

## HEARING OFFICERS REPORT

### PUBLIC HEARING ON THE CPS PROPOSAL TO CLOSE THE SIMON GUGGENHEIM ELEMENTARY SCHOOL

JANUARY 26, 2012

On January 26, 2012, at 8:10 P.M., a hearing was commenced in the Board Room located at the offices of the Chicago Public Schools located at 125 S. Clark Street in Chicago. The presiding officer was Stephen A. Schiller, a licensed attorney, who was selected to act as hearing officer pursuant to state law (105 ILCS 5/34-230(f)).

The hearing itself is required by law prior to the Board considering any proposal by the Chief Executive Officer (CEO) to take a "school action", such as closing a school (105 ILCS 5/34-230(h)). The CEO is required to announce any school actions; which he proposes be taken at the close of the current academic year prior to December 1, of each year (105 ILCS 5/34-230(b))

Prior to December 1, 2011 Jean-Claude Brizard, CEO of Chicago Public Schools (CPS) made such a proposal which was to directly affect the Simon Guggenheim Elementary School (Guggenheim) and Carrie Jacobs Bond Elementary School (Bond). The proposal was to that Guggenheim would be closed at the end of the current school year, and the students presently attending would be transferred to Bond. Further, under the proposal, the school boundaries that define Guggenheim's district would be transferred to Bond and Alonzo Stagg Elementary School.

When such a proposal is made, the CEO is required to give notice of his action. The notice is required to explain the basis for the proposed action and its coincidence with applicable guidelines. The notice is also to be accompanied by a "draft School Transition Plan" identifying certain matters that concern all of the schools affected by the proposed "school action" (105 ILCS 5/34-230(c)(1)).

The law requires the notices given to identify at least three opportunities for the public to be heard on the proposal (105 ILCS 5/34-230(e)). There is to be a public hearing presided over by an independent hearing officer while the other two opportunities can be provided through public meetings which are conducted by a representative of the CEO (105 ILCS 5/34-230(g))

The previously described "notices of action" must also inform that recipient of the time and place of both the required public meetings and hearing. These notices must be perfected no less than 30 days prior to the meetings/hearing taking place (105 ILCS 5/34-230(c)(5)).

Specifically, notices are to be provided to the parents and guardians of any schools that are the subject of the proposed action, the principal and the staff of the affected schools and the members of each school's local school council. In addition, notice is required to be given to certain elected officials whose constituencies include the district served by the affected schools. Those officials include the State Senator(s), State Representative(s), and City

Alderman/Aldermen (105 ILCS 5/34-230(c)(3)). And finally, the public at large is to be notified through the publication, in a newspaper of general circulation, of a brief summary of the proposed action together with the date, time and place of the hearings or meeting (105 ILCS 5/34-230(d)).

Performance of other requirements must precede the submission of a proposal of this kind to the Board. These requirements include the publication of the summaries of the public meetings on the District's Internet Website within five days following each meeting (105 ILCS 5/34-230(g)). With regard to the required Public Hearing, the CEO is required to publish the hearing officer's report and findings on the District's website within five days after receiving it and at least 15 days prior to any Board action being taken on the subject proposal.

In terms of the hearing officer's reporting obligation, he is required to summarize the proceedings of the public hearing and to make a determination as to whether the CEO complied with the requirement of 105 ILCS 5/34-230 and the guidelines which he had previously promulgated and had been approved by the Board (105 ILCS 5/34-230(f)(4)).

Accordingly, it appearing that appropriate notices had been given, the instant public hearing was commenced.

#### SUMMARY OF THE HEARING:

At the commencement of the Hearing, the hearing officer introduced himself and the process to be followed. He also informed all in attendance that any persons wishing to submit additional materials for consideration could do so by delivering them through FAX communication using a number maintained by CPS: 773-553-1502. The attendees were also informed that to be considered materials would have to be delivered no later than 5:00 P.M. on January 27, 2012.

Twenty four persons addressed the hearing, five representing the CEO in presenting the proposal for the "school action" proposing the closing of Guggenheim and the transfer of its students to Bond. Nineteen witnesses appeared representing various sectors of public interest. Pursuant to established procedures, the hearing began with a statement by Susan O'Keefe, an attorney representing the CEO for the purpose of presenting his proposal, and establishing that he had complied with the requirement of Section 5/34-230 and attendant guidelines. Following her initial remarks, she presented certain witnesses in support of the proposed "school action".

Ms. O'Keefe began by stating that she would be advocating the CEO's proposal to close Guggenheim, and to reassign its students to Carrie Jacobs Bond Elementary School. The proposal also includes an assignment of the present Guggenheim attendance area boundaries to both Bond and the Alonzo Stagg Elementary School; beginning at the end of the current school year.

