

Board of Education of the
City of Chicago

In Re: The Matter of
The Proposed Reconstitution of
Wendell Smith Elementary School

Before
Fredrick H. Bates
Independent Hearing Officer

Background

Introduction

On or about January 9, 2012, the undersigned was retained by the Chief Executive Officer (“CEO”) of the Chicago Public Schools (“CPS”) to serve as an Independent Hearing Officer in this matter. On Thursday, February 2, 2012, a hearing was convened at the Board of Education of the City of Chicago, 125 South Clark Street, Chicago, Illinois. The purpose of the hearing was to enable the Hearing Officer to receive public comments from concerned persons, specifically including representatives of the CEO, members of the local school council, parents, students, members of the school’s staff, the Principal, representatives of the Chicago Teachers’ Union, and interested members of the public, concerning the CEO’s proposal to Turnaround Wendell Smith Elementary School via Reconstitution. CPS served notice of the hearing on the parents, staff members, Principal, and members of the Local School Council via U.S. Mail, and/or personal service. 102 individuals signed the attendance sheet at the public hearing. Approximately 32 people requested to speak at the hearing, and all but 1 student was provided the opportunity to do so. The record was left open for the submission of written materials.

The Smith school community submitted multiple documents after the hearing, as described below.

Pursuant to the directives provided in the document entitled “Procedures For Public Hearings On Proposed School Closures, Consolidation, Co-Location, Phase Out, Reconstitution, Or Reassignment Boundary Change,” the undersigned summarizes below the input received at the Public Hearing.

Relevant Statutory Provisions and Board Policies/Procedures

The relevant statutory provisions include, but are not necessarily limited to the following, which state in pertinent part as follows:

Sec. 34—8.3. Remediation and probation of attendance centers

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- (d) **Schools placed on probation that, after a maximum of one year, fail to make adequate progress in correcting deficiencies are subject to the following** action by the general superintendent with the approval of the board, after opportunity for a hearing: ...

(4) Reconstitution of the attendance center and replacement and reassignment by the general superintendent of all employees of the attendance center. *(Emphasis added).*

Sec. 34-18. Powers of the board.

The board shall exercise general supervision and jurisdiction over the public education and the public school system of the city, and, except as otherwise provided by this Article, shall have power:

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- 7. To apportion the pupils to the several schools; provided that no pupil shall be excluded from or segregated in any such school on account of his or her color, race, sex, or nationality. The board shall take into consideration the prevention of segregation and the elimination of separation of children in public schools because of color, race, sex, or nationality.

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24. To develop a policy, based on the current state of existing school facilities, projected enrollment and efficient utilization of available resources, for capital improvement of schools and school buildings within the district, addressing in that policy both the relative priority for major repairs, renovations and additions to school facilities, and the advisability or necessity of building new school facilities or closing existing schools to meet current or projected demographic patterns within the district;

The Board's School Performance, Remediation and Probation Policy for the 2011-2012

School Year provides in part:

That the Chicago Board of Education adopt a School Performance, Remediation and Probation Policy for the 2011-2012 School Year.

I. Purpose and Goals

This policy shall establish the standards and criteria for placing a school on Remediation or Probation for the 2011-2012 school year based on assessments administered in Spring 2011 and other performance data from prior school years. A school's accountability status from the 2010-2011 school year shall remain in effect until such time as the school is notified of their new status issued in accordance with this policy.

This policy sets out a systematic means for identifying schools in need of remedial assistance and increased oversight due to insufficient levels of achievement. Section 5/34-8.3 of the Illinois School Code provides for the remediation and probation of attendance centers and for the Chief Executive Officer to monitor the performance of each school using the criteria and rating system established by the Board to identify those schools in which: (1) there is a failure to develop, implement, or comply with the school improvement plan; (2) there is a pervasive breakdown in the educational program as indicated by various factors such as the absence of improvement in reading and math achievement scores, an increased drop-out rate, a decreased graduation rate, or a decrease in the rate of student attendance, or (3) there is a failure or refusal to comply with the provisions of the School Code, other applicable laws, collective bargaining agreements, court orders, or with applicable Board rules and policies.

The Board recognizes that an effective and fair school remediation and probation system considers student test score performance, student growth and progress trends. Therefore, this policy establishes a comprehensive system to assess school performance in order to identify, monitor and assist

schools with low student test scores as well as schools with stagnant or insufficient rates of student improvement.

II. Scope of the Policy

All Chicago Public Schools (“CPS”) shall be subject to this policy, except charter schools under contract with the Board. A charter school shall receive an accountability designation using the criteria hereunder for purposes of comparison to other CPS schools and public reporting. A decision to renew or revoke a school’s charter is governed by the terms of a school’s applicable performance agreement and accountability plan with the Board. Schools newly established by the Board shall receive an accountability designation after the third year of operation or at such time as adequate measures of student achievement become available.

III. Definitions

Remediation: An accountability designation assigned to schools where the Chief Executive Officer (“CEO”) determines that a school’s budget or any amendment thereto may compromise the implementation of the school’s No Child Left Behind Act (NCLB) Corrective Action measures or Restructuring Plan.

Probation: An accountability designation assigned to non-performing schools where the CEO determines, utilizing the criteria set out in this policy, that a school requires remedial probation measures as described in this policy, including increased oversight, to address performance deficiencies.

Good Standing: An accountability designation assigned to schools where the CEO determines, based on the criteria set out in this policy, that student performance and improvement meets or exceeds district standards.

Adequate Yearly Progress: School rating issued by the Illinois State Board of Education that identifies if students are improving their performance based on the established annual targets.

Achievement Level 1: Shall mean the rating for:

- an elementary school with a total performance score of thirty (30) or above or with at least 71% of the available performance points; or
- a high school that obtains a total performance score of twenty-eight (28) or above or with at least 66.7% of the available performance points.

Achievement Level 2: Shall mean the rating for:

- an elementary school with a total performance score of twenty-one (21) to twenty-nine (29) or with 50%-70.9% of the available performance points; or

- a high school that obtains a total performance score of eighteen and two-thirds (18.67) to twenty-seven and two-thirds (27.67) or with 44%-66.6% of the available performance points.

Achievement Level 3: Shall mean the rating for:

- an elementary school that obtains a total performance score of twenty (20) or below or with less than 50% of the available performance points; or
- a high school that obtains a total performance score of eighteen and one-third (18.33) or below or with less than 44% of the available performance points.

Value-Added: Shall mean the metric that assesses school effects on students' academic growth, controlling for student characteristics, grade level, and prior performance through a regression methodology. Academic growth is measured by the change in scale score points on the ISAT from one year to the next.

ISAT: means the Illinois Standards Achievement Test.

ISAT Composite: means the composite score from ISAT Reading, Mathematics and Science test results.

PSAE: means the Prairie State Achievement Examination.

PSAE Composite: means the composite score from PSAE Reading, Mathematics and Science test results.

EPAS: means the series of three assessments (Explore, PLAN and ACT) that are administered to high school students in the following order: (1) Explore – administered to high school freshmen, (2) PLAN –administered to high school sophomores, and (3) ACT - administered to high school juniors.

Freshmen On Track: Shall mean the percentage of first-time freshmen students who earn five credits in their freshman year and fail no more than one semester core course (English, Mathematics, Science and Social Science).

One-Year Drop-out Rate: Shall mean the percentage of students who drop-out in a given year who have not previously dropped out.

Membership Days: Shall mean the number of days that the students on a school's enrollment register should be in attendance. Membership days will end for 8th and 12th graders on the date of graduation authorized by the Board and shall be adjusted for students with medically fragile conditions.

Attendance Rate: Shall mean the total number of actual student attendance days divided by the number of total student membership days.

Advanced Placement (AP) Class: Shall mean a college-level course approved by the College Board to be designated as AP in accordance with established requirements.

International Baccalaureate (IB) Class: Shall mean a college-level course approved by the International Baccalaureate Organization to be designated as an IB class in accordance with established requirements.

AP Exam: Shall mean the end of course exam established by the College Board that is administered upon completion of an AP Class.

IB Exam: Shall mean the end of course exam established by the International Baccalaureate Organization that is administered upon completion of an IB class.

IV. PERFORMANCE EVALUATION SYSTEM

A. Calculation of Score

Every school shall receive a performance score based upon its level of current performance, trend over time and student growth as described in Section V below. A school will be evaluated on each of the accountability indicators identified in Section V using best available data and will receive a score for each indicator as well as a total performance score that accounts for the school's overall performance on all accountability indicators. The total performance score will be used to determine whether a school qualifies for an Achievement Level 1, 2 or 3 rating. A school shall receive an accountability status hereunder whereby the school shall be identified as either on Probation, in Good Standing or in Remediation, as further described herein.

B. Determinations

1. Scoring Exceptions: Schools that do not qualify for all performance points hereunder due to the following circumstances shall have their Achievement level determinations based on the percentage of available points earned rather than the actual points earned: (a) if data for the two previous years is not available for a particular metric measuring change over time, the school will not get a score for that metric; (b) if data is available but not reliable due to no fault of the school, the CEO may remove the affected metric from consideration and the school will not get a score for that metric. ISAT and PSAE scores of students who are English Language Learners in program years 0-5 will not be factored into current status or trend scores hereunder.

2. Accountability Status Determination: A school with an Achievement Level 3 score hereunder shall receive Probation status. A school with an Achievement Level 1 score or an Achievement Level 2 score hereunder shall receive Good Standing status, except for the following which shall receive Probation status hereunder:

- a. A school that has not satisfied the following minimum ISAT or PSAE composite score requirement:
 - i. Elementary school minimum 2011 ISAT Composite score - 50% meeting or exceeding state standards.
 - ii. High school minimum 2011 PSAE Composite score - 10% meeting or exceeding state standards.
- b. A school that has not satisfied all applicable sustained academic improvement requirements set out in Section VII. as follows:
 - i. A school with a prior Probation status must receive an Achievement Level 1 rating or Achievement Level 2 rating for 2 consecutive years to be removed from Probation; or
 - ii. A school where the Board has taken an action under 105 ILCS 5/34-8.3(d)(2) or (4) must remain on Probation for a minimum of 5 years or until the school has made Adequate Yearly Progress for 2 consecutive years, whichever occurs later.

Notwithstanding the foregoing, a school with Good Standing status may be placed in Remediation in accordance with Section IV.B.3.

3. NCLB School Improvement Status: For schools not on Probation but that have either “Corrective Action”, “Restructuring Planning” or “Restructuring Implementation” status under NCLB, the CEO reserves the right to place the school in Remediation status at any time if the CEO determines that the school’s budget or any amendment thereto may compromise the implementation of the school’s NCLB Corrective Action or Restructuring Plan.

V. ACCOUNTABILITY INDICATORS, STANDARDS AND SCORING

A. Elementary School Indicators, Standards and Scoring

An elementary school may receive a total performance rating score ranging from zero (0) to forty-two (42). For the 2011-2012 school year, the current status, trend and growth indicators and standards that determine an elementary school’s performance score shall be as follows:

1. ISAT Mathematics – 6 possible points

a. Current Status - An elementary school shall be evaluated on the percentage of students ***meeting or exceeding*** state standards as indicated by the school's ISAT mathematics results. Current status is determined by averaging the school's ISAT mathematics results from tests administered in Spring 2010 and Spring 2011. If the school does not have two years of data, one year of data will be used. A school shall receive points towards its overall performance score as follows:

80% or more meeting or exceeding = 3 points
70%-79.9% meeting or exceeding = 2 points
50%-69.9% meeting or exceeding = 1 point
Under 50% meeting or exceeding = 0 points

b. Trend - An elementary school shall be evaluated on improvement in the percentage of students ***meeting or exceeding*** state standards on ISAT Mathematics. Improvement trend is determined by comparing the 2011 score with the average score of the three previous years. If the school does not have three previous years of data, the previous two years will be used. A school shall receive points as follows:

- For schools with 0%-89.9% of students meeting or exceeding state standards on the 2011 ISAT mathematics assessment, points are earned as follows:

No Improvement = 0 points
Improvement of at least 0.1 but under 3.0 percentage points = 1 point
Improvement of at least 3.0 but under 6.0 percentage points = 2 points
Improvement of at least 6.0 percentage points = 3 points

- Schools with 90% or more of students meeting or exceeding state standards on the 2011 ISAT mathematics assessment automatically earn 3 points regardless of improvement.

2. ISAT Reading – 6 possible points

a. Current Status - An elementary school shall be evaluated on the percentage of students ***meeting or exceeding*** state standards as indicated by the school's ISAT reading results. Current status is determined by averaging the school's ISAT reading results from tests administered in Spring 2010 and Spring 2011. If the school does not have two years of data, one year of

data will be used. A school shall receive points towards its overall performance score as follows:

80% or more meeting or exceeding = 3 points
70%-79.9% meeting or exceeding = 2 points
50%-69.9% meeting or exceeding = 1 point
Under 50% meeting or exceeding = 0 points

b. Trend - An elementary school shall be evaluated on improvement in the percentage of students *meeting or exceeding* state standards on ISAT reading. Improvement trend is determined by comparing the 2011 score with the average score of the three previous years. If the school does not have three previous years of data, the previous two years will be used. A school shall receive points as follows:

- For schools with 0%-89.9% of students meeting or exceeding state standards on the 2011 ISAT reading assessment, points are earned as follows:

No Improvement = 0 points
Improvement of at least 0.1 but under 3.0 percentage points = 1 point
Improvement of at least 3.0 but under 6.0 percentage points = 2 points
Improvement of at least 6.0 percentage points = 3 points

- Schools with 90% or greater of students meeting or exceeding state standards on the 2011 ISAT reading assessment automatically earn 3 points regardless of improvement.

3. ISAT Science – 6 possible points

a. Current Status - An elementary school shall be evaluated on the percentage of students *meeting or exceeding* state standards as indicated by the school's ISAT science results. Current status is determined by averaging the school's ISAT science results from tests administered in Spring 2008 and Spring 2011. If the school does not have two years of data, one year of data will be used. A school shall receive points towards its overall performance score as follows:

80% or more meeting or exceeding = 3 points
70%-79.9% meeting or exceeding = 2 points
50%-69.9% meeting or exceeding = 1 point
Under 50% meeting or exceeding = 0 points

b. Trend - An elementary school shall be evaluated on improvement in the percentage of students *meeting or exceeding* state standards on ISAT

science. Improvement trend is determined by comparing the 2011 score with the average score of the three previous years. If the school does not have three previous years of data, the previous two years will be used. A school shall receive points as follows:

- For schools with 0%-89.9% of students meeting or exceeding state standards on the 2011 ISAT science assessment, points are earned as follows:

No Improvement = 0 points

Improvement of at least 0.1 but under 3.0 percentage points = 1 point

Improvement of at least 3.0 but under 6.0 percentage points = 2 points

Improvement of at least 6.0 percentage points = 3 points

- Schools with 90% or greater of students meeting or exceeding state standards on the 2011 ISAT science assessment automatically earn 3 points regardless of improvement.

4. ISAT Composite - All Grades – 6 possible points

a. Current Status - An elementary school shall be evaluated on the percentage of students in all grades who are *exceeding* state standards as indicated by the school's ISAT Composite. Current status is determined by averaging the school's ISAT Composite results from tests administered in Spring 2010 and Spring 2011. If the school does not have two years of data, one year of data will be used. A school shall receive points towards its overall performance score as follows:

25% or more exceeding = 3 points

15%-24.9% exceeding = 2 points

5%-14.9% exceeding = 1 point

Under 5% exceeding = 0 points

b. Trend - An elementary school shall be evaluated on improvement in the percentage of students in all grades who are *exceeding* state standards on ISAT Composite. Improvement trend is determined by comparing the 2011 score for all students with the average score of the three previous years. If the school does not have three previous years of data, the previous two years will be used. A school shall receive points as follows:

- For schools with 0%-89.9% of students in all grades exceeding state standards on the 2011 ISAT Composite, points are earned as follows:

No Improvement = 0 points

Improvement of at least 0.1 but under 3.0 percentage points = 1 point

Improvement of at least 3.0 but under 6.0 percentage points = 2 points

Improvement of at least 6.0 percentage points = 3 points

- Schools with 90% or greater of students in all grades exceeding state standards on the 2011 ISAT Composite automatically earn 3 points regardless of improvement.

5. ISAT Composite – Highest Grade Students – 6 possible points

a. Current Status - An elementary school shall be evaluated on the percentage of students in the school's highest grade level who are *exceeding* state standards as indicated by the school's ISAT Composite. Current status is determined by averaging the school's ISAT Composite results for students in the highest grade from tests administered in Spring 2010 and Spring 2011. If the school does not have two years of data, one year of data will be used. A school shall receive points towards its overall performance score as follows:

25% or more exceeding = 3 points

15%-24.9% exceeding = 2 points

5%-14.9% exceeding = 1 point

Under 5% exceeding = 0 points

b. Trend - An elementary school shall be evaluated on improvement in the percentage of students in the school's highest grade level who are *exceeding* state standards on ISAT Composite. Improvement trend is determined by comparing the 2011 score for students in the highest grade with the average score of the three previous years. If the school does not have three previous years of data, the previous two years will be used. A school shall receive points as follows:

- For schools with 0%-89.9% of students in the highest grade exceeding state standards on the 2011 ISAT Composite, points are earned as follows:

No Improvement = 0 points

Improvement of at least 0.1 but under 3.0 percentage points = 1 point

Improvement of at least 3.0 but under 6.0 percentage points = 2 points

Improvement of at least 6.0 percentage points = 3 points

- Schools with 90% or greater of students in the highest grade exceeding state standards on the 2011 ISAT Composite automatically earn 3 points regardless of improvement.

