

THE RESOLUTION EXPERTS®

In Re: The Matter of the Proposal to Close)	HON. BERNETTA D. BUSH (RET.)
Walter Reed Elementary School)	Independent Hearing Officer
6350 S. Stewart Avenue)	
Chicago, Illinois)	
)	

HEARING OFFICER REPORT AND RECOMMENDATIONS

BACKGROUND

On, December 16, 2011 the undersigned was appointed to serve as an Independent Hearing Officer in the above matter. At 8:00 p.m. on Monday, January 23, 2012, a hearing was conducted at the Board of Education of the City of Chicago, 125 South Clark Street, Chicago, Illinois. Notice of the hearing was sent to the parents or guardian of students, school personnel, and Local School Council Members at Reed Elementary School and Nicholson Technology Academy on November 30, 2011 via US Mail, as required by Illinois law, and/or the Chicago Board of Education's applicable Policies, Guidelines and Procedures. Notice of the hearing was also served via hand delivery to the schools. Notice of the Hearing was served upon the public by publication in the Chicago Sun-Times, the Chicago Tribune and the Hoy newspapers. Finally, Notice of the hearing was sent to Alderman Thompson, State Representative Golar and State Senator Mattie Hunter on November 30, 2011. (See CPS Compilation Exhibit 1 Tab A1-5).

The hearing was convened pursuant to 105 ILCS 5/34-230 Section (f). The purpose of the hearing was to elicit public comments from concerned persons, including representatives of

the Chief Executive Officer (CEO) of the Chicago Public Schools (CPS), parents of the school, members of the local school council, principal, teachers, staff and students of the local school, representatives of the Teachers' Union, and interested members of the public, regarding the CEO's proposal that Walter Reed Elementary School ("Reed"), located at 6350 South Stewart, be closed at the end of the current school year and that returning Reed students be reassigned the Nicholson Technology Academy ("Nicholson"), located at 6006 South Peoria Street. Also regarding the recommendation that the geographical boundary currently associated with Reed be reassigned to Nicholson; Benjamin Banneker Elementary School ("Banneker"), located at 6656 South Normal Boulevard; and Francis Parker Elementary School ("Parker"), located at 6800 South Stewart Avenue. On February 25, 2009, the CPS Board approved a phase-out of Reed and planned for grade offerings to decrease by one grade per year through the 2016-2017 school year. (See CPS Compilation Exhibit 1, Tab C 15b.). As a result of that action, Reed's enrollment decreased from 216 to its current enrollment of 44 students and an expected enrollment of only 36 students for the 2012-13 school year. CPS believes that the academic needs of the returning Reed students would be better met at Nicholson. Approximately 20 individuals attended the Public Hearing not including representatives from CPS. Four (4) individuals signed up to make public comments on the CEO's proposal for Reed. All four individuals who signed up did in fact testify. The Hearing Officer left the record open in this matter until 5:00 p.m. January 24, 2012, to allow an additional opportunity for written comment from the public. Any additional written comments received during this time period are included in the record and summarized herein.

A certified court reporter transcribed the hearing. Pursuant to the directives provided in the document entitled "Procedures For Hearings On Proposed School Closings, Consolidations, Reconstitutions, Or Attendance Area Boundary Changes" (See CPS Compilation Exhibit 1 Tab B 6-11), the relevant evidence presented at the hearing by representatives of the CEO and public as to whether the CEO's proposal that Reed be closed and its students be reassigned to Nicholson; and that the geographical boundaries of Reed by reassigned to Nicholson, Banneker and Parker, should be sustained, is summarized below.

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

Adam Anderson – Officer of Portfolio Strategy and Planning

Mr. Anderson provided the following testimony:

"I am the Officer of Portfolio Strategy and Planning for Chicago Public Schools. My primary responsibility is to develop and execute the strategic plan to meet our goal of ensuring all students, in every community, have access to high quality schools. I have been designated by the Chief Executive Officer to discuss his proposal to close Walter Reed Elementary School, hereafter referred to as "Reed," reassign Reed's pupils to Nicholson Technology Academy, hereafter referred to as "Nicholson," and adjust the attendance boundaries to Nicholson, Benjamin Banneker Elementary School, and Francis Parker Elementary School, at the end of the current school year.