Ms. O'Keefe than offered into the record a three-ring binder containing documents which were tendered to be considered in connection with the proposal. The binder was received as part of the record and a second binder containing duplicate contents was placed on a ledge in the front of the Board Room. Persons attending the hearing were invited to step up in turn and examine the documents contained therein at any time.

Tab A of the binder contains copies of the notices that were asserted as having been given for the hearing in an effort to comply with applicable law.

1. Notices to parents and guardians of students at both Guggenheim and Bond were placed at Tab A-1-a. The draft transition plan which was made available through the notice was placed at Tab A-1-b.
2. Notices to school personnel and the local school council members of both schools were placed at Tab A-2-a. The draft transition plan which was made available through the notice was placed at Tab A-2-b.
3. Notice to the Alderman for the Ward in which Guggenheim is located was placed at Tab A-3-a along with a copy of the related draft transition plan.
4. Notice to the State Representative for the Representative District in which the School is located was placed at Tab A-3-b.
5. Notice to the State Senator for the Senate District in which the School is located was placed at Tab A-4 along with the related draft transition plan.

In addition, Tab A contains certain affidavits of responsible persons regarding the delivery, mailing and or publication of the exhibited notices:

1. The affidavit of Devin McFarland, a project manager at the Chicago Board of Education, stating that:
  - a. Copies of the notices in evidence directed to parents and guardians and to school personnel and local school council members were prepared and properly addressed.
  - b. The copies addressed to parents and guardians were mailed through the CPS mail room on or about November 21, 2011.
  - c. Copies of the notices to parents and guardians in evidence were also delivered to both Guggenheim and Bond for personal delivery on or about November 30, 2011.
  - d. Copies of the notices directed to school personnel and Local School Council members were delivered to both schools on or about November 30, 2011 for personal delivery to the persons to whom they were directed.

2. The affidavit of Maritza Rivera Sanchez, an administrative assistant in the Office of Intergovernmental Affairs at the Board of Education stating that:
  - a. She caused to be sent, on or about November 30, 2011, via electronic mail, notices to certain elected officials:
    - 1) Senator Jacqueline Y. Collins of the 16<sup>th</sup> District.
    - 2) Representative Mary E. Flowers of the 31<sup>st</sup> District,
    - 3) Representative Andre Thapedi of the 32<sup>nd</sup> District,
    - 4) Alderman Latasha R. Thomas of the 17<sup>th</sup> Ward.
3. The affidavit of Robert Otter, a project manager at the Board of Education that he caused to be published on the CPS website the following materials relating to the processing of the subject proposal:
  - a. On October 31, 2011, for public comment, a list of "independent hearing officers who were under consideration for hearings pursuant to the draft guidelines for proposed school actions during the 2011-2012 school year.
  - b. On November 29, 2011, a copy of the final guidelines for School Actions for the 2011-2012 Scholl year.
  - c. On November 30, 2011, a copy of the notice letters and the draft transition plan that had been sent to parents and guardians of students of the two schools.
  - d. On January 11, 2012, a summary of what had taken place at a community meeting which had been held at Shiloh Baptist Church on January 6, 2012, pursuant to the requirement of law.
  - e. On January 24, 2012, a summary of what had taken place at a community meeting which had been held at Shiloh Baptist Church on January 20, 2012. pursuant to the requirement of law.
4. Copies of public notices, containing conforming information relating to community meetings and the present public hearing, which had been published in the Chicago Sun-Times and Chicago Tribune.

Copies of the notices which the affiants claimed to have seen distributed were also included in the CPS submissions notebook.

At no time during the hearing or in any of the materials subsequently submitted was any question raised regarding whether the content and timing of the notices given complied with applicable law.

The Board's submissions also included:

1. The Board's school performance, remediation and probation policy for the 2011-2012 School year.
2. The Board's policy on the review and establishment of school attendance boundaries.
3. The Board's guidelines for school actions for the 2011/2012 school year.
4. Transcripts of the community meetings that had been held on the proposal on January 6, and January 20, 2012.
5. Written statements of the Board's witnesses who she intended to present.
6. Copies of past performance policies for Guggenheim dated December 15, 2008, September 10, 2009, and September 13, 2011.
7. Various School Improvement Planning for Advancing Academic Achievement (SIPAAA) documents concerning Guggenheim for 2010/2012 which had previously been approved by the Board.

#### THE PRESENTATIONS OF THE CPS WITNESSES:

The First witness called on behalf of the proposal was Adam Anderson. His job responsibilities are as "officer of portfolio strategy and planning for Chicago Public Schools".

