

PUBLIC HEARING

RE: PROPOSED CLOSURE Of NEAR NORTH

ELEMENTARY SCHOOL

739 NORTH ADA

CHICAGO, ILLINOIS

HEARING COMMENCED APRIL 23, 2013 8:00 PM

HONORABLE CHERYL A STARKS

HEARING OFFICER

INTRODUCTION

On April 23, 2013 at 5:30 p.m. pursuant to Section 105 ILCS 5/34-230 the undersigned Independent Hearing Officer, **Cheryl A. Starks**, convened a public hearing at the Chicago Public School offices located at 125 South Clark Street, Chicago, Illinois, for receiving comments from interested parties regarding the proposed closure of Near North Elementary School. A Certified Shorthand Reporter transcribed this hearing. Attorney Gabriela Brizuela of the CPS Law Department represented the Chicago Public School Chief Executive Officer, Barbara Byrd Bennett, (CEO). The following details a summary of the evidence presented during the public hearings.

THE PROPOSAL

The CEO of CPS is making a recommendation to the Board of Education to close Near North Elementary School(Near North), based on underutilization. The recommendation is that Moses Montefiore Special Elementary School located at 1310 S. Ashland Ave. (Montefiore), will serve as the dedicated welcoming school for students of Near North in the fall. Montefiore, according to the Chief Executive Officer's Guidelines for School Actions, is a higher performing school. The recommendation was based on CPS Space Utilization Standards and student enrollment numbers recorded on the 20th attendance day for the 2012-2013 school year. On the 20th day of attendance, Near North had an enrollment of 90 students in a school with a capacity to service 169 students.

COMMUNITY MEETINGS

The written evidence of these proceedings included verbatim transcripts and written summaries of community meetings held at Lincoln Park High School on April 10, 2013 and April 15, 2013, and the public hearing held on April 23, 2013 at CPS Central Office. All submitted documents and comments were reviewed, incorporated, and given the proper consideration.

EXHIBITS

Attorney Gabriela Brizuela from the Chicago Board of Education Law Department tendered in support of the Closure, and the Hearing Officer received into record, the CEO's Exhibit marked CPS Compiled Exhibit No. 1

RELEVANT LEGAL AND PROCEDURAL DOCUMENTS

Relevant Statutes:

105 ILCS 5/34-18 (Powers of the Board) effective July 13, 2012

105 ILCS 5/34-200 (Definitions) effective July 13, 2012

105 ILCS 5/34-225 (School Transition plans) effective November 30, 2012

105 ILCS 5/34-230 (School Action Public Meetings and Hearings) effective August 22, 2011

105 ILCS 5/34-232 (Proposed School Action Announcement and Notice: 2012-2013 School Year) effective November 30, 2012

Relevant Chicago Public Schools Policies and Procedures

Chicago Public Schools Board of Education School Performance, Remediation, and Probation Policy for the 2011-2012 School Year, Section 302.6A (Board Report 10-0728-P04)

Chicago Public Schools Policy on Review and Establishment of School Attendance Boundaries (Policy Manual section 703.2, Board report 05-0622-P01)

Chicago Public Schools Space Utilization Standards (Issued December 28, 2011)

Guidelines for School Actions, 2012-2013 School Year (Issued November 30, 2012)

Chief Executive Officers' procedures for public Hearings on Proposed School Closure, Consolidation, Co-Location, Phase-out, or Reassignment Boundary Change

NOTICE OF HEARINGS

Notices to Parents or Guardians of Students of Near North Elementary School, Dated March 21, 2013 and Parents or Guardian of Students of Moses Montefiore Special Elementary School, Dated March 21, 1013; Notice Letter to School Personnel, Local School Council Members, and Board Members.