We evaluated which schools would be subject to action using the criteria for consideration contained in the Chief executive Officer's Guidelines for School

Actions, hereafter referred to as, "Guidelines." Reed meets the criteria of the Guidelines for School Action because it is an existing phase-out approved by the Board of Education on February 25, 2009.

In 2009, Reed served 216 students in grade K-8. Under the phase-out, Reed decreased by one grade level each year. After two years of the phase-out, Reed now serves 44 students. If Reed is closed, its students will be reassigned to Nicholson where we believe we can provide them with a better educational opportunity. Adrian Willis, the Chief of Schools responsible for Reed, will make a more detailed statement regarding how Reed students will benefit from accelerating the phase-out and assigning them to Nicholson.

We understand that staff and families are concerned any time this kind of change is proposed. We take these decisions very seriously. Thorough and thoughtful analysis was done prior to the proposal of this action and a draft transition plan has been provided to show how we propose to effectuate a smooth transition. When we ask the important questions around equity for all students district-wide, and around our ability to provide a better education for our students immediately, we strongly believe this action is in the best interest of our students".

James Dispensa – Director of School Demographics and Planning

Mr. Dispensa provided the following testimony:

"I am the Director of School Demographics and Planning for the Chicago Public Schools in the Portfolio Office. My responsibilities include undertaking school demographic studies, enrollment projections, and the monitoring of space utilization of the public school facilities throughout Chicago. I have been in this position since October 2004.

The Chief Executive Officer has asked me to appear at this hearing today to convey to you, the parents, faculty and staff, and local school council members of Reed Elementary School, as well as interested members of the public in attendance, information relevant to the proposal to close Reed Elementary School and the assignment of Reed's remaining students to Nicholson Technology Academy Elementary School.

Reed Elementary School is located at 6350 South Stewart Street.

The declining trend in Reed's enrollment contributed to the Board of Education's decision on February 25, 2009, to phase the school out.

As a result of this action, Reed's enrollment declined from 216 to its current enrollment of 44. The school's enrollment is projected to decline to 36 for the 2012-13 school year. This projected enrollment figure is now too low for the school to continue to provide the best possible educational opportunities to its students.

I also want to note that the Reed facility is currently shared with another school – the Noble Street-Johnson Charter High School. The District expects this high school to continue operating at this facility.

It is recommended that Reed students be reassigned to Nicholson. Nicholson would easily be able to accommodate the 36 projected Reed students. During the 2001-02 school year, Nicholson’s enrollment of 805 was approximately 13% below its ideal capacity of 930. Since that time, Nicholson’s enrollment has declined at an annual average rate of 5% to the point where its enrollment today of 464 is approximately 50% below its ideal capacity.

If Reed is closed, it is also proposed that for future students Reed’s attendance area be assigned to Nicholson, Benjamin Banneker Elementary School, and Francis Parker elementary School. Please note that this proposed adjusted attendance area is the same attendance area change that was included in the phase-out plan approved by the Board in February 2009. Notwithstanding this proposed boundary change, I want to reiterate that all students currently enrolled in Reed will be assigned to Nicholson.”

Adrian G. Willis – Chief of Elementary Schools for the Englewood – Gresham Network

Mr. Willis provided the following testimony:

“I am employed by the Board of Education of the City of Chicago as the Chief of Elementary Schools for the Englewood Gresham Network.

Since August 2011, the Chicago Public Schools or CPS has been divided into 19 Networks, which includes 14 elementary school and 5 high school networks. Previously, CPS was divided into 26 areas. Network offices are run by a Chief of Schools, previously known as the Chief Area Officer or CAO or Area Instructional Office or AIO, who provides support and oversight to the schools assigned to them on behalf of the Chief Executive Officer or CEO.