He related that the proposal followed an evaluation of numbers or schools which appeared to be likely candidates for "school action". In doing so, he applied criteria contained in the CEO's Guidelines for the current year. He stated that Guggenheim met the published criterion for closing in that it "received the lowest possible performance level (Level 3) on the Performance Policy for two consecutive years." Guggenheim had actually achieved that rating over the last four years.

Although the guidelines have exemptions, Guggenheim does not qualify for any of them

He stated that (CPS) "performed a thorough and thoughtful analysis prior to proposing this action, and a draft transition plan was created to show how the district proposes to effectuate a smooth transition". He closed his testimony by opining that the draft transition plan offered the students a much better educational opportunity.

Ryan Crosby testified that he is the manager of school performance for CPS. He stated that he is responsible for overseeing the implementation of the district's performance, remediation and probation policy or performance policy in compliance with state and federal school accountability programs.

He explained that the application of the approved guidelines resulted in the determination that the action proposed should be taken. Guggenheim was singled out for consideration for closure because it had received a level three rating for the past two years. He elaborated by stating that each school receives an annual rating based on its performance on a variety of student outcome measures which includes standardized test scores. The rating also factors in student attendance data.

He related that there are 14 separate metrics which are used in the evaluation process, each being worth up to three points; with 42 points being available to each school being evaluated. Guggenheim's history was described as illustrating markedly substandard perform over the last four years. During 2007-08 it received 26.2 of the available points; in 2008-09 19% of the available points; in 2009-10 42.9% of the available points and in 2010-11 23.8% of the available points. In terms of performance on ISAT, its the composite scores for reading math and science for 2010-11 was 40% as compared with the average composite score for the entire network of schools of 62.3% and a district average of 75.6%

In reading, the percent of Guggenheim's students meeting or exceeding state standards was 45% as compared to 58.4% for the geographic network and 72.7% for the district.

In mathematics, Guggenheim's performance was 39.9% as compared to the geographic network's average of 68.4% and the district's average of 72.7%.

In science, Guggenheim's performance was 25% as compared to a geographic network average of 55.5% and a district average of 72.4%

With regard to its "trend and growth points" performance, Guggenheim had earned, for the 2010-11 school year, 25 of 42 possible points which placed it in the lower 5% of schools district wide.

He emphasized that between 2005 and 2006 and 2010/2011 the gap between Guggenheim and the district's average scores has increased.

He went on to focus on what was described as a value added metric. This metric compares student academic growth on the ISAT at a school with the growth of similar students across the district. He stated that this measurement involves regression of numbers of values against certain others. The focus is on measuring how much impact a school, as opposed to other variables, has on its average student over the year. Application of this metric demonstrated that

Guggenheim's students grew at an above average pace in reading and at a below average pace in mathematics in each of the last two years.

He noted that Bond had higher performance on the "performance policy" in 2010/2011 with 64.2% of its students meeting or exceeding state norms as compared to 40% for Guggenheim.

In sum, he concluded that Guggenheim has low academic performance consistently across subject areas and has not shown any significant progress in catching up with other schools in the district.

Adrian Willis testified that he is employed by the Board of Education as the chief of schools for the Englewood-Gresham network, which includes both Guggenheim and Bond. By way of background he related that prior to assuming his present position, he has served as a turnaround principal and had, for four years, been the principal of the Keller Magnet School.

He described the "network" as including 34 elementary schools. His responsibilities as "chief of schools" includes providing instructional support to schools and coaching, supervising and evaluating the school principals.

With regard to the situation at Guggenheim, it presently has 291 students. Evidently, two years ago, during 2010, there was a proposal to close the School. Following public hearings and further investigation the CEO withdrew that proposal in an effort to remediate the school. After hearing from teachers and parents the decision was made to replace the principal and a "school improvement plan" was put in place. The plan was based on input from the entire interested community as well as on available metrics. A copy of the plan(s) were included in the Board's binder.

Some of the action portions of the plan that were put in effect, he stated, were:

Assignment of coaches to support efforts to achieve improvements in primary literacy, intermediate upper literacy, math and science and to achieve improved behavior.

Purchasing a number of special programs for students and teachers for the third and sixth grades which included the availability of "online assessments" to achieve progress monitoring.

Purchasing a special, tested literacy program which included professional development programs for all students and teachers in grades K through 5.

Providing funding for Saturday academic enrichment programs which were designed to focus on targeted student performance.

Attempting to work with teachers to provide resources and planning for school science fairs and science projects.

He asserted that despite the investment of resources the situation at Guggenheim did not improve; rather it deteriorated. He made the following observations in order to describe the negative changes at the school which have occurred since the plan went into effect.

Of the original teaching staff in place at the beginning of 2010/2011, 43% have left the school.

