

**PROCEEDINGS BEFORE THE
BOARD OF EDUCATION OF THE CHICAGO PUBLIC SCHOOLS**

Independent Hearing Officer's Report

RE: Proposed Closure Best Practice

2040 W. Adams St.

Chicago, Illinois

These proceedings involve issues and concerns relating to the proposed closure of Best Practice High School ("Best Practice"). The Chief Executive Officer of the Chicago Public Schools recommended to the Chicago Board of Education (the "Board") the closing of this school. The undersigned Independent Hearing Officer **FINDS** that all legal and substantive requirements necessary to effectuate the proposed closure were proved by clear and convincing evidence. The following details examine and summarize the evidence presented during the course of the community meetings and the public hearing. This evidence was duly considered and evaluated by the Hearing Officer.

STATUS:

Best Practice formerly operated in facilities located at 2040 W. Adams St., Chicago, IL. On February 25, 2009, the Board approved the recommendation by the Chief Executive Officer to phase-out Best Practice by omitting 9th grade enrollments, beginning in the 2009/2010 school year and continuing through the 2011/2012 school year. Declining enrollment contributed to the Board's decision. Currently, there are no Chicago Public School students enrolled or staff assigned to Best Practice. A charter school now occupies the facilities. These proceedings were initiated to finalize and complete the procedures for the closure of Best Practice that began in 2009.

COMMUNITY MEETINGS:

The written evidence in these proceedings included verbatim transcripts and written summaries of community meetings held on January 6, 2012 and January 20, 2012. These documents were reviewed, incorporated into these proceedings and given due consideration. A wide range of ideas and thoughts were expressed by speakers during the community meetings. Overwhelmingly, they expressed the need for quality education of students and the belief that the current level of student education is inadequate. Some speakers did not specifically address the issue of closing Best Practice. As to those who did express sentiments regarding this issue, their judgments were divided.

PUBLIC HEARING:

On January 25, 2012, the undersigned conducted the required public hearing, relative to the proposed closure. The attorney for the Chief Executive Officer made an opening statement, presented witnesses, and submitted written evidence in support of the proposal. During this phase of the proceedings, the following documents were tendered and received into evidence:

I. Notices of Hearing

A. Notice to School Community

1. Notice Letter to the School Community surrounding Best Practice dated November 30, 2011
2. Draft Transition Plan for the Proposed Closure of Best Practice

B. Notice to Elected Officials via Electronic Mail with Attached: Notice Letter and Draft Transition Plan

1. Notice Letter and Draft Transition Plan to 2nd Ward Alderman Robert Fioretti dated November 30, 2011

2. Notice Letter and Draft Transition Plan to 5th District Illinois State Senator Annazette R. Collins dated November 30, 2011
3. Notice letter and Draft Transition Plan to 9th District Illinois State Representative Arthur Turner, dated November 30, 2011

C. Affidavits

1. Affidavit of Devin F. McFarland, Project Manager at the Chicago Board of Education, Re: Mail and/or Personal Delivery of Notice to the School Community on or about November 30, 2011
2. Affidavit of Maritza Rivera-Sanchez, Administrative Assistant in the Office of Intergovernmental Affairs, Re: Electronic Mail Delivery of Notice Letters to Elected Officials on November 30, 2011
3. Affidavit of Robert Otter, Project Manager at the Chicago Board of Education regarding publication of: Draft Guidelines for School Actions on October 31, 2011, Guidelines for School Actions on November 30, 2011, and Summaries from Community Meetings on January 11, 2012 and January 24, 2012

D. Public Notice of Hearing and Community Meeting by Newspaper Publication in the Chicago Sun-Times, Chicago Tribune, and Hoy, beginning on or about December 29, 2011

II. Relevant Legal and Procedural Documents

- E. 105 ILCS 5/34-18 (2011) (“Powers of the Board”), effective January 1, 2012
- F. 105 ILCS 5/34-230 (2011) (“School Action Public Meetings and Hearings”), effective August 22, 2011
- G. 105 ILCS 5/34-225 (2011) (“School Transition Plans”), effective August 22, 2011
- H. Guidelines for School Actions, 2011-2012 School Year (Issued November 29, 2011)

- I. Chief Executive Officer's Procedures for Public Hearings on Proposed School Closure, Consolidation, Phase-Out, Reconstitution, or Reassignment Boundary Change