6. Attendance – 6 possible points

a. Current Status - An elementary school shall be evaluated on its average attendance rate from the two most recent school years. To determine current

status, a school's average attendance rates from the 2009-2010 school year and from the 2010-2011 school year will be averaged. If two years of data are not available, one year of data will be used. A school shall receive points towards its overall performance score as follows:

- 95% or more attendance rate = 3 points
- 93%-94.9% attendance rate = 2 points
- 90%-92.9% attendance rate = 1 point
- Under 90% attendance rate = 0 points

b. Trend - An elementary school shall be evaluated on improvement of its average attendance rate. Improvement trend is determined by comparing the 2010-2011 attendance rate with the average rate of the three previous years. If the school does not have three previous years of data, the previous two years will be used. A school shall receive points as follows:

- For schools with a 2010-2011 attendance rate of 0%-94.9%, points are earned as follows:

- No Improvement = 0 points
- Improvement of at least 0.1 but under 0.5 percentage points = 1 point
- Improvement of at least 0.5 but under 1.0 percentage points = 2 points
- Improvement of at least 1.0 percentage points = 3 points

- Schools with a 2010-2011 attendance rate of 95% or greater earn 3 points regardless of improvement.

7. Value-Added – ISAT Reading – 3 possible points

Current Status – An elementary school shall be evaluated on its Value-Added scale score gain for ISAT reading and shall receive points towards its overall performance score as follows:

At least one standard deviation above the district average in 2011 = 3 points

Greater than or equal to the district average, but less than one standard deviation above the district average in 2011 = 2 points

Below the district average, but by no more than one standard deviation in 2011 = 1 point

More than one standard deviation below the district average in 2011 = 0 points

8. Value-Added - ISAT Mathematics – 3 possible points

Current Status – An elementary school shall be evaluated on its Value-Added scale score gain for ISAT mathematics and shall receive points towards its overall performance score as follows:

At least one standard deviation above the district average in 2011 = 3 points

Greater than or equal to the district average, but less than one standard deviation above the district average in 2011 = 2 points

Below the district average, but by no more than one standard deviation in 2011 = 1 point

More than one standard deviation below the district average in 2011 = 0 points

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VI. SCHOOLS IDENTIFIED AS NEEDING REMEDIAL ASSISTANCE

On a date to be determined by the CEO or his designee, after school performance data is available, schools will be notified as to their accountability designation hereunder.

A. Schools Placed on Remediation

Any school that receives a Remediation status as described in Section IV.B. hereunder shall participate in a remedial program in which a Remediation Plan is developed by the CEO. A Remediation Plan may include one or more of the following components:

1. Drafting a new school improvement plan;
2. Additional training for the local school council;
3. Directing the implementation of the school improvement plan; and
4. Mediating disputes or other obstacles to reform or improvement at the school.

In creating a Remediation Plan, the CEO or designee shall monitor and give assistance to these schools to ensure that all aspects of the plan, including the school budget, address the educational deficiencies at these schools and ensure the development and full implementation of a school's NCLB Corrective Action measures and/or Restructuring plan.

For all schools placed on Remediation, the CEO or designee shall approve the final Remediation Plan, including the school budget.

B. Schools Placed on Probation

1. School Improvement Plan and Budget: Each school placed on Probation shall have a school improvement plan and a school budget for correcting deficiencies identified by the Board. The CEO or designee shall develop a school improvement plan that shall contain specific steps that the local school council and the school staff must take to correct identified deficiencies. The school budget shall include specific expenditures directly calculated to correct educational and operational deficiencies identified at the school.

In creating or updating the required plan, the CEO or designee shall give assistance to Probation schools to ensure that all aspects of the plan, including the school budget, reflect and are tailored to the individual needs of the school and that the plan addresses the educational deficiencies at these schools. For schools with a federal school improvement status for failure to make adequate yearly progress (AYP), the school improvement plan shall also include strategies and activities to achieve AYP and ensure the development and full implementation of the school's NCLB Corrective Action measures and/or Restructuring plan, as applicable.

The Board shall approve school improvement plans and budget for all schools, including schools placed on Probation, as part of the annual school fiscal year budget resolution. Any updates to such school improvement plan or school budget to address new data on the deficiencies at Probation schools and schools with a federal school improvement status shall be approved by the Board in accordance with the state's timeline for Board approval of federal school improvement plans. Thereafter, any amendments to the school improvement plan or budget shall be approved by the CEO or designee.

Except when otherwise specified by the CEO, the Chief Area Officer (CAO) and CAO designees shall serve as the probation team that will identify the educational and operational deficiencies at Probation schools in their Area to be addressed in the school improvement plan and budget presented to the Board for approval.

2. Monitoring: The CEO or designee shall monitor each Probation school's implementation of the final plan and the progress the school makes toward implementation of the plan and the correction of its educational deficiencies.

3. Additional Corrective Measures: **Schools placed on Probation that, after at least one year, fail to make adequate progress in correcting deficiencies are subject to the following actions by the approval of the Board, after an opportunity for a hearing:**

- a. Ordering new local school council elections;
- b. Removing and replacing the principal;
- c. Replacement of faculty members, subject to the provisions of Section 24A-5 of the Illinois School Code;
- d. Reconstitution of the attendance center and replacement and reassignment by the CEO of all employees of the attendance center;**
- e. Intervention under Section 34-8.4 of the Illinois School Code;
- f. Operating an attendance center as a contract turnaround school;
- g. Closing of the school; or
- h. Any other action authorized under Section 34-8.3 of the Illinois School Code

The Law Department shall develop and disseminate hearing procedures for hearings required before taking any of the corrective actions specified above. (*Emphasis added*).

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Finally, the role of the hearing officer, and manner in which he or she is to receive comments, are set forth in the “**PROCEDURES FOR PUBLIC HEARINGS ON PROPOSED SCHOOL CLOSURES, CONSOLIDATION, CO-LOCATION, PHASE OUT, RECONSTITUTION, OR REASSIGNMENT BOUNDARY CHANGE.**” Those Procedures state:

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 marking 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.

SUMMARY OF THE EVIDENCE

Testimony Received at the Public Hearing

<u>Name</u>	<u>Affiliation</u>
Kathryn Morrison	Chief of Staff, Portfolio Office, CPS
<p>Ms. Morrison testified as follows: “I am the Chief of Staff for the Portfolio Office of the Chicago Public Schools. My primary responsibility is to assist the Chief Portfolio Officer in developing and executing 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, or CEO, to discuss his proposal to reconstitute Wendell Smith Elementary School, hereafter referred to as Smith. Reconstitution is commonly referred to as a turnaround. In a turnaround, students are not displaced, they remain enrolled at the same school, and the Board of Education authorizes a removal and replacement of the staff at the school.</p> <p>Smith is eligible for reconstitution under the Illinois School Code, section 105 ILCS 5/34-8.3, because it has been on probation for at least one year and has failed to make adequate progress to correct its academic deficiencies. In fact, Smith has been on probation for five consecutive years. You will hear testimony this evening from Ryan Crosby, Manager of School Performance, detailing the academic performance of Smith. You will also hear a statement from Harrison Peters, Chief of Schools for the Lake Calumet Elementary School and Far South Side High School Networks, who will provide you with more information regarding the basis for the CEO’s proposal, the previous supports that the District provided to Smith in an attempt to accelerate student achievement, and how the District plans to turn the school around to provide students with better educational opportunities.</p> <p>We understand that staff and families are concerned any time this kind of change is proposed. We take these decisions very seriously. 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 reconstitution is in the best interest of our students.”</p>	
Ryan Crosby	Manager of School Performance
<p>Mr. Crosby testified as follows: “I am the Manager of School Performance for the Chicago Public Schools. In this capacity I oversee the implementation of the District’s Performance, Remediation and Probation Policy, or “Performance Policy”, and</p>	

compliance with state and federal school accountability policies. I have been in this position since June 2008.

I am appearing before you today to present specific data highlighting the low academic performance of Wendell Smith Elementary School. This data will be displayed on the PowerPoint presentation currently being shown.

The Board of Education has adopted policies setting forth the criteria for determining when a school is subject to being placed on probation and when it can be removed from that status. Specifically, the Performance Policy is the District's school accountability policy. Under this policy, each school receives an annual rating based on its performance on a variety of student outcome measures, including standardized test scores and student attendance. This rating is based on a point system. Points are received for the school's current level of performance and improvement over time on standardized tests and attendance, as well as the growth of individual students from year-to-year on the state test. There are 14 separate metrics on which schools are evaluated, each worth up to three points, for a total of 42 available points. Elementary schools that receive less than 50% of the total available points earn a rating of Level 3 and are placed on probation.

CPS began using this structure for the Performance Policy four years ago. As you can see, in all four years, Smith has been a Level 3 school. In the 2007-2008 school year, Smith received 45.2% of available points. In the 2008-2009 school year, it received 26.2% of available points. In the 2009-2010 school year it received 26.2% of available points. In the 2010-2011 school year, it received 28.6% of available points. Prior to four years ago, CPS still had a policy determining a school's accountability status. Smith has been on probation for the past five consecutive school years. The notices of Smith's Performance Policy status for the last four school years, which were sent to the Smith principal, are included in the binder of documents that you have received.

