Board of Education of the  
City of Chicago

In Re: The Matter of  
The Proposed Reconstitution of  
John Marshall Metropolitan High 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. On Monday, February 1, 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 council, parents, students, members of the school’s staff, the Principal, representatives of the Chicago Teachers’ Union, and interested members of the public, concerning the CEO’s proