statute, the Board shall not approve the proposal during the school year in which the action was proposed. The Board may not take action regarding the proposed school action less than 60 days after notice of the proposed school action, {105 ILCS 5/34-230(c) (5)}.

CRITERIA FOR SCHOOL CLOSURE

In accordance with the Guidelines for School Actions 2012-2013 School Year (105 ILCS 5/34-230), the CEO may propose closure of a school using the following criteria:

1. Space utilization
2. The CEO may only propose closure if:
 - (a) The students impacted by the closure or boundary change have the option to enroll in a higher performing school; and,
 - (b) The resulting space utilization and boundary change will not exceed the facility's enrollment efficiency range as defined by CPS' Utilization Standards.
3. Additional Information to Consider in determining whether to propose a closure or boundary change , the CEO may consider safety and security, school culture and climate, school leadership, quality of the school facility, school type and programming, family and community feedback received throughout the school year, analysis of transition planning cost ,neighborhood development plans, whether the school has recently been affected by any school actions, changes in academic focus, or proximity , capacity and performance of other schools in the community.

HEARING

The hearing was convened pursuant to 105 ILCS 5/34-230 .The purpose of the hearing was to elicit public comments from concerned persons, including representatives of the CEO, parents of the school, members of the local school council, principal, teachers, staff and students of the local school , Aldermen , State Senator, representatives of the Teachers' Union,

and interested members of the public, regarding the CEO's proposal that King Elementary School be closed at the end of the current school year and that returning King students be reassigned to Jensen Elementary Scholastic Academy.

**SUMMARY OF EVIDENCE RECEIVED AT THE PUBLIC HEARING
Chicago Public School Representatives**

The CEO presented two witnesses to support her proposal for the closure of King and the request that King's boundary be included as a part of Jensen's boundary. Below are excerpts from their testimony:

Patrick Payne - Portfolio Planner, CPS

My name is Patrick Payne, and I am a Portfolio Planner for the Chicago Public Schools. As a Portfolio Planner, I manage strategic planning to improve the utilization of CPS facilities. I have been asked to appear at this hearing today to convey to you, the parents and the community, as well as interested members of the public in attendance, information regarding the space utilization of the King facility with respect to the proposal to close King.

According to the Chief Executive Officer's Guidelines for the 2012-2013 school year, the CEO may propose to close a school if it is underutilized based on CPS Space Utilization Standards and student enrollment numbers recorded on the 20th attendance day for the 2012-2013 school year. The CEO may only propose a closure if the impacted students have the

option to enroll in a higher performing school and the resulting space utilization after the closure will not exceed the facility's enrollment efficiency range as defined by the CPS Space Utilization Standards.

King is currently located at 740 South Campbell Avenue. King is an elementary school that, as of the 20th day of attendance for the 2012-2013 school year, serves 284 students in pre-kindergarten, and kindergarten through 8th grades.

To understand the enrollment efficiency range of a facility, Chicago Public Schools utilizes its Space Utilization Standards, (See CPS Exhibit 1 B (14)).

The enrollment efficiency range is plus or minus 20% of the facility's ideal enrollment. For elementary school facilities, the ideal enrollment is defined as the number of allotted homerooms multiplied by 30. The number of allotted homerooms is approximately 76 to 77% of the total classrooms available. As an elementary school's enrollment increases above the efficiency range, a school may be considered overcrowded as programming options are reduced or compromised. As an elementary school's enrollment decreases below the efficiency range, a school may be considered underutilized as classrooms are unused or poorly programmed, making the use of limited resources less effective.

A typical elementary school facility has a total of 39 classrooms. Therefore, the number of allotted homerooms, approximately 76 to 77% of 39, is 30. Multiplying 30 homerooms by 30 equals the ideal enrollment number of 900. Finally the enrollment efficiency range is plus or minus 20 percent of 900, which is 720 to 1080. If a school in this typical elementary school

facility had an enrollment below 720, it would be considered underutilized. Alternatively, if the school's enrollment was above 1080, it would be considered overcrowded.

There are 29 total classrooms within the King facility. Approximately 76 to 77% of 29 are 22, the number of allotted homerooms. Twenty-two multiplied by 30 yields the ideal enrollment of the facility, which is 660. As such, the enrollment efficiency range of the King facility is between 528-792 students.

The enrollment of King, as of the 20th day of attendance for the 2012-2013 school year, was 284. This number is below the enrollment efficiency range, and thus, the school is underutilized.

