BEFORE THE
BOARD OF EDUCATION OF THE CITY OF CHICAGO

In the Matter of:
The Hearing to Take Public Comment
On the Relocation of
George W. Tilton Elementary School
and Consolidation of
Guglielmo Marconi Community Academy

Edward J. Santiago, Esq.
Hearing Officer
2010

Hearing Officer’s Report and Recommendation
to the Chief Executive Officer
Regarding the Proposed Relocation of
George W. Tilton Elementary School
and Consolidation of
Guglielmo Marconi Community Academy

I. Introduction

Consistent with Article 34, Section 8.3 of the Illinois School Code and Chicago Public School ("CPS") Policy 410.4 Closing of Schools (adopted pursuant to Board Report 07-0523-PO2, dated: May 23, 2007), Policy 301.1 Consolidation of Schools (adopted pursuant to Board Report 05-1221-PO1, dated: December 21, 2005) and Policy 702.3 Controlled Enrollment of Elementary and High Schools (adopted pursuant to Board Report 04-0526-PO3, dated: December 26, 2004) a hearing was held in this matter for the purpose of gathering evidence from representatives of the CPS Chief Executive Officer ("CEO") and the taking of public comment on the proposed Relocation of George W. Tilton Elementary School ("Tilton") and Consolidation of Guglielmo Marconi Community Academy.

I have been appointed by the Chief Executive Officer, pursuant to Board Policies to serve as the Independent Hearing Officer in this matter to preside over the Hearing and to submit this Report and Recommendation. The Hearing for the Proposed Relocation of George W. Tilton Elementary School and Consolidation of Guglielmo Marconi Community Academy was held on Wednesday, February 3, 2010 at the Chambers of the Board of Education of the City of Chicago, 125 South Clark Street, Chicago Illinois 60603 (County of Cook) at 5:30 p.m.
A. Standard of Review for this Report

The Illinois School Code authorizes the Board of Education of the City of Chicago "to apportion...pupils to several schools," which powers are tantamount to the quasi-legislative power to make prospective regulations and orders. *Tyska v. Board of Education*, 117 Ill.App.917, 927 453 N.E. 2d 1344,1353 (1st Dist. 1983); 105 ILCS 5/34-18.

Insofar as the Chicago Board of Education's restructuring power is a quasi-legislative function to make prospective regulations and orders, the testimony received at a public hearing to consider school closing evidence is in the nature of a town meeting, rather than the evidence submitted in an adversarial judicial setting. It is within this context that this Report is submitted. *Tyska v. Board of Education*, 117 Ill.App.917, 927 453 N.E. 2d 1344,1353 (1st Dist. 1983).

1) Board Policies

On May 23, 2007, the Board of Education of the City of Chicago adopted Chicago Public School Policy 410.4 *Closing of Schools* (Board Report 07-0523-PO2) rescinding Board Report 04-0225-PO2, a previous version of this Policy. This Policy sets forth the basis for school closing in this District including Non-Academic Reasons for School Closings. They include:

a) Non-Academic Reasons for School Closings
   i) Space Utilization Level;
   ii) Physical Condition of the Building;
   iii) Alternative use of School Facilities; and
   iv) Conversation to a Charter School.

b) Academic Reasons for School Closings.

c) A Basis for School Closings Due to a Need for Change in Educational Focus.


e) Implementation of School Closings and Annual Review.

f) Reassignment of Students Upon School Closings.

g) Reassignment of Teachers assigned to Closed Schools.

h) Local School Councils at Closed Schools.
It should be noted that this Policy is also consistent with the No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6316), and the Board may consider closing a school for failing to make Adequate Yearly Progress. Additionally, the Policy also allows at Section VIII, for the dissolution of the Local School Councils at schools that are closed for any reason.

Finally, as part of the school closing consideration process, the Chief Executive Officer must conduct a public hearing to elicit comment on the school closing pursuant to issued procedures, which was the purpose of the present Hearing, and the CEO's staff must review October pupil enrollment data broken down by racial category for affected schools.

On December 21, 2005, the Board of Education of the City of Chicago also adopted Chicago Public School Policy 301.1 Consolidation of Schools (adopted pursuant to Board Report 05-1221PO1) rescinding Board Report 68-872, Combination of Schools Policy. This Policy sets forth the basis for school consolidation in this District. They include:

- Space Utilization
- Physical Condition of the Property
- Potential Alternative Use of School Facility Site
- Availability of Space for Consolidation

Similarly, on December 26, 2004, the Board of Education of the City of Chicago adopted Chicago Public School Policy 702.3 Controlled Enrollment of Elementary and High Schools (adopted pursuant to Board Report 04-0526-PO3) rescinding Board Report 96-0827-PO2, Controlled Enrollment Membership of Overcrowded Elementary Schools Policy. This Policy sets forth the basis for school controlled enrollment in this District.

B. Notice

Pursuant to Board Policies, Notice of the Hearing date of February 3, 2010 was served on the Principals of George W. Tilton Elementary School and Marconi Community Academy. Similarly, pursuant to Board Policies, Notice of the Hearing date was sent to teachers or staff members of both Tilton Elementary School and Marconi Community Academy on or about January 19, 2010. Also, Notice of the Hearing was sent to the Local
School Council members of both schools on or about January 19, 2010. Finally, Notice was served on the communities of Tilton and Marconi via newspaper publications in English in the Chicago Sun-Times, beginning on January 27, 2010 and in Spanish in Hoy, also beginning on January 27, 2010 respectively. (See George W. Tilton Elementary School Hearing Exhibits Volume Tabs A. 1. a-c, 2. a-c )

II. Witness and Staff Participation

A. CPS Witness and Staff Available at Hearing

1) Ms. Ruchi Verma, Assistant Attorney, Chicago Board of Education
2) Mr. Robert Runcie, Chief Administrative Officer
3) Mr. James Dispensa, Director of School Demographics and Planning
4) Mr. Stephen Glombicki, Deputy Director, Safety and Security

B. Witnesses who Submitted Public Comment

1) Danielle Pate-Horton (LSC, Chairperson) 17) Eileen Camacho (Union Representative)
2) Angela Bowman 18) Wanda Harper (P.U.R.E.)
3) Jacqueline Terry 19) Jacqueline Palmer (Tilton)
4) Mary Gibson 20) Erma Mason (Tilton)
5) Bridgette Stanciel 21) Jacquel ym Jordan (Tilton)
6) Carmen Gibbs 22) Latia Jordan (Tilton) (No Child Left Behind President)
7) Katrina Cook 23) (Tilton Student)
8) Vera Washington 24) Shawana Johnson (Tilton)
9) Derrick Harris (NCSCF) 25) Velancia Cooper (Tilton)
10) Dwayne Truss 26) Joan Lowe (Tilton)
11) Katherine Jones 27) Troumia Lowe (Tilton)
12) Wanda Hopkins 28) Isranell Spann (Tilton Teacher)
13) Roy Baldwin 29) Norine Gutkeans (CORE)
14) Taurus Gilmore 30) Mildred Wiley (Bethel New Life)
15) Debra Pedersen 31) George Schmidt (Substance)
16) Lowery Boatwright

III. Exhibits

As part of the Hearing, documentary submissions were received and included the following:

A. Notices of Hearings

1) Notice of Letters to the :

a) Parents or Guardians of George W. Tilton Elementary School Students in English and Spanish.
b) Principal of George W. Tilton Elementary School.
c) Assistant Principal of George W. Tilton Elementary School.
d) Teachers and Staff Members of George W. Tilton Elementary School.
e) Local School Council Member of George W. Tilton Elementary School.