Efforts to change the educational environment were resisted by many teachers who resisted changing their educational practices from "teacher centered" to "student centered"; which is distinguished by using differentiated lessons driven by individual student data.

The attendance rate for faculty members plummeted to 85.7% as compared to a 95.4% attendance average for the entire network.

Student performance measurements place Guggenheim in the bottom 5% of the schools in the network.

Based on these deteriorating trends, the decision was made to close Guggenheim and transfer its present students to Bond. And, to assign its boundaries to both Alonzo Stagg Elementary School and Bond for the purpose of determining which school future entrants from the community would attend.

He stated his opinion that this will produce a positive change for the Guggenheim students. Not only is Bond a higher rated school, but its trend line is toward improvement. Over the past two years, he reported, Guggenheim has experienced a 15.2% drop in the average number of students meeting or exceeding state standards; as compared to Bond which experienced an 18.3% improvement over the same period of time.

He went on to describe the consideration that has been to the families of students and future students, through inclusion in the transition plan an accommodation to assure that entering students with siblings at Bond would be permitted to attend that school, even though the student's address would otherwise place him/her at Stagg.

The draft transition plan specifically addresses, he related, counseling needs of students and family at both schools; additional investment in professional resources, as well as funding for Bond, so that it is better equipped to assimilate the Guggenheim transferees; and security plans to assure the safety of students..

Stephen Glombicki, who is employed by the Board of Education as the deputy director of security, presented testimony regarding security issues that are addressed in the draft transitional plan. Prior to assuming his present responsibilities, the witness related that he was a captain with the Chicago Police Department. Prior to be promoted to that rank, he was a lieutenant of police in charge of the gang enforcement operations for Area 2. In that role he became very

familiar with gang related activities in the area. He further stated that in addition to his 42 years of experience with the Police Department, his qualifications include a bachelor's of science in law enforcement administration.

His security team has analyzed the likely routes children living in the Guggenheim boundary will take to get from their homes to the new school. The team will work with the Seventh police District to ensure that they will be able to safely get to and from school. Safe passage workers will be assigned to monitor certain street corners in the area to facilitate this objective. These personnel will also work closely with the principal of Bond and the school's security staff to address problems inside as well as outside of the school. He opined that the transfer of the Guggenheim students to Bond will present no additional security problems for either the school or the children attending it.

#### PUBLIC WITNESSES:

Public witnesses who had identified themselves as wishing to speak were offered up to two minutes to make their presentation. In some instances the time was extended in order to permit them to complete their testimony. In summarizing their presentations, the Hearing officer will aggregate the testimony of numbers of witnesses in order to provide a clear sense of the extent of agreement between them. Further, the summary will also breakdown the views expressed by described constituencies so that the reader(s) may also form of sense of how given views may relate to given perspectives. At the same time it will be noted that the some views may be held by members of more than one constituency.

In addition to the Alderman representing the Ward where Guggenheim is located, the public witnesses heard fell into six constituencies. It was difficult to classify some witnesses because there was insufficient information given in their presentations to permit accurate classification. Those instances are identified. Further, some witnesses could arguably be placed under more than one classification. In those cases, the hearing officer placed them in the class that seemed to present the strongest nexus to the issue presented by the CEO's proposal. Again, in instances where a witness has offered testimony that involves qualifications for more than one perspective, that circumstance will be described as well.

Most of the public witnesses heard fell into five natural groups, and as one would expect, there were a few that neither fell into any of those groups nor shared sufficient common perspectives with others to warrant forming additional discrete groups. Those witnesses are described as making up a sixth group identified as "Other Public Witnesses". The five described affinity groups are: Public Officials; Students, Parents, Teachers, and the Chicago Teacher's Union.

- A. ELECTED REPRESENTATIVE OF THE COMMUNITY IN WHICH GUGGENHEIM IS LOCATED. Latasha Thomas, Alderman of the 17<sup>th</sup> Ward, was the first public witness to

address the hearing. She also submitted a letter dated January 26, 2012 which is directed to the CPS Board and to its CEO. (Her letter accompanies this report as Public Exhibit 1)

She began her testimony by stating her opposition to the closure of Guggenheim. In explaining her position she related that she is a lifelong resident of the Englewood community and attended public schools there.

She stated her view that learning requires the participation of the school administration and faculty as well as the parents of the children. Effective collaboration is necessary, she urged, without regard to socio-economic factors. However, given the special needs of the Guggenheim students, even greater problems exist.

She asked that the School be designated a "turnaround school". The present status of the School is, she stated, the result of the ineptness of adults which can be remedied. The situation needs to be looked at, not on a school by school basis, but rather in relation to a comprehensive plan for the entire area..

