Board of Education of the  
City of Chicago

In Re: The Matter of  
The Proposed Closing of  
George W. Curtis Elementary School

Before  
Fredrick H. Bates  
Independent Hearing Officer

Background

Introduction

On or about January 20, 2010, the undersigned was retained by the Chief Executive Officer (“CEO”) of the Chicago Public Schools to serve as an Independent Hearing Officer in this matter. At 5:30 p.m. on Monday, January 28, 2010, 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 councils, parents of the schools’ students, members of the schools’ staffs, the schools’ principals, representatives of the Chicago Teachers’ Union, students, and interested members of the public, concerning the CEO’s proposal to close George W. Curtis Elementary School, and change the attendance boundaries of George M. Pullman and Alex Haley Elementary Schools. Notice of the hearing was served on the parents, staff members, principals, and members of the local school councils via U.S. Mail, and/or personal service through CPS Mail. Notice of the hearing was served upon the public by newspaper publication in the Chicago Sun-Times and/or Chicago Tribune.
Pursuant to the directives provided in the document entitled “PROCEDURES FOR HEARINGS ON PROPOSED SCHOOL CLOSINGS, CONSOLIDATIONS, ATTENDANCE AREA BOUNDARY CHANGES OR RECONSTITUTIONS,” 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:

**Sec. 34—8.3. Remediation and probation of attendance senters**

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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: …

(6) Closing of the school.

**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.

The Board’s Policy On The Review and Establishment of School Attendance Boundaries provides in pertinent part as follows:
The purpose of this policy is to establish a process and procedures for the establishment of attendance boundaries for new schools and for the review and revision of attendance boundaries that the Board may determine are necessary from time to time.

II. Factors to be Considered

In reviewing and proposing revisions to boundaries for existing schools and proposing attendance boundaries for new schools, DSP shall consider a range of factors, including the following:

A. Capacities of Each of the Schools Involved in the Proposed Boundary Revisions

In considering whether to revise attendance boundaries at existing schools, DSP will consider the extent to which a school is overcrowded or underutilized. Where feasible, the goal is for elementary schools to be utilized at not more than eighty percent of design capacity, and for high schools at not more than one hundred percent of program capacity. Schools will be considered severely overcrowded if they are operating in excess of 100% utilization and significantly underutilized if they are less than thirty percent. DSP also shall consider these utilization rates when proposing revisions to attendance boundaries for existing schools and when proposing attendance boundaries for new schools.

C. Geographic Barriers

In proposing new or revised attendance boundaries, DSP shall consider geographical barriers so as to promote safety and minimize transportation burdens, to the extent feasible.

D. Travel Time and Distance

In proposing new or revised attendance boundaries, DSP will seek to minimize travel time and distance, to the extent feasible.

E. Program Considerations

In proposing new or revised boundaries, DSP shall consider the placement of programs, such as programs for English Language Learners and for special education students. In addition, DSP shall consider the impact of magnet schools and programs and the requirements of the No Child Left Behind Act of 2001.
III. Process

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Prior to taking action on the establishment or revision of any attendance boundaries, the Board shall conduct public hearings on the proposed changes and the CEO’s recommendation. Prior to the public hearing, the Board will make available data on the factors of capacity, geographic barriers, travel time and program considerations. In making its decision, the Board shall consider the factors of capacity, geographic barriers, travel time and distance and program considerations.

The Board’s Policy On The Closing Of Schools sets forth the Board’s criteria for determining when it is appropriate to close a school. The Policy provides in pertinent part as follows:

When considering the matter of closing schools, it is the intent and desire of the Board of Education to provide students high quality academic opportunities in a supportive educational atmosphere. In accordance with existing Board actions and consent decrees and to the maximum extent consistent with financial constraints, the Board will avoid closing schools when such closings will have a negative impact on the desegregation or integration of any school.

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II. SCHOOL CLOSINGS FOR ACADEMIC REASONS

Pursuant to Section 34-8.3 of the Illinois School Code, 105 ILCS 5/34-8.3, the Board may decide to close schools that have been on probation for at least one year and have failed to make adequate progress in correcting performance deficiencies following an opportunity for public hearing.

A. The decision to close a school for academic reasons shall be based on a consideration of the factors that led to the school being placed on probation and the availability of “higher performing schools” in close proximity as well as other various factors, as determined by the Chief Executive Officer (“CEO”) and as specified in the Closing of School Guidelines promulgated by the CEO.

B. No school shall be closed for academic reasons if any of the following applies:
1. the school is an elementary school that has a new principal who has been in place for two academic years or less; or
2. the school is subject to an agreement between the Board and the Chicago Teachers’ Union (CTU), which agreement prohibits school closure on the basis of academic reasons (e.g. a partnership agreement such as the Fresh Start Schools Agreement); or
3. the school has served as a receiving school for students re-assigned to the school due to a school closure or school consolidation within the last two years; or
4. no potential receiving school is located within a safe walking distance from students’ homes; or
5. there are no higher performing schools in close proximity to the school and the provision of transportation to schools with available space that can meet the students’ educational needs is not possible or is impracticable.

C. A school on probation closed pursuant to this Section II may re-open as an entirely new school with a different educational focus.

D. Pursuant to Section 6316(b)(8)(B) of the No Child Left Behind Act, 20 U.S.C. Sec. 6316, the Board may also decide to close schools that have failed to make Adequate Yearly Progress for five (5) consecutive years or may close and convert them to charter schools.

III. PROCESS FOR SCHOOL CLOSINGS

The Chief Executive Officer may recommend school closings to the Board for any of the reasons set forth in Sections I through III of this Policy. Effective September 1, 2007, the process for all school closings the effect of which is the assignment and transfer of all students enrolled at the school to two (2) or more designated receiving schools shall be as set forth below.

A. Notice of CEO Proposal for School Closure
The CEO shall provide advance notice to the public of his or her proposal that a school or schools be closed. Such notice shall be provided at least 120 days before the close of the academic year in which a school is recommended to close and shall be provided at least twenty-five (25) days prior to a vote by the Board to consider and take action on the CEO’s recommendation. Notice of the CEO’s proposal to close a school shall include a written statement of the CEO’s rationale. Specifically, the notice shall state whether the school should be closed for academic or non-academic reasons and shall include an explanation of how the school meets the criteria set forth in the Closing of Schools Policy Guidelines. Prior to the CEO’s public disclosure of his proposal to close a school, he or his designee shall provide notice to the principal, Local School Council (LSC) and staff in the school(s) the CEO proposes be closed as well as those schools being designated as receiving schools. The CEO shall develop the specific criteria
to be used in determining which schools shall be eligible for closure on the basis of academic performance. The criteria shall be published in the Closing of Schools Policy Guidelines. The criteria may be adjusted each school year at the discretion of the CEO. However, the CEO shall notify every school of the specific criteria to be used in advance of announcing a proposal that a school or schools be closed so that administrators and/or staff may review the criteria and determine whether the school is eligible for closure for academic reasons.

B. Public Hearings on School Closure Proposals

1. If the CEO proposes to recommend the closing of a school or schools, the public will receive no less than three (3) opportunities to comment on the CEO’s proposal prior to the Board’s consideration of the recommendation as described below:
   a. The CEO shall convene at least one public hearing at 125 South Clark, or at the offices of the Board of Education;
   b. The CEO shall convene at least one forum or meeting on proposed closings held at a location intended to foster maximum participation by persons in the affected school(s); and
   c. The public may comment on the CEO’s proposal at the public participation portion of an official Board meeting in accordance with the Board’s policy on Public Presentation, Board Report 04-0728-PO7, as may be amended.

2. Each meeting or hearing noted in section IV.1.a and IV.1.b above shall adhere to the following requirements:
   a. Notice of the meeting or hearing, its date, time and location shall be provided at least seven (7) calendar days in advance of the hearing.
   b. The hearing or meeting shall take place at least seven (7) calendar days prior to Board consideration.
   c. Sufficient time shall be allowed to elicit public comment
   d. The hearing or meeting shall be conducted by an independent hearing officer based upon procedures established by the Law Department.
   e. Public comments or a summary of such comments will be provided to the independent hearing officer responsible for preparing a recommendation and report.
   f. Following the public hearing, the hearing officer shall prepare a recommendation and report.
   g. Hearing officer recommendations and reports shall be made available to the public and copies shall be sent to the principal and LSC chair of each school the CEO recommends for closure. (Emphasis added).