III. Documents and Written Evidence in Support of the Proposal

- J. Transcript of the January 6, 2012 Community Meeting regarding the proposed closure of Best Practice
- K. Summary of the January 6, 2012 Community Meeting regarding the proposed closure of Best Practice
- L. Transcript of the January 20, 2012 Community Meeting regarding the proposed closure of Best Practice
- M. Summary of the January 20, 2012 Community Meeting regarding the proposed closure of Best Practice
- N. Written Statement of Adam Anderson, Officer, Portfolio Strategy and Planning for the Chicago Public Schools
- O. Written Statement of James Dispensa, Director of School Demographics and Planning for the Chicago Public Schools
 - 1. PowerPoint Presentation on the Enrollment Trends of Best Practice
 - 2. Board Report 09-0225-EX34, Authorizing Phase-Out of Best Practice

EXAMINATION OF CHIEF EXECUTIVE OFFICER'S EVIDENCE:

The evidence presented by the Chief Executive Officer, in support of the proposed closure, is sufficient and constitutes total compliance with the legal requirements for notices of community meetings and a public hearing. The school community designated public officials and the general public received proper notice. This was accomplished through various methods of transmission, including mail, electronic mail, personal

service and newspaper publications. These Notices contained the proper Transition Plan and the draft of Guidelines for School Action for the purposed closure.

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 can be done in order to meet current or projected demographic 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 (105 ILCS 5/34-230). Certain decisions and implementations by the Board are designated as “school action”. This type of action includes school closings made to relieve overcrowding or phase-outs (105 ILCS 5/34-200). The Board’s attempt to close Best Practice is an example of “school action” and requires compliance with these statutory provisions.

The phase-out procedures, initiated in the year 2009 by the Board, anticipated the eventual closure of Best Practice. This was to occur by the continued omission of 9th grade freshman classes. There were no objections stated or concerns expressed relative to the authenticity of the prior phase-out proceedings. Therefore, the primary focus of the Hearing Officer in this matter is the legal assessment of the sufficiency of evidence presented at the public hearing held on January 25, 2012.

The Chief Executive Officer is required to publish guidelines for school action and to announce them by December 1 of each year (105 ILCS 5/34-230 b and c). On November 30, 2011, this was done in a Notice to the School Community that was disseminated as required, including publishing in newspapers. The Notice invited public comments at two designated community meetings, at the former site of Best Practice and a public

hearing at the centrally located office of the Board. The community meetings and the public hearing took place as specified in the Notice.

Mr. James Anderson, the Officer of Portfolio Strategy and Planning for Chicago Public High Schools testified in this matter. He indicated that his primary responsibility is to develop and execute the strategic plan to meet the goals ensuring all students, in every community, have access to high quality schools. He opined that Best Practice meets the criteria of Guidelines for closing schools because of the existing phase-out of Best Practice approved by the Board. The phase-out removed one grade level per year by not bringing in a new 9th grade class. He further stated that there are no students remaining in the school, the closure would not result in student reassignments and closure is in the best interest of students.

Mr. James Dispensa, Director of School Demographics and Planning for the Chicago Public Schools in the Portfolio Office testified in these proceedings. His responsibilities include undertaking school demographic studies, enrollment projections, and the monitoring of space utilization of the public school facilities throughout Chicago. To fully explain the proposal, he presented a PowerPoint presentation to show the decline in Best Practice's enrollment since 2001 (see tab O(1) in the Chief Executive Officer's compiled Exhibit 1). Mr. Dispensa testified that the declining trend in Best Practice's enrollment contributed to the Board's decision of February 25, 2009, to phase-out Best Practice by changing the grade offering. Also, that Best Practice would no longer offer an entry-level or 9th grade enrollment, beginning in the 2009-2010 school year. As a result of this action, Best Practice enrollment declined to the current enrollment of zero students. The school's enrollment is projected to remain at zero for the 2012-2013 school year. The PowerPoint chart indicated grade-by-grade enrollment numbers for three school years (2008-09 through the current 2011-12 school year). He stated that this slide

demonstrates why Best Practice's enrollment fell to zero a year earlier than originally planned.

Mr. Dispensa continued in his testimony. He stated that over the course of a few months, between February and April 2011, a significant portion of the thirty-six 11th graders requested end-of-year transfers to other high schools. The principal and the Area Instructional Officer worked with families and students to find transfer options for all 36 students. As the result of this effort, there were no students enrolled in Best Practice at the beginning of the 2011-12 school year. He testified that the Noble Street – Chicago Bulls Charter High School, currently occupies the 2040 W. Adams facility. Mr. Dispensa concluded his testimony by stating that while in operation, Best Practice was a city-wide high school without an attendance area boundary. No boundary change is associated with the proposed school closing.

In response to the Hearing Officer's inquiry, Mr. Dispensa stated that students, who transferred prior to the conclusion of the planned phase-out period, did so primarily because of the low enrollment. Transfers were voluntary and not prompted or pressured by Chicago Public Schools.