She urged that intense collaboration between parents, teachers, staff, the Union and CPS were essential to really getting to the heart of the problem and optimizing the opportunities available to the community's children.

- B. STUDENTS—Two students presently attending Guggenheim provided statements. They were identified as Dionte White and Artrez White. Both students were complimentary of the teachers that they had been exposed to at the school. Each commented on their teachers' willingness to take the time to work with each student if it was apparent that they were having problems. Although Dionte White stated that he wasn't a very good reader, he expressed the opinion that the opportunities that he believes are available to him at Guggenheim offer him the best option for bringing him up to speed. Dionte White also reported that in the event the school was closed, it was likely that many of the students would drop out and would be more vulnerable to gangs, drugs and other undesirable activities.

Artrez White also expressed concerns that teachers at other schools will be less attentive and less likely to interact with individual students. He too felt that the likelihood of dropouts and exposure to drug and gang activities would be greater if the Guggenheim closure plan was followed. Both students indicated that they were upset by the proposal to close "their school".

- C. PARENTS—Noah Evans, Anisha McBride, Tosheda Boyd and Willie Kennedy identified themselves as parents of students presently attending Guggenheim. Each of them also

expressed their opposition to the proposed plan to close the School. Mr. Evans expressed his concern that CPS was too preoccupied with "scores" as opposed to being concerned about the students themselves.

Mr. Evans related that the students attending Guggenheim are confronted with a difficult situation in trying to succeed in school. He further stated that they (the students) have adjusted to their lives at Guggenheim and were enjoying their experience there and questioned why their progress should be disrupted by a change in schools.

Anisha McBride concurred in Mr. Evans observations. She also related that her daughter, who is in first grade at Guggenheim, is learning her subjects and has come to enjoy the school and her experiences there.

Tosheda Boyd strongly expressed her opposition to the proposed closing. She stated that she has three children at Guggenheim, one in seventh grade and two others in fifth grade, all of whom want to stay at the school and are opposed to transferring to another school. She further informed the hearing that she has tried to be active by serving as PAC chair and by participating as a member of the Local School council. She also related that she is a "children coach" at the School.

Ms. Boyd complained that in recent times two principals have come and gone; each was described as not caring about the students' needs. She noted, however, that notwithstanding that adversity, her children were making gains; learning to read and doing math. At the same time she was critical of the lack of a constructive environment in the classroom. She stated that misbehavior of some students in the classroom interferes with the ability of others to hear the teacher speaking.

Ms. Boyd questions whether the \$1.5 million which CPS claims was given to Guggenheim, was used constructively. She stated her belief that most of any funds received were spent on paper supplies and copying. And that very little, if any, was spent on needed books, computers and other types of needed educational resources. Ms. Boyd also charged that the CPS was paying protestors to come attend meetings in order to disrupt efforts to support the schools that were marked for "school actions" such as closing. Further, she alleged that these paid protestors were expressing a false view that the parents of affected schools were agreeing with the mayor and pastors, who she believes have little knowledge about them or the students. She requested resources for relevant actions that she believes will make the school successful. She also volunteered to help in any way possible to achieve that end.

Willie Kennedy questioned what he viewed as a preference by CPS to close schools and transfer students. He stated his opinion that a condition was being produced that created

a "time bomb waiting to happen" as a result of students being placed outside of their element.

- D. GUGGENHEIM TEACHERS—Six present and former Guggenheim teachers came forward and offered statements at the hearing. These witnesses included:

Renee Riley

Kimberly Walls

Cassandra Vaughn

Terry Robinson

Sherri Dabney-Parker

Gervaise Clay

They all opposed the proposed action to close the school. Their common message was that in former years Guggenheim was a well regarded achieving school. Over the last several years some of the most well qualified teachers were targeted by various principals and were either laid off or caused to leave. This resulted not only in lost momentum, but in a number of classes being without teachers for a significant part of the school year; the foreseeable consequence being that the test scores of numbers of students were much less than they would have been had they been taught. Accompanying this, was a deterioration of discipline. This change was ascribed by several of the witnesses to a lack of support of the teachers by "the administration". Several of the teachers also commented on the lack of resources in the way of teaching materials and technology compared with certain "turnaround schools" that they had visited.

Evidently there was a proposed school action relating to Guggenheim approximately two years ago and a decision was made to abandon or defer the proposal pending the implementation of an "action plan". Several of the teachers commented that the administration had not really followed through with the execution of the plan. They urged CPS to go back to that plan and to make a real effort to follow it.

In terms of their special perspectives and individual comments:

Renee Riley no longer teaches at the school. She recalls that it was once a model institution which stood as an example for visiting educators. At that time the discipline was reasonable and understood by the students and there was an excellent environment for teaching. Since then, there has been a turnover of principals, at least one of whom gave no support to teachers trying to control their classroom. Her administration was

viewed by the teachers as a failure, yet she was given the leadership of yet another school.