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IV. IMPLEMENTATION OF SCHOOL CLOSINGS AND ANNUAL REVIEW

After approval of any school closing(s) by the Board, the CEO shall be responsible for the orderly closing of the school(s). CPS shall provide support to facilitate the transition of students affected by a school closure. The CEO or designee shall assemble a support team to provide necessary and appropriate services, as identified by the CEO’s designee, to assist those students who attended a school that is closed under this Policy. The CEO shall review the school closing process annually and report to the Board on the impact school closures have on CPS students. The report to the Board shall be made publicly available.

V. REASSIGNMENT OF STUDENTS UPON SCHOOL CLOSING

A. When a school is closed for academic reasons, the students will be reassigned to a higher performing school or to schools with available space that can meet their educational needs (including special education and bilingual education). In addition and where practicable, students shall be provided with the opportunity to enroll in other, high performing schools with available space.

C. Students with disabilities at a neighborhood school closed pursuant to this policy will be placed at the closest school to their homes that can implement their Individualized Education Program. Students with disabilities at a non-neighborhood school closed pursuant to this policy will be placed at the neighborhood school or the closest school to their homes that can implement their Individualized Education Program.

D. Students may apply for enrollment at a school or schools other than the school to which they are reassigned as provided in paragraphs A-C above, subject to space availability and the admissions criteria of such school(s).

E. If a school closing requires that the attendance boundaries of any school receiving students be redrawn, they shall be redrawn pursuant to applicable Board policies.

VI. REASSIGNMENT OF TEACHERS ASSIGNED TO CLOSED SCHOOLS

Tenured teachers at schools closed pursuant to this policy shall become reassigned teachers pursuant to the Board’s policy, “Reassignment and Layoff of Regularly Certified and Appointed Teachers Due to Changes in
Staffing Needs.” Regularly certified and appointed teachers at closed schools whose entire student population is reassigned to one school will be reappointed to the receiving school consistent with CPS staffing formulas.

The Board’s recently adopted School Closing Guidelines provide in part:

These guidelines are issued in accordance with the Board’s Closing of Schools Policy, 07-0523-PO2, which authorizes the Chief Executive Officer (CEO) to establish the criteria to be used when making decisions regarding the closing of schools for academic, under-enrollment/low space utilization (“under-enrollment”) reasons, or due to the physical condition of the building.

I. BOARD POLICIES
Under the Closing of Schools Policy, the Board may close a school for academic reasons or for non-academic reasons, such as under-enrollment or the physical condition of the building. The Consolidation of Schools Policy, 05-1221-PO1, states that the Board may consolidate one or more schools and describes various factors that may be considered in any decision to consolidate schools. These guidelines do not serve to expand or narrow the Board’s power to close schools, consolidate schools or do school turnarounds. Where necessary and appropriate, the Board shall exercise all powers available to it under the law to ensure that students and their families are provided with high quality academic opportunities in a supportive educational environment.

II. CRITERIA
For the 2009-2010 school year, the CEO shall consider the criteria specified below when making a recommendation to close a school(s).

A. School Closings for Academic Reasons

1. School Performance Score
Under the Board’s School Performance, Remediation and Probation Policy (“Performance Policy”) schools annually receive a performance score and accountability status. The score and status are determined following an evaluation of key indicators that assess a school’s current performance, trend over time and student growth. High Schools that earn less than 44% of available performance points are placed on Probation. Elementary Schools that earn less than 50% of performance points are placed on Probation. When a school earns less than 33.3% of available performance points under the Performance Policy for 2 consecutive years, the CEO may consider closing the school for academic reasons or other turnaround measures including, but not limited to, reconstitution.
2. Exclusion Factors
After making a determination that a school is eligible for closure for academic reasons, the CEO shall make a determination of whether any of the following exclusion factors apply:

a. For an elementary school, the contract principal has been in place for 2 years or less; (emphasis added)

b. The school is subject to an agreement between the Chicago Teachers’ Union which prohibits closure on the basis of academic reasons (e.g. partnership agreement such as the Fresh Start Schools Agreement);

c. The school has served as a receiving school for re-assigned students due to a school closure or consolidation in the last 2 years;

d. There are no schools within 1.5 miles of students’ homes that have performed better under the CPS Performance Policy with safe passage unimpeded by unsafe natural barriers, or it is impractical to transport transitioning students to higher performing schools with available space that can meet the students’ educational needs.

If an exclusion factor applies to a school that is eligible for closure for academic reasons, it shall be removed from consideration. However, that same school may be reconsidered for closure for non-academic reasons, including, but not limited to, under-enrollment and building condition. Exclusionary criteria do not apply in the case of school turnarounds (whether accomplished by school closure or school reconstitution). If one or more schools on a multischool campus is/are eligible for closure for any of the above academic criteria, all schools on the campus can be closed.

3. Feasibility Factors. There may be additional factors that affect the feasibility of closing a school given the availability of suitable receiving school options. For the potential receiving school(s), the CEO may consider feasibility factors that include, but are not limited to, the following:

a. Ability to accommodate additional students by evaluating student enrollment and enrollment projections.

b. Existence of physical or other barriers to travel between closing school and receiving school(s)

c. Ability to provide appropriate services to students with special needs.

d. Facility condition and ability of the facility to serve additional students

e. Potential future school measures under consideration (e.g. convert to a magnet school)

Before the CEO recommends a school for closure, he or his designee shall review the feasibility analysis conducted for each school being considered. A school that is eligible for closing for academic reasons, but is deemed not feasible to be closed may be considered for another school turnaround measure such as reconstitution.

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III. Support Offered to Students and Families Impacted by a School Closure

Understanding that school closings can create a disruption to the lives of affected students, CPS is committed to providing the following supports to students and families during this period of transition:

1. Support Teams
Upon the Board’s determination to close, consolidate or turnaround a school, the CEO or his designee shall assemble support teams to provide specific support services to the students and families at a school. The support team shall be available to counsel students and their families regarding the transition from the closed or consolidated school to another school and any other issues related to the closure or consolidation of the student’s school.

2. Educational Supports
To maintain educational continuity, Chicago Public Schools shall offer educational support services to receiving schools. Such services shall include working with receiving school principals and teachers to extend the instructional time. To ensure academic continuity for closing schools, Cadre teachers will be assigned to these schools after the proposed closing of the school is announced in January.

3. Homeless, Disabled and Other Special Needs Students
For any school that the CEO recommends for closure, the CEO or his designee shall obtain a list of the homeless, disabled and other special needs students enrolled at the school. The Office of Specialized Services shall, in cooperation with the school’s support team, provide individualized services to these students to ensure that each student is placed in the appropriate program and school in compliance with all applicable laws, agreements and decrees.

4. Additional School Transfer Options
Students attending a school that is closed for academic reasons are eligible for additional school transfer options under the Board’s NCLB school choice transfer program. Any student attending a school that is closed and designated as a Renaissance Facility pursuant to the Policy to Establish Renaissance Schools, 05-1026-PO2, or that is selected to be opened as one or more new schools shall be permitted to attend a school within the facility once the school(s) opens. However, a student’s right to return shall not require that a new school opened offer the same program or serve the same grades as the school that previously occupied the facility. Further, the Board is committed to offer a right to return to the fullest extent permissible under the Charter Schools Law, Illinois School Code, 105 ILCS 5/27A.
5. Transportation
CPS will continue to offer transportation to any student in a school that is closed if, upon reassignment, the student remains eligible to participate in an existing CPS transportation program. CPS will also provide transportation services to those students who become eligible to participate in a transportation program following his or her transition to a new school.

6. Receiving School Support
CPS recognizes that to facilitate the transition and integration of students from a closed school into a receiving school, the receiving school will be provided with additional support. Upon the Board’s decision to close a school, CPS shall offer the following support to receiving schools as well as other services during the transition year:
   a. CPS shall provide staff to receiving schools to assist with the intake and transition of new students from a closed school;
   b. Prior to the start of the new school year, CPS shall assist receiving schools with holding open houses for students and parents of the closed school;
   c. Transitional Support Services, counselors and other staff will be deployed to receiving schools to assist with the new students.

7. Student Safety
CPS will create safe passage plans in coordination with community partners, the Chicago Police Department, the Chicago Transit Authority and other city agencies to ensure that students can safely commute to their new school.

IV. Student Bill of Rights
The CEO has issued the following “Student Bill of Rights” applicable during the transitional year to encourage successful transfers for students affected by school closings:

1. When a school is closed or consolidated, students will be assigned to a receiving school that has performed better on the CPS Performance Policy than their original school.
2. Designated receiving schools will be within 1.5 miles of the student’s home address. If a better performing receiving school is not available within that distance, CPS will provide transportation options to a better performing school during the transition year.
3. CPS will create safe passage plans in coordination with community partners, CPD, CTA and other city agencies to ensure, to the extent possible, that students have a safe commute to their new school.
4. CPS will work with receiving school principals to extend instructional time in designated receiving schools.
5. A student’s school will not be closed or consolidated if that school has served as a designated receiving school within the last two academic years.
6. The district will provide individualized transition plans and supports for homeless and special needs students and families affected by school closure. Students in these groups that previously received transportation services from the district will continue to do so.
7. CPS will ensure enrollment in Summer Bridge for eligible transitioning students to foster academic growth during the transition period.
8. Each student will be assigned a staff member at the new receiving school that is responsible for their transition.
9. Designated receiving school principals and teachers will create personal learning plans for transitioning students to facilitate their academic continuity.

The Board’s School Performance, Remediation and Probation Policy provides in part:

That the Chicago Board of Education adopt a School Performance, Remediation and Probation Policy for the 2009-2010 School Year.

**I. Purpose and Goals**

This policy shall establish the standards and criteria for placing a school on Remediation or Probation for the 2009-2010 school year based on assessments administered in Spring 2009 and other performance data from prior school years. A school’s accountability status from the 2008-2009 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-four (24) 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 sixteen (16) to twenty-three and nine tenths (23.9) 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 fifteen and nine tenths (15.9) 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.

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.

AP Exam: Shall mean the end of course exam established by the College Board that is administered upon completion of an AP 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 Chief Executive Officer may remove the affected metric from consideration and the school will not get a score for that metric. The 2008 and 2009 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 2009 ISAT Composite score - 50% meeting or exceeding state standards
ii. High school minimum 2009 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.4 herein.

3. Additional Review: Elementary schools with a total performance score between 18 and 20 points, or between 42.9% and 49.9% of points and High Schools with a total performance score between 13 and 15.9 points, or between 36% and 43.9% of points will undergo an Additional Review as described in section IV.C below through which their Level 3 rating may be adjusted to a Level 2 rating. All such schools shall have Probation status pending the result of the Additional Review. Upon completion of the Additional Review, the school’s final Accountability Status shall be issued in accordance with Section IV.B.2. above.

4. 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.

C. Additional Review
Elementary Schools with a performance score between eighteen (18) and twenty (20) points, or between 42.9% and 49.9% of points, and High Schools with a performance score between thirteen (13) and fifteen and nine tenths (15.9) points, or between 36% and 43.9% of points, shall undergo an additional review by the Chief Education Officer (CEDO). The additional review will evaluate whether the school’s current performance, improvement over time and other factors may warrant adjusting the school’s accountability rating from Achievement Level 3 to Achievement Level 2.

As a part of this further review, a comprehensive evaluation shall occur utilizing metrics and standards issued by the Office of Research Evaluation and Accountability (“REA”). Using these metrics and standards, schools will be evaluated in the following areas based upon data provided by REA, collection of data by the Area Instruction Officer (AIO) or other designated oversight office, and other data and documentation provided by the school:
(1) Instruction: whether there is high quality instruction in classrooms at the school as evidenced by high levels of academic engagement and challenging standards-based instruction;
(2) Instructional Leadership: whether the school has strong instructional leadership as reflected by the level of program coherence, parental involvement and data-driven utilization of community resources at the school;
(3) Professional Capacity: the existence of professional capacity in which there is meaningful professional development, collaboration among faculty members, a focus on student learning and collective responsibility for the school’s success;
(4) Learning Climate: whether the learning climate stresses uniformly high expectations and is safe and orderly;
(5) Student Body Changes: evaluation of whether the school has experienced a significant change in enrollment due directly to a Board-approved action or Board-directed reassignment of students to the school; and
(6) Data Enhancement: evaluation of additional factors, conditions or circumstances with impact on a school’s data results.

The CEDO shall evaluate and document the school’s status and progress on each of the factors noted above and any other relevant indicators and shall provide a written explanation of their evaluation to the Chief Executive Officer (CEO). The CEDO evaluation shall also include a recommendation to the CEO as to whether the school would benefit from the additional support services that are provided to schools on Probation. The evaluation and recommendation of the CEDO shall include input from the school’s Area Instruction Officer or other designated oversight office. The CEDO evaluation and recommendation shall take into consideration a school’s “Corrective Action”, “Restructuring Planning” or “Restructuring Implementation” status under NCLB.

The CEO shall review all such evaluations and recommendations and shall take into consideration a school’s student mobility rates, poverty rates, bilingual education eligibility, special education and English proficiency programs when deciding whether or not to modify a school’s accountability rating. The CEO shall make the final determination whether the school’s accountability rating will be adjusted from Achievement Level 3 to Achievement Level 2.

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 2009-2010 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 2008 and Spring 2009. 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 2009 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 2009 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 2009 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 2008 and Spring 2009. 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 2009 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 2009 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 2009 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 2009. 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 2009 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 2009 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 2009 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 2008 and Spring 2009. 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 2009 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 2009 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 2009 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 2008 and Spring 2009. 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 2009 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 2009 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 2009 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 2007-2008 school year and from the 2008-2009 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 2008-2009 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 2008-2009 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 2008-2009 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 2009 = 3 points
      Greater than or equal to the district average, but less than one standard deviation above the district average in 2009 = 2 points
      Below the district average, but by no more than one standard deviation in 2009 = 1 point
      More than one standard deviation below the district average in 2009 = 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 2009 = 3 points
      Greater than or equal to the district average, but less than one standard deviation above the district average in 2009 = 2 points
      Below the district average, but by no more than one standard deviation in 2009 = 1 point
      More than one standard deviation below the district average in 2009 = 0 points
Greater than or equal to the district average, but less than one standard deviation above the district average in 2009 = 2 points
Below the district average, but by no more than one standard deviation in 2009 = 1 point
More than one standard deviation below the district average in 2009 = 0 points

* * * *

Finally, the role of the hearing officer, and manner in which he or she is to receive comments regarding the issues of whether the Attendance Boundaries should be changed, are set forth in the “PROCEDURES FOR HEARINGS ON PROPOSED SCHOOL CLOSINGS, CONSOLIDATIONS, ATTENDANCE AREA BOUNDARY CHANGES OR RECONSTITUTIONS.” Those Procedures state:

1. Upon determining to recommend to the Chicago Board of Education (“Board”) that a school be closed, consolidated, reconstituted or subject to attendance area boundary changes, the Chief Executive Officer (“CEO”) may appoint an independent hearing officer to conduct a hearing for the purpose of receiving comments and documents relevant to the proposed closing, consolidation, reconstitution or change in attendance area boundaries.

2. The CEO or a designee will provide notice of a hearing to consider a proposed school closing, consolidation, reconstitution or change in attendance area boundaries to the school(s) that would be affected. Public notice of the hearing may also be given by publication in newspapers of general circulation and by posting notice at the Central Offices of the Board of Education and at the schools to be affected by the proposed action.

3. At the hearing, the hearing officer will consider the relevant statements, comments or documents of any person who wishes to speak. The total number of persons speaking at the hearing will be subject to the sole discretion of the hearing officer.

4. The hearing officer will be solely responsible for conducting the hearing and will conduct the hearing in an efficient and impartial manner according to the following guidelines:
   a. 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;
b. The hearing will commence and conclude at the time designated in the notice of hearing;
c. The hearing officer will commence the hearing by reviewing the purpose for which the hearing is convened;
d. The hearing officer will determine the order of speakers’ participation;
e. Participants may submit any relevant documents or written statements to 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.

5. Following the hearing, a hearing officer will prepare and submit to the CEO a recommendation and/or a summary report of the public comment and documents received at the hearing.