The CEO has proposed that the students from King be welcomed at Jensen Elementary Scholastic Academy. If this proposal is approved by the Board of Education for the City of Chicago, the resulting space utilization will not exceed Jensen's enrollment efficiency range as defined by the CPS Space Utilization Standards.

Jensen has 34 total classrooms. Approximately 76 to 77% of 34 is 26, the number of allotted homerooms. Twenty-six multiplied by 30 yields the ideal enrollment of the facility, which is 780. As such, the enrollment efficiency range of the Jensen facility is between 624-936 students. Jensen currently has 349 students enrolled.

If King is closed, the CEO is also proposing that King's attendance area be reassigned to Jensen at 3030 West Harrison Street at the end of the current school year. In proposing this boundary change, several factors were considered as outlined in the Review and Establishment of School Attendance Boundaries Policy, including, but not limited to, the capacities of Jensen, geographic barriers, time and distance traveled, and program considerations.

Wanda Washington, Chief of Schools for Garfield-Humboldt Elementary Network

My name is Wanda Washington. I am the Chief of Schools for the Chicago Public Schools, Garfield-Humboldt Elementary Network. Chicago Public Schools are divided up into Networks. Network offices are run by a Chief and provide support and oversight for the schools assigned to them on behalf of the CEO. Jensen Elementary Scholastic Academy is within the Garfield-Humboldt Elementary Network and I am responsible for the support and oversight of Jensen on behalf of the CEO.

King fits the criteria of the Chief Executive Officer's Guidelines for School Actions because it is underutilized based on CPS Space Utilization Standards and student enrollment numbers recorded on the 20th attendance day for the 2012-2013 school year. King students will be welcomed by Jensen, located at 3030 West Harrison Street. The facility at 3030 West Harrison Street has enough space to welcome the King students and the resulting combined enrollment will not exceed the facility's enrollment efficiency range.

Students from King will be attending a higher performing school based on the CEO's Guidelines for School Actions. One way that the CEO's Guidelines for School Actions define a higher performing school is if a school received a higher level on the Performance Policy for the 2011-2012 school year. Under the CPS Performance Policy, each school receives an annual rating based on its performance on a variety of student outcome measures, including standardized test scores and student attendance. District-wide, schools designated Level 1 are the highest performing and schools designated Level 3 are the lowest performing. King received a Level 3 rating for the 2011-2012 school year, while Jensen received a Level 1 rating, (see CPS Exhibit 1 B 12).

If this proposal is approved, students will receive additional supports at King during the remainder of this school year and at Jensen next year, and the Network will provide assistance to ease the transition process as much as possible. CPS will publish final transition plans, if the Board approves this proposal, which will incorporate feedback from community meetings, this hearing, and additional input received.

The CPS Office of Safety and Security, or OSS, has worked with the Chicago Police Department, Department of Family and Support Services, local community groups and faith partners, elected officials, and other sister agencies to develop a plan for the safe transition of students. If this proposal is approved, OSS will take the following steps:

CPS will provide transportation in the form of shuttle buses for all returning King students who are reassigned to Jensen. The shuttle bus will provide transportation to and from the King and Jensen school locations until all current King students graduate from Jensen. For current King students receiving transportation in accordance with the Board's Admissions Policy for Magnet, Selective Enrollment and Other Options for Knowledge Schools and Programs (Policy Section 602.2, Board Report 11-0827-P02), this transportation will continue when they are welcomed at Jensen.

King students will receive academic supports as they transition. Students will also receive social and emotional supports to help them adjust to a new school environment. Additional transition supports will be provided to ensure that King students who have unique needs or circumstances are adequately supported in this transition, including students with diverse learning needs, students in temporary living situations, English language learners, and early childhood participants,(See CPS Exhibit 1A (1).

King is underutilized, the combined enrollment of King and Jensen students at the 3030 West Harrison Street facility will not exceed the facility's enrollment efficiency range, and Jensen is a higher performing school. The CEO believes that this proposed school closure will help the District better serve all students and is prepared to assist students with additional supports as they transition.

