

Board of Education of the City of Chicago

In Re: The Matter of the Proposal to Phase Out Walter H. Dyett High School

Before

Albert S. Porter

Independent Hearing Officer

**I. BACKGROUND**

Jean-Claude Brizard, Chief Executive Officer for the Chicago Board of Education issued a letter to parents and guardians of students at Walter H. Dyett High School entitled:

Proposed Phase-Out of Dyett High School

Mr. Brizard referred to the Guidelines for School Action and the criteria to be considered when recommending schools for action, such as reassignment, boundary changes, phase-outs, etc.

He proposed a phase-out of Dyett High School over the next three years by reducing one grade level each year until the end of the 2014-2015 school year and changing the attendance area boundary. The proposal was made because Dyett met the criteria for a phase-out by achieving the lowest performance rating, Level 3, for two years as stated in the Guidelines. (Dyett actually had a Level 3 rating four years.)

The proposal included reassigning Dyett's attendance area boundary to Wendell Phillips Academy High School, located at 244 E. Pershing Rd, at the end of the 2011-12 school year. This would affect the ninth grade students assigned to Dyett.

Two community meetings and one public hearing were scheduled to receive public comment as follows:

<b>Community Meeting No. 1</b>	<b>Community Meeting No. 2</b>	<b>Public Hearing</b>
Friday, January 6, 2012 Charles A. Hayes Center 4859 S. Wabash Ave. 6:00 p.m. to 8:00 p.m.	Friday, January 20, 2012 Charles A. Hayes Center 4859 S. Wabash Ave. 6:00 p.m. to 8:00 p.m.	Friday, January 27, 2012 125 S. Clark St. 5 <sup>th</sup> Floor Board Chambers 5:30 p.m. – 7:30 p.m.

I was appointed Independent Hearing Officer in this matter on January 6, 2012.

## II. PROCEEDINGS AT THE PUBLIC HEARING – SUMMARY OF COMMENTS FROM CEO’S WITNESSES

All proceedings were transcribed by a certified shorthand reporter.

Lisa Huge, Assistant General Counsel for The Board of Education, began by offering Exhibit-Group A into evidence and then reading “The Table of Contents.”

She then called four witnesses for the Board. Each witness’ testimony is summarized as follows:

### **Testimony of Oliver Sicat, Chief Portfolio Officer for the Chicago Public Schools:**

His primary responsibility is to develop and execute the strategic plan to meet the Board’s goal of ensuring all students in every community have access to high quality schools. Schools are considered for action when they meet the Chief Executive Officer’s Guidelines for School Actions (11(G) of the Board’s Group Exhibit). Dyett received a Level 3 performance rating, which is the lowest for the last four years. Once a school meets those qualifications, it was evaluated regarding school culture and climate, safety, quality of facility and whether a better educational option existed for the current students. Information was also gathered from parents and community meetings regarding the proposal.

He gave the history of Dyett and how it became a high school. It was noted that Dyett’s five-year cohort graduation rate is 33.7%, its trend and growth scores are in the 6<sup>th</sup> percentile. Due to its chronic underperformance and inability to provide a quality education for its students, they believe it should be phased out.

Safety issues were strongly weighed in proposing a phase-out versus a closure. He stated that these decisions are taken very seriously and that a thorough analysis was done prior to the proposal. A transition plan was done to effectuate a smooth transition.

**Testimony of Peter Godard, Director of Performance Data and Accountability for the Chicago Public Schools:**

He oversees the implementation of the District's Performance, Remediation and Probation Policy and Compliance with State and Federal school accountability policies. He has been in this position since December 2007.

Dyett met the CEO 2011 Guidelines for schools eligible for school action by receiving the lowest performance rating, Level 3, in the Performance Policy for two consecutive years. Phasing out is one of the school actions referred to in the CEO's Guidelines.

The Performance Policy is the District's school accountability policy. Each high school receives an annual rating based on its standardized test scores, dropout rate, freshman on-track data, Advanced Placement course enrollment and success, and student attendance. Points are received for the school's current level of performance, its improvement over time, and the growth of individual students from year to year on standardized assessments. There are 18 separate metrics on which schools are evaluated, each worth between one and three points, for a total of 42 available points. High schools that receive less than 44% of the total available points receive a Level 3 rating and are placed on probation.