The next slide shows the results of the Illinois Standards Achievement Test, or ISAT, for the 2010-2011 school year for Smith, the geographic network in which Smith is located, and the District. Smith is located in the Lake Calumet Elementary Network. The term "geographic network" refers to the schools that are currently in the Lake Calumet Elementary Network, as well as elementary schools located within the community, but managed independently, such as charter schools. The reason for using geographic network in this calculation was to show how Smith is performing compared to all other schools within its community.

As you can see, Smith's 2010-2011 ISAT Meets or Exceeds Composite score, which is the combined result of the ISAT reading, mathematics, and science assessments, was 58%, compared to a geographic network average of 72.6% and a District average of 75.6%. In reading, the percent of Smith students meeting or exceeding state standards was 51.4%, compared to a geographic network average of 69.3% and a District average of 72.7%. In mathematics Smith's performance was 66%, compared to a geographic network average of 76.9% and a District average of 79.4%. In science Smith's

performance was 53.2%, compared to a geographic network average of 69.5% and a District average of 72.4%.

The next few slides show Smith's performance over time on the metrics used in the Performance Policy. These slides demonstrate that the performance gap between Smith and other schools in the network and across the District has been persistent over time, and has widened over the past five years. Smith's ISAT Composite Meets or Exceeds score was 11.2 percentage points below the geographic network average in 2005-2006 and 14.6 percentage points below the geographic network average in 2010-2011. Smith's Composite score was 12.5 percentage points below the District average in 2006-2006, and 17.6 percentage points below the District average in 2010-2011.

In addition to measuring the percentage of student meeting state standards, CPS also measures the percentage of students exceeding state standards. In 2010-2011, Smith's ISAT Exceeds score was 6%, compared to a geographic network average of 14.1%, and a District average of 18.1%. Smith's Exceeds score was 4.9 percentage points below the geographic network average in 2005-2006 and 8.1 percentage points below the geographic network average in 2010-2011. Smith's Exceeds score was 6.6 percentage points below the District average in 2005-2006 and 12.1 percentage points below the District average in 2010-2011.

The performance gap between Smith and the District is consistent across subjects. Smith's ISAT Reading Meets or Exceeds score was 11.5 percentage points below the geographic network average in 2005-2006 and 17.9 percentage points below the geographic network average in 2010-2011. Smith's reading score was 12.2 percentage points below the District average in 2005-2006 and 21.3 percentage points below the District average in 2010-2011.

Smith's ISAT Mathematics Meets or Exceeds score was 9.6 percentage points below the geographic network average in 2005-2006 and 10.9 percentage points below the geographic network average in 2010-2011. Smith's mathematics score was 11.4 percentage points below the District average in 2005-2006 and 13.4 percentage points below the District average in 2010-2011.

Smith's ISAT Science Meets or Exceeds score was 15.3 percentage points below the geographic network average in 2005-2006 and 16.3 percentage points below the geographic network average in 2010-2011. Smith's science score was 16.3 percentage points below the District average in 2005-2006 and 19.2 percentage points below the District average in 2010-2011.

The Value-Added metric, which is a component of the Performance Policy, compares student academic growth on the ISAT at a school with the growth of similar students across the District. This is done through a regression methodology that controls for nine student-level factors, including grade level, prior performance on the ISAT, free or reduced lunch eligibility, race or ethnicity, mobility, participation in the Students in Temporary Living Situations program, Individualized Education Program (or IEP) status,

English Language Learner status, and gender. Controlling for these factors allows us to see how much impact the school had on its average student over the past year. Because we control for prior performance, this metric allows us to identify schools with low test scores where growth is rapid, and schools with high test scores where growth is slow.

The Value-Added metric is a standardized measure with a mean of zero. Standardization means that the score is reported in standard deviation units, which is a measure of how far away the school's score is from the District average. A positive number means that students at the school are growing at a faster pace than similar students in the District. For example, a positive 1 indicates that the school is one standard deviation above the mean, meaning that the school's students are growing at a faster pace than approximately 84% of schools in the District. A score near zero means that students at the school are growing at about the same pace as similar students in the District. And a negative score means that students at the school are growing at a slower pace than similar students in the District.

As you can see, Smith's reading value-added score was -1.0 in 2010 and -1.0 in 2011. Its mathematics value-added score was 0.4 in 2010 and -0.5 in 2011. This means that, on average, students at Smith grew at a below-average pace in both reading and mathematics in 2011. As a point of reference, Smith's 2011 value-added score for reading was in the bottom 20% of scores in the District and the 2011 value added score for mathematics was in the bottom 30% of scores in the District.

To conclude, Wendell Smith Elementary School is on probation in accordance with state law and the Performance Policy. The school has low performance, this performance is consistently low across subject areas, and the school is not making progress in catching up to the District.”

Harrison Peters

Chief Lake Calumet Elementary School Network

Mr. Peters testified as follows: “I am employed by the Board of Education of the City of Chicago as the Chief of Schools for the Lake Calumet Elementary School Network and the Far South Side High School Network. Chicago Public Schools are divided up into Networks, previously known as Areas. Network offices are run by a Chief, previously known as the Chief Area Officer, and provide support and oversight for the schools assigned to them on behalf of the CEO. Wendell Smith Elementary School is within the Lake Calumet Elementary School Network and I am responsible for the support and oversight of Smith on behalf of the CEO. I have been the Chief of Smith since August of 2011.

Before beginning, I would like to clarify that throughout my testimony, when I refer to the “Network,” I will be collectively referring to staff members from both the former Area and current Network.

By way of background, prior to being appointed to my current role, I served as the Chief Area Officer for Area 24. My experiences in education include teacher, dean, assistant principal and principal at both the middle and high school levels. I have spent my entire

educational career, since 1999, working in large urban school districts, including public school districts in Orlando, Florida and Charlotte, North Carolina. I have a Bachelors of Science in Elementary Education, a Masters of Education in Educational Leadership, and I am currently working on my doctorate in Education and Organizational Leadership.

The CEO has asked me to appear at this hearing today to convey to you, and to the parents, staff members and Local School Council members of Smith, as well as interested members of the public in attendance, information relevant to the proposal to reconstitute Smith.

Smith is located at 744 East 103rd Street and currently serves roughly 360 students in grades pre-Kindergarten through eighth.

Smith has been on probation for five consecutive school years for failing to meet the CPS required standards for minimum student performance. As my colleague, Ryan Crosby, testified, the school has demonstrated low academic performance across subject areas, students are not growing at a rate consistent with other comparable schools in the geographic network and the District, and the gap between Smith and other schools in the past five years has widened. Based on the Performance Policy and my observations, I have concluded that Smith has made insufficient progress in improving student academic achievement.

Through my review of the Smith School Improvement Plans, information I have gained from Network staff, my own knowledge of the District's initiatives, and my work with Smith since August 2011, I am aware of how the District has supported Smith in an attempt to correct its deficiencies during the last several years with programmatic, professional development and mentoring supports.

Dating back to 2006, the Board provided the following supports, shown in documents included in your binder at tab 12e:

- First, implementation of the Reading First Program, a state-wide program that provided a full-time reading specialist and additional funds for class materials, focused on reducing class sizes for kindergarten through second grade, and emphasized additional small-group support for students reading below grade level;
- Second, implementation of the "Power of Five" to provide small group intervention and extra practice for students with common needs for re-teaching and remediation, including extended day reading and math classes and six weeks of summer school for the lowest performing grades;
- Third, implementation of the Chicago Math and Science Initiative program, including a half-day math specialist and extensive professional development for teachers; and
- Fourth, implementation of Supported Core Reading Materials Adoption, a district-wide literacy initiative that provided professional development for all-around best practice using district-supported reading materials. The program

emphasized leveled libraries, small group instruction activities, and differentiated instruction resources.

More recently, the Network has provided Smith with the following supports:

- Since Smith has been on probation, the District has provided oversight of its discretionary budget to ensure funds are allocated in line with the goals for improved student outcomes. This is done through the School Improvement Plan for Advancing Academic Achievement, or SIPAAA. Copies of the SIPAAA for the last two school years are located in your binder at tabs 12a and 12c. The SIPAAA is created with input from data and several stakeholders to identify the key areas where the school needs improvement, plan interventions to support the school, and allocate funds accordingly. The Chief not only provides input in the creation of the SIPAAA, but also approves the SIPAAA upon completion on behalf of the District. The Board of Education also approves the SIPAAA, and copies of the Board Reports adopting the last two years of SIPAAAs for Smith are located in your evidence binder at tabs 12b and 12d.
- During the 2010-2011 school year, Network instructional coaches conducted at least ten math, science and literacy professional development sessions at the school and Network office.
- Last school year the science, math and literacy coaches provided intensive support around best instructional practices, classroom design and organization, classroom management and setting high expectations for students.
- The Network coaches assigned to address instructional practices for students at risk of failure conducted twenty-two site visits at Smith. Coaching conversations, lesson demonstrations and co-teaching were provided during these visits.
- For the 2010-2011 school year, members of the Network staff made at least ten site visits to Smith for grade level and staff meetings, data analysis meetings and other performance management follow-up items.
- Since August, the Network team has conducted at least four learning walks, which are systematic classroom observations, and provided feedback to the principal.