Comments from the Public on King Closing:

59 persons attended the public hearing, 25 spoke at the hearing in opposition to the closure of King. Below are excerpts from their testimony:

Alderman Robert Fioretti

I do believe that King Elementary is a vital school on the near West Side. CPS is abandoning large areas of the 2nd Ward on the Near West Side with its proposed school closures. This special school with African-American and Latino students in a school community that is at peace and that works together. This is due to the quality of the principal, Shelton Flowers. I do believe that Mr. Flowers is one of the best principals in the CPS system and his great staff and spirit of cooperation among the families is demonstrated at King.

It would be a wrong to disrupt this outstanding school and the progress that has been made there. King has built a great program working with its many students who have English as a second language. King has worked with limited resources but..has

obtained huge support and donations from the corporate community and donors who want to support the great work at the school.

Moving King to a school that is located across California, across a major gang boundary, is dangerous for the students and parents from King. Many of the families are refusing to take the chance that they will be subjected to violence with this move. I have walked with the King parents along the route to Jensen.

CPS promises to take safety into account when it made its decisions on school closings. It should also take into account the fact that King is now next to a new charter school, Learn, at Western and Congress. It is located in a substandard old Catholic building with no adequate facilities. By locating this new charter just a few block from King, and then another Learn charter, just a few blocks north next to Calhoun North, CPS has undermined both schools now targeted for closure.....

I do want to comment on the safety aspect.... which is so.... over riding, predominant of an issue.I seriously doubt the validity of the claims that CPS can maintain the safety of our students. I listened to the Department (police), you can ask any man or woman that is dressed in blue and their answer is we don't have enough to do what we need to do our job.

We have problems, closing this school is going to exacerbate the problems that we have, (See King Transcript, pp. 28-34).

Alderman Jason Ervin

I am the Alderman of the 28 Ward. I am here today in opposition of the closing of William H. King Elementary, and its consolidation with Jensen Elementary Scholastic Academy. King is an elementary school located in the Near West Side community and functions as a neighborhood school.....As Alderman Fioretti stated we walked to (Jensen) with parents at King Elementary....I had the opportunity to drive the route...with two members of the Board Of Education...to show the travel these students would have to take. Travel across gang territories. Travel past the transitional living facility that is replete with sex offenders.vacant buildings, the vagabonds, two or three arterial streets the children have to cross, this is a great deal to place on...seven, eight, nine, ten, eleven year old children. The main street that we took doesn't even have a side walk..... It's something that resembles more of an alley than it does a street.....Furthermore, the area near Jensen is much more impacted by violent crime than the area near King.

King is a unique, diverse school, and it 's unique in diversity and the student and parent population. Unfortunately, we live in the City of Chicago, which happens to be one of the most segregated cities in the U. S., and to ask parents, especially non-African-American parents to cross past west Washtenaw, will create unnecessary hostility..... These are challenges I don't think have been taken into consideration... but ultimately , I think the issue of student safety, distance and concerns should override any financial implications this may cause the Board of Education...(See Transcript, pp. 34-39).

Senator Patricia Van Pelt

I'm here today to speak in support of King staying in the building it's in and not having to travel to Jensen... I live on California and ...when I drove in(the area) I noticed about 200 or 300 men outside with bags...I learned later that they were all homeless men, and that they were waiting to get back into the shelter....they had gotten out of the shelter and were standing around.

When I learned that King students would have to walk past that place every day, I began to drive that way more often, and I saw homeless men sitting in the park, sitting on people's doorsteps, standing close to the alley.I realized that a lot of those guys were also on the side streets in between buildings, just trying to find a place to stay until they can go back to the shelter. There are too many homeless men along the area to have those children (King students) walk through the area.

I want to see these children safe. I don't want to see them have to go through what I experienced just driving down the street. I was afraid because it was just too many of them (homeless men)...it's no way to for us to absorb all of those guys in enough time to have a free pass to school.

So I am here to support King staying, and I am committed to bringing resources as well from the state to that school... (See Transcript, pp. 39-41)

Sheldon Flowers, Principal, King Elementary School

Before beginning his statement Mr. Flowers presented documents which are attached this report as (Public Exhibit 1).

I am here to speak as far as I was hired by the Local School Council to take care of their students, to make sure they have a good academic career as they move through King Elementary School. We have been doing that----

No one from CPS, no officials from CPS ,has come and talked to the principal about the school, about the closing of the school. I mean to go around the building and look at what is utilized and what is not utilized. The conversation has never taken place.