2) Notice of Letters to:
   a) Parents or Guardians of Guglielmo Marconi Academy Students in English and Spanish
   b) Principal of Guglielmo Marconi Academy.
   c) Assistant Principal of Guglielmo Marconi Academy.
   d) Teachers and Staff Members of Guglielmo Marconi Academy.
   e) Local School Council Member of Guglielmo Marconi Academy.

3) Affidavit from Wendy Thompson, Deputy Chief Administrative Officer Re: Mail and/or Personal Delivery of All Notices on or about January 19, 2010.

4) Public Notice of Hearing and Community Meeting by Newspaper Publication in:

B. Relevant Legal and Procedural Documents


3) Chicago Board of Education's Policy on the Review and Establishment of School Attendance Boundaries 05-0622-PO1

4) Chicago Board of Education's Policy on School Performance, Remediation and Probation for the 2009-2010 School Year, 09-0624-PO1.

5) Chief Executive Officer's School Closing Guidelines for the 2009-2010 Academic Year.

6) Chief Executive Officer's Procedures for Hearing on Proposed School Closings, Consolidations, Attendance Area Boundary Changes or Reconstitutions.

C. Documents and Written Evidence in Support of Closing George W. Tilton Elementary School

1) Written Statement of Mr. Robert Runcie, Chief Administrative Officer of the Chicago Public Schools.

2) Written Statement of Mr. James Dispensa, Director of School Demographics and Planning of the Chicago Public Schools with accompanying PowerPoint slide.

3) Map of Proposed Attendance Area Boundaries.

4) Written Statement of Mr. Stephen B. Glombicki, Deputy Director of the Office of Safety and Security of the Chicago Public Schools.
D. Public Comment Documents

1) Testimony Against School Closures, Consolidation, Phase-Outs and Turnarounds for the 2010-2011 school year by Dr. John Kugler

2) Uniform Principal's Performance Contract

3) Copies of the notices of the Proposed Consolidation of Marconi Elementary School for under enrollment dated January 19, 2010

4) Petition for George W. Tilton Elementary School (83 signatures)

5) Letter of support from Angela Bowman-Horne Surney

6) Court Reporter transcripts from Community Meetings held on February 3, 2010.

7) Sign-In Sheets and Cards for Public Testimony

IV. Summary of Public Comments

Certified transcripts of the Public Hearings have been maintained. Also, Spanish and Sign Language Interpreters were available for the present hearing.

A. The Reasons for the Chief Executive Officer's Proposal to Close George W. Tilton Elementary School

Mr. Robert Runcie, Chief Administrative Officer, appeared on behalf of the Chief Executive Officer to introduce a three part proposal:

1) Tilton Elementary will be relocated to the Marconi Elementary site;
2) Marconi Elementary will be consolidated into Tilton Elementary based upon projected under enrollment; and
3) The newly consolidated school will be established as a magnet school with an attendance area boundary

According to the CPS, Marconi has a projection of 238 students for the 2010-2011 school year, which meets all criteria for consolidation based upon projected under enrollment. For this reason, The CEO proposed to consolidate Marconi into Tilton at the end of the 2009-2010 school year.

Local School Council election will be held in April 2010. Parents of students at Tilton and parents of students at Marconi may run for election for the LSC of the newly consolidated Tilton-Marconi magnet school.
Additionally, student routes to school have been analyzed and a crossing guard or adult supervision will be provided where necessary to ensure the safety of all students.

CPS is prepared to provide additional support to the consolidated Tilton-Marconi magnet school to ensure the successful transition of students, staff and community.

The CEO is proposing to relocate Tilton Elementary School from their present location to the Marconi facility. The Tilton facility is currently shared by Tilton and another school - the Talent Development High School. The District expects this high school to continue to operate at the Tilton facility in the upcoming school year and beyond. As such, in order to ensure a unified elementary school community, the Board is proposing the relocation of the Tilton elementary school into the Marconi building.

In addition, as part of this relocation proposal, the District is recommending that the Tilton facility continue to accommodate the existing pre-kindergarten program, which would continue to operate as a satellite Early Childhood Program of the proposed consolidated Tilton-Marconi neighborhood magnet school.