Dyett has been a Level 3 school in all four years of the current structure. It received 27.3%, 27.3%, 25.6% and 12% in each successive year. Dyett was also on probation for three (3) years under the prior structure and in all a total of seven (7) consecutive years.

Dyett's 2010-11 graduation rate was 33.7%, compared to a Geographic network average of 59.6% and a District average of 58.3%. Dyett's graduation rate has declined in recent years, while Geographic network and District averages have increased. Only one out of three students, who entered Dyett as freshmen in the 2006-2007 school year, graduated by 2011. Dyett did not fit into the criterion to be excluded from consideration for Phase-Out. Also, Dyett did not qualify for exclusion because it was in the 6<sup>th</sup> percentile in trend and growth points when the 25<sup>th</sup> percentile or above were excluded. Over the last four years, Dyett's average PSAE Composite Meets or Exceeds scores have been on average 18.3 percentage points below the Geographic network and 24.5 percentage points below the District average. ACT composite scores of Dyett have been below Geographic and District averages.

In the 2010-2011 school year, Dyett's average ACT composite score was 14.1 compared to a District score of 17.2 and a Geographic network average of 17. Over the past six school years, Dyett has been, on average, 2.9 points below the District and 2.4 points below the Geographic network averages. Dyett had low performance on standardized tests consistent across subjects, including reading, mathematics, science and English, when compared to the District and Geographic network averages. Dyett students were also below District average for the 2010 EPAS gains, which means that 60% of Dyett's students did not meet expected growth targets on the EPAS series.

In the 2005-2006 school year, Dyett's attendance rate was near the District's high school average, but declined in 2010-2011 year and was 62.7% compared to a network average of 83.9% and a District high school average of 83.7%. The Freshman On-Track rate that measures the percentage of freshmen on track to graduate showed that 2010-2011, 37.1% compared to a network of 68.3% and District average of 72.6%, which means that by the end of the school year in 2011, more than 60% of Dyett freshmen were not on-track to graduate. Mr. Godard concluded that Dyett met all the criteria for closure.

**Testimony of Sean Stalling, Chief of Schools for South Side High Schools Network for CPS:**

District's Support of Dyett

- Since Dyett has been on probation, the District has provided oversight of its discretionary budget to ensure funds were allocated for goals for improved student outcomes. This was done through the School Improvement Plan for Advancing Academic Achievement (SIPAAA). The Chief approved and the Board of Education adopted the SIPAAA plans for the last two years.
- District provided Dyett with a comprehensive Instructional Development System (IDS). Dyett's teachers in English, mathematics and science received curriculum aligned with Prairie State Achievement Examination (PSAE) and the Illinois and College Readiness Standards. IDS provided for the end of year assessments and data to gauge student progress and identify learning gaps for remediation. Teachers also received targeted professional development in workshops and one-on-one coaching.
- In school years 2009-2010 and 2010-2011, the Network (Area 21) partnered with the Network for College Success (NCS), a group affiliated with the University of Chicago Social Service

Administration, to improve student achievement. This provided training on analyzing data and using it to monitor and support the effectiveness of instructional improvement efforts.

- The Network (Area) instructional coach provided support and assistance to a subset of Dyett teachers most in need. Dyett was assigned a coach who spent 50% of her time with the school.
- Starting in 2009, the Network offered Dyett professional development in instructional leadership, school management, the use of interim assessments to drive student achievement; and success teams focused on improving Dyett's Freshman On-Track metric. Dyett's Freshmen On-Track metric declined since this was introduced.
- Over the last two years, Dyett was provided approximately \$150,000 to institute positions and a school-based Culture of Calm Program, which works towards reducing violence and improving attendance of students; nevertheless, attendance remained low.
- CPS implemented AVID-Program that focuses on the middle-tiered students who have demonstrated some levels of proficiency. The expectation is that the instructional strategies help students become better prepared for college and more successful through high school.
- The Network provided Dyett with the Catapult Program as a targeted reading intervention for the lowest performing 9<sup>th</sup> grade students. This program provided approximately \$1,000 for 20% of the 9<sup>th</sup> grade students. There was little to no positive student achievement on the EPAS testing system. A transitional plan will be implemented if the proposal to Phase-Out Dyett is approved.