Notice to Administrators, Faculty, Staff, and LSC Members of Near North Elementary School and Administrators, Faculty, Staff, and LSC Members of Moses Montefiore Special Elementary School, dated March 21, 2013, and Draft Transition Plan for the Proposed Closure of Kate S. Buckingham Special Education Center

Affidavits

- a. Affidavit of Jeff Broom, performance Data Analyst for Chicago Public Schools Regarding Mail and/or Personal Delivery of Notice to Parents/Guardians, School personnel and Local School Council Members of Kate S. Buckingham Special Education Center and Moses Montefiore Special Elementary School on or about March 21,2013.
- b. Affidavit of Leonard Langston, Chief of Staff, Office of Public and Community Affairs for Chicago Public Schools Regarding Electronic Mail Delivery of Notice Letters to Elected Officials on or about March 21, 2013.
- c. Affidavit of Jason Van Patten, Director of Web Services for Chicago Public Schools Regarding Publication of: (a) List of Independent Hearing Officers on or for Draft Guidelines for School Actions on or before October 31, 2012, (b) Guidelines for School Actions on or before November 30, 2012, (c) (d) Proposals on or about March 21, 2013, and (e) Summary from the Community Meeting on or before April 10, 2013 and April 15, 2013.
- d. Public Notice of Hearing and Community Meeting by Newspaper Publication in the Chicago Sun-Times Dated April 3, 2013.

DOCUMENTS AND WRITTEN EVIDENCE IN SUPPORT OF THE PROPOSAL AT THE FOLLOWING TABS:

16. Transcript of the April 10, 2013 Community Meeting regarding the Proposed Closure of Near North Elementary School

17. Summary of the April 10, 2013 Community Meeting regarding the Proposed Closure of Near North Elementary School

18. Transcript of the April 15, 2013 Community Meeting regarding the proposed closure of Near North Elementary School

19. Summary of the April 15, 2013 Community Meeting regarding the proposed closure of Near North Elementary School

20. Written Statement of Benjamin Felton, Portfolio Planner for the Chicago Public Schools.

21. PowerPoint Presentation Accompanying Benjamin Felton's Written Statement.

22. Written Statement of Markay Winston, Chief Officer of Diverse Learner supports and Services for the Chicago Public schools.

23. Presentation Accompanying Markay Winston's Written Statement

SUMMARY OF THE HEARING ON THE PROPOSAL TO CLOSE MARCONI SCHOOL

BOARD PRESENTERS:

Benjamin Felton, CPS Portfolio Manager testified in this hearing that his job is to manage strategic planning to improve the efficient utilization of CPS facilities. He gave his qualifications and his prior relevant employment history. He testified that 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 capacity of Montefiore' geographic barriers, travel time, distance traveled, and program considerations.

He referred to the space utilization Standards used by the CEO in determining the enrollment efficiency range of a facility. According to the Space Utilization Standards (SUS) the enrollment efficiency range is plus or minus 20% of the facility's ideal enrollment. A typical elementary school has a total of 39 classrooms. The ideal enrollment for Elementary school buildings is the allotted homeroom multiplied by 30. The allotted homeroom, approximately 76-77% of 39, is 30 classrooms. Multiplying 30 classrooms by 30 equals the ideal enrollment number of 900. He then applied this formula to Near North which, according to testimony, on the 20th day of attendance for the 2012-2013 school year, had an enrollment of 90 students in 2nd-8th grades, which is below the efficiency range.

According to Mr. Felton, there are 18 total classrooms within the Near North facility. Approximately 76-77% of this number is 13, the number of allotted homerooms. Thus, 13 multiplied by 30 equal 390, which is the ideal enrollment of the facility. Thus, the enrollment efficiency range of the Near North facility is between 312-468 students.

Therefore, the 90 Student enrollments for Near North is below the efficiency range of 312-468, thus making the school underutilized. He does acknowledge that Near North is a specialty school that serves students with disabilities that requires a separate instructional setting and that flexibility was considered in the use of space, thus the use of 13 as a multiplier rather than 30. By using the multiplier of 13, the ideal efficiency range of Near North would be between 135-203 students. Even with the lower multiplier, Near North is underutilized.

Conversely, he compared Montefiore' enrollment status on the 20th day of attendance for the 2012-2013 school year. Montefiore has 21 total classrooms, 76%-77% this number is 16, multiplied by 13 to allow for the special needs of the students enrolled, thus equals an ideal enrollment of 208 for that facility. The enrollment efficiency range of the Montefiore facility is between 167-249 students. Montefiore has 27 students enrolled. Near North Elementary School's current enrollment of 90 students plus Montefiore's current enrollment of 27 students and Buckingham's current enrollment of 35 students, equal 152 students, which is below the 167-249 Montefiore efficiency range. Thus, there is enough space in the Montefiore facility for Buckingham, Near North, and Montefiore students.