The second part of the CEO's proposal is to consolidate Marconi into Tilton, at the Marconi facility. At the Board of Education meeting in December 2009, the CEO published criteria for identifying schools that are candidates for closing or consolidation for under-enrollment reason. These criteria are outline in the School Closing Guidelines. The criteria relied on here specifically provides that schools with enrollments of less than 250, or schools with projected 2010-11 enrollments of less than 250, were eligible for closing or consolidation.

In evaluating whether or not to close or consolidate a school for under-enrollment, CPS also applies various exclusionary criteria. Schools that meet any of the following criteria are not considered for closing or consolidation:

- The school's space utilization is higher than 40% of its design capacity
- The school is one of the following: in a transition phase (i.e. startup/or a school that is in the process of phasing out); a magnet school; or an early childhood center;
- 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.

Furthermore, at the December 2009 Board of Education meeting, the CEO released a Student Bill of Rights that lays 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.

According to the CPS, Marconi met the criteria for closure or consolidation for under-enrollment because their projected enrollment for the 2010-11 school year is 238. Also, after applying the exclusionary criteria, Marconi was still eligible to be closed or consolidated.

During the 2001-02 school year, Marconi's enrollment of 516 represented a utilization rate of 66%. Since that time, the school's enrollment has declined at an annual average rate of 8%, to the point where its enrollment today of 251 represents a utilization rate of 32%. The 2010-11 projected Marconi enrollment of 238, represents a projected utilization rate of 31%. The Marconi facility can easily accommodate the combined projected enrollment of both Tilton and Marconi.

The School Closing Guidelines guarantee that 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. Marconi students are being reassigned to Tilton. Tilton earned 42.9 performance policy percentage points for the 2008-09 school year and is a higher performing school compared to Marconi, which earned 35.7 performance policy percentage points for the 2008-09 school year.

While Tilton did perform higher on the 2008-09 Performance Policy than Marconi in the 2008-09 school year, because Tilton is not a significantly higher performing school compared to Marconi, students affected by this proposal will be provided the option to transfer to another school, including John Milton Gregory Elementary School, Leif Ericson Elementary Scholastic Academy or John Calhoun North Elementary School. All three of these schools are higher performing than Marconi. In 2008-09, while Marconi received 35.7 performance policy percentage points on the CPS Performance Policy, Gregory received 59.5% of points, Ericson received 45.2% of points, and Calhoun North received 59.5% of points.
Finally, the third part of the CEO's proposal furthers the effort to provide these students with better academic options. This part of the proposal is to establish the newly consolidated Tilton-Marconi school as a neighborhood magnet school with an attendance area boundary. The CEO has committed to providing supports and additional resources to schools affected by consolidations as outlined in the School Closing Guidelines. Establishing the newly consolidated Tilton-Marconi school as a neighborhood magnet school will provide additional resources to the students affected by this proposal. It is important to note that this magnet proposal will be governed by an attendance area boundary, guaranteeing those that live in the attendance area a right to attend the proposed magnet school.

The attendance boundaries currently assigned to Tilton and Marconi will be combined and the combined attendance area boundaries will be assigned to the newly consolidated Tilton-Marconi magnet school. Where appropriated, students with Individualized Education Plans and students participating in the Homeless Education Program who currently attend Tilton or Marconi will receive additional placement support from CPS staff. Also, students enrolled in the Homeless Education Program may have other school enrollment options. All students would be advised of their specific assignments and options in letters to their parents of the relocation of Tilton Elementary school, the consolidation of Marconi elementary school, and the establishment of the newly consolidated Tilton-Marconi school as a neighborhood magnet school with an attendance area boundary.

The CEO has asked Mr. Stephen Glombicki, Deputy Director of Safety and Security, to ensure that students, faculty and staff are safe within the CPS schools and on school grounds and to work with community partners to provide safe routes for students to and from school. Mr. Glombicki identified efforts to address the three part proposal.