– The Plan will:

- Provide a smooth transition to make sure that academic programming addresses students needs
- Invest in additional instructional support for College Readiness Standards and State Standards
- Provide assistance from the Network in continuing to review student performance
- Invest in targeted ACT preparation programs, writing centers, and after-school tutoring
- Invest in a counselor to facilitate successful completion of high school and provide consideration of post-secondary options
- Provide assistance to Dyett to assess the students' social, emotional, and behavioral needs and determine what supports to provide for those needs

**Statement of Jadine Chore, Chief Safety and Security Officer:**

She has the responsibility of all aspects of student and school safety and security and the development and implementation of various strategies for a safe environment for students and staff. Her office, the Office of Safety and Security (OSS) is prepared to address any safety and security challenges and work in partnership with the Chicago Police Department, local community groups and elected officials to ease transitional safety and security needs. It will provide Safe Passage to the community. Safe Passage workers wear green vests and stand on designated street corners to monitor students' safety during their travel to and from school. Her office will continue to follow Dyett High School's current dismissal plan and foster the school's partnership with CTA to assist students as they travel to and from school. It will conduct a safety audit before 2012-2013 school year to ensure a secure climate at Dyett.

**III. SUMMARY OF COMMENTS FROM THE PUBLIC**

There were approximately eighty-eight (88) members of the public in attendance; thirty people spoke; each speaker was allowed two minutes or more.

Four exhibits were offered and received; one exhibit came by facsimile the next day. They were as follows:

**Mr. Jitu Brown – Exhibit 1**

This Exhibit contained:

- The Chicago Tribune article dated Monday, January 9, 2012, criticizes CPS and says shake-ups bounce students from school to school, indicating it shut 15 schools in 12 years and plans to close two more.
- The Bronzeville Global Achievers Village, consisting of Dyett High School and five other schools. The vision is to transform them into a "village" environment with a strong focus on math, science, engineering, civics, international studies and leadership development.
- This flyer blames CPS of academic sabotage and destabilization of Dyett through various actions it took starting in 2003 up to 2011.

- Huffington Post Chicago article entitled, One Public School's Death by a Thousand Cuts - This article, posted 12/2/11, traces actions of the CEOs from 1997 that affected Dyett, highlighting that the "new" Dyett High School failed to receive the resources and professional support needed to thrive in the years after Vallas, changed the school's mission and population. Things got worse in 2005 after Duncan decided that Dyett would receive 125 soon to be displaced students from Englewood High School. In spite of warnings, it was done; and violence at Dyett increased. The article is critical of sending the students to Phillips because it has been in probation for 15 years.
- Stand for Children – This group advocates turnarounds in which the entire staff of a school is fired and must reapply.
- Mapping 10 years of school closures – This is a history of school closings in Chicago from 2001 to 2011 and what has become of their buildings.

Two Exhibits were submitted by Dr. Nona M. Burney, Esq., one by facsimile after the meeting, as allowed and one at the meeting. Dr. Burney requested that the following be considered:

- Since 1999, Dyett has been detrimentally affected by several CPS decisions, beginning with its conversion from a high-performing middle school to a phase-in "catch-all" high school.
- Phillips High School has a 15% higher drop-out rate and a 16% lower graduation rate. It is in its second year as a "turnaround" operated by the Academy of Urban School Leadership and has a newly appointed principal.
- The metrics and data presented by the District's Performance Data Office ignore programs made under its new principal, e.g., bringing high school students with third grade reading levels.
- The metrics and data do not equitably account for the fact that at least 25% of the students at Dyett have Individual Education Plans, necessitating more instructional support for students, an intervention not evident in the Network Officer's report.
- The "network metric" does not disclose that approximately 75% of Dyett's "cohorts" are high schools with special formats or those with more stabilized enrollment histories.

- The Bronzeville Community Action Council submitted a Strategic Plan to CEO Brizard that accounts for the aforementioned is child-centered and builds upon the strengths of Dyett's children, parents, community and public agencies. To date, the Bronzeville CAC has received no feedback on its Plan.

Gabriel Johnson – Exhibit 1

Represents Community Development Corporation. He states that 1300 students would indicate a strong need for a performing high school. Moving them to an unstable high school in another neighborhood is not logical. Millions of dollars have been put into Dyett. Dyett-Washington Park Green Youth Farm is a good program. ESPN spent approximately \$500,000 on this gym. KOCO has provided programming. VOYCE and KNOCK are organizations that work to improve Dyett. There is a decrease in incidents and it has been recognized for its Restorative Justice Program.