Walter Reed Elementary School, hereafter referred to as "Reed," is within the Englewood-Gresham Elementary School Network, and I am the Chief responsible for the support and oversight of Reed and have been since July 2008. My responsibilities entail providing instructional support to schools and coaching, supervising, and evaluating principals. I am currently responsible for 34 schools and approximately 14,172 students.

I have over twenty-two years of experience as a teacher and administrator in the Chicago Public Schools. Prior to my service as Chief of Elementary Schools in the Englewood Gresham Network, I served as the turnaround principal of Earle Elementary School during the 2006-2007 and 2007-2008 school years. During that time, Earle experienced 13.6 percentage point gains in ISAT composite scores. Prior to that, I served four years as the principal of Keller Magnet School. Before my principalships, I was employed as an Assistant Principal for five years and a tenured teacher for more than seven. I have a Master of Arts in Educational Administration and am currently pursuing a doctorate.

The Chief Executive Officer asked me to appear at this hearing to convey to you and to the parents, staff, local school council members of Reed School, as well as interested members of the public in attendance, information relevant to the proposal to complete the phase-out initiated by the Board on February 25, 2009 and close Reed School, located at 6350 South Stewart Avenue and reassign the students to Nicholson Technology Academy, hereafter referred to as "Nicholson."

On February 25, 2009 when the Board of Education voted to begin a phase-out at Reed, the school had 216 students. Currently, Reed has only 44 students in grades 3 through 8. As a result of this low student population, Reed only qualified for three teachers for this the 2011-12 school year. Reed has one 3rd/4th grade split class; one 5th/6th grade split class, and one 7th/8th grade split class. Multi-grade or split general education classrooms are not best practices. In a split classroom, the teacher must divide his or her time between two curriculums and differentiate for a wide range of student ability levels; whereas in a single grade classroom, the teacher focuses on one curriculum and differentiates within that one curriculum to address individual student needs. In addition to the challenges that may arise in split classrooms, the following factors may adversely affect the climate at Reed:

It will be difficult for Reed to retain effective staff and recruit

Certified teachers, when the school is already in phase-out status;

Insecurity around positions may weaken the resolve of teachers charged with setting a tone of excellence among students. Positive behavioral interventions and supports are only as effective as the strong resolve of the staff; and

Declining enrollment will result in both declining parental involvement and reduced opportunities to foster external partnerships and successfully pursue grant opportunities geared towards bringing valued resources into the school.

As was mentioned earlier, since the fall of 2010, the Reed facility has also housed Johnson College Prep High School, a campus of Noble Street Charter School.

Although considerable planning went into ensuring the implementation of seamless procedures for operating a shared facility, the remaining Reed students will benefit from transitioning to an improved educational environment where they may intellectually engage with and draw motivation from more peers of the same ages and in the same grades.

The closure of Reed will also provide an opportunity for all Reed students to attend a higher-performing school according to the CPS Performance Policy. If the CEO's proposal to close Reed is approved by the Board of Education, the students currently attending Reed will be reassigned to Nicholson. As a Level 2 school, Nicholson students perform almost ten percent (10%) higher than

Network average in meeting or exceeding Illinois Standard Achievement Test or ISAT standards. In 2010-11, Nicholson received 69.0% of performance policy points while Reed received 66.7%.

Nicholson's current performance coupled with the proposed investments CPS will make will provide all of the students the transitional Reed students and returning Nicholson students access to better educational opportunities. In addition, the following supports will be available to assist the smooth transition and successful acclimation of Reed students to Nicholson:

1. Academic Supports

a. CPS will invest in additional instructional programming and personnel support at Reed to ensure the students receive the intervention and remedial support needed to boost academic achievement for the remainder of the 2011-12 school year.

b. CPS will provide Nicholson with comprehensive data on all transitioning students, which will enable the school staff to be proactive in supporting the Reed students and identifying necessary interventions to help them success academically.

c. CPS will provide transitioning Reed students with access to summer programming that will assist in familiarizing the students with the new Nicholson culture and facilities, while improving their skills.

d. CPS will invest in a literacy specialist who will work with Nicholson teachers to ensure they implement a more rigorous curriculum while providing the necessary additional supports students need.

e. CPS will also invest in adaptable reading and math intervention software to provide additional supports to assist Reed students in adjusting to Nicholson, which focuses on math and science and where mathematics specialty teachers teach the 4th through 8th grade students.

f. Additionally, as CPS advances its adoption of the Common Core State Standards, Nicholson teachers have already begun and will continue training on the new standards. This training will ensure implementation of an instructional program that will provide the students with the necessary tools to be both college and career ready.

2. Social and Emotional Supports

a. CPS's Department of Youth Development and Positive Behavior Support case managers will work directly with the Nicholson staff, along with my staff, to determine what supports are needed for Reed students to assist them with the transition. All Reed students will have access to individual and group counseling to help them understand and embrace the change taking place.

b. To help familiarize Reed students with Nicholson and meet their new teachers and administrator, Nicholson will host an open house before the end of this school year and a "Welcome Back night" at the beginning of the 2012-13 school year.

c. Reed students with disabilities will continue to receive, both for the remainder of their time at Reed and upon transitioning to Nicholson, instructional support in the general education classroom and in small group or individual settings, in accordance with their Individualized Education Plan (IEP). Nicholson's administration will work with the Office of Special Education and Supports formerly known as office of Specialized Services to ensure a full analysis of their IEPs and proper implementation and allocation of the teaching, clinical, and any other related services need to comply with the plans and meet each student's needs.

d. For any Reed student who is identified as homeless and enrolled in the Students in Temporary Living Situations (STLS) program, CPS will provide a STLS staff person at Reed one day a week from March 1, 2012, until the end of the school year and one at Nicholson one day a week from the beginning of the school year until October 31, 2012. The assigned STLS staff person will discuss school options, assist the student with enrollment, and facilitate transition into Nicholson or other schools as needed. The STLS staff will also provide input regarding any additional interventions required by STLS students to the teams providing social/emotional and academic supports.

3. The office of Safety and Security has analyzed safety and security issues that may arise as a result of the proposed closure of Reed and reassignment of the students to Nicholson.

As the Chief of Schools for both Reed and Nicholson, I firmly believe that the best chance for continued, improved academic success for the remaining Reed students is to accelerate the phase-out initiated by the Board in February 2009 and allow them to transition to Nicholson for the 2012-2013 school year. This will allow CPS to invest the combined resources of both schools, along with additional resources and supports, to advance academic achievement by providing access to higher quality educational opportunities.

Stephen Glombicki – Deputy Director of Safety and Security

Mr. Glombicki provided the following testimony:

“I am the Deputy Director of Safety and Security for the Chicago Public Schools.

I have been in this position since August 2009 and am responsible for assisting the director in overseeing all aspects of student and school safety and the development and implementation of various strategies aimed at facilitating a safe environment for our students and staff.

Prior to accepting my current position, I was a Captain with the Chicago Police Department. Prior to being a Captain, I was a Lieutenant in charge of the Gang Enforcement Operations for Area 2. I directed and was the overseer of all gang related investigations. I worked daily with the Alcohol Tobacco and Firearms division and was the official liaison to the Office of the United States Attorney for the Northern District of Illinois in referring the most violent armed career gang criminals for federal prosecution under Project Safe Neighborhoods. I have 42 years of experience with the Chicago Police Department. I have a Bachelors of Science in Law Enforcement Management.

I have been asked to appear at this hearing today to convey to you, the Reed parents and community, as well as interested members of the public in attendance, information regarding safety and security relevant to the proposal to close Reed Elementary School.

The Office of Safety and Security or OSS is prepared to address any safety and security challenges that may arise, if this proposal is approved. OSS will work together in partnership with local community groups, elected officials, other sister agencies, and the Chicago Police Department, specifically with the Seventh District, to ease the transition's safety and security needs. Specifically, OSS will host a monthly safety and security task force meeting involving all of these stakeholders, parents, and other interested community members.