PUBLIC COMMENTS:

Because of the small number of speakers registered, the time allotments were extended. Ms. ROSITA CHATONDA testified during the public comment portion of these proceedings. She is a representative of the Chicago Alliance of Urban School Educators and also the sub-committee chair for the Displaced Teacher Committee of the NAACP. Her organization is a community-based teacher advocacy organization that does research into the negative impact of Renaissance 2010 (a Chicago Public Schools initiative announced in 2004 to create 100 high performing schools by 2010) created by school

closings in minority communities. She opposes the phase-out of Best Practice, stating that it should have been done several years ago. She opposes all school closings, consolidations, phase-outs, and turn-arounds in the community where schools are being closed. The reason for her opposition is that these actions adversely impact the African-American community. Ninety of the 100 schools that closed are in the African-American community. This resulted in the loss of over 12,000 African-American teachers, said Ms. Chatonda.

This witness further testified regarding the adverse impact on students resulting from the turn-arounds. A case in point is the Daniel L. Williams School, where she taught a fifth and sixth grade split gifted class comprised of 38 students. During the turn-around, there was a group of teachers paid for eight hours a day, with no students, while planning NTA for over a year. Eventually, when they took over the school, there were three adults in the classroom per student. She stated that these students, who were actually doing quite well, went into a situation where they were destabilized for five years. Her students at Williams really never made it in the NTA, but their homes were knocked down, and they got a new student population. Now NTA has 73 percent. What happened to the students at Williams? The students languished for five years, until everybody could get it together, because nobody knew what to do. That was almost their entire elementary school experience.

She stated that another consequence of these closings is the loss of between 40 and 50 thousand African-American students because of gentrification and movement. These particular actions, over the last ten years, have completely destroyed the infrastructure of the schools in the African-American communities. She testified that when charters come in, they create a have and a have-not situation for students. Further, there is absolutely nothing in the schools to attract students. It's like the Chicago Public Schools isn't

forcing them out, but they're not providing anything for the students. The Renaissance 2010 is supposed to be over. A public announcement was made that no more turn-arounds were suppose to happen. Well, what happened? Business as usual and we're back to square one, she stated. Further, she testified that President Obama allocated funds for changing schools to come through the transformation program. These funds were supposed to actually support schools, support teachers, and the turn-arounds were supposed to stop.

Ms. Chatonda went on to say:

This is a national epidemic in every major city across the county. This is going on in African-American communities, and somebody has to say something about the problem. It has far-reaching consequences that we're going to see in the next five or ten years. A complete reversal of everything we have learned through Civil Rights is the expected outcome of this action. We're trying to save as many schools as we can. And as you know, there are a lot of them on the list to close this year and next year. We kind of look at this school kind of like history. The sad thing is that the Nobel School Charter, and I have been in that situation, is flourishing in the building. We really can't turn back the hands on that action. I am here to oppose it for the sake so that we can look into the things that are going on and maybe save another school. At this point, if there are no students in the school, I understand it's not logical to keep the school open. I understand as a parent. I am also a parent of four Chicago Public Schools graduates. I understand parental

choice and the needs for it. I don't oppose charter schools, but I say to you that we have to look at the big picture on this.

MR. JEROME HALE testified in the proceedings. Mr. Hale is the father of a special needs student. He is concerned that his son's needs are not being addressed. It was agreed that members of the Board's staff would meet with Mr. Hale after the meeting to discuss his concerns.

MR. RONALD BATES testified in these proceedings. He represents the West Side of Chicago 40 Hundred Block Club. Mr. Bates made remarks about the headline of a newspaper that said "Paid to Protest."

MS. JEAN SCHWAB from the Substance Newspaper testified in the proceedings. She told of the community meeting that took place during a snowstorm. There were 45 community people present and 15 individuals spoke against the school closing. She felt that difficulty of transportation might be the reason that more individuals were not present at this public hearing. Personally, she is against closing Best Practice. She feels that Best Practice needs more resources, that there is danger crossing gang lines and that, hopefully, they (the people) will stand up and fight for the school they love.

The closing of the public hearing was stayed for 24 hours to allow the filing of additional evidence relative to these proceedings.

CONCLUSION:

THE HEARING OFFICER FURTHER FINDS: The Proponents of the Proposal for Closure of Best Practice presented clear and convincing evidence in support of the closure. Opponents of the Proposal presented heartfelt and genuine concerns against the

Board's policy for school closings. However, they gave scant attention to the closing of the specific school which is the subject matter of these proceedings. No objections were raised against the legal procedures utilized by the Chief Executive Officer to perfect the requirements for closure of Best Practice. The objections on the merits of closing this school, were mostly philosophical differences with the general policies relating to closing schools. The evidence weighs heavily in favor of closing Best Practice High School.

Dated: February 1, 2012



Carl McCormick

Independent Hearing Officer