6. The CEO may include the hearing officer’s summary report, the documents received at the hearing, and any recommendation received from the hearing officer in his or her recommendation to the Board on the proposed action.

7. These hearing procedures shall apply at any community meeting held in compliance with the Board policy on the Closing of Schools and/or the Board policy on the Consolidation of Schools.

**SUMMARY OF THE EVIDENCE**

**Testimony Received at the Public Hearing & Community Meeting**

<table>
<thead>
<tr>
<th>Name</th>
<th>Affiliation</th>
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<tr>
<td>Robert Runcie</td>
<td>Chief Administrative Officer, CPS</td>
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Mr. Runcie stated the basic case for closing Curtis and testified as follows: “I am the Chief Administrative Officer for the Chicago Public Schools. I have been in this position since March 2009. I appear before you on behalf of the Chief Executive Officer of the Chicago Public Schools, to introduce the proposal to close George L. Curtis Elementary School based on persistent low academic performance.

Curtis is the lowest performing elementary school in all of Chicago Public Schools, with consistently declining performance over the last 3 years. At the last testing, only 1 out 3 students met state standards in reading. The proposed receiving schools, George Pullman Elementary and Alex Haley Elementary both perform significantly higher.
Mr. Hearing Officer, the following testimony will demonstrate that Curtis meets all of the criteria for closure based upon its low academic performance. Curtis has low test scores, which are consistently low across subject areas, and across time. For this reason, the Chief Executive Officer proposes to close Curtis Elementary School at the end of the 2009-2010 school year. While we appreciate that change can be challenging, CPS is prepared to provide additional supports to both Pullman and Haley to ensure successful transitions. Every student currently attending Curtis will have the opportunity to attend a significantly higher-performing school.”

Ryan Crosby  
Director of Performance Policy, CPS

Mr. Crosby set-forth the academic deficiencies at Curtis and testified: “I am the Director of Performance Policy 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 compliance with state and federal school accountability policies. I have been in this position since June 2008.

The CEO’s recommendation that George W. Curtis Elementary School, or “Curtis”, be closed due to low academic performance is based on the Board of Education’s authority to close schools on academic probation under Section 34-8.3 of the Illinois School Code and the CPS Performance Policy and Closing of Schools Policy. There are copies of these statutes and policies in the binder of documents that you have received.

Section 34-8.3 grants the Chief Executive Officer and the Board of Education the authority to take certain corrective measures with respect to schools with academic deficiencies. One of those measures is placing schools on probation. If a school has failed to make adequate progress in correcting its academic deficiencies after being placed on probation, Section 34-8.3 allows the Chief Executive Officer, with the approval of the Board of Education, and after a hearing, to close the school.

At the Board of Education meeting in December 2009, the CEO published criteria for identifying low performing schools as candidates to be closed for academic reasons. Specifically, schools that earned less than 33.3% of the total available points on the CPS Performance Policy for two consecutive years were eligible for closing.

The CPS 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 received less than 50% of the total available points were placed on probation. Schools that received less than one-third (or 33.3%) of total available points for two consecutive years, were considered for closing.
The CEO selected 33.3% as the cut-point because one-third of total points represents a school that earns, on average, one point out of three on each metric. Put another way, a school earning exactly 33.3% is a school that met, on average, the minimum criteria to earn at least one point on each of the 14 metrics. A school that earns less than one-third of points is not, on average, meeting this minimum threshold. Schools earning less than one-third are those that not only have low performance, but have shown very little improvement over time. Furthermore, by selecting schools that received less than one-third of the total available points for two consecutive years, we are not considering schools that simply had one bad year. Rather, the schools selected had chronic low performance.

In the 2007-2008 school year, Curtis earned 23.8% of the total available points. In the 2008-2009 school year, Curtis earned only 4.8% of available points, the lowest of any school in the District. Curtis has been on probation for three consecutive years, and for six out of the past seven years, including the current school year. The notices of Curtis’ Performance Policy status for 2008 and 2009, respectively, which were sent to the Curtis principal, are included in the binder of documents that you have received.

In evaluating whether or not to close a school, CPS also applied various exclusionary criteria. Schools eligible for closure due to their probationary status were not considered for closing if they met any of the following criteria:

1. The school has a contract principal who has been in place for less than two years.
2. The school is participating in the Fresh Start program, which is the CPS partnership with the Chicago Teacher’s Union.
3. The school has been subject to reconstitution or principal removal under Section 8.3 of the Illinois School Code within the last two years.
4. The school is currently in the process of phasing out.
5. The school has been used as a designated receiving school for reassigned students due to a school closure or consolidation within the last two years.
6. There are no schools within 1.5 miles of students’ homes that have performed better under the CPS Performance Policy and which the transitioning students can get to safely, or it is impractical to transport transitioning students to higher performing schools, with available space, that can meet the students’ educational needs.

These exclusions ensure that schools that have had major changes in governance or leadership in the last two years are given sufficient time to show progress before being considered for closure for academic reasons. Curtis Elementary School was not excluded for any of the reasons listed above and was therefore considered for closing.

Furthermore, at the December 2009 Board meeting, the CEO released a Student Bill of Rights that laid out the safeguards, supports and programmatic opportunities transitioning students and their families can expect during a school closing process. The exclusionary criteria listed here ensure that CPS is honoring this Student Bill of Rights.
If approved by the Board of Education of the City of Chicago, the following would occur as a result of the closure:

1. Curtis would close at the end of the 2009-2010 school year.
2. All staff at Curtis, including the faculty, would be removed.
3. The current attendance boundaries for Curtis would be assigned to Pullman Elementary School and Haley Elementary School.
4. All students currently enrolled in Curtis or eligible to enroll in Curtis, and who live within the current attendance area boundary for Curtis, would be assigned to either Pullman or Haley.
5. All students currently enrolled in Curtis who live outside of the attendance area boundary for Curtis would be assigned to their neighborhood attendance area school. If that school was not higher-performing than Curtis on the CPS Performance Policy in 2008-2009, that student would have the opportunity to attend another, higher-performing CPS school within 1.5 miles of their home. If no higher-performing school exists within 1.5 miles of their home, transportation would be provided to a higher-performing school.

Mr. Hearing Officer, I now will present specific data highlighting the low academic performance of Curtis Elementary School. This data is being displayed on the PowerPoint presentation currently being shown. The next slide shows the percent of students at Curtis and across the District who met or exceeded state standards on the Illinois Standards Achievement Test, or ISAT, in the 2008-2009 school year. ISAT performance is used as a part of the elementary school scoring in the CPS Performance Policy.

As you can see, Curtis’s 2008-2009 performance on the ISAT composite, which is the combined result of the ISAT reading, mathematics, and science assessments, was 39.9%, compared to a District average of 69.8%. In reading, the percent of Curtis students meeting or exceeding state standards was 36%, compared to a District average of 67.8%. In mathematics, Curtis’ performance was 47.6%, compared to a District average of 73.6%. In science, Curtis’ performance was 27.4%, compared to a District average of 64.3%.

The gap between Curtis and the District has been persistent over time, and in recent years has been widening. After the 2005-2006 school year, when the District as a whole, including Curtis, showed large improvements in the percent of students meeting or exceeding state standards, the District continued to improve, from 61.8% on the ISAT composite in 2005-2006 to 69.8% in 2008-2009, an increase of 8 percentage points. Over this same period, the scores of Curtis have declined, from 47.4% to 39.9%, a decrease of 7.5 percentage points.

The decline in Curtis’ performance is consistent across subjects. In reading, the percent of students meeting or exceeding at Curtis has declined from a high of 45% in 2005-2006
to 36% in 2008-2009, a decrease of 9 percentage points. Over that same time period, the CPS average increased from 59.1% to 67.8%, an increase of 8.7 percentage points.

In mathematics, Curtis declined from a high of 51.6% in 2005-2006 to 47.6% in 2008-2009, a decrease of 4 percentage points. Over that same time period, the CPS average increased from 64% to 73.6%, an increase of 9.6 percentage points.

In science, Curtis declined from a high of 41.8% in 2005-2006 to 27.4% in 2008-2009, a decrease of 14.4 percentage points. Over that same time period, the CPS average increased from 63.3% to 64.3%, an increase of 1 percentage point.