If this proposed action is approved, CPS will provide additional Safe Passage supports to the community affected by the closing of Reed. Safe Passage workers wear identifiable vests and stand on designated street corners to monitor students' safety during their travel to school in the morning and home in the afternoon. For the 2012-13 school year, additional Safe Passage workers will be placed at the following intersections:

- 60th Street and Peoria and
- 60th Street and Halsted

The placement of these additional Safe Passage workers is illustrated with stars on the map showing the new attendance boundary that is located in your binder at tab 15©.

Copies were also available at registration.

If this proposal is approved, OSS is committed to providing safety and security support for the transitioning Reed students. Nicholson will continue to be staffed with safety and security personnel to keep all students and staff safe within the school building. Additionally, members of the climate team, a support group designed to address challenging security issues at CPS high schools, will be deployed to Nicholson, as needed. OSS will also conduct security audits at Nicholson and provide in-service training to school staff as needed to reinforce training on de-escalating conflict and engaging with students”.

Comments from the Public on Reed Closing:

Jerome Altman – Concerned Citizen

Mr. Altman commented as follows:

“I do not believe this is a problem of the school board. I do not believe this is a problem of the teachers. I do not believe this is a problem for the union. I don’t believe this is a problem of the parents. I believe this is a problem for the youth of the community.

I feel that what needs to happen is that we all need to get in s room together and fix the problem”.

Tom Hayes – Concerned Citizen

Mr. Hayes commented as follows:

“I think they need to work together, even if it takes the community, with the board, the teachers, have a mediator, you know, they saying close Reed and transfer them to Nicholson.”

“Something they need to think about is doing rezoning...because of the crime, because the kids, they are the ones in jeopardy, and I think we need to consider them instead of the

other things that goes....with the board....I think we need to consider the kids, their wellbeing and their safety.”

I also listened to the officer just now, and he said he was going to put up patrols there...that’s not going to work...because they have the blue lights that’s up now, and they don’t do this justice, with all the things happening now, especially in Englewood now.”

Alix Guevera – Special Education Teacher CPS

Ms. Guevera commented as follows:

“I have been in communication with the Reed staff, and I wanted to share a little bit of my reflection on communications with them.” “First....it would be important that the Board and CPS get a genuine reflection of what their phase-out policy has done to Reed School community, because from my knowledge, many of the teachers that were a part of this initial phase-out have left Reed.now there is a staff of people who are new to Reed School....I really think CPS has to do an exhaustive analysis and research into their phase-out policy and how it really impacts the school community...the staff...families... and students. And I don’t think it is difficult to do that, but when you have hearings at 8:00p.m. at night at 125 South Clark, it is difficult for this community to come out and get their....voices heard about how.....this has really impacted their students families and the community.I think CPS has to go the extra mile to really get input from the staff... families and from the school community about how this has impacted Reed School.”

“The second thing that we haven’t really emphasized a lot is that there is currently a co-share with Noble Street Charter School, the Johnson High school, and I just want to know more information about will they be allowed to use the rest of the building? Are there additional

resources that are now going to be invested to allow them access to what was, ...Reed School?...What is going to be the status of the co-share next year? ...lastly, when you phase-out a school is the intended outcome for the school to be closed. And if that is the case, that really needs to be studied and really researched on how that impacts the school community.”

Nathan Goldbaum – Concerned Citizen Caucus of Rank-and-File Educators

Mr. Goldbaum commented as follows:

“...I am here to talk about this because the question you had about Noble Street Charter School was a really good one, because this is actually a pattern that we have seen, whether it has been openly acknowledged or not. That is the phase out voted on in 2009, and in 2011, the building was given to Nobel Street Charter to phase –in. This is related to, you may have heard in the news, our new board member, Tim Cawley, was quoted as saying that ..they don’t put resources into a school if they expect to close it in the next five to ten years. They prefer to put extra resources in new schools, in turn-around schools because they, ...get more bang for their buck. And we see this has actually been part of the plan for charterization of Chicago Public Schools. The increase of privatization and with, the , well they call it school choice, but really school competition and increase in inequity in Chicago Public Schools.....I mean this is the last gasp of Reed.this is the culmination of a plan that was put into effect three years ago, four years ago, or maybe ten years ago, but it was voted on in 2009.