The other thing is that we as a community of Hispanics and Blacks, get along well together. There has been no incidents of any kind. Splinting us up lead to an end of that relationship that we had in a city like Chicago, what a fine example of togetherness, of working together, of growing our kids together. Our kids associated with each other. Our kids are learning the Spanish language, their kids are learning the English language as well, and making it work. And we do make it work. We have a lovely community.

We have built on this love and we want to make sure that we stay that way. The presentations you will hear today will be based on what we do as far as facts are concerned in building our students, building our community, and making sure that all of our students are safe and learning..... keep us as a community and come watch us and look at our utilization numbers bases on the information, (See Transcript pp. 41-45 and Public Exhibit 9).

Student Numbers 1, 2, 3, 4, 5, 6

Each of the students who presented testimony indicated their satisfaction in attending King School and their fears associated with relocating to Jensen (See Transcript pp. 46, 57, 58, 69, 70, and 71).

Yesenia Ortiz, Former King Student

If you want something to fail, you neglect it. That's precisely what has been done too many Chicago Public Schools. They have been neglected. Although CPS has neglected King Elementary over the years, parent's teachers, staff families of the students, residents in the area and students themselves have done an excellent job in maintaining morale, education and teaching the children discipline, respect for authority, also never accepting failure.

Despite the Chicago gang culture on the streets, King and our surrounding community have continuously taken initiative in policing our children, teens and even adults that surround our area, (See Transcript, pp. 48-50).

Marlene Edwards, Parent King School

I have seven children, all went to King. I still have a 4th grader attending King. Our children have a voice, so let them be heard. Instead of taking from us give us a chance to survive, (See Transcript, pp. 510).

Betty Mc Murray, Teacher King School

So now we have a very small school, one classroom. ..We have eight grade students who qualify for algebra. Special Ed students, all in the classroom with me, one teacher. Last year, without any resources, no professional development..., the ten kids qualified for that class (algebra) and passed the Board exam at the end of the year, (See Transcript, pp. 52-53).

Celeste Morawski, Drama Teacher, King School

I am going to speak to the safety issues. When I was hired at King I was at a neighborhood get together telling my neighbors, I am at King and it is such an oasis of clam because it is surrounded by industrial buildings....behind us is the railroad tracks and all around industrial. Yesterday, I took my car on the route that is proposed for the children to walk to get their little buses to Jensen. I walked by razor wire...surrounding a vacant lot that any ten year old could walk up and pull on and sever their wrist.. I took pictures of vacant lots, the guys standing around, boarded –up buildings, with Jensen school in the background. I went to Chicago Police Department sex offender’s website to see just where those molesters reside, and within the boundaries of King Elementary there are zero. But when you go to Jensen within a half mile radius there were 46 registered sex offenders. These guys live on Harrison Street, the addresses are there. Our children will have to walk by them. If they miss that little shuttle bus they will be walking. Finally is that the buses will only take children already registered at King. What about somebody who moves in? They are going to have to walk that 12 blocks, (See Transcript, pp. 54-57, and Public Exhibit 9).

David Millman, Community Representative

I am just going to take you very briefly through this document so that you understand how it was put together. First page, talks about some demographics and academic performance utilization numbers for the school. The second page talks about our proposal for CPS. We are proposing that they keep our school open and send those students to our school increasing our enrollment...The next few pages includes information about schools with lower enrollment, lower utilization rates, and lower test scores than King that are not being closed.

The next section is utilization information. CPS has never been to our school, they don't know how we are using the building, and they are making guesses. There is also information about the performance of the school. We are a level 3 school, but our contention is that CPS undervalues the growth. Finally, the safety information about sex offenders and the pictures of the students route to Jensen, (See Transcript, pp. 75-77 and Public Exhibit 9).

Michael Smith

When I drove past and see those people in those yellow shirts for safety, and I asked one of the young ladies what do you do when something happened? "I'm going to call the police, but I'm not going to get into that mess". So there go your safety issue,(See Transcript,pp.77-78).

Martin Ritter, Chicago Teacher's Union

Some of the people that present to you have no experience in the school. Probably haven't walked through that school. Why are schools punished for having ancillary rooms with,

art, music, dance, piano , et cetera , and then told they are underutilized? That sounds like a well rounded school to me. While if those schools were in neighborhoods like Wicker Park, or Lincoln Park, they would be told that they are doing great.

We are punishing school, students and teachers because CPS is creating a crisis so it can close schools. Where is the floor plan for Jensen? Where is the safety plan with actual security people. This plan is very incomplete.