I want to acknowledge that from 2010 to 2011, the ISAT Meets/Exceeds science scores at Smith demonstrated more than 20 percentage points of growth. However, this was not enough to catch up to other comparable schools, as Smith's science scores remained 16.3 percentage points below the geographic network average and 19.2 percentage points below the District average. Furthermore, ISAT scores in reading and math did not see similar growth in the past year.

Despite the supports provided by the District in recent years, student academic growth at the school has not kept pace with District averages. As Ryan Crosby testified, the gap between Smith and other schools in the geographic network and District has increased in the past five years. For individual students and for the community, there is an urgent need for the performance of Smith to improve and to improve quickly. Accordingly, the CEO is recommending that Smith be turned around.

If the Board approves the proposed turnaround of Smith, students will not be displaced from the school. Instead, a new team of administrators, faculty and support personnel will be staffed at the school. I will consult with the CPS Office of School Improvement, or OSI, to hire and train the new administration and staff and to develop a plan for improving student achievement at Smith. The plan will be based on the OSI turnaround model, which contains strong evidence-based strategies that are built on local and national expertise and District experiences. Specifically, the turnaround plan will include the following strategies:

1. Conducting multiple meetings with community groups and parents to ensure that they are aware of the school's key issues, and engaging these stakeholders in collaboration to help make decisions for the future of the school and to effectively implement the turnaround plan;
2. Conducting a rigorous, inclusive and fair hiring process for new staff that includes an extensive process of resume review, phone screenings, group interviews, a sample lesson, interviews by parents, and reference checks, which ensures that we make every effort to find the highest quality staff to help power the turnaround efforts;
3. Investing in new curriculum materials aligned with the Common Core standards, utilizing technology to support instruction, and developing new programs to help build a healthy climate and culture in the school;
4. Providing resources to address students' social and emotional needs, such as contributing additional staff support, providing mentors for students, and enhancing community-based mental health programs currently offered to Smith students and families; and
5. Improving the climate of the school by training and coaching staff extensively in classroom management techniques and tracking data on the implementation of these techniques.

These strategies, if rigorously implemented, will result in accelerated student achievement at Smith.

I want to note that in my conversations with the Smith community, I have heard their requests for a higher quality school for students. We took into account the community's concern for their children and desire for change when crafting this proposal. The community and students deserve better, and we believe that a turnaround will provide Smith students with a higher performing school.

In conclusion, there is an urgent need to accelerate student achievement at Smith, and prior supports and interventions have not produced satisfactory results. The CEO believes that a turnaround will accelerate student achievement and the Network, in

consultation with OSI, is prepared to implement turnaround strategies to provide Smith students with better educational opportunities.”

Carol Williams

Teacher

Ms. Williams was the first of four Smith teachers, who presented the school’s “Support Our School” Presentation. That document is a part of the record in this case. She testified in pertinent part as follows: “[From] July of 1991 to February of 1999, we had a principal there, Rosette, she did not, she had two terms, actually, two contracts, but she did not fulfill the second contract, she left prior to the end of that. And from February of 1999 to June of 1999, in a matter of four months, there was an interim principal, Wendy Christian, from, excuse me, from June of 1999 to February of 2003, once again there was another administrator, Anoinette Patton, and under her management, scores were improving, however, the LSC did not renew Miss Patton's contract.

During the school year 2003, Smith had two interim principals, Dr. Siread, as well as Dr. Martin. From June of 2003 to August of 2004, Principal Sanford managed the school. ... During his management, the school received students from Lavizzo, and they were sent to Smith because of the overcrowding, but during the time that students were being sent to the school, Lavizzo violated the contract by sending their most severe students with problems, behavior problems that is. From August of 2004 to February of 2005, for a matter of six months, there was another interim, Principal Levystein. For the next four months, from February of 2005 to May of 2005, the area office sent an interim principal for four months. ...

[W]hich brings us to May of 2005 to the present, where Mr. Banks was elected by the LSC. In the first year, Smith made the highest gains in the city, which was reported from 23 to 49 percent of our students met or exceeded on the ISAT. Also, during his term, the contract between Lavizzo and Smith was discontinued, due to his efforts to address behavior concerns of Lavizzo, and immediate improvement in student academics as well as behavior during that time.”

Tabitha Spraggins

Teacher

“[W]e have had to embrace overcrowded classrooms, where a teacher is faced with providing adequate instruction to 30, 40, 50, sometimes almost 60 students on a day-to-day basis. We have had a reduction in our After School funding, where we used to be able to serve over 300 students, now we're serving less than 40.

We had an outdated and underfunded ... library facility. An outdated computer lab, where computers had to be donated so the students will have proper technology within the school system. We have had no textbooks with proper updates for social studies if the class has a full set of textbooks. We have split classes, that is a solution we have had for overcrowded classrooms. And the split classes is where you have a teacher who now has to teach two different grades in the same time frame that a teacher would teach just one grade.

We have a high percentage of homeless and IEP students without proper funding to meet their needs. We have had three different area officers in the past four years with different visions and different expectations of our school.

I would like for you to look at the schooling stats where we can compare the district and our school. Special education population for the district is 13.1. Ours, more, we have 16.8, almost 17 percent. Low income students for the District is 86 percent. Our school is 98.6 percent, almost 99 percent. Mobility for the District is 17.6 percent. Our school has double that, ours is 35 percent.

We have persevered despite the loss of the invaluable staff that we had, support, at one point was taken from us. We have had a disciplinarian. We have had numerous security personnel. Our math coach was stripped of us. Our reading coach was stripped of us. We do not have a reading interventionist anymore. A math interventionist anymore. Librarian, we don't have. Art teacher, we don't have. Primary teachers are gone. We have lost a lot of primary teachers. We lost a lot of intermediate teachers, one of which was national board certified.

Our school community, staff, and teachers, parents, students, and administration increase our growth to 60 percent and Meets or Exceeds on the ISAT in 2008. We have sustained that up until this point. So pretty much I just want to leave by saying we have faced a lot of obstacles, and we are making great strides and great success despite of that.”

Brian Roberts

Teacher

“Tonight we heard a lot about data, and some data that was left out was Wendell Smith's combined Meets and Exceeds scores of 2002, which was slightly above 20 percent. And we have managed to jump up to 60 percent in 2007. No, correct myself, in 2008, and we maintained around that 60 percent area for the last couple of years.

Secondly, I would like to point out, speaking on data, to criticize Smith and their combined test scores is to criticize the majority of schools in Lake Calumet Network. We are not the lowest performing school. We are not the second lowest performing school. We are not even the third lowest performing school. And, to make matters worse, those schools who are ranked above us are ranked above us by a matter of five-tenths of a percentage point. We are right in the middle, and we are making gains. As a matter of fact, Smith's six year average growth was higher than Lake Calumet six year average growth, with a growth of 5.83 versus 4.16. Scores at Smith had doubled in the last five years in reading, and more than double in math. Eighth grade ISAT scores have increased from under 10 percent to over 60 percent in five years.

Also, we must ask ourselves is the turnaround what's best for Smith. According to the Office Performance Data, Smith's ISAT scores in 2011 were greater than over 60, I'm sorry, were greater than 80 other CPS elementary schools, including numerous charter schools and one of the two CPS elementary schools already turned around by OSI. When

we look at that data, two schools turned around by OSI already, Langford, there scores were 60 11 percent. ... Fulton was at 53 percent, Biart (phonetic) in 2011 combined ISAT score was 58 percent. What can they do that we're not already doing.”¹

Marie Gayden

Teacher

“I am here to present the Alternative School Improvement Plan. Instead of investing money in resources into Wendell Smith next year, we ask that you invest in Smith now. Not only would you be helping our students immediately, but the cost of what we need to better serve our students and parents is a fraction of what a turnaround would cost.

Partners willing to support Smith. The following organizations are willing to support the current Smith staff, students, and parents to ensure all stakeholders benefit. Chicago State University, Department of Education, will support Wendell Smith's staff with professional and curriculum development. Strategic Learning Initiatives, also known as SLI, in the research driven approach to turn around and transform schools. They offer workshops for teachers and parents and early childhood education. SLI has had a great deal of success in CPS. Educational Village Keepers, also known as EVK, will assist Smith with building a school community through parent involvement and school-wide incentive plan. Also will provide a sixth through eighth grade high school prep program. Higher learning Career Development Academy, I'm sorry, will provide parent job training. Partners Smith will continue to work with and strengthen relationship, SGA Youth and Family Services. Roseland Children's Initiative, that's the name it is referring to also, provides social development skills, assists with school work, medical referrals, and has parent resources and family focus workshops.

Moreover, the staff members are members of the local community. Communities in our schools, communities in our School of Chicago help schools coordinate services that meet the school, I'm sorry, meet the social, emotional, and health needs of students so that Chicago teachers can focus on doing what they do best, teach.