So I hope that as Hearing Officer you would not report on what’s specific to Reed, but would see Reed as an opportunity to investigate the entire phase-out strategy and ..get to the bottom of what’s....the relationship between closings and phase-outs and new schools being put into the same buildings....So I hope that ..you will see this report as an opportunity to ask

deeper questions about the entire Renaissance 2010, the entire strategy if school closings and re-openings under more privatized plans for education.”

Summary of Documents Received

Documents submitted at the Hearing by CPS

The CEO, through the CPS Law Department , submitted several documents at the hearing that were received by the Hearing Officer and made a part of the record in this case. Those documents included: 1) Notice of hearing dated November 30, 2012, along with a Draft Transition Plan for the proposed closure of Walter Reed Elementary School, to the parents and guardians of students , personnel and local school council members, and elected officials of Walter Reed Elementary School and Nicholson Academy, as well as an Affidavit of Service regarding the delivery of said notices; 2) Copies of the published newspaper notifications and an Affidavit regarding the publication; 3) The powers of the Board Of Education , effective January 1, 2012, Board policy on the Review and Establishment of school attendance boundaries, Guidelines for School Actions 2011-2012, and the Chief Executive Officer’s Procedures for Public Hearings on Proposed School Closure, Consolidation, Phase-Out, Reconstitution, or Reassignment of boundary change; 4) A copy of relevant statutory provisions; 5) Transcript and summary of the January 6, 2012 community meeting; 6) Map of Attendance Area Boundary Change and location of Safe Passage Workers.

Documents Submitted at the Hearing by Reed Elementary School

No documents or testimony was submitted by Reed Elementary School.

Additional Written Testimony Submitted Post-Hearing

The record in this matter was left open following the Public Hearing held on Monday January 23, 2012 until Tuesday January 24, 2012 at 5:00 p.m., to allow the Hearing Officer to receive additional comments. The following documents were submitted to the Hearing Officer during this period and will be included as a part of the record in this matter: 1) Summary of the January 20, 2012 Community Meeting for the Proposal to Close Reed Elementary School; 2) A supplemental letter from the Law Department of the Chicago Board of Education dated January 24, 2012.

STATEMENT OF FINDINGS

1. Proper notice of the hearing in this matter was given as required by Illinois law, the Chicago Public Schools' Policy on Closings of Schools, and the Procedures for Hearings on Proposed School Closings, Consolidations, Attendance Area Boundary Changes, or Reconstitution. The purpose of the Public Hearing was to give representatives of the Chief Executive Officer ("CEO"), parents and guardians of the students of the school, members of the local school council, members of the schools' staff, the schools' Principals, representatives of the Chicago Teachers Union, Elected Officials within the schools' boundaries, and interested members of the public, opportunities to comment on the CEO's proposal that Walter Reed Elementary School be closed and its remaining students reassigned to Nicholson Technology Academy and that the geographical boundary currently associated with Reed be reassigned to Nicholson, Benjamin Banneker and Francis Parker Elementary School .

2 . Pursuant to notice two Community meetings were held in this matter on January 6, and 20, 2012 and on January 23, 2012 a public hearing was held at the Board of Education, 125 South Clark, Chicago , Illinois. The hearing was convened at 8:00 p.m. in accordance with 105 ILCS 5/34-230. The Public Hearing was conducted in compliance with all applicable Board Policies.

3) The Chief Executive Officer(CEO) is charged with the overall management of the Chicago Public Schools, and possesses all other powers and duties granted the General Superintendent to mandate the courses of studies required by state law, textbooks, educational

apparatus and equipment, discipline in the conduct of the schools, and any such other duties as the Board may prescribe by rule, in accordance with 105 ILCS 5/34-3.3.