Dyett has produced a Gates Millennium Scholar and a Posse Scholar.

Adourthus McDowell – Exhibit I

Indicates, in graphic form, Chicago Public Elementary Schools and High Schools on Probation.

The following persons spoke at the Public Hearing:

- Angelique Harris – Local School Council Chair of Wells Preparatory Academy - Phillip High School and Wells Preparatory Academy parents are against the proposal
- Sandra Smith – Concerned about school closings; need for good reading program
- Nona Burney – Remarks addressed elsewhere
- Adourthus McDowell – Exhibit I – Discussed elsewhere
- Marilyn Foster – A teacher at Dyett - Brizard has been disrespectful by failing to come to meetings set up
- Kitesha Reggs – Supports the Bronzeville Global Achievement Plan - Brizard disrespected Dyett
- Steven Guy – Dyett was doing ok until the Board started messing with it.
- Don Gibson – Students come in so low they cannot grow to the point others want.
- Student “C” – Oppose the phase-out
- Student “E” – CPS set them up to fail; oppose the phase-out.

- Student “A” – Phase-out will make things worse.
- Student “F” – CPS made Dyett increase in violence by putting Englewood students and King students there. Phillip is a Level 3 school.
- Student “D” – Moving to another school will cause a loss of six months of development.
- Student “B” – CPS closes schools without input from students. CPS made mistakes in the past.
- Student “G” – Opposes closing.
- Student “H” – CPS should know the dangers of mixing neighborhoods. The demands CPS set up are impossible to reach.
- Bobby Townsend – Help Dyett; don’t close it.
- Katrina Richard – Dyett’s special needs population is 25.6% compared to Kenwood and Hope that are 9.2%. CPS is comparing apples to oranges. Dyett’s students need more. Phillips only graduates 39%.
- Elaine Cox – Teacher at Dyett for eight years – Loves the school. Kids come in at 10 or 10.5 and Dyett gets them up to 14 or 15.
- Rico Gutstein – Dyett’s history is of receiving students pushed out of their schools. Dyett gets lower achieving students. Gave a history of other school closings and impact on Dyett.
- Jiti Brown – Exhibits reviewed elsewhere. - CBE school improvement strategy has been proven not to be effective.
- Bernita Johnson- Gabriel - Exhibit reviewed elsewhere
- Gloria Robinson – Mother of a student – CPS sabotaged Dyett by including Englewood students. Brizard has not come to meetings at Dyett.
- Ms. Lee – Leader with Kenwood Community Organization and a Local School Council trainer – She supports the Bronzeville Global Village and approves the closing.
- Howard Emmer – The process of including parents and the community was faulty and therefore, no phase-out should occur. There was intimidation at the hearing in the community – 30 people had signs.
- Erica Clark – CPS parent – Closing Dyett is wrong.
- Shelton Dunlap – A parent – Son is having a hard time because of not getting what he needs.

- Toni Clay – She has four children in CPS system. Closing Dyett is opposed.
- Jackson Potter – Representative of the Chicago Teachers Union – The phase-out will cause disruption. It puts children’s lives at risk.
- Shannon Bennett – Some of CBE testimony was false; information was left out by witnesses of the Board. They left out AVID program and its success with Dyett students. There were lies about findings.

#### **IV. COMPLIANCE WITH APPLICABLE STATUTES, GUIDELINES AND PROCEDURES**

The CEO, before submitting his proposal to the Board regarding the phase-out of Walter H. Dyett High School, is required to adhere to the mandate of 105 ILC S 5/34-3-230, effective August 22, 2011, (see Independent Hearing Officers Addendum 1), Guidelines for School Actions, 2011-2012 School Year (see Independent Hearing Officers Addendum 2), and Procedures for Public Hearings on Proposed School Closure, Consolidation, Co-Location, Phase-Out, Reconstitution, or Reassignment Boundary Change (see Independent Hearing Officer’s Addendum 3).

#### **V. FINDINGS**

- A. The affidavits of Devin F. McFarland, Maritza Rivera-Sanchez, and Robert Otter establish that the Board complied with all Notice Requirements for the Proposed Phase-Out. This included the Transition Plan.
- B. There were in fact two Community Meetings and one Public Meeting held as required.
- C. An Independent Hearing Officer was appointed who is a licensed attorney not an employee of the Board and has not represented the Board, its employees, any local school council, or any charters or contract school in any capacity within the last year. (See 105 ILC S 5/34-3-230 attached.)
- D. Dyett fits the Academic Criteria Section of the Chief Executive Officer’s Guidelines for School Actions. Dyett received the lowest performance level – a Level 3 – on the Performance Policy for at least two consecutive years and did not qualify as an exclusion.