Starting in 2008, CPS began using a new metric to measure student growth from year to year on the ISAT. This metric, called the Value-Added metric, which is a component of the CPS Performance Policy, compares student academic growth at a school with the growth of similar students across the District. This is done through a regression methodology that controls for eight student-level factors, including grade level, prior performance on the ISAT, free or reduced lunch eligibility, mobility, participation in the Homeless Education Program, Individualized Education Plan (or IEP), 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 measured in ISAT scale score points. 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 means that students at the school grew, on average, one scale score point greater than similar students. 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 lesser pace than similar students in the District.

Curtis’s 2009 reading Value-Added score was -2.3 and its mathematics Value-Added score was -2.8. This means that on average between 2008 and 2009, students at Curtis grew 2.3 ISAT scale score points less in reading and 2.8 ISAT scale score points less in mathematics than similar students in the District. As a point of reference, Curtis’ value-added scores were in the bottom 15% of scores in the District last year.

In addition to standardized test scores, the CPS Performance Policy evaluates schools on attendance rate. The attendance rate for Curtis has been consistently lower than the District average. In 2005-2006, Curtis had an attendance rate of 92%. Since then, the attendance rate has declined to 90.9%, and in one year—the 2007-2008 school year—the attendance rate was below 90%. Since the 2003-2004 school year, the District average for elementary schools has been consistently above 94%, and was 94.5% in 2008-2009. With an attendance rate of 90.9% in 2008-2009, nearly 10% of instructional time at Curtis was being missed by students. This represents over 75 hours of instructional time missed by the average Curtis student over the course of the year.
As mentioned previously, our guidelines for school closings ensure that students enrolled at a school being closed will have the opportunity to attend a higher-performing school close to their homes. As a result of the closure of Curtis, the current Curtis attendance boundaries would be assigned to Pullman Elementary School and Haley Elementary School. Both schools are higher performing than Curtis. In 2008-2009, while Curtis received only 4.8% of points on the CPS Performance Policy, Pullman received 61.9% of points and Haley received 54.8% of points.

In addition, the ISAT composite scores at Pullman and Haley are higher than those at Curtis. While Curtis’ ISAT composite score was only 39.9% in 2008-2009, Pullman’s score was 63% and Haley’s score was 63.5%. We are confident in saying that students who currently attend Curtis Elementary School will be able to attend higher-performing schools as a result of this closure.

The proposed receiving schools have the capacity to accommodate all students currently enrolled at Curtis who live within the Curtis attendance area. As described earlier, those students who currently attend Curtis but reside outside of the Curtis attendance area would return to their neighborhood attendance area school. Any student whose neighborhood attendance area school did not perform higher on the 2008-2009 Performance Policy than Curtis will have the opportunity to transfer to a higher-performing school. We will work individually with families in those situations to ensure that parents are aware of their options.

All Curtis students will be advised of their specific school assignments and options in letters to their parents if the Board approves the closing of Curtis. Students with disabilities whose Individualized Education Plans (IEPs) cannot be met at their assigned receiving school, will be assisted by the Office of Specialized Services with placement at schools where the student’s needs can be met. Students who participate in the Homeless Education Program may receive additional placement support.

To conclude Mr. Hearing Officer, the Chief Executive Officer proposes to close Curtis Elementary School at the end of the 2009-2010 school year in accordance with state law. Curtis met all of the criteria for closure for academic reasons. The school has low academic performance, this performance is consistently low across subject areas, and this performance has remained low over time. As a result of this proposed closure, students at Curtis will have the opportunity to attend a higher-performing school.”

Karen Saffold
Chief Area Officer for Area 16

Dr. Saffold testified concerning the efforts made to assist Curtis as follows: “I am the Chief Area Officer for Area 16 of the Chicago Public Schools which includes Curtis Elementary School. In my capacity as the Chief Area Officer, I oversee the educational development of schools within Area 16. As part of this duty, I am involved in providing assistance to schools which are on academic probation and address academic deficiencies in schools throughout the area.
I appear before you today on behalf of the Chief Executive Officer to discuss the CEO’s recommendation that students currently assigned to Curtis Elementary School be reassigned to more highly performing schools within the area.

During the last four years, as a result of the continuing low academic performance of students assigned to Curtis Elementary School, the Board, through the Area Office, has provided extraordinary assistance to the principal and staff of Curtis Elementary School.

The Area Office provided human resource support to Curtis Elementary School in the form of extensive professional development workshops for staff at Curtis including monthly professional development meetings. The Area Office also assigned staff to conduct model classrooms for Curtis teachers. The model classrooms demonstrated best practices to the teachers assigned to those classrooms and monitored the Illinois State Learning Standards. The Area Office staff also attended staff meetings at Curtis to address ongoing concerns and conducted walk throughs at the school to monitor academic development.

The Area Office also provided targeted support in reading and math instruction which included assignment of reading and math specialists to the school to assist staff in that area. In conjunction with the provision of human resources, the Area Office purchased supplemental instruction materials for use by staff at the school.

In spite of the additional measures afforded to the staff of Curtis Elementary School, students have continued to perform well below standards set by both the State of Illinois and the Chicago Public School system as a whole. Curtis Elementary school remains one of the lowest performing academic schools in the Chicago Public School system. The area in which the students of Curtis reside contain schools which consistently outperform system wide standards including Pullman Elementary School and Haley Elementary. Students currently assigned to Curtis Elementary school could benefit from reassignment to schools with a demonstrated record of high achievement and for that reason I urge adoption of the CEO’s recommendation.”

**Stephen Glombicki**  
Deputy Director of Security

Mr. Glombicki testified concerning safety and security issues as follows: “The Chief Executive Officer has asked me to appear at this hearing this evening to identify the efforts my office has made to ensure that if the CEO’s proposal to close Curtis is ultimately recommended by you, Mr. Hearing Officer, and approved by the Board of Education, that the children currently attending Curtis will be able to arrive at their new schools safely, and feel safe once there.

Prior to accepting the position as Deputy Director of Security for the Chicago Board of Education in August of 2009, I was a Captain with the Chicago Police Department. Prior to being a Captain, I was a Lieutenant in charge of the Gang Enforcement Operations for Area # 2. As a member of the Gang Enforcement Operations Unit for Area 2, I directed and was the overseer of all gang related investigations. I worked daily with the Alcohol
Tobacco and Firearms division and also was the official liaison for referrals to the Office of the United States Attorney for the Northern District of Illinois in referring the most violent armed career gang criminals for federal prosecution under Project Safe Neighborhoods. I have 42 years of experience with the Chicago Police Department. I have a Bachelors of Science in Law Enforcement Management.

I am here today to discuss matters of Safety & Security regarding the closure and consolidation of Curtis and re-locating the students to Pullman & Haley. Pullman is to the east of Curtis at 11311 S. Forestville and Haley is to the west at 11411 S. Eggleston. We have been in contact with the respective Police Commanders, John Ball of the 5th District, and Michael Kuemmeth of the 22nd Police District. Also, Lt. George Deveraux of the Area Gang unit. We are working with them to ensure students can traverse safely to and from school. As we get closer to the start of school, we will be working to identify any problem school crossings and work with the police to have these intersections manned by a crossing guard. As a back-up, we will have Youth Outreach workers on stand-by. Within the schools, we will work closely with the Principal and the security staff to monitor the conditions inside. If need be, we can increase the security staff and will keep those extra persons in place until we decide conditions warrant a scale back of security officers.

In interviews with Haley’s administration, we already have identified some new concerns and will be working with the Chicago Police Department on them also we will perform the same tasks that I outlined at Pullman.

Additionally, be advised on 30 Jan from 10:00 AM to 12:00 PM, Curtis is going to be hosting a meeting for the community to come and give their input. The Office of Safety & Security will have a representative there to gather their information. We will take their suggestions and actively work with community members to attain the safest possible environment for all. Further, this will not be a onetime meeting. We pledge to continue to work with them evaluating and fine tuning our response in partnership with the Chicago Police Dept. …

In conclusion, if Curtis Elementary School is closed, and the children attend either Haley or Pullman next school year, I am confident that these children will be able to get to their new schools safely and feel safe once they are at these schools.”