Through collaboration with the educational community, we propose to form a better SIPAAA team with instructional input to ensure the SIPAAA is benefiting all stakeholders. In conclusion, the students, parents, and staff of Wendell Smith have proven that when given the proper finances and resources we can excel. Why risk our students' future with an unknown commodity, such as a turnaround staff, when you could invest in our current staff and receive guaranteed results.”

Johnny Banks

Principal

He testified as follows: “I came before the Board during the year 2011 to speak of some of the concerns that we had. I spoke that we needed resources. There was a school here saying that this doesn't happen without incredible parents support. We have children, I

¹ Smith spent a great deal of its time at the hearing proffering evidence that there are lower performing schools in their Network. The fact that there are other under-performing schools in the Network that are not being reconstituted at this time may seem unfair to the school community, but nothing in the Illinois School Code or CPS Policy requires CPS to take turnaround actions on under-performing schools beginning with the lowest performing schools in a Network first.

mentioned at that meeting, that are tough in the streets, but they are crying in the building. They needed support. They needed support, because they may not have gotten it at home. They needed support because no one can hear the crying that was going on inside of them.

My staff worked hard from that day to pull together partners to offer that support. They mentioned SGA, meet with children, meet with parents, wrap services around the family. They mentioned Chicago State University. They mentioned other resources. They mentioned the Strategic Learning Initiative, and I invited the, they have invited the director here to speak today. That proposal that they bring for Wendell Smith has a record of proven success, and it takes much less than CPS plans to spend, and they will do that with the same teachers, same leadership, same classroom, same curriculum, same school. It's important that that happen.

We have teachers who have built relationship with children from kindergarten through eighth grade. I have kindergarten teachers mentoring eighth grade teachers, eighth grade students. I have fifth grade teachers mentoring eighth grade students. When they attach to children, they don't let that child go.

You can't lose that type of connection by starting over. You have a great group of people here, you have a successful, a plan for achievement, and we want you to work with us. Somebody, obviously, came in late, please turn your cell phone on to vibrate or turn it off. If it rings again, whoever that was, security, just ask them to leave.”

Jennifer McDevitt

Teacher

Ms. McDevitte has been a teacher at Smith for seven years, and in that time has seen the ISAT scores go from 23% to 58%. She spoke of the love the teachers have for the student, and suggested that if CPS really wants to help the students it should provide the resources to Smith now.

Deborah Birmingham

Teacher

She is grateful to have the colleagues and children at Smith, and empledred CPS to provide them with the resources the school needs. She ask that CPS partner with them.

Sandra Triche

Teacher

Ms. Triche complained that the classrooms are overcrowded. By way of example she offered that there were 57 students in her classroom at the start of the school year due to budget cuts at the school.

Felicia Moore

Former Parent

She stated that the Parent' PAC worked hard to involve the parents by providing GED

programs, job training programs, workshops, and conference. They discovered how important it is to have parents involved in school develop process, and how they can work together to get parents more involved and participate in the local school decisions. She stated “We need an opportunity to be more informed about what is going on in our school.”

Sharisa Lee

Parent

“In order to properly address the conditions of our neighborhood school, we have to come together as parents, teachers, students, residents, pastors, and community as a whole. We need to address the irony of our children being left behind during the No Child Left Behind Federal Elementary and Secondary Education Act, ESEA. This is not acceptable. ...

Our children our suffering, due to kindergarten teachers having 57 students in a classroom with no assistants. Teachers not having enough support or materials to meet the needs of our children. Non-existing library in our school. Outdated computers and system, and most importantly parents not being welcome in our school. We need to take our school back.”

Darcell Ezell

Substitute Teacher

She too complained about a lack of resources at the school, and offered by way of example that they have 1 security person for 306 students. She stated: “We have special, we have the biggest IEPs around in that area and those schools, and we do not have enough supplies in that school to help these children. And I am hoping that the Board of Education would find a way not to turn that school around, but find a way to support us.”

STUDENT A

9th Grade-Fenger H.S.

A 2011 Smith graduate, student A thanked several teachers from Smith for providing guidance to the Smith students.

STUDENT B

4th Grade

He is opposed to the proposed school turnaround.

STUDENT C

1st Grade

He stated that he loves his teachers and it will make him said if they have to leave Smith.

STUDENT D

4th Grade

He wants the school to “stay how it is,” and the teachers to stay at Smith.

Sigfredo Gonzalez

Community Resident

He is a proponent of the turnaround at Smith because every student should have an opportunity for academic success, and success in life.

Jerry Ward

Parent

He is a father who has seen his child grow at Smith. He believes it is CPS who is failing the students there, not the teachers who are working hard. He requested that CPS bring the resources to Smith now.

Ligielenda Rodriguez

Community Member

She supports the turnaround and feels that students need more time in the classroom, which will give them less time to get in trouble in the streets.

Roxanne Nino

Community Member

Ms. Nino stated simply: "I am here today to say whatever your decision is, I hope it's the right one, because the children are our future, and they need our help."

Clarence Wallace

Lawndale Resident

He attended CPS Schools. He has had a tough life, so he encourages CPS to "do the right thing."

Jacqueline Lee Forrest

Has a Niece at Smith

She asked that the school remain open for the benefit of the students, parents and the community.

Joyce Chapman

Community Resident

She is "100% in favor of a turnaround" at Smith Elementary School. She has been involved with Smith for many years and now feels it is time for drastic intervention measures at Smith.

Lynn Evans

Parent

She stated that no one group of people is to blame for the educational crisis at Wendell Smith. "The turnaround is a chance for redemption, you know, for the children, what once was mighty roar of education, has now turned into an inaudible whisper in that school, okay. I ask everyone in this room, when did it become a sin to want better for our children."

Shawn Willey

Parent of 3 Former Students

He visited some of the turnaround schools and believes that if some of the parents and the teachers are given the opportunity to go see what a turnaround school looks and feels like, they would agree to support the Turnaround.

Donna Jones

Immediate Past LSC Chair²

Ms. Jones supported the Turnaround. She stated that the schools performance is low, and that the staff is making excuses for that low performance. She added: "I have been a member of the Council since 2002, and NCLB since I started in 1991. I have seen the ups and downs of Wendell Smith, and I have never seen it as low as it is now."

Dr. Carmen Palmer

Retired Educator

She stated in pertinent part: "I am the founding president of Educational Village Keepers, better known as EVK, which is an educational support community based organization, and we did adopt the Wendell Smith School for the school year 2011-2012. ...

I just want to make the statement that data without circumstances is valueless, and while there was some fantabulous data presented by CPS at the opening of this hearing, there were, it was absolutely void of the circumstances, which is what is the rich information that our school community was able to provide.

The faculty, the fact that the faculty and administration, given the circumstances that you heard, it just, it's so unacceptable. I had the pleasure of being a co-creator of a high performing school, the Beasley Academic Center, I was there in its second year and stayed there for 25 years. I know well what is needed to create a high performing school, and it's certainly isn't a school house that has no library, no art teacher, antiquated textbooks, class, primary grades, primary grades that are the golden egg. We know that if a child gets to third grade, and is not at grade level, that child will not be at grade level from that point on to 12th grade, we know that. So why would we have any of our Wendell Smith educators looking at 57 babies in kindergarten?"

Berna Whiteside

Teacher

She is against the turnaround and believes that the bonding between students and teachers will be lost if the Board approves the proposed school action.

Daisy Collins

Paraprofessional

She asked that CPS give them a chance and restore Smith to the great school it once was.

² Ms. Jones resigned as Chairperson of the Smith LSC in January, 2012. She is the member of the community mentioned *infra* at page 34, who supports the turnaround but submitted a letter because she felt intimidated by the school's staff at the Public Hearing while she was testifying.

Kathleen Murray

CTU

She testified in part: “These teachers are not working any less hard than I did or the teachers at Poe Classical, which is down the street, one of the highest performing school in the Lake Calumet Network. These teachers are not working any less hard. They're on their feet, their classroom are clean. Their lessons are, in my eyes, look like they're being executed very well, and I have 17 years of experience with a Masters degree. I even had meetings where I have asked the Poe teachers what's so special, and they say, well, we have selective enrollment, okay. These teachers are working very hard with what they have. 57 kindergartners for the first quarter of the year, that's unacceptable. I was a kindergarten teacher. I taught at a magnet school, I had 24 kids. I always had sufficient supplies. These people are working with bare bones, bare bone support, no library. Let's just talk about that. There's no library in that building. How are children supposed to check out a book, there is not a working library in that building. ...

There's an upswing on scores, they presented a good case. Also, you, they lined up support from Chicago State University. I think that's an achievement right there. My recommendation is to look at their plan, re-evaluate it, and don't listen to all these people from the community, and some people I am not sure if they're really from the community, I want that on record, because they all left, otherwise, I'd call them up for that. Look at, trust the educators of that building that deal with those kids every single day. When you build a house, you go to architect. Talk to the teachers, they're the experts.”