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

5) The CEO’s proposal for Walter Reed Elementary School , located at 6350 South Stewart , Chicago, Illinois is that it be closed at the end of the current school year, 2011-2012, and that returning Reed students be reassigned to the Nicholson Technology Academy , located at 6006 South Peoria Street, Chicago, Illinois. The CEO also recommends that the geographical boundary currently associated with Reed be reassigned to Nicholson Technology Academy; Benjamin Banneker Elementary School, located at 6656 South Normal Boulevard; and Francis Parker Elementary School, located at 6800 South Stewart Avenue. As a result of the phase-out which commenced in 2009, Reed currently has 44 students enrolled and 36 students projected to be enrolled during the 2012-13 school year.

6) The CEO proposal for Reed was made pursuant to the “Guidelines for School Actions”(guidelines), the purpose of which was to focus attention on the Chicago Public Schools’ lowest performing schools and the communities most in need of better performing options. Guideline(2) which is applicable to Reed provides that the action proposed by the CEO can be taken if a school is in the process of phasing out based on previous action by the Board. The Board approved a phase-out of Reed on February 25, 2009.

7) Reed Elementary School is located at 6350 South Stewart .Chicago Public School considers Reed to be a school located in a community that needs better performing options. Reed performance is currently at level(2) which means it is not on probation it is however, an

under enrolled school. Reeds enrollment has fallen by 80% over the last two years, from 216 in 2009-2010 to 44 students in 2011-2012, and is projected enrollment for 2012-2013 is 36. It is noted that this drop in enrollment is due primarily to the previous phase-out action by the Board on February 25, 2009. This projected enrollment is now too low for the school to continue to provide the best possible educational opportunities to its students. Because of this decrease in enrollment CPS believes that the academic needs of returning Reed students would be better met by Nicholson Technology Academy. Nicholson is also a level(2) school but its students performed almost ten percent(10 %) higher than Network average in meeting or exceeding Illinois Standard Achievement Test(ISAT) . In 2010-11, Nicholson received 69.0% of performance policy points while Reed received 66.7%. CPS has indicated that it intends to make sure that Reed students maintain and improve their performance by providing targeted supports to the students and staff to aid in the transition.

8) Reed currently has a split 3 / 4 grade classroom , a split 5/6 grade classroom and a split 7/8 grade classroom. There are 3 teachers and a principal assigned to Reed. Multi-grade or split general educational classrooms are not best practices. In a split classroom, the teacher must divide his or her time between two curriculums and differentiate for a wide range of student ability levels. Further the current situation at Reed makes it difficult to retain effective staff and recruit certified teachers, further it results in declining parental participation and weakens teacher resolve to demand excellence in student performance.

9) The CEO may recommend closure of a school to the Board of Education following a public hearing pursuant to the Board's Policy on Closure of Schools(07-0523-P02) . One of the non –academic reasons to close a school is space utilization level. "Space Utilization Level" is

defined as when the “space available at a school or schools in close proximity is not being used in the most efficient, cost-effective manner.” An under –enrolled school (in this case due to the phase-out) is not using its space in an efficient, cost effective manner. The CEO’s recommendation for Reed was made in accordance with this provision.

10) Since the fall of 2010, the Reed facility has housed Johnson College Prep High School, a campus of the Noble Charter School. Since Reed students are all elementary level they will benefit from transitioning to an educational environment where they may intellectually engage with and draw motivation from peers of the same ages and in the same grades. The Johnson College Prep High school will remain in the Reed building for the 2012-2013 school year after Reed students are reassigned to Nicholson.

11) All current Reed students will be assigned to Nicholson. All students will be advised of their school assignment in letters to their parents, if the Board approves the Closure of Reed. CPS has pledged to provide all the students, the transitioning Reed Students and the returning Nicholson students, access to better educational opportunities. In addition, CPS will offer additional academic supports to assist in the smooth and successful acclimation of Reed students to Nicholson. The CPS’ Department of Youth Development and Positive Behavior Support case managers will work directly with Nicholson staff to determine what supports are needed for Reed students to assist them with the transition.