- E. Since going on probation, the District provided, among other things, oversight of Dyett's discretionary budget, a comprehensive Instructional Development System, help to improve student achievement, and aid for Dyett teachers to improve instruction. Dyett was provided approximately \$150,000 for a program to reduce violence, a program that focuses on the middle-tiered students and a program that targeted reading intervention for the lowest performing 9<sup>th</sup> grade students (approximately \$1,000 per student). Dyett has not adequately improved student outcomes despite these supports.
- F. A Draft Transition Plan has been prepared to aid in carrying out the Phase-Out. It summarizes the proposal, identifies the academic, social, emotional and safety supports that will be provided to impacted students.
- G. Illinois law grants broad discretion to the CEO and Board to "apportion the pupils to several schools," under Section 5/34-18 of the Illinois School Code. The revision of Wendell Phillips High School boundaries to include Dyett's boundaries is within the powers granted to the Board and is not an abuse of discretion in this matter.

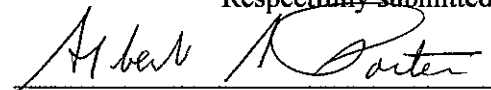
## VI. CONCLUSION

The Hearing Officer hereby concludes that the CEO has established that he followed all applicable State Statutes, Guidelines and Procedures in seeking to bring his Proposal for the Phase-Out of Walter H. Dyett High School to the Chicago Board of Education and that under the facts, as stated, there was no abuse of discretion. Therefore, I conclude that the CEO may proceed to seek The Chicago Board of Education's approval of his Proposal to Phase-Out Walter H. Dyett High School.

FURTHER THE INDEPENDENT HEARING OFFICER

SAYETH NOT,

Respectfully submitted



ALBERT S. PORTER

Date February 3, 2012

Effective: August 22, 2011

West's Smith-Hurd Illinois Compiled Statutes Annotated Currentness

Chapter 105. Schools (Refs & Annos)

Common Schools

Act 5. School Code (Refs & Annos)

Article 34. Cities of Over 500,000 Inhabitants--Board of Education (Refs & Annos)

School Action and Facility Master Planning

→→ 5/34-230. School action public meetings and hearings

§ 34-230. School action public meetings and hearings.

- (a) By November 1 of each year, the chief executive officer shall prepare and publish guidelines for school actions. The guidelines shall outline the academic and non-academic criteria for a school action. These guidelines, and each subsequent revision, shall be subject to a public comment period of at least 21 days before their approval.
- (b) The chief executive officer shall announce all proposed school actions to be taken at the close of the current academic year consistent with the guidelines by December 1 of each year.
- (c) On or before December 1 of each year, the chief executive officer shall publish notice of the proposed school actions.
- (1) Notice of the proposal for a school action shall include a written statement of the basis for the school action, an explanation of how the school action meets the criteria set forth in the guidelines, and a draft School Transition Plan identifying the items required in Section 34-225 of this Code for all schools affected by the school action. The notice shall state the date, time, and place of the hearing or meeting.
- (2) The chief executive officer or his or her designee shall provide notice to the principal, staff, local school council, and parents or guardians of any school that is subject to the proposed school action.
- (3) The chief executive officer shall provide written notice of any proposed school action to the State Senator, State Representative, and alderman for the school or schools that are subject to the proposed school action.
- (4) The chief executive officer shall publish notice of proposed school actions on the district's Internet website.
- (5) The chief executive officer shall provide notice of proposed school actions at least 30 calendar days in advance of a public hearing or meeting. No Board decision regarding a proposed school action may take place less than 60 days after the announcement of the proposed school action.
- (d) The chief executive officer shall publish a brief summary of the proposed school actions and the date, time, and place of the hearings or meetings in a newspaper of general circulation.
- (e) The chief executive officer shall designate at least 3 opportunities to elicit public comment at a hearing or meeting on a proposed school action and shall do the following:

- (1) Convene at least one public hearing at the centrally located office of the Board.
  - (2) Convene at least 2 additional public hearings or meetings at a location convenient to the school community subject to the proposed school action.
- (f) Public hearings shall be conducted by a qualified independent hearing officer chosen from a list of independent hearing officers. The general counsel shall compile and publish a list of independent hearing officers by November 1 of each school year. The independent hearing officer shall have the following qualifications:
- (1) he or she must be a licensed attorney eligible to practice law in Illinois;
  - (2) he or she must not be an employee of the Board; and
  - (3) he or she must not have represented the Board, its employees or any labor organization representing its employees, any local school council, or any charter or contract school in any capacity within the last year.
  - (4) The independent hearing officer shall issue a written report that summarizes the hearing and determines whether the chief executive officer complied with the requirements of this Section and the guidelines.
  - (5) The chief executive officer shall publish the report on the district's Internet website within 5 calendar days after receiving the report and at least 15 days prior to any Board action being taken.
- (g) Public meetings shall be conducted by a representative of the chief executive officer. A summary of the public meeting shall be published on the district's Internet website within 5 calendar days after the meeting.
- (h) If the chief executive officer proposes a school action without following the mandates set forth in this Section, the proposed school action shall not be approved by the Board during the school year in which the school action was proposed.

#### CREDIT(S)

Laws 1961, p. 31, § 34-230, added by P.A. 97-473, § 5, eff. Jan. 1, 2012; P.A. 97-474, § 5, eff. Aug. 22, 2011.

#### HISTORICAL AND STATUTORY NOTES

Sections 97 of P.A. 97-474, approved and effective Aug. 22, 2011, provided:

"Section 97. Control over other Act. Senate Bill 620 of the 97th General Assembly passed both houses on May 31, 2011. Thus, this amendatory Act of the 97th General Assembly (Senate Bill 630) is the one last acted upon by the General Assembly. If Senate Bill 620 becomes law and this amendatory Act (Senate Bill 630) becomes law, then this amendatory Act (Senate Bill 630) controls as provided in Section 6 of the Statute on Statutes (5 ILCS 70/6).

P.A. 97-473 and P.A. 97-474 added identical versions of this section.

105 I.L.C.S. 5/34-230, IL ST CH 105 § 5/34-230

Current through P.A. 97-615 of the 2011 Reg. Sess.

**GUIDELINES FOR SCHOOL ACTIONS**  
**2011-2012 SCHOOL YEAR**  
**ISSUED NOVEMBER 29, 2011**  
**("Guidelines")**

Chicago Public Schools' ("CPS") Chief Executive Officer ("CEO"), Jean-Claude Brizard, publishes the following Guidelines to help the public and all interested stakeholders better understand the criteria for school actions. All proposals presented to the Board for consideration will reflect a commitment that the students and schools impacted receive higher quality educational options. Issuing these Guidelines is consistent with the recently enacted Illinois Public Act 097-0474 requiring that the CEO publish guidelines outlining the criteria for certain types of school actions.

For the 2011-2012 school year, the CEO will consider the criteria specified below when recommending any of the following school actions governed by Public Act 097-0474:

- reassignment boundary change,
- phase-out,
- co-location,
- school closure, or
- school consolidation.

**I. CRITERIA**

*ACADEMIC CRITERIA*

When a school receives the lowest performance level (Level 3) on the Performance Policy for two consecutive years, the school may be subject to a school action.

If a school is being considered for a school action based on the factor identified above, the school will be excluded from consideration if it meets any of the following minimum performance criteria:

- (a) an elementary school that had an ISAT composite meets or exceeds score at or above its geographic network average in the previous school year;
- (b) a high school with a 5-year cohort graduation rate at or above its geographic network average in the previous school year; or
- (c) any school that scored at or above the 25<sup>th</sup> percentile on the trend and growth component of the Performance Policy in the previous school year.

In making a decision on which school actions to propose to the Chicago Board of Education ("Board"), the CEO will also consider other information including, but not limited to: student safety data, school culture and climate, enrollment estimates, the quality of the school facility, family and community feedback, or whether the school has recently undergone any school actions, changes in academic focus or actions taken pursuant to 105 ILCS 5/34-8.3.

## *OTHER CRITERIA*

The CEO may also recommend a school action:

- (1) if the school is in the process of phasing out based on a previous action by the Board; or
- (2) if two elementary schools within 0.5 miles of each other individually offer less than Kindergarten through eighth grades and can be reconfigured to a single Kindergarten through eighth grade school; or
- (3) to co-locate a Board approved new or existing school.