Rochelle James
Principal

The Principal presented a letter written by the Curtis Elementary School’s Administration that stated: “The new administrative team at George W. Curtis Elementary School, after careful observation of the school structures and policies currently in place, has implemented the following action items in order to fulfill our SIPAAA Vision and Mission, support our Area 16 non-negotiables, and increase our overall student achievement and social/emotional learning environment. In essence, we are in turnaround mode at Curtis School. We are requesting that we have an opportunity to continue to implement these practices and provide our students with a foundation that will allow them to succeed academically and socially.
Action Items:

1. Increase reading, math and science ISAT scores
   a. Saturday school
   b. After school tutoring
   c. Early morning tutoring
2. Reduce the number of discipline referrals
   a. FOCUS session
   b. Increase phone calls to parents
   c. Consistent monitoring of classrooms
   d. Additional counseling to those students exhibiting troubled behavior
3. Maintain a positive learning and work environment (increase morale)
   a. Provide incentives for students and staff
   b. Provide positive feedback to student and staff
   c. Encouraging word of the day along with ISAT word of the day
   d. Student of the Week / Employee of the Week
4. Distributive Leadership
   a. Administrative Leadership advisory team
   b. Instructional Leadership Team
   c. Discipline Team
   d. Social Committee
5. Increase Parental and Community Involvement
   a. PAC
   b. LSC
   c. Parent Patrol
   d. St. John Baptist Church
   e. Kids off the Block
   f. Improved communication with parents
   g. Monthly newsletter
6. Increase Safety within School
   a. Hire part-time police officer
   b. Increase parental presence during school day – Youth Outreach Support
7. On-going Professional Development
   a. Classroom Management / Classroom Discipline
   b. Differentiated Instruction
   c. Best Practices
8. Improved Learning Environment
   a. Science Lab
   b. Computer Lab in both buildings
   c. Real Men Read
   d. Monthly Career Day
9. Student Support and Interventions
   a. Individual Report-Card Conferences
   b. Social Skill of the Week
   c. Field Trips
   d. Celebratory Assembly
We are asking for one school year to turn the school around and increase student scores by at least 10 to 15 percent in reading and math.” The school has essentially developed, and now seeks an opportunity to enact, its own “turnaround plan.” The Principal testified consistently with this letter at both the Public Hearing and Community Meeting.

Sandra Walters  Assistant Principal

Assistant Principal Walters spoke at the Community Meeting and said in part: “I have been here a little over two years. … When I came aboard, there were many challenges here at Curtis … . The first year the scores were low. We were able to increase the scores in reading and math that first year. The second year the scores in math did increase. Now, the challenges have continued. I worked with the students and the community, seen many incidents, seen many children who are in need but beyond that, my purpose today is to support the principal who is now in place. She has been here a short time, and the plans that she has put in place and the implementations that have already taken place in these short few days are very effective.

Theresa Woodson  LSC Chairperson/Parent

Ms. Woodson pointed out that there has been constant turnover in the school’s administrative staff, 4 principals in 6 years, and the new principal just put in place this semester should be given an opportunity to succeed as she has a plan to improve student achievement at Curtis.¹

Marilyn Stewart  CTU President

CTU President Stewart testified in part as follows: “[A]s President of the Union, I'm here to stand with Curtis because I went out to Curtis, and the story is the same, when you look at the school that you're closing or that you're trying to turn around, there's a common denominator that you have heard, if I repeat something it's because it's chronic, homelessness, of the students in the Chicago area when you gentrify neighborhoods. If you look at this map, if you see the orange, the orange are the schools with the most closings, seven or more closings in this area. If you notice, the orange is around the closest area to downtown. Within a 10 mile radius of the downtown area. It looks like where the Olympics were going to be.

It looks like Curtis, when you put this stuff up, it does not talk about, as the people were talking about, it doesn't talk about the homeless shelter near Curtis. It doesn't talk about the renovation going on. I went there and the teacher said I don't have heat in my room, I haven't had heat in my room all Fall, sitting in a room with a coat on. And they're doing, rehabbing, putting air-conditioning in the winter when teachers couldn't have heat. Who are you giving that school to? If you're rehabbing the building that you're going to close.

¹ See note 2 infra at page 42.
If these children and parents are not worthy of learning conditions suitable for learning, what's the point.

All around the system, you have to create the scenario where schools have this type of issue, you cannot compare a school like Curtis or any of these chronic low scoring school with higher performing schools, if you have a high population of homelessness, a high population of special education teachers, of the students, and teachers who are doing their best. You cannot educate a child if the child is moving around the system. …

You closed schools and you got the same results that as you had six years ago. Turning around schools, closing schools is not the answer. You're looking at teachers, parents, students are absolutely frustrated, that you keep doing something that's not, what's the answer to that? If you keep doing the same thing and get the same results, what's the definition of insanity? You need to stop the insanity. Go out there and look at these schools, walk across the neighborhood, and as I say, the teachers are saying, the kid are going across gang lines, you're going to escort kids to school, they're saying when the kids get inside the school, then they're going to, there's fighting inside the school. …

You move the school, you move the teachers, and you get the same results because you're not educating our children. It's all about real estate, it's all about politics, and it's not, it has nothing do with educating our children, because the educators are not being consulted. True school reform happens with us, not to us.”

Inez Swanson  LSC Community Rep

Ms. Swanson attributes the low student performance on the standardized test to the fact that construction was taking place in the school building. She suggested that instead of putting the money into capital improvements, CPS should invest in the Curtis students to provide After School Programs, etc., that would benefit the students.

Ethel LaBranche  Grand Parent

Ms. LaBranche expressed her concern about the additional travel time to the proposed receiving schools, and about the safety of the children due to potential gang activity in the area.

Juantaunne Byrd  PAC Chairperson

Ms. Byrd requested that CPS consider “Turnaround” as an alternative to closing Curtis. The children want to be at Curtis, and the community needs Curtis, but the school does need additional resources. She also spoke at the Community Meeting about these concerns.

Pastor Donald LaBranche  Church Pastor & Grand Parent

Rev. LaBranche requested that the school remain open because the Roseland community needs the school. The teachers want the children to succeed, but the school needs
additional resources for before and after school programs. The proposed receiving schools are not anxious to take the Curtis students.

Yvonne Baylock  LSC Community Rep.

Ms. Baylock pointed out numerous socio-economic factors impacting student performance at Curtis, while conceding student achievement has not been adequate. She implores CPS to commit additional resources to this school enabling smaller class sizes for more quality instruction to occur. She also spoke at the Community Meeting about these concerns.

Patricia Gatling  Teacher

Ms. Gatling expressed concern about why capital improvements are being made to the building if CPS is closing the school. She stated that the children feel safe at Curtis, and is concerned about their safety crossing gang lines to attend the proposed receiving schools. She indicated that many of the students reside in a homeless shelter, and a methadone treatment clinic across the street where many parents are being treated.

Madie Burton  Parent

Ms. Burton also expressed concern about why capital improvements are being made to the building if CPS is closing the school. She pointed out an extremely high transfer rate caused by the transient nature of the area contributed to the low test scores; 200 transfers in September alone, almost 50% of the student population. Additional assistance is needed, not closing the school.

Marcus Funches  PAC Co-Chair

Mr. Funches believes the school has had a positive impact on the students and community, and that it vitally important that Curtis remain open. He also expressed a concern about the safety of the students traveling to the proposed receiving schools. He also spoke at the Community Meeting as to his concerns.

Romie Dunlap  PAC Member

Mr. Dunlap believes that the students are trying to learn and that the teachers are committed to teaching, but the school needs additional resources from CPS.

Renee Ortega  Security Officer

Ms. Ortega testified that the staff provides help to students without compensation by staying to work with students. Like several other witnesses she feels that additional CPS resources are needed at Curtis and that closing the school would be detrimental to the community.
Maria Lopez-Animas
ESP
Ms. Lopez-Animas testified that Curtis is in need of additional resources for the students.

Lucille Russell
Special Ed. Teacher
She testified “under the whistle blower law” and believes CPS defamed them by giving false statistical data on the school. She also spoke at the Community Meeting as to her concerns about students who have IEP’s.

Patricia King
Parent
Ms. King feels that the school should be visited by those controlling Curtis’ fate. She believes additional resources, e.g., as a school psychologist, are needed. Testing should be done to evaluate students’ learning disabilities, etc. She also spoke at the Community Meeting as to her concerns.