12) Reed students with disabilities and students participating in the Students in Temporary Living Situations Program who currently attend Reed will continue to be serviced and will receive additional support services to assist in their transition to Nicholson.

13) Reed is situated in Englewood which is a high crime area and where there is high gang activity, therefore elevated safety concerns are raised for the proposed transitioning of Reed students who may be required to travel in new gang territory. Mr. Stephen Glombicki, Deputy Director of the Office of the Safety and Security(OSS) for Chicago Public Schools , stated that the OSS is prepared to address any safety and security challenges that may arise for Reed students if the proposal to close Reed is approved. In an effort to address safety concerns Safe Passages Workers have been proposed to assist Reed students if the CEO's proposal is approved. In a supplemental submission to the record, Mr. Gombicki indicated that when assessing potential security issues related to the proposed reassignment of Reed students to Nicholson, the OSS looked at the gangs and reviewed gang related shootings in the Englewood area. They also informed the Commander of the 7th Police District of the proposed action for Reed and discussed any issues Reed students may encounter as a result of the proposed transition. They determined that given the changing dynamics of gangs in the Englewood area that they would reassess the safety concerns at the beginning of the school year to determine if any additional measures will be required to insure the safety of Reed students if the proposed action is approved.

14) There was no testimony from the Reed parents, teachers, or local school council during the hearing. Public comments from concerned citizens focused on the effect of the phase-out decision on the Reed community. Specifically, they were concerned that once a phase –out decision was made, there was no opportunity to prevent the school closure or turn the school around. They asked that the Hearing Officer investigate this process. A review of the laws effecting the appointment of Hearing Officers for these matters reveal that the

jurisdiction of the Hearing Officer pursuant to 105 ILCS 5/34-230 is limited. In accordance to section 230, the Hearing Officers function is to determine whether the CEO complied with the Guidelines issued in accordance to this section. That jurisdiction does not extend to matters or actions previously taken by the CPS Board regarding the school in question, as such, it is beyond the authority of the Hearing Officer in this matter to investigate the phase-out process for Reed approved by the Board on February 25, 2009. Questions regarding the impact of the phase out-plans for Reed should have been addressed at the public hearing held prior to the February 25, 2009 determination.

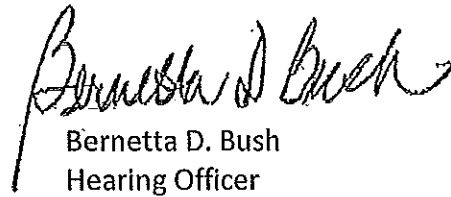
CONCLUSION

The Hearing Officer finds that the CEO has complied with all applicable Illinois laws, and Chicago Public Schools' Policies, Guidelines and Procedures regarding his proposal that Walter Reed Elementary School , located at 6350 South Stewart, be closed at the end of the current school year and that returning Reed students be reassigned to Nicholson Technology Academy, located at 6006 South Peoria Street. Further that the geographical boundary currently associated with Reed be reassigned to Nicholson, Benjamin Banneker Elementary School, located at 6656 South Normal Boulevard, and Francis Parker Elementary School, located at 6800 South Steward Avenue. While the issues raised by the concerned citizens about the impact of phase-out plans on the viability of the community were not addressed by this Hearing Officer due to jurisdictional concerns, it is this recommendation of the Hearing Officer that greater community input be provided on this issue in the future before a determination is made by the Chicago Board of Education to phase-out a school.

The CEO's recommendation for closure and a change in boundaries is based on the declining enrollment at Reed which is currently 44 and is projected to be 36 for the next school year. The Hearing Officer finds that the CEO's recommendation for closure of Reed and a change in the boundaries of Reed at the end of the current school year, due to this decline is not an abuse of discretion afforded the CEO, and therefore should be sustained by the Board of Education.

FURTHER THE HEARING OFFICER SAYETH NOT

Respectfully submitted,



Bernetta D. Bush
Hearing Officer