In making a decision on which school actions to propose to the Board, the CEO will also consider other information including, but not limited to: student safety data, school culture and climate, enrollment estimates, the quality of the school facility, family and community feedback, or whether the school has recently undergone any school actions, changes in academic focus or actions taken pursuant to 105 ILCS 5/34-8.3.

## **II. NOTICE AND SCHOOL TRANSITION PLANS**

On or before December 1, 2011, the CEO will give notice of any proposed school action. Notice will be provided to the principal, staff, local school council, parents or guardians, Illinois State Senator, Illinois State Representative, and Alderman for the school or schools that are subject to the proposed school action. Notice will include the date, time, and place of the two public meetings and one public hearing being held to elicit public comment on the proposal. Notice will be given at least 30 calendar days prior to a public meeting or hearing. Also, no action will be taken by the Board until at least 60 days after notice of the proposal is given.

Along with notice of the CEO's proposal, the CEO will issue a draft school transition plan. The draft school transition plan will include, but is not limited to, the following: (1) services to support the academic, social, and emotional needs of students; supports for students with disabilities, homeless students, and English language learners; and support to address security and safety issues; (2) options to enroll in higher performing schools; (3) informational briefings regarding the choice of schools that include all pertinent information to enable the parent or guardian and child to make an informed choice, including the option to visit the schools of choice prior to making a decision; and (4) the provision of appropriate transportation where practicable.

Depending on the unique circumstances of the proposed school action, the following investments may be made and outlined in the draft school transition plan: school safety analysis, social and emotional supports, academic program investments, art and music programming, afterschool programming, professional development, additional administrative positions, school based health clinics and capital improvements.

**THE CHICAGO PUBLIC SCHOOLS  
OFFICE OF THE CHIEF EXECUTIVE OFFICER**

**PROCEDURES FOR PUBLIC HEARINGS ON PROPOSED SCHOOL CLOSURE, CONSOLIDATION, CO-LOCATION,  
PHASE-OUT, RECONSTITUTION, OR REASSIGNMENT BOUNDARY CHANGE**

1. Upon considering to recommend to the Chicago Board of Education ("Board") that a school be closed, consolidated with another school, co-located, phased-out, reconstituted or subject to reassignment boundary change, an independent hearing officer shall be appointed consistent with 105 ILCS 5/34-230(f) to conduct a public hearing.
  - a. The hearing will commence and conclude at the time designated in the notice of hearing;
  - b. The hearing will be transcribed;
  - c. The hearing officer will be solely responsible for conducting the hearing and will conduct the hearing in an efficient and impartial manner.
  
2. Chief Executive Officer's Presentation
  - a. An attorney will present the Chief Executive Officer's proposal by making an opening statement and submitting evidence in support of the proposal to be considered by the hearing officer.
  - b. The attorney may also introduce witnesses, who will present statements regarding the proposal. The hearing officer may ask the witnesses questions to clarify any statements they made.
  
3. Public Participation
  - a. The hearing officer will receive relevant statements, comments, documents or written proposals from members of the public.
  - b. All those wishing to comment on the matter being considered will be required to sign up to do so as provided in the notice of hearing.
    - i. Registration must be made in person by the individual who will be commenting on the proposal; and
    - ii. An individual may not complete a speaker registration on behalf of another person.
  - c. The hearing officer will determine the order of speakers.
  - d. When called by the hearing officer to speak, the speaker shall proceed promptly to the microphone area where s/he will have two minutes to present his/her remarks and materials to the hearing officer.
  - e. The total number of persons speaking at the hearing will be subject to the sole discretion of the hearing officer.
  - f. The hearing officer may impose any other reasonable procedures or limitations necessary to ensure that the proceedings are orderly and efficient.
  - g. Courteous, respectful and civil behavior is expected from all speakers and all persons attending a hearing, and individuals who are disruptive may be removed from the hearing.
  
4. Hearing Officer's Written Report
  - a. Following the hearing, the hearing officer will prepare and submit to the Chief Executive Officer a written report summarizing the public comments and the documents received at the hearing.
  - b. The hearing officer's report will also determine whether the Chief Executive Officer complied with the requirements of 105 ILCS 5/34-230 and the Chief Executive Officer's Guidelines for School Actions.