First, relocating Tilton elementary school will require Tilton students to travel west to 230 North Kolmar Avenue, the Marconi facility location. Mr. Glombicki's team analyzed the likely routes Tilton students will take to get from their homes to their new location. The CPS acknowledged that Tilton students may be traveling through areas with gang activity. Anticipating this issue, they have reached out to the Chicago Police Department Commander in charge of the district, Commander Trahanas. Commander Trahanas is now aware of the potential safety concerns. Should the Board adopt this proposal, the CPS will continue to be in contact with Commander
Trahanas and will re-assess the routes as the 2010-2011 school year approaches. If, at that time, it is determined that additional resources, such as a crossing guard, are needed, coordination with the Chicago Police Department and Youth Outreach Workers will be made.

Second, the CPS recognizes that there may be concerns over the proposed consolidation of Marconi into Tilton at the Kolmar building because of an existing school rivalry between the two schools. If the Board adopts the present proposal, the CPS will work closely with the principal and the school’s security staff to monitor the conditions inside. If need be, the CPS can increase the amount of security staff and will keep extra persons in place until the CPS decides conditions warrant a scale back of security officers.

B. Public Comment in Opposition to the Proposed Relocation of Tilton Elementary School And the Consolidation of Marconi Community Academy into Tilton

School relocations and consolidations are by their very nature disruptive processes. When one school is relocated and consolidated into another, the impact on the closing school is instantly felt in the community. Important and nurturing teacher/student relations, established teacher/parent partnerships and time-tested safe passages to school are all adversely affected. These affects do not even include the cultural clash sometimes attendant to the merging of different schools, each with their own cultural dynamics and identity. A summary of the public comments made during this hearing is testament to the complexities of the present proposed relocation and consolidation and the affects this process is having on the parents, students and teachers at both schools.

The basic architecture of the consolidation involved here is that Tilton Elementary School (k-8th grade), will be relocated to the Marconi Elementary School building. Then, Marconi will be consolidated into Tilton based on projected Marconi enrollment figures. Finally, the new emerging school will be established as a magnet school with a common attendance area. According to the CPS, schools with current enrollments of less than 250 or with projected enrollments of less than 250 students, were eligible for closing or consolidation. Here, the CPS selected Marconi for consolidation because the CPS determined that Maroni had a projected enrollment of 238---even though its current enrollment is 251.

None of the opponents to the consolidation appeared prepared to challenge the CPS data stated above, except that one parent did suggest that the CPS projected enrollment numbers for Marconi did not have to show
an under enrollment at Marconi. She suggested that the CPS could have substituted the 34 incoming pre-schoolers for the 18 outgoing 8th graders relied upon by the CPS. This approach would show that Marconi’s enrollment was not going down in the up-coming school year. Unfortunately, Marconi’s elementary school is composed of k-8th grade for purposes of the proposed consolidation. There appears to be nothing in the guidelines that requires the CPS to include pre-k students in their calculations of projected enrollments. As a result, I cannot say that the CPS in any way under-estimated Marconi’s proposed enrollment.

Most of the commentators were parents of students from both schools—Tilton and Marconi. I listened intently to their passionate presentations. Many of the parents complained about the lack of transparency involved in the CPS recommendation. So much is being asked of them—to up-root their children, to chart new passages to school, to end established partnerships with their school and to disrupt longstanding relationships their children have with teachers and friends. Despite the fact that so much is being asked of the communities affected, the public outcry appeared not so much against the consolidation itself as against the fact that the CPS made the recommendation to consolidate their schools without their input, especially as it relates to the safety of the students. One after the other, parents wanted to know why, to this day, the CPS has not informed them of specific details related to the security of their children. These included primarily, the parents of the displaced students who will now have to carve out new, untested and perhaps more dangerous routes to the consolidated school.