Dr. John Kugler
“Displaced Teacher”
Mr. Kugler indicated that the entire school closing process is disruptive to the education of the students.

Tanya Saunders-Wolfe
CTU Field Rep.
Ms. Saunders-Wolfe testified compellingly as follows: “I speak to you tonight as a former teacher in the Roseland community. I taught at the neighborhood schools, so I feel I know the neighborhood well. The Chicago Public Schools has proposed the closure of Curtis Elementary School and they justify this based on chronic low performance, on data, standardized test scores that are given once a year. CPS is data driven, and I can appreciate that, but I’d like to give you some numbers tonight. Four blocks north of Curtis, four blocks west of Curtis, four months, exactly four months to this day, September 28, 2009, young Darren Albert, a former student of Fenger High School was senselessly killed. Have we not learned anything? You are removing the children of Curtis Elementary School from the environment where they considered it a safe haven. They love their teachers, and they have a pretty decent attendance record. Has the data analyzed the social impact of closing the school and sending students across gang lines to schools where they are un-welcomed? Another number, three. Three homeless shelters in their community, serving women and children. These children are transient, they leave, and they come back. 200, the number of transfers in and out in five months. Curtis teachers are forced with the daunting task of educating their students in spite of life outside their schools walls. The teachers of Curtis are faced with the task of giving standardized tests to students whom may or may not have been there two weeks ago. Yet they come every day and give the children their best.”
Deborah Lynch  
Former CTU President

Ms. Lynch proposed a new standard for school closings as follows: “there should be no school closures, unless and until Board members and CPS, quote, unquote, leadership, feels safe enough to walk down the same streets we expect these children to walk down to get to the new schools. We don't close police stations in high crime neighborhoods, we provide them with greater staff and resources. We should do no less for our students for the children of Chicago.”

Jackson Potter  
Teacher at another school

Mr. Potter stated that the data “doesn't reveal the intricacies of what happens in our communities in Chicago, whether it's alcohol syndrome, whether it's a high homicide rate that year where the test data is drawn from.”

Jesse Sharkey  
Teacher at another school

He spoke to support Curtis School and stated: “I think that the closing policy at CPS is a failed policy. It produces spikes in violence. The majority of the students who are displaced from schools, don't want to be in schools that are better. It hurts communities, and I just want to say something as a member of the Chicago Teacher's Union that affects teachers, literally thousand of teachers have been displaced.”

Student 1  
8th Grade

Curtis should remain open because it does not have the gang problems of the other schools, and the teachers need their jobs in these tough economic times.

Student 2  
6th Grade

Curtis should remain open because it does not have the gang problems of the other schools. They were able to attend the Area Science Fair thanks to their teachers.

Student 3  
8th Grade

An honor roll student every semester, Student 3 also testified about the successful second place finish at the Area Science Fair, but she also added “I don't think the system should give up on the students by closing down the school because I think every student is able to be taught …. You just don't give up on them. Keep trying to help them.”

Student 4  
7th Grade

He is concerned about the violence if Curtis is closed.
Theressa Daniels  
CORE

Ms. Daniels spoke at the Community Meeting and said in part: “I represent CORE, the Caucus of Rank and File Educators. We’ve been attending all these hearings. We’re very opposed to the destruction of the public schools that is happening in the City of Chicago. We are opposed to our students being turned into commodities, you know, in a business plan, not an education plan, a business plan to make money from these schools.”

Marcia Williams  
Independent Caucus of CTU

Ms. Williams spoke at the Community Meeting and said in part: “I am here to support not only the parents and the students, but also the staff and the new Acting Principal that just got here, as she said, 20 days ago. I think that with her leadership, along with her staff and seeing that she's new here and she definitely has some plans in place to improve the quality of education and the climate of the school, that she should get that opportunity; that she should be able to work with her staff and be able to put in place some programs that will have some benefit to the students. Curtis have had a series of issues in regards to leadership in regards to the principals. They have had several principals that have left in the last four to six years, and that does weigh on a school. They need to be able to have some kind of stability that the students and the staff can see that they can finally be able to work together. … You have to give people an opportunity. Just like Mayor Daley said when asked about the dismal results in academic growth with those students who have been affected with school closing, turnaround or consolidation, and his answer was we need time. The students need time.”

Marie Wadlington  
Pre-School Teacher (Head Start)

Ms. Wadlington spoke at the Community Meeting. She feels that closing Curtis will negatively impact the community because the are the only school in the area to offer full-day Head Start services.

Michelle Jackson  
Parent

Ms. Jackson spoke at the Community Meeting She believes that there are good teachers at Curtis who interact well with the students, but the need more time.

Eldee Reeves  
Parent

Ms. Reeves spoke at the Community Meeting to urge that the school remain open.

Robert Douglas  
Sun Foundation

He spoke at the Community Meeting as an Alumni of Curtis to strongly oppose closing the school. He runs various athletic programs in Roseland at for Curtis and believes the community needs the school.
Charmain Moore Counselor/Case Manager

She spoke at the Community Meeting and said: “I have been here two and a half years. And in the two and a half years, I have watched the school lose staff. And I was watching the power point that you had on Thursday talking about the grades and talking about the scores going down, and it was curious to me as they were going down, we were losing staff. When I came here, there were ESPs enough to help the children. I think we have maybe one now. And that is a big thing. Emotionality of the children. Our children come to us with the expectation that we will take care of them. Our children come to us because they have no place else to go. … I asked a student about the affect of going to Alex Haley. He said, ‘ain't nothing. They're just going to be shooting at us.’”

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 advising of the hearing sent to the school communities including the Principals, LSCs, parents, and teachers and staffs, and an affidavit regarding the same; 2) copies of the notifications published in the newspaper; 3) the Board’s Policy on Attendance Boundaries; 4) the Procedures for Hearings on Proposed School Closings, Consolidations, Attendance Area Boundary Changes or Reconstitutions; 5) a copy of the relevant statutory provisions; 6) a map of the proposed attendance boundary changes; and 7) the CPS witnesses written testimony and related Power Point presentation.

Documents Submitted In Opposition To The Closing

Several documents were submitted to the hearing officer that were received and made a part of the record in this case. Those documents included: 1) A petition signed by

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2 The documentary evidence received at, and 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.
several people opposed to closing the school; 2) Witness statement of Dr. Kugler; 3) A folder containing witness statements, additional petitions and student letters requesting that the school remain open; and 4) A letter from the Roseland Business Development Council requesting that Curtis School remain open.

**STATEMENT OF FINDINGS**

1. Proper notice of the Public Hearing was given as required by Illinois law and the Procedures for Hearings on Proposed School Closings, Consolidations, Attendance Area Boundary Changes or Reconstitution. The purpose of the Public Hearing was to give representatives of the Chief Executive Officer (“CEO”), members of the local school councils, parents of the schools’ students, members of the schools’ staffs, the schools’ principals, representatives of the Chicago Teachers’ Union, and interested members of the public, opportunities to comment on the CEO’s proposal to close Curtis Elementary School and change the attendance boundaries of Haley and Pullman Elementary Schools.

2. On January 28, 2010, a public hearing was held at the Board of Education, 125 South Clark, Chicago, Illinois.

3. The public hearing required to be conducted prior to closing a school or taking action on the establishment or revision of any attendance boundaries, has taken place in this case, and all of the other aspects of the applicable Board’s Policies have been fully complied with.

4. Pursuant to Section 5/34-18 (7) & (24) of the Illinois School Code, the Chicago Board of Education has the power to apportion the pupils to the several schools,
and to close existing school.

5. 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 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) (6) specifically includes “Closing of the school” as an action available to the CEO in said cases.

6. Curtis Elementary School is located at 32 E. 115th St, Chicago, IL. Haley Elementary School is located at 11411 S. Eggleston Ave., Chicago, IL. Pullman Elementary School is located at 11311 S. Forestville, Chicago, IL.