Jensen is a magnet school, so you are just going to throw non-magnet kids in with magnet kids. I think that violates Illinois School Code, because those kids go through testing to get into that school.

This is a manufactured crisis to create a underutilization problem...There are too many homeless people and sex offenders in this neighborhood. They are going to create a plan to make then walk around? So we are going to walk around the problem, (See Transcript, pp. 79 - 81).

Additional Testimony in Opposition to CPS Closure of King

The following parents, teachers and staff of King offered testimony in opposition to closing King. Each testified to the school programs and safety issues they foresee if students currently attending King have to travel to Jensen:

Moises Gama, grandparent (Transcript, p .60); David Liddell, (Transcript, pp. 61-63);

Alida Diaz, Bilingual teacher (Transcript, pp. 63-65); Odell Langston, King Security

(Transcript, pp. 66-67); Nikkia Pierce, Parent (Transcript, pp. 67-69);

Angela Shumate, Teacher (Transcript, pp.71-73); Maria Cortes, teacher (Transcript, pp. 73-74); Nancy Pina, Parent (Transcript, pp. 81-83); Daniel Pina, Parent (Transcript, pp. 83-84);-Valeria Lowery, Staff (Transcript, pp. 84-85); Tonicia Blackman-Harris, Parent (Transcript, pp 85-87); and Lakecha Green, Parent (Transcript, pp. 88-90).

SUMMARY OF DOCUMENTS RECEIVED

Documents submitted by CPS and marked as exhibits

The CEO, through the CPS Law Department, submitted several documents at the hearing that were received as exhibits by the Hearing Officer and made part of the record in this case. The documents included : CPS Group Exhibit 1(A) (1-6) Notices of the Hearing; CPS Group Exhibit1 (B) (7-16); Relevant Procedural Documents, CPS Group Exhibit 1[(C) (17-24,)] (17)Transcript of the April 6, 2013 Community Meeting,(18) Summary of the April 6, 2013, Community meeting,(19)Transcript of the April11, Community Meeting,(20)Summary of the April 11, 2013 Community Meeting;(21)Written Statement of Patrick Payne, Portfolio Planner, CPS; (22)Graphs for King Jensen Schools;(23) Map of proposed Attendance Area; (24) Written Statement of Wanda Washington, Chief of the Garfield Humboldt Network for CPS; and (25) King and Jensen Performance Policy Papers.

Documents submitted by the Public and marked as exhibits

The following documents were submitted by the Public Participants in Opposition to the Closure of King and were received as exhibits by the Hearing Officer and made a part of the

record in this case. The documents included: Statement from Alderman Robert Fioretti, 2nd Ward, marked as Exhibit 3; Statement from Alderman Jason Ervin, 28th Ward, marked as Exhibit 4; CPS SIPAAA Planning Report, William King, 2008-2010, marked as Exhibit 5; CPS SIPAAA Planning Report, William King, 2010-2012, marked as Exhibit 6; Summary of Minutes from the April 6, 2013 Community Meeting held at Young High School, marked as Exhibit 7; Summary of the Minutes from the April 11, 2013, Community Meeting held at Young High School, marked as Exhibit 8; Document entitled William H. King Elementary school, marked as Group Exhibit 9; Statement by Marlan Edwards, parent and student Shantae Edwards, marked as Exhibit 10; Graphs of boundaries indicating sex offenders in the King/Jensen boundaries, marked as Exhibit 11; Anonymous letters to CPs opposing the closing of King, marked as Exhibit 12; Statement from Tasia Harris, former King student, marked as Exhibit 14.

ADDITIONAL WRITTEN TESTIMONY SUBMITTED POST HEARING

The record in this matter was left open following the Public Hearing on Friday April 26, 2013 until Monday April 28, 2013 at 5:30 P.M., to allow the Hearing Officer to receive additional comments. The following documents were submitted by Lisa D. Huges, Assistant General Counsel CPS and will be included as a part of the record in this matter:

- Letter dated April 29, 2013, by Valerie Lowery, King Staff;
- 2 additions to Public Exhibit 9;
- Articles from Catalyst Chicago by Sarah Karp, dated April 3rd and 5th, 2013.