Other parents and interested parties wanted more details on the plight of the existing Marconi administration and staff. Some asked whether the Tilton teachers will be allowed follow their students to Marconi to ensure a smooth transition. And others wanted to know why the Tilton administration was given charge over the new magnet school. These are all valid questions and the CPS would do well to work with the communities affected to provide satisfactory answers. Unfortunately, it is beyond my mandate to provide answers to these questions here. They are not germane to my findings and recommendation. However, what I can say is that the CPS provided some testimony on the issue of the safety concerns attendant to the consolidation and that the CPS is continuing to partner with local law enforcement to secure the best routes for any displaced students.
C. Findings and Recommendations

I make the following findings and recommendation regarding the proposed relocation of the George W. Tilton Elementary School and the Consolidation of Marconi Community Academy for non-academic reasons.

1) Findings of Fact

All notice requirements respecting this hearing, pursuant to Board policies, rules and practices as stated herein and pursuant to the CEO’s Guidelines for School Closure, have been properly followed.

Marconi met the criteria for closure or consolidation for under-enrollment because their projected enrollment for the 2010-11 school year will be 238. In addition, none of the exclusionary criteria are applicable to Marconi.

During the 2001-02 school year, Marconi’s enrollment of 516 represented a utilization rate of 66%. Since that time, the school’s enrollment has declined at an annual average rate of 8%, to the point where its enrollment today of 251 represents a utilization rate of 32%.

The 2010-11 projected Marconi enrollment of 238, represents a projected utilization rate of 31%. The Marconi facility can easily accommodate the combined projected enrollment of both Tilton and Marconi.

Pursuant to the School Closing Guidelines students will be assigned to a receiving school that has performed better on the CPS Performance Policy than their original school. Here, Marconi students are being reassigned to Tilton because Tilton earned 42.9 performance policy percentage points for the 2008-09 school year and is a higher performing school compared to Marconi, which earned 35.7 performance policy percentage points for the 2008-09 school year.

I further find that because Tilton is not a significantly higher performing school compared to Marconi, students affected by this proposal will be provided the option to transfer to another school, including John Milton Gregory Elementary School, Leif Ericson Elementary Scholastic Academy or John Calhoun North Elementary School. All three of these schools are higher performing than Marconi. In 2008-09, while Marconi received 35.7 performance policy percentage points on the CPS Performance Policy, Gregory received 59.5% of points, Ericson received 45.2% of points, and Calhoun North received 59.5% of points.
The CEO’s proposal furthers the effort to provide these students with better academic options by establishing the newly consolidated Tilton-Marconi school as a neighborhood magnet school with an attendance area boundary. Establishing the newly consolidated Tilton-Marconi school as a neighborhood magnet school will provide additional resources to the students affected by this proposal.

This magnet proposal will be governed by an attendance area boundary, guaranteeing those that live in the attendance area a right to attend the proposed magnet school.

The attendance boundaries currently assigned to Tilton and Marconi will be combined and the combined attendance area boundaries will be assigned to the newly consolidated Tilton-Marconi magnet school.

Where appropriate, students with Individualized Education Plans and students participating in the Homeless Education Program who currently attend Tilton or Marconi will receive additional placement support from CPS staff. Also, students enrolled in the Homeless Education Program may have other school enrollment options.

Finally, I find that the CEO’s recommendation meets the CPS obligation respecting the ongoing and evolving safety concerns attendant to the closure and consolidation in that the CPS is working closely with local law enforcement officials to ensure that students, faculty and staff are safe within the CPS schools and on school grounds and working with other community partners to provide safe routes for students to and from school.

2) Recommendation

Based on the foregoing findings and on the totality of the evidence submitted, I conclude that the CEO’s recommendation to relocate Tilton Elementary School and consolidate Marconi Elementary School into Tilton Elementary School with the resultant new magnet school, is supported by the evidence.

Submitted this 16th day of February, 2010

By:

Edward J. Santiago, Esq.