He also included the projected enrollments for each school for the 2012-2013 school Year. Buckingham is 30 students, Near North is 94, and Montefiore is 24. Thus, 148 is still below the efficiency range for Montefiore.

Markay Winston, Chief Officer of Diverse Learner supports and Services for the Chicago Public schools testified to the transition plan in place to assist the transfer of Near North students to Montefiore. She stated that Near North students would be welcomed by the Montefiore Special Elementary school, which is a higher performing school than Near North, based on the 2011-2012 Performance Policy. Both Near North and Montefiore received a Level 3 rating.

Under CPS Performance Policies, schools are ranked based on a variety of student outcome measures, including standardized test scores and student attendance. The highest performing schools are designated as Level 1 schools while the lowest performing schools are designated as level 3 schools.

When comparing two schools of equal rating, the CEO's Guidelines define the higher performing elementary school as the one that performs higher on the majority of four performance metrics. According to CPS analysis, Montefiore performed higher than Near North on all four of the metrics in the CEO Guidelines on the Performance Policy for 2011-2012 school year. The ISAT composite meets or exceeds score; and the Value-Added reading and Value Added math scores were used to measure performance. (See written Testimony of Ms. Winston)

Ms. Winston also testified that students will receive additional support to address safety concerns, by working with CPS Office of Safety and Security, Chicago police Department, Department of Family Support Services, local community groups and faith partners, elected

officials and other agencies to develop a plan for safe transition of students with disabilities. Additionally, given the special needs of the students from Near North she stated that her office has been working with families since April to accommodate students with IEP's that require separate settings.

She indicated that OSS would update school safety audits, address specific safety concerns raised by students and staff. Students will also receive academic support as they transition. Principals will receive discretionary resources to provide direct academic support to students. Students will also receive social and emotional support to help them adjust to a new school environment. She also stated that additional transition supports would be provided to ensure that Near North students who have unique needs or circumstances are adequately supported in the transition.

The Hearing Officer received on behalf of the Public the following Exhibits:

Public Exhibits:

1. Letter unsigned, explaining how detrimental this closure would be to Near North students
2. written statement of Eunice Azeez
3. Written statement of Cathy Raspberry
4. Written statement
5. Written statement of karyn Aguirre
6. Student letter on how much Near North has helped him
7. Written Statement of Alderman Fioretti
8. Letter from Student who was once suicidal but has gotten better since attending Near North
9. Letter from student who used to jump off the bus and run away before attending Near North
10. Letter from student who is afraid of being bullied at Montefiore

PUBLIC SPEAKERS

Alderman Fioretti, Stated that it would be a mistake to close two Therapeutic schools because students at Montefiore have Individual Education Plans, (IEPs) that require them to be placed in a school with special provision for their safety and education. He stated that he has worked with the community to increase the capacity for CPS to accommodate Students with disabilities. He receives numerous complaints that there are children in need of these services but CPS has failed to evaluate them. He has tried to work with CPS to refer more students with special needs to be serviced by Montefiore, but CPS has failed to do so.

He accused CPS of failing to evaluate children with special needs in order to save money. He believes that CPS's failure to evaluate and make appropriate referrals of children for special education has contributed to the low enrollment in all of the therapeutic schools. He also echoed the concerns of his constituents that it would be an emotional hardship and

dangerous for students with special needs to travel long distances to get to school. In addition, he believes that if CPS would properly evaluate all of the children across the City, that the numbers would not only fill up Montefiore, but Buckingham and Near North as well.

He stated that his testimony from three years ago in the City Council would support his statement that he has been trying for over three years to get CPS to provide evaluations for children who are in need of these educational services.

Darlene Harrington, Teacher Near North, wanted to know how it would be decided which staff would be moved to Montefiore with the students. She was concerned about how difficult this major change would be for the students. She stated that because these students exhibit severe and profound behaviors, consistency and predictability have a tremendous impact on them. It will be a big change for them to leave the school that they are familiar with, adjust to a new school, and staff as well.

Peter Gayford, Librarian, stated that underutilization affects all three Therapeutic schools not because there are not enough students, but because CPS has failed to send students to the schools. He stated that this problem was brought to the attention of the City Council three years ago.

Eunice Azeez, Teacher Assistant, stated that Near North is a Therapeutic program designed for students with severe profound emotional behavioral disorders. These behaviors become uncontrollable and dangerous and do not respond well to change. The children are already exhibiting anxiety over the proposed closure. The bond that has been established with the students is very important and will be broken if the children are moved.