Ms. Riley described numbers of social issues in the Englewood Community which contributes to the teaching challenge. These issues include a large population of single parent families, the use of illegal drugs, gangs, and murders. She expressed her doubts as to the sincerity of CPS in pursuing the closure of Guggenheim. She suspects that part of their motivation may be 'union busting'. Looking at their relative strengths and weaknesses, she stated that transfers to Bond or Stagg would not only further destabilize the transferring students, but the students of the receiving schools as well. She offered that if the administration was sincere about helping the children at Guggenheim, transfers would be offered to markedly stronger schools such as Disney, Ray or Keller.

Kimberly Walls described herself as a sixth-eighth grade science teacher. She stated that the scores of her students exemplify that things can work at Guggenheim. She noted that in terms of reading, students meeting or exceeding test expectations at a particular grade level, 100% of the eighth graders, 70% of the seventh graders, and 50% of the sixth graders at Guggenheim had met that goal. With regard to science, she stated that the science scores for her eighth graders were above those of at least 15 other schools in the school district; which is comprised of 35 schools. She also reported that the attendance of the students that she taught was at greater than 90%. In terms of aggregate ranking statistics, she claimed that Guggenheim suffered because of the result of there being no teacher for many students, especially for third graders, for much of the school year.

Another specific problem identified was that lack of math teachers for grades six-eight. Ms. Walls complained that the administration has done little to meet this problem, noting that the assistant principal is "endorsed in math" but has made no effort to extend any help to the students. She further stated that the school had been overcrowded to the point that there was inadequate seating for all of the children in classrooms.

She particularly pointed to the lack of teaching resources. The problem is so acute, she stated, that she and other teachers have rummaged through garbage in order to recover books that the administration was throwing out. She stated that she is aware of schools with resources that have not been made available to Guggenheim, including computer equipment, dvds, etc. She asked that CPS consider the question as to why the things that are available to AUSL schools should not be available to all CPS schools.

She reported that she is willing to do what she can, but complained that her offer to teach during the summer as a volunteer was turned down.

Cassandra Vaughn has been a middle-grades teacher at Guggenheim for 11 years. She elaborated on her experience in visiting "turnaround schools" and her frustration that the

programs and investments that have been made in those schools have not been offered to her School. She related that, in her own experience, up until seven years ago, Guggenheim had a good environment for teaching with support for teachers efforts to reinforce in their students the idea of rules and regulations. She attributes the cause for the deterioration of that environment to recent principals assigned to the School.

Terri Robinson stated that she has a master's degree and is National Board Certified. She claimed that in recent times 43% of the staff at the School had left. She objected to what she has heard being offered as an explanation: that the departing staff were resistant to change and to hard work. She represented that a significant number of the departing staff were very well qualified, numbers with graduate degrees and recognitions as good teachers. She accused recent principals of targeting these teachers because of their higher salaries, causing many of them to leave. A major consequence of these actions was that students were left, mid-term, with no teacher.

She urged that test scores by themselves should not determine actions such as the closure of a school. He asked that CPS provide the assistance necessary to help families keep their children oriented toward education.

Sherri Dabney-Parker has been a teacher for 22 years. She stated that Guggenheim is overcrowded, especially the kindergarten and third grade classes. She pointed to numbers of specific needs that she does not believe the administration has made any reasonable effort to ameliorate: there is no gym teacher; tutoring has been cancelled except for the "SES program"; there are no school supplies except "Xerox paper"; there are no sports at the school; there is no discipline; and there is only the most limited technology available to teachers

Recent principals have been disruptive rather than helpful. Specifically, one forced the transfer of approximately one-third of the temporary living situation students, over their objection. Another barred the Parents Advisory Council (PAC) from attending a meeting with parents at the school; causing numbers of people who had come for the meeting to leave.

She believes that the School has numbers of superior students and teachers and should be given the support they need to succeed at Guggenheim.

Gervaise Clay has two masters degrees; one in administration and the other in school counseling. She was Guggenheim's assistant principal up until the time she was laid-off. She stated that she was part of team that helped the School succeed at "43%" in the not-too-distant past. She stressed that the efforts of two years ago had an alternative plan to closing the school was put in place. However, it was abandoned by the administration and things were permitted to deteriorate even further. She urged that the school remain

open and that the administration get behind the plan that the community believed they had previously committed itself to, and make it work.

- E. REPRESENTATIVES OF THE CHICAGO TEACHER'S UNION—Two witnesses specifically identified themselves as representing CTU: Matthew Luskin and Michael Brunson.