HEARING OFFICER FINDINGS

Proper notice of the hearing in this matter was given as required by Illinois law, the Chicago Public Schools' Policy on Closings of Schools, and the Procedures for Hearings on Proposed School Closings, Consolidations, Attendance Area Boundary Changes, or Reconstitution. The purpose of the Public Hearing was to give representatives of the CEO, parents and guardians of the students of the school, members of the local school council, members of the schools' staff, the schools' Principals, representatives of the Chicago Teachers Union, Elected Officials within the schools' boundaries, and interested members of the public, opportunities to comment on whether King should be closed and students welcomed Jensen Scholastic Academy and whether the geographical boundary currently associated with King be reassigned to Jensen . Pursuant to notice two community meetings were held in this matter on April 6, 2013 and April 11, 2013. On April 26, 2013 a public hearing was held at the Board of Education, 125 South Clark, Chicago, Illinois. The hearing was convened at 5:30 P.M. in accordance with 105 ILCS 5/34-230(f).

The public hearing required to be conducted prior to closing a Chicago Public school has taken place in this matter in compliance with all applicable Board Policies.

The Chief Executive Officer (CEO) is charged with the overall management of the Chicago Public Schools, and possesses all other powers and duties granted the General Superintendent to mandate the courses of studies required by state law, textbooks, educational apparatus and equipment, discipline in the conduct of the schools, and any such other duties as the Board may prescribe by rule, in accordance with 105 ILCS 5/34-3.3.

The Chicago Board of Education has the power to “apportion the pupils of several schools” in accordance with 105 ILCS 5/34-18.

The CEO’s proposal for King Elementary School, located at 740 South Campbell,, Chicago, Illinois 60612 is that it be closed at the end of the current school year, 2012-2013, and that returning King students be assigned to Jensen Scholastic Academy, located at 300 West Harrison Street, Chicago, Illinois 60612 The CEO also recommends that the geographical boundary currently associated with King be reassigned to Jensen.

The CEO proposal for King was made pursuant to the “Guidelines for School Actions”, 2012-2013 School Year. Guideline, a (1) gives the CEO the authority to propose a closure for Space Utilization. Pursuant to this guideline a school may be considered for closure and boundary reassignment if it is underutilized or over crowded based on CPS’ Space Utilization Standards and student enrollment numbers recorded on the 20th attendance day for school of the 2012-2013 school year, {See CPS Exhibit B (15)}. The proposed closure of King by the CEO is based upon this provision. The CEO has also noted that although she has indicated that King has been rated as a lower performing School than Jensen, her recommendation for closure is not based on this fact, {See CPS Exhibit C (25)}.

The CEO’s proposal is to close King, which currently serves students in Kindergarten through 8th grade, at the end of the current school year because based upon CPS Space Utilization Standards and student enrollment numbers recorded on the 20th day for the 2012-2013 school year it is underutilized. On this date King had 284 students enrolled, but has the capacity to serve 690 students. Space Utilization Level is defined as when the “space available at a school or schools in close proximity is not being used in the most efficient, cost-effective

manner.” An under-enrolled school is not using its space in an efficient, cost effective manner, {See CPS Exhibit 1 (B) (14)}.

The King facility has 29 classrooms of this number 22 or 77% are allocated to homerooms. Based on CPS Space Utilization Standards, King’s ideal enrollment is 660. With an efficiency range of 528-792 students, King’s enrollment of 284 on the 20th day of the current school year falls below this range. Jensen the proposed welcoming school has a current enrollment of 349 as of the attendance date. Jensen has 34 classrooms. Of this number 26 or 77% are allocated as homerooms. Based upon CPS Utilization Standards Jensen’s ideal enrollment is 780. With efficiency range of 624-936 Jensen’s enrollment for the current school year also falls below this range. However, the combination of King’s 234 students with Jensen’s 349 for a total of 633 would allow Jensen to fall within its efficiency range. It should be noted that Jensen current numbers qualify Jensen is an underutilized school according to CPS Utilization Standards and eligible for closure. However, Jensen met one of the exclusionary criteria for school closure which removed it from consideration for closure. The closure criteria excludes schools with Level 1 performance ratings from closure and Jensen received a Level 1 rating for the 2011-2012 school year, while King received a Level 3 rating. Based upon these criteria, and the proximity of the schools, since King was a rated as a lower performing school, the CEO recommended closure of King. .

In addition to space utilization requirements, proposals for closure must also take into consideration other criteria such as safety and security, school culture and climate, school leadership, quality of the school facility, school type and programming, family and community feedback received throughout the school year. The CPS Office of Safety and Security is

responsible for providing a safety plan for the proposed school closure. CPS Office of Safety and Security did not present testimony at the public hearing on April 26, 2013.