Teresa Jordan, Teacher stated that they(Near North) have shown significant growth in reading and math. There was a 15.4 percent growth in reading and a 22.9 percent growth in math from fall to winter. She stated that this is proof that something is working. She also expressed concerns about the lack of respect CPS is showing by allowing people to come in during school hours to take pictures and measurements . This is very disruptive to the student's learning environment.

Martin Ritter, CTU Rep. He is concerned that the people making the decision to close the schools for underutilization are not educators but consulting groups. He complained about the contractors coming in and out of the schools during class time, which is extremely disruptive. He agrees that the three schools, Buckingham. Near north and Montefiore, have small class sizes, which make it an intimate learning environment that is student centered. He stated that CPS's "cramming" these students into the same school is denying these fragile students a true educational environment. He also stated that CPS is lobbying Springfield to remove the classroom caps for special education.

Kelly Rowlen, Teacher, read a letter from a parent whose child has improved in behavior and grades since attending Near North. She noted that her child has a counselor and social worker at the school.

Deandra Gallardo, parent, LSC, believes that parents and teachers want the best education possible for their children while CPS is concerned with making more money. She wish that CPS would make children their business. If the people making the decisions were making decision based on their hearts rather than their pockets, there would be no need for the hearings.

Cathy Raspberry, Assistant Principal, states that they have 88 boys and girls form grade 1st -8th. Near North serves as a safety net, not a holding place for students,. They prepare them for transition back into a less-restrictive environment with improved self-control, self-management techniques and properly managed medical therapy. Additionally, their students as defined in their IEPs must be provided a separate day therapeutic setting because of their acute expression of their disabilities. Many of their students are on medication to manage mental health challenges such as bipolar disorders, ADHD, depression, oppositional defiance, emotional explosiveness, conduct disorders, and schizophrenia. Her staff is trained to create an emotionally and safe environment. She recommended instead closing Montefiore, which has the greater underutilization and move Near North into the Montefiore facility.

Jeffery Blackwell, Teacher, stated that students with special needs do not adapt to change well, that structure and familiarity are needed to maintain focus for them. They need to remain with the staff that has developed personal and social relationships with them. The emotional support system coupled with educational programs and staff has allowed Near North students to prosper and return to mainstream schools. He also added that Montefiore just recently lowered it grades from sixth through eight, whereas Near North has always serviced grades first through eight. He thinks that CPS should compare Montefiore's third grade progress to Near North's third grade Progress.

Student A says that he was 'very bad' before coming to Near North, he has friends there and the school is good for people like him.

Daniel Smith, Teacher, supports having the staff of Near North to follow the students to Montefiore if the school has to close. He also advocates that CPS change the school's name to Near North because of the negative reputation of Montefiore's name. He is also concerned about the students being "herded" into one school with no options for the parents.

Victor Huertas, parent, he wanted to clarify his statement from the general meeting. He read his statement:"CPS and the City does not provide enough for the teachers. The teachers have too many students, in the classroom and are not able to manage students, which gives the general public who decides to go and read this the idea that I think that our teachers cannot handle our students." His point was that many students who disrupt

classes need a place like Near North. It took him and his wife four years to find a place like Near North because his child was misdiagnosed with autism when it was actually, a behavioral problem. He has on occasion, in his line of work as a Chicago fire Fighter referred a parent whose child had psychiatric needs to Near North.

Matthew Cunningham, teacher, he does not believe that CPS is putting the needs of the children first by closing schools and subjecting students to a new facility with new teachers, new counselors, and new therapy providers. The children at Near North have made good progress. They are not just teachers to their students, they are life coaches, counselors, nurses, and sometimes the only person in their day to give them a hug and tell them how important they are. He referred to a picture of CPS kids with the slogan, "educate me, inspire me, inform me". That is what they do every day at Near North.

Student B, stated that everyone at Near North was improving. That he has not had a bad day since he got there. He stated that everyone is important to the principal, assistant principal, teachers, and staff. Near North is a good school and if CPS closes it, he will not be happy.

Karyn Aguirre, Social Worker, she testified to the difficulty that these children will face with the change of a new school. She stated that the change would affect them , emotionally, socially, academically,. They will become confused, anxious, frustrated, scared and experience difficulty learning. She recommends that the Name and staff of Near North remain intact. This would allow the relationships to continue as they transition to the new school, high school, and even college and beyond.