Matthew Luskin identified himself as a "CPS parent" and being with the CTU. He stated that the CPS was engaged in inappropriate actions directed at pushing through the proposed school action. He complained that the CPS was campaigning for public support of the proposal by paying "protesters" to attend the public meetings that have since taken place. He stated that he doubts that they are members of the community, but represent themselves as such, brandishing signs and calling for the close of the school. He also asserted that this misconduct had been found to have occurred by the Chicago Education Facilities Task Force. He complained that the administration had been misdirecting parents by falsely telling them that they had the option of applying to selective enrollment schools on behalf of their children.

The parents' morale and commitment to resist, he asserted, sapped by acts by the administration wrongful acts. Examples given were:

After the proposed closure of Guggenheim had been announced, during the winter break, parents and students were told that the teachers would not be coming back in January and that another building would have to be found. The result of this, it is claimed, is that many students did not come back after the break and attendance at the School fell off sharply.

A third principal in two years was introduced to the school whose conduct has been calculated to discourage attendance. Such conduct included: cancellation, after the winter break, of tutoring programs; excluding parents who had dropped off their children from waiting on school premises for scheduled Parents Advisory Committee meetings and the escalation of efforts to force temporary living situation children out of the school.

He related that there is a strong collaboration presently taking place between parents, CTU and the School's staff directed at making things work. He stated that CPS needs to participate if there is any hope for success and challenged them to do so.

Michael Brunson identified himself as a teacher, a parent of two children attending public schools and a CTU officer. He accused the administration of bullying and stated that he was working to rally the community to fight back.

He charged that the data the proposal was relying upon is suspect and decried CPS's use of paid protestors. He charged that the curriculum at Guggenheim has been gutted and that resources have not only not been forthcoming, but that they have been disinvested from the School.

He also asked that copies of the content of the exhibit book tendered to the hearing officer be made more readily available to the public.

- F. OTHER WITNESSES—Four other witnesses testified from a number of perspectives. All opposed the proposed the closure of the School.

Peter Brogan is a PhD candidate and researcher at the Center for Urban Economic Development at the University of Illinois at Chicago (UIC). He stated that he is a proponent of data based public policy research. However he described the work that CPS is relying upon as “deeply problematic, limited, narrow, (and not going deeply enough)”.

Before coming to a policy conclusion, he urged, it is necessary to look beyond scores to what is happening in the school in relation to the parents and staff and at the likely consequences of the proposed action on the students who stand to be displaced. Further, in looking at the receiving schools, it is necessary to ascertain whether the additional resources discussed will actually benefit the students.

He noted that a rationale for the closure is that the School's students will go to a stronger school. But the proposed school Bond, in his opinion, is only a marginally stronger school. For there to be a benefit to the transfer, he stated, it needs to be made to a significantly better school.

Charles Brown is the chairperson of Action Now (a community organization), a retired police officer and someone who has taught in the past. He has been an Englewood resident for 43 years. He disputed CPS's representation that there are no significant safety issues raised by the movement of present Guggenheim students two or three blocks out of “their particular area”. There are many gangs in the area, and the police department has had the occasion to send special forces units into it on numbers of occasions. He believes that the children will, in fact, be in physical jeopardy if they are sent into this extended area.

Lois Jones presented what she described as an “action plan”; that is hiring 10 more teachers to relieve classroom situations where there are 29 or more students to the end that no classroom will have more than 10 students.

She reads the numbers offered by the CPS as evidencing that children were “meeting or exceeding”, but nonetheless CPS concludes that the School is failing.

She urged that doubling the number of teachers will improve both teacher and student attendance. Conditions will be such as teachers will be able to handle discipline problems and to teach. She used the example of the tumult that can take place in a kindergarten room when a teacher is confronted too many students.

Problems in math learning and learning in general, can be abated with a teaching ratio of 15 or 10:1. The cost is manageable. With teachers, estimated by her, as costing \$80,000 each, she believes that things can be turned around at the school at a cost of about \$800,000. This is probably less than is presently being spent on "turnarounds".

George Schmidt described himself as "covering these hearings for 10 years for the Advocacy Newspaper Substance". He related his opinion that the submissions of the administration regarding policies have been "cynical lies". He also questioned the competency of a number of the Board witnesses who had testified. He stated that a school which did not have stable situation in leadership, with numerous changes in principals over a short period of time, should not be eligible for closing under rational policies and guidelines.

He insisted on calling the role of the CPS Board in order to demonstrate that none of them were in attendance. He, in addition, made comments as to some of the members, none of which pertained to the issues raised by the proposal.

He described the proceedings as being directed to a predetermined end and sees one of their purposes as justifying the CPS legal departments \$10 million budget.