John Simmons

Strategic Learning Initiatives

Mr. Simmons is President of Strategic Learning, a non-profit the for the past 20 years has been working in Chicago, supporting schools to improve their results. Smith School is interested in using Strategic Learning services to support their plan. He testified in part as follows: “We are a research based systemic model for supporting the improvement of elementary schools in Chicago, charter schools in Los Angeles, and also work with Illinois high schools outside of Chicago.

There are two, quote, turnaround models in Chicago. One requires removal of the teachers and the principals, the other requires the retention of the teachers an principals. There couldn't be two more different models. Both have been operating since 2006, and both are getting good results on any of the measures.

Strategic Learning, when you look carefully at the data, is getting even better results and more quickly. Why does Smith want SLI to be their academic improvement partner. I think it's really demonstrated in what was said today. We work in many different kinds of schools that would like to improve their performance, some are doing better than others.

The way I heard the data, both from the CPS presentations and from the Smith presentations, it seems that there is some significant improvement going on in the building. That's a plus for any partner like ours. Like I said, you can look at what the

resources are, where the teachers and community want to go, and support them in the directions that they want to go in. We do not operate the school like the other model. We do not manage it. It's the LSC and principal's responsibility to do that. ...

So six years ago, when CPS came to us and said, please help us with some under-performing elementary schools, eight of them. We found that within two years, their existing staff, using their existing staff, six of the eight schools are turnarounds, both their test scores and their school culture. They did it, and with support from us. A year later, the last two schools turned around. I have, for the record, another model that was used to do that, based on the University of Chicago research, research from the private sector over 40 years of turning around failing or troubled corporations. And it's important to note that one of those schools, the very first year, Willa Gather in Garfield Park, was the most improved city, was the most improved school in the city. ...

Willa Cather School in Garfield Park, most improve school in the City in 2007, the first year they were with us. Today, 2012, they are still number one gained school in the City over the last five years. That's called sustaining results, and we have not been in the school for two years.

This is all done with their terrific staff that they had and grew with our support. The cost of this model that we use is less than one-fifth of cost of the alternative model in Chicago. So I am providing, for the record, is the CPS demonstration project results. American Institutes of Research have validated the data.

So, in conclusion, it's clear to me that, like many schools in the City that have not been given an opportunity to have the resources that they need, Wendell Smith looks like a school that could very well use these resources. They could quickly improve their results, both their Prairie State scores and their school culture with some the continued support of a collaborative nature with them making the decisions as to what they want.”

Karl Hubert

CTU

He stated in part: “May it please the Hearing Officer, this is not my first time standing before you. I stood before if you in 2009. I am a retired trial lawyer and went back into the education system ... at several schools, Lawndale and also Englewood. But at the time I stood before you I was over at Holmes Elementary School. And you and I had a discussion, a brief discussion in those two minutes, a brief discussion about honor. And you assured me at that time that you were an honorable man, as it turned out, you indeed were, because you took us off the turnaround list or you at least recommended that we come off, and we did, indeed, come off. ...

No Child Left Behind ...required schools which received Title One funds that they must make a, what's called a term, an adequate yearly progress. Okay. Now, keep in mind, that President Obama is rethinking No Child Left, behind because he, I believe, is starting to rethink whether or not it actually works. But, in any event, the No Child Left Behind

Act requires that the LEA, which is the Local Education Agency, which, indeed, is CPS, they must assist each school at each of these levels of probation and corrective action. We are alleging or the teachers, as I have heard them speak and listen to their data, they are alleging that the information in this binder is not correct. They take exception to it. By the data that they presented. I am asking that you really peruse that data very carefully and compare it to the data in this builder. ...”

Summary of Documents Received

Documents Submitted By CPS

The CEO, through the Law Department, submitted several documents to the hearing officer that were received and made a part of the record in this case. Those documents included: 1) Copies of the Notice Letters sent to the school community including the Principal, LSC, parents, and teachers and staff advising of the Public Hearing, an affidavit regarding the same, and an Internal Communications Electronic Mail to CPS School-Based Staff dated Thursday, January 5, 2012, entitled “Reminder about Planned Public Hearings and How to Sign Up” sent to the CPS School-Based Staff; 2) The Chicago Board of Education’s School Performance, Remediation and Probation Policy for the 2011-2012 School Year (Policy Manual Section 302.6A, Board Report 10-0728-PO4); 3) The Chief Executive Officer’s Procedures for Public Hearings on Proposed School Closure, Consolidation, Phase-Out, Reconstitution, or Reassignment Boundary Change; 4) A copy of the relevant statutory provisions; 5) The Performance Policy Reports for Wendell Smith Elementary School for 2008 - 2011; 6) The School Improvement Planning for Advancing Academic Achievement (“SIPAAA”) for Wendell Smith Elementary School, 2010-2012, Year 1; 7) Board Report Approving the 2010-2012 School Improvement Plans for Schools on Probation and for Schools with School Improvement Status, dated December 15, 2010 (Board Report 10-1215-ED4); 8) The SIPAAA for Wendell Smith Elementary School, 2010-2012, Year 2; 9) Board Report

Approving Updates to the 2010-2012 School Improvement Plans and Related Budgets for Schools on Probation and for Schools with School Improvement Status, dated August 24, 2011 (Board Report 11-0824-ED2); 10) Chicago Public Schools Restructuring Summary for Wendell Smith Elementary School; 11) Board Report Approving the Restructuring Plans of Schools Classified as in Need of Restructuring under the Federal No Child Left Behind Act, dated May 24, 2006 (Board Report 06-0524-ED12); and, 12) The written testimony of the CPS witnesses, and their related Power Point presentations.

Documents Submitted In Opposition To The Turnaround

At the hearing three written submissions were made by speakers opposed to the Turnaround at Smith: 1) The Smith School power point presentation presented and submitted by the school's staff; 2) A presentation by Strategic Learning Initiatives which is willing to work with Smith School; and 3) A document entitled "Save-Our-School Coalition Position Statement."³ After the hearing approximately 6 written statements were submitted by teachers and other staff who opposed the proposed turnaround at Smith Elementary School.⁴ One member of the community who supports the turnaround submitted a letter because she felt intimidated at the Public Hearing. Finally, a petition in support of an internal turnaround utilizing the Strategic Learning Initiatives model was signed and submitted by 34 members of the Smith School staff.

STATEMENT OF FINDINGS

1. Proper notice of the Public Hearing was given as required by Illinois law, the Chicago Board of Education's School Performance, Remediation and Probation

³ I would be remiss in not noting for the record how impressive and comprehensive the presentation was by the Teachers from Smith Elementary School.

⁴ The documentary evidence received from the School Community following the Public Hearing, in large part mirrored the testimonial evidence presented. Accordingly, said submissions are described generally herein, and the Hearing Officer has submitted said materials to the CPS Law Department for inclusion in the record in this case.

Policy for the 2011-2012 School Year, and the Chief Executive Officer's Procedures for Public Hearings on Proposed School Closure, Consolidation, Phase-Out, Reconstitution, or Reassignment Boundary Change. The purpose of the Public Hearing was to give representatives of the Chief Executive Officer ("CEO"), members of the local school council, parents, students, members of the school's staff, the principal, representatives of the Chicago Teachers' Union, and interested members of the public, an opportunity to comment on the CEO's proposal to Turnaround Wendell Smith Elementary School via Reconstitution.

2. On Thursday, February 2, 2012, a public hearing was held at the Board of Education, 125 South Clark, Chicago, Illinois. The public hearing required to be conducted prior to reconstituting a school has taken place in this case, and all of the other aspects of the applicable Board's Policies have been fully complied with.

3. Under the statutory scheme contained in Section 5/34-8.3 (d) of the Illinois School Code, the CEO and the Chicago Board of Education are granted the authority to take certain corrective measures with respect to schools with academic deficiencies. One of those measures is placing schools on probation, which allows the CEO and the Board to take additional corrective actions intended to correct the school's academic deficiencies. Any school placed on probation that, after at least one year, fails to make adequate progress in correcting deficiencies, is subject to several courses of action by the CEO, with the approval of the Board, after an opportunity for hearing. Section 5/34-8.3 (d) (4) specifically includes "Reconstitution of the attendance center and replacement and reassignment by the general superintendent of all employees of the attendance center" as an action available to the CEO in said cases.

4. Smith is located at 744 East 103rd Street and currently serves roughly 360 students in grades pre-Kindergarten through eighth.

5. If the Board of Education of the City of Chicago approves the proposed turnaround of Smith, students will not be displaced from the school. Instead, a new team of administrators, faculty and support personnel will be staffed at the school. The CPS Office of School Improvement, or OSI, will hire and train the new administration and staff, and a plan for improving student achievement at Smith will be developed. The plan will be based on the OSI turnaround model, which contains strong evidence-based strategies that are built on local and national expertise and CPS District experiences.