Kara Cvik, Teacher, stated the same concerns as the other teachers, that CPS is not putting the children first. CPS is disrupting the learning process, and the social and emotional growth of these students. She stated that it is difficult for them to change from one part of the classroom to another and now CPS is asking them to change schools. It will be very difficult for these students to handle a new building, entirely new staff, different surroundings, and a completely different process. She is requesting that they stay with their children by keeping Near North intact.

FINDINGS AND RECOMMENDATIONS:

The Hearing Officer makes the following findings concerning the CEO's proposal to close Near North Elementary School.

The powers of the Board of Education are enumerated in statutory provisions under the School Code of the State of Illinois 105 ILCS 5/34-18. The Board has the power to develop and implement policies involving the closure of existing schools. This type of action includes school closings made to relieve overcrowding or underutilization of facilities. This can be done in order to meet current or projected demographics patterns within the District. The policy must be based on the state of existing facilities, projected enrollments and available resources for improvement of schools. Enrollment is a factor the Board may

consider, with other factors and conditions, in the exercise of this power (105ILCS 5/34-230). The Board's proposal to close Marconi based on underutilization is an example of a "School Action" that requires compliance with the above statutory provisions.

The evidence presented by the CEO has satisfied all of the necessary notice requirements as mandated by Law. The legal requirements for notice of community meetings and public hearing pursuant to 105 ILCS 5/34-230 has been satisfied. Notice was sent to the following: Parents/legal guardians of both schools, all Administrators and staff, designated Public Officials, and the general public, through mail, electronic notification on the Board's website, electronic mail, and school specific hearings at centrally located offices of the Board as specified in the notice. These notices also contained the Transition Plans and the Draft Guidelines for School Actions 2012-2013 School Year.

The Transition Plans for Near North addresses the issue of safety and general support measures in place to accommodate special needs children into their new environment.. The plan calls for Near North student's IEPs to follow them to Montefiore where they will continue to receive the same individualized instructions as they were getting at Near North. All clinical, and related services will be provided including occupational therapy, nursing, speech, physical therapy, social work, psychology, assistive technology support and educational instructions per IEP and adequate staff to fully implement the student IEPs. CPS has indicated that some of the Near North Staff will be following the students to help ensure a smooth transition. CPS staff will monitor Classrooms and train staff on specialized equipment, for special needs children. The staff will also receive awareness training on the unique population of students at the school. The transition plan complies with the guidelines.

Both schools are Level 3 schools. The CEO's Guidelines define the higher performing elementary school as the one that performs higher on the majority of four performance metrics. According to CPS analysis, Montefiore performed higher than Near North on all four of the metrics in the CEO Guidelines on the Performance Policy for 2011-2012 school year. Thus, based on the 2011-2012 Performance Policy, the CEO has met the performance Criteria. (See Ms. Winston has written report).

The greatest concern of parents and educators is the disruption that this move will cause for fragile students with special needs who do not take well to changes. This closure will be a major change, which will require a great deal of resources and finesse on the part of CPS and school Staff. The Office of Diverse Learner Supports and Services will be available to discuss nonpublic options for students who may not be able to attend Montefiore. However, for those who do, it will be extremely difficult, not all of the students will be able to make the move. The Board will have to ensure that a great deal of resources is available for this tremendous undertaking.

The Hearing Officer further finds that there is validity in the concerns of parents and the community about the name of the receiving school. Montefiore has a long and negative history of which Chicago resident is aware. It would be especially difficult for any students to deal with the stigmatism of attending a school with a bad reputation. If the Board insists

on closing Near North and Buckingham, it should seriously consider changing Montefiore's name.

Although, disheartening to parents, staff, and community, the School Code does not take into account the emotional distress or trauma that such a move might have upon the fragile state of the special needs student. However, The CEO has complied with the requirements of the school code and Guidelines.

For the foregoing reasons, the Hearing Officer finds: that the CEO has complied with all requirements of 105 ILCS 5/34-230 and the CEO's Guidelines for School Action. The CEO has followed all proper procedures and relevant mandates; therefore, the CEO has presented clear and convincing evidence in support of the Closure.

Dated: April 29, 2013.



Cheryl A. Starks

Independent Hearing Officer