7. If the closure of Curtis is approved by the Board of Education of the City of Chicago, the following would occur: Curtis would close at the end of the 2009-2010 school year; All staff at Curtis, including the faculty, would be removed; The current attendance boundaries for Curtis would be assigned to Pullman Elementary School and Haley Elementary School; and all students currently enrolled in Curtis or eligible to enroll in Curtis, and who live within the current attendance area boundary for Curtis, would be assigned to either Pullman or Haley. All students currently enrolled in Curtis who live outside of the attendance area boundary for Curtis would be assigned to their neighborhood attendance area school. If that school was not higher-performing than Curtis on the CPS Performance Policy in 2008-2009, that student would have the
opportunity to attend another, higher-performing CPS school within 1.5 miles of their home. If no higher-performing school exists within 1.5 miles of their home, transportation would be provided to a higher-performing school.

8. Both Pullman Elementary School and Haley Elementary Schools are higher performing than Curtis. In 2008-2009, while Curtis received only 4.8% of points on the CPS Performance Policy, Pullman received 61.9% of points and Haley received 54.8% of points. In addition, the ISAT composite scores at Pullman and Haley are higher than those at Curtis. While Curtis’ ISAT composite score was only 39.9% in 2008-2009, Pullman’s score was 63% and Haley’s score was 63.5%. Therefore, students who currently attend Curtis Elementary School will be able to attend higher-performing schools as a result of this closure. The proposed receiving schools have the capacity to accommodate all students currently enrolled at Curtis who live within the Curtis attendance area.

9. Curtis is one of the lowest performing elementary school in the District, with consistently declining performance over the last 3 years. At the last testing, only 1 out 3 students met state standards in reading. George Pullman and Alex Haley Elementary Schools are both higher performing schools.

10. In December 2009, the CEO published criteria for identifying low performing schools as candidates to be closed for academic reasons. Schools that earned less than 33.3% of the total available points on the CPS Performance Policy for two consecutive years were eligible for closing. 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 received less than 50% of the total available points were placed on probation. Schools that received less than one-third (or 33.3%) of total available points for two consecutive years, were considered for closing. The CEO selected 33.3% as the cut-point because a school earning exactly 33.3% is a school that met, on average, the minimum criteria to earn at least one point on each of the 14 metrics. A school that earns less than one-third of points is not, on average, meeting this minimum threshold. Schools earning less than one-third are those that not only have low performance, but have shown very little improvement over time. In the 2007-2008 school year, Curtis earned 23.8% of the total available points. In the 2008-2009 school year, Curtis earned only 4.8% of available points, the lowest of any school in the District.

11. None of the “Exclusion Factors” that would prohibit Curtis Elementary from being closed in a manner that is consistent with State Law, and the Board’s applicable Policies and Guidelines adopted pursuant thereto, are applicable here.3

12. Curtis’s 2008-2009 performance on the ISAT composite, which is the combined result of the ISAT reading, mathematics, and science assessments, was 39.9%, compared to a District average of 69.8%.

13. In reading, the percent of Curtis students meeting or exceeding state

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3 The fact that the Principal has only been at Curtis one month does not that the proposed action violates Board policy. The exclusion concerning a Principal’s tenure contained in the Board’s School Closing Guidelines and Policy expressly states that it is applicable where a “contract principal” has been in place less than two years. Therefore, the exclusion is not applicable in the instant case.
standards was 36%, compared to a District average of 67.8%. In mathematics, Curtis’ performance was 47.6%, compared to a District average of 73.6%. In science, Curtis’ performance was 27.4%, compared to a District average of 64.3%.

14. The gap between Curtis and the District has been persistent over time, and in recent years has been widening. The decline in Curtis’ performance is consistent across subjects.

15. While the District has improved from 61.8% on the ISAT composite in 2005-2006, to 69.8% in 2008-2009, the scores at Curtis have declined, from 47.4% to 39.9%. Moreover, in reading, the percent of students meeting or exceeding at Curtis has declined from a high of 45% in 2005-2006 to 36% in 2008-2009. In mathematics, Curtis declined from a high of 51.6% in 2005-2006 to 47.6% in 2008-2009. In science, Curtis declined from a high of 41.8% in 2005-2006 to 27.4% in 2008-2009. These declines across subject matter are in stark contradiction to gains by the District on average during this time frame.

16. Starting in 2008, CPS began using a new metric to measure student growth from year to year on the ISAT. This metric, called the Value-Added metric, which is a component of the CPS Performance Policy, compares student academic growth at a school with the growth of similar students across the District. This is done through a regression methodology that controls for eight student-level factors, including grade level, prior performance on the ISAT, free or reduced lunch eligibility, mobility, participation in the Homeless Education Program, Individualized Education Plan (or IEP), English Language Learner status, and gender. The value-added metric is measured in ISAT scale score points. 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. A negative score means that students at the school are growing at a lesser pace than similar students in the District. Curtis’s 2009 reading Value-Added score was -2.3 and its mathematics Value-Added score was -2.8. Students at Curtis grew 2.3 ISAT scale score points less in reading and 2.8 ISAT scale score points less in mathematics than similar students in the District.

17. In addition to standardized test scores, the CPS Performance Policy evaluates schools on attendance rate. The attendance rate for Curtis been consistently lower than the District average. In 2005-2006, Curtis had an attendance rate of 92%. Since then, the attendance rate has declined to 90.9%, and in one year—the 2007-2008 school year—the attendance rate was below 90%. Since the 2003-2004 school year, the District average for elementary schools has been consistently above 94%, and was 94.5% in 2008-2009. With an attendance rate of 90.9% in 2008-2009, nearly 10% of instructional time at Curtis was missed by students. This represents over 75 hours of instructional time missed by the average Curtis student over the course of the year.

18. This low performance has taken place at Curtis despite efforts by CPS to provide it with assistance. The Area Office provided extensive professional development workshops for staff at Curtis including monthly professional development meetings. They also assigned staff to conduct model classrooms for Curtis teachers. The model classrooms demonstrated best practices to the teachers assigned to those classrooms and monitored the Illinois State Learning Standards. The Area Office staff also attended staff meetings at Curtis to address ongoing concerns and conducted walk-throughs at the
school to monitor academic development. They provided and conducted targeted support in reading and math instruction which included assignment of reading and math specialists to the school to assist staff in that area. Finally, the Area Office purchased supplemental instruction materials for use by staff at the school.

19. In spite of the additional measures afforded to the staff of Curtis Elementary School, students have continued to perform well below standards set by both the State of Illinois and the Chicago Public School system as a whole.

20. Illinois law, and all the Chicago Public School Policies and Guidelines applicable to the CEO’s proposed action in this case have been complied with in their entirety, specifically including, but not limited to the School Closing Policy, and School Closing Guidelines for the 2009-2010 school year.

Recommendation

The Hearing Officer hereby recommends that the CEO’s proposal to close Curtis Elementary and change the attendance boundaries of Haley and Pullman Elementary Schools be adopted by the Board.\(^4\)

\(^4\) Even if I thought this school would be a good candidate for Turnaround as opposed to the proposed closing, I could not properly substitute my judgment for the CEO’s. (However, to the extent that they have not already done so, I certainly hope that the Board and CEO will consider that option before closing this school). As I have stated on numerous occasions, it is not the role of Hearing Officers to substitute their judgment for that of the CEO, no matter how tempted they may be to do so. The Hearing Officer’s role is to summarize the evidence for the Board and, more importantly, to ensure that all applicable laws, Policies and Procedures have been complied with. The witnesses from Curtis Elementary School presented a case for rejecting the CEO’s Proposal to close their school. However, as stated above, the CEO’s Proposal complies with the applicable laws and policies with regard to closing Curtis School, which is the only issue before me. Virtually all of the witnesses believe that with more stability in the school’s administration, and with additional resources from CPS, the test scores at Curtis Elementary School would improve. Such a conclusion is speculative. A Hearing Officer must have more than conjecture, allegation and surmise before rejecting the CEO’s Proposal. Moreover, even if true, that cannot form the basis of recommending against the CEO’s proposed action in this case. Finally, the fact that there are other under-performing schools that are not being closed at this time may seem unfair to the school community, but CPS is not required to take the same action in every case, nor are they required to take action simultaneously on all of these schools. It seems obvious that to do so would unduly burden and strain CPS’ limited resources.
FURTHER THE HEARING OFFICER SAYETH NOT.

Respectfully submitted,

Fredrick H. Bates

Fredrick H. Bates
Hearing Officer

February 7, 2010