The hearing was adjourned at 10:10 P.M.

Subsequent to the meeting additional materials were submitted to the Hearing Officer:

A petition by Parents' of Simon Guggenheim Elementary School to "Remove Mr. Robert Hubbard as Principal of Simon Guggenheim Effective Immediately".

A Sun-Times Article by Rosalind Rossi concerning the payment of protestors to support the closure of the school.

A copy of a news story reported on what appears to be WBEZ's web site. The story concerned reports of efforts by Guggenheim staff people to convince parents or guardians to transfer their children to other schools.

A copy of a Draft: Record of Action from the January 12, 2012 Meeting of the Illinois General Assembly Chicago Educational Facilities Task Force. The "Draft" reflected that the majority of the Task Force members voting on the proposition found that the Guidelines for School Action adopted by the Board fail to meet the requirements of Section 34-230. The same majority also

found that there were irregularities in the conduct of the Board in attempting to seek the closure of Guggenheim and other schools. The conduct related included what was viewed as improper efforts to influence student to transfer out of the school during the winter holiday break. It was also believed that at the community meeting of January 16, 2012, improper efforts were made to bring in people from outside the community to support the proposed closure action.

A letter was also received from representatives of CPS elaborating on the statistical presentation that had been made at the public hearing.

#### DETERMINATION AND FINDINGS:

As previously noted, in addition to summarizing the public hearing, the hearing officer is responsible for making a determination as to whether the chief executive officer complied with the requirements of 105 ILCS 5/34-230 as well as the guidelines. The guidelines referred to are those that govern school actions such as the closure of schools. The promulgation of guidelines is described by 105 ILCS 5/34-230:

By November 1 of each year, the chief executive officer shall prepare and publish guidelines for school action. The guidelines shall outline the academic and nonacademic criteria for a school action.

The record, including the submissions made by the Board, establishes that guidelines were indeed promulgated and approved for the 2011-2012 school year. The guidelines provide that:

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

The guidelines further provide that a school will be exempt or exclude from a school action if it meets certain 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. 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.

The guidelines continue by requiring the CEO, prior to recommending a school action, to 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.

The record reflects, without contradiction that Guggenheim meets the quoted criterion for school action and further that neither of the quoted exemptions from consideration apply to it.

Ultimately, even though guidelines may have been met, the CEO and the Board must exercise

judgment as to whether a school should be closed. The record clearly establishes that the CEO considered each of the elements that the guidelines require him to weigh in reaching his decision. The ultimate decision he reached must, therefore, reflect his professional judgment as to what should be done.

The record further reflects, without contradiction, that the CEO caused to be prepared a draft proposal which concluded with the recommendation that Guggenheim be closed and its students transferred to Bond, and that district boundaries of Guggenheim be assigned to Bond and Alonzo Stagg Elementary Schools for the following year. It also reflects that copies of the proposal and notices of meetings and a public hearing as required by law were served and that the content of those notice and of the proposal comported with all legal requirements.

The CEO also included with his notice a related proposed transition plan pursuant to the requirements of 105 ILCS 5/34-225 in that it covered:

1—the services which were to be provided to support the academic, social and emotional needs of students, including those with disabilities, homeless students and English language learners as well as safety issues.

2—Options to enroll in higher performing schools.

3—Information briefings regarding choices of schools that include all pertinent information in order 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.

4—Consideration of the need for appropriate transportation.

Whether there is agreement or not as to whether the proposed action(s) should be taken, the proposed transition plan clearly addressed all of the factors which the law requires be considered.

From a procedural perspective the CEO has properly performed all that was required of him in order to bring the proposed school action proposal before the Board. Unquestionably the law allows discretion to be used by both the CEO and the Board in determining what if any action should be taken even where the guidelines would literally allow for closure of the school. Apparently a proposal was made to close Guggenheim under the same guideline in 2010. At that time the CEO and the Board determined that an alternative action would be more appropriate.

At this juncture, in a situation such as this, it is not within the province of the hearing officer to substitute his judgment on matters of discretion for that of the CEO. Rather it is the hearing officer's responsibility to "determine whether the chief executive officer complied with the requirements of the this Section (5/34-230) and guidelines" prior to applying his professional judgment in making a decision to promulgate the proposed school action.

Accordingly, it is the determination of the hearing officer that the Chief Executive Officer, Jean-Claude Brizard has fully complied with the legal requirements which must be met prior to the submission of the proposal for the closing of Guggenheim and the transfer of its students to Bond, and the reassignment of its boundaries to Bond and Stagg, to the Board for its consideration.

Enter: February 6, 2012

s / STEPHEN A. SCHILLER

Stephen A. Schiller, Hearing Officer