The Alderman of the 2nd Ward, the Alderman of the 28th ward, the State senator , administrators, teachers, staff parents , concerned community members, and students of King, as well as a representative from the Chicago teacher's Union, have raised issues around the safety of King students if the proposed closure is approved. They provided data indicating that proposed route to Jensen from King is plagued with high risk safety issues. (See Public Exhibits 3-14). They have indicated that the area surrounding Jensen has a high concentration of convicted child sex offenders, while the area surrounding King has none or very few. (See Public Exhibit 9) That because of the homeless shelter located on Harrison Street, there are more than 100 homeless men loitering along the path the students would have to take in order to get from the neighborhood surrounding King to Jensen Academy. Additionally, they have indicated that because of the gang rivalry, transitioning King students, especially King students of Hispanic descent, would be targeted. (See Public Exhibit 9) King population currently consist of approximately 80% African-American and 20% Hispanic. It has cooperative parent, community, and teacher, and administration, integration within the school. (See Public Exhibit 9) There is cohesive exchange between the Hispanic and African American students. It has built effective partnerships with the community and cooperate sponsors (See Transcript, pp. 41-45). The CEO's proposed transition plan provides that CPS has dedicated additional resources to address safety concerns and to fulfill students' academic, social, emotional and other individual needs. The proposed plan indicates that the CPS Office of Safety and Security (OSS) will review and update school safety audits, security personnel allocations and school safety enhancements, as

well as provide safe passage supports for students and staff traveling to and from the school. Further the plan indicates that shuttle bus transportation will be provided and that prior to the start of the 2013-2014 OSS will work with Jensen administration and community to designate specific intersections for safe passage supports.

While these measures may work ideally for some communities, they are generic in form and fail to provide site specific analysis that addresses the academic and high risk safety concerns raised by the King community. The proposals by the CEO do not indicate that the CEO used any of the discretionary criteria afforded her by the guidelines in crafting the proposed plan. The plans failure to address these issues renders it inadequate and it thereby fails to satisfy the 2012-2013 Guidelines for School closures. Further, the CEO's transition plan for the King provides that additional support services will be given to King students for the remainder of the 2012-2013 school year, and at Jensen the welcoming school next school year. The plan requires that the Garfield-Humboldt Elementary Network provide assistance to ease the transition process as much as possible. However, given the number of none English speaking students and families in the current King boundary, the CEO's plan fails to provide adequate information as to how it will address the integration of these student into the Jensen population.

The Hearing Officer finds that the CEO's proposal for the closure of King and a change in the boundaries of King at the end of the current school year, due the CEO's failure to submit an adequate transition plan for King, that addresses its academic and safety concerns in accordance with the School Closure Guidelines, is an abuse of the discretion afforded the CEO.

The laws effecting the appointment of Hearing Officers for these matters reveal that the jurisdiction of the Hearing Officer pursuant to 105 ILCS 5/34-230 is limited. In accordance with section 230, the Hearing Officers function is to determine whether the CEO complied with the Guidelines issued in accordance to this section. Pursuant to this jurisdictional limitation the Hearing Officer finds that the CEO has complied with Guidelines and Procedures establishing that King is an underutilized school, however, the CEO has failed to do so regarding the proposed transition plan. The transition plan submitted by the CEO for King does not adequately address the academic and safety concerns that would exist for King students as a result of the closure and therefore is not in compliance with the 2012-2013 Guidelines.

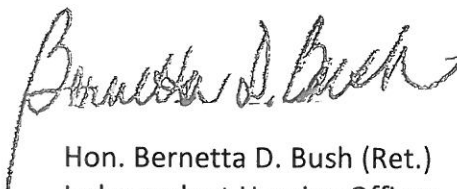
RECOMMENDATION

It is the Hearing Officer's recommendation due to the failure of the CEO to propose a transition plan that meets the criteria in provided in the 2012-1013 School Closure Guidelines, that William H. King Elementary School, located at 740 South Campbell Avenue, Chicago, Illinois be removed from the list of proposed closures.

FURTHER THE HEARING OFFICER SAYETH NOT

Date: May 5, 2013

Respectfully submitted,



Hon. Bernetta D. Bush (Ret.)
Independent Hearing Officer