6. The Chicago Board of Education's School Performance, Remediation and Probation Policy for the 2011-2012 School Year (Policy Manual Section 302.6A, Board Report 10-0728-PO4), is the CPS School Accountability Policy. Under this Policy, each school receives an annual rating based on its performance on a variety of student outcome measures, including standardized test scores and student attendance. This rating is based on a point system. Points are received for the school's current level of performance and improvement over time on standardized tests and attendance, as well as the growth of individual students from year-to-year on the state test. There are 14 separate metrics on which schools are evaluated, each worth up to three points, for a total of 42 available points. Elementary schools that receive less than 50% of the total available points earn a rating of Level 3 and are placed on probation. CPS began using this structure for the Performance Policy four years ago. In all four years, Smith has been a Level 3 school. In the 2007-2008 school year, Smith received 45.2% of available points. In the 2008-2009 school year, it received 26.2% of available points. In the 2009-2010 school year it

received 26.2% of available points. In the 2010-2011 school year, it received 28.6% of available points. Prior to four years ago, CPS still had a policy determining a school's accountability status. Smith has been on probation for the past five consecutive school years.

7. ISAT performance is used as a part of the elementary school scoring in the CPS Performance Policy. Smith's 2010-2011 ISAT Meets or Exceeds Composite score, which is the combined result of the ISAT reading, mathematics, and science assessments, was 58%, compared to a geographic network⁵ average of 72.6% and a District average of 75.6%. In reading, the percent of Smith students meeting or exceeding state standards was 51.4%, compared to a geographic network average of 69.3% and a District average of 72.7%. In mathematics Smith's performance was 66%, compared to a geographic network average of 76.9% and a District average of 79.4%. In science Smith's performance was 53.2%, compared to a geographic network average of 69.5% and a District average of 72.4%.

8. The performance gap between Smith and other schools in the network and across the District has been persistent over time, and has widened over the past five years. Smith's ISAT Composite Meets or Exceeds score was 11.2 percentage points below the geographic network average in 2005-2006 and 14.6 percentage points below the geographic network average in 2010-2011. Smith's Composite score was 12.5 percentage points below the District average in 2006-2006, and 17.6 percentage points below the District average in 2010-2011.

⁵ Smith is located in the Lake Calumet Elementary Network. The term "geographic network" refers to the schools that are currently in the Lake Calumet Elementary Network, as well as elementary schools located within the community, but managed independently, such as charter schools. The reason for using geographic network in this calculation was to show how Smith is performing compared to all other schools within its community.

9. In addition to measuring the percentage of students meeting state standards, CPS also measures the percentage of students exceeding state standards. In 2010-2011, Smith's ISAT Exceeds score was 6%, compared to a geographic network average of 14.1%, and a District average of 18.1%. Smith's Exceeds score was 4.9 percentage points below the geographic network average in 2005-2006 and 8.1 percentage points below the geographic network average in 2010-2011. Smith's Exceeds score was 6.6 percentage points below the District average in 2005-2006 and 12.1 percentage points below the District average in 2010-2011.

10. The performance gap between Smith and the District is consistent across subjects. Smith's ISAT Reading Meets or Exceeds score was 11.5 percentage points below the geographic network average in 2005-2006 and 17.9 percentage points below the geographic network average in 2010-2011. Smith's reading score was 12.2 percentage points below the District average in 2005-2006 and 21.3 percentage points below the District average in 2010-2011.

11. Smith's ISAT Mathematics Meets or Exceeds score was 9.6 percentage points below the geographic network average in 2005-2006 and 10.9 percentage points below the geographic network average in 2010-2011. Smith's mathematics score was 11.4 percentage points below the District average in 2005-2006 and 13.4 percentage points below the District average in 2010-2011.

12. Smith's ISAT Science Meets or Exceeds score was 15.3 percentage points below the geographic network average in 2005-2006 and 16.3 percentage points below the geographic network average in 2010-2011. Smith's science score was 16.3 percentage points below the District average in 2005-2006 and 19.2 percentage points below the

District average in 2010-2011.⁶

13. The Value-Added metric, which is a component of the Performance Policy, compares student academic growth on the ISAT at a school with the growth of similar students across the District. This is done through a regression methodology that controls for nine student-level factors, including grade level, prior performance on the ISAT, free or reduced lunch eligibility, race/ethnicity, mobility, participation in the Students in Temporary Living Situations program, Individualized Education Program (or IEP), English Language Learner status, and gender. The Value-Added metric is a standardized measure with a mean of zero. Standardization means that the score is reported in standard deviation units, which is a measure of how far away the school's score is from the District average. A positive number means that students at the school are growing at a faster pace than similar students in the District. A score near zero means that students at the school are growing at about the same pace as similar students in the District. And a negative score means that students at the school are growing at a slower pace than similar students in the District. Smith's reading value-added score was -1.0 in 2010 and -1.0 in 2011. Its mathematics value-added score was 0.4 in 2010 and -0.5 in 2011. This means that, on average, students at Smith grew at a below-average pace in both reading and mathematics in 2011. Smith's 2011 value-added score for reading was in the bottom 20% of scores in the District and the 2011 value added score for mathematics was in the bottom 30% of scores in the District.

14. This low performance has taken place at despite efforts by CPS to provide the school with assistance. Since 2006, the CPS District has supported the school with the

⁶ It is noteworthy that from 2010 to 2011, the ISAT Meets/Exceeds science scores at Smith demonstrated more than 20 percentage points of growth. However, this was not enough to catch up to other comparable schools, as Smith's science scores remained 16.3 percentage points below the geographic network average and 19.2 percentage points below the District average. Furthermore, ISAT scores in reading and math did not see similar growth in the past year.

following supports:

- First, implementation of the Reading First Program, a state-wide program that provided a full-time reading specialist and additional funds for class materials, focused on reducing class sizes for kindergarten through second grade, and emphasized additional small-group support for students reading below grade level;
- Second, implementation of the “Power of Five” to provide small group intervention and extra practice for students with common needs for re-teaching and remediation, including extended day reading and math classes and six weeks of summer school for the lowest performing grades;
- Third, implementation of the Chicago Math and Science Initiative program, including a half-day math specialist and extensive professional development for teachers; and
- Fourth, implementation of Supported Core Reading Materials Adoption, a district-wide literacy initiative that provided professional development for all-around best practice using district-supported reading materials. The program emphasized leveled libraries, small group instruction activities, and differentiated instruction resources.

15. More recently, the Network has provided Smith with the following

supports:

- CPS has provided oversight of its discretionary budget to ensure funds are allocated in line with the goals for improved student outcomes. This is done through the School Improvement Plan for Advancing Academic Achievement, (“SIPAAA”). The Network Chief not only provides input in the creation of the SIPAAA, but also approves the SIPAAA upon completion. The Board of Education also approves the SIPAAA.
- During the 2010-2011 school year, Network instructional coaches conducted at least ten math, science and literacy professional development sessions at the school and Network office.
- Last school year the science, math and literacy coaches provided intensive support around best instructional practices, classroom design and organization, classroom management and setting high expectations for students.
- The Network coaches assigned to address instructional practices for students at risk of failure conducted twenty-two site visits at Smith. Coaching conversations, lesson demonstrations and co-teaching were provided during these visits.
- For the 2010-2011 school year, members of the Network staff made at least ten site visits to Smith for grade level and staff meetings, data analysis meetings and other performance management follow-up items.

- Since August, the Network team has conducted at least four learning walks, which are systematic classroom observations, and provided feedback to the Principal.

Despite all of these supports, student academic growth at the school has not kept pace with CPS District averages.

17. Illinois law, and all the Chicago Public School Policies and Procedures applicable to the CEO's proposed action in this case have been complied with in their entirety, specifically including, but not limited to 105 ILCS Section 5/34-8.3(d)(4) of the Illinois School Code, the School Performance Policy for the 2011-2012 school year, and the CEO's Procedures governing the Public Hearing.⁷

⁷ The CEO's Guidelines for School Actions are inapplicable to this case. The definitions pertaining to 105 ILCS 5/34-230, found in 105 ILCS 5/34-200, define school action as "any school closing; school consolidation; co-location; boundary change that requires the reassignment of students, unless the reassignment is to a new school with an attendance area boundary and is made to relieve overcrowding; or phase-out." The definition does not include reconstitutions under 105 ILCS Section 5/34-8.3(d)(4) of the Illinois School Code. The CEO's Guidelines for School Actions were drafted pursuant to 105 ILCS 5/34-230, and since the definition of "school action" does not include reconstitutions, the CEO Guidelines are not applicable to reconstitution hearings.

Recommendation

Smith has been on probation for five school years for failing to meet the Chicago Public Schools' required standards for minimum student performance on standardized tests. Wendell Smith Elementary School is on probation in accordance with state law and the Performance Policy. The school has low performance, this performance is consistently low across subject areas, and the school is not making progress in catching up to the District. Accordingly, the Hearing Officer hereby recommends that the Board approve the CEO's proposal to Reconstitute Wendell Smith Elementary School.

FURTHER THE HEARING OFFICER SAYETH NOT.

Respectfully submitted,
Fredrick H. Bates/s/
Fredrick H. Bates
Hearing Officer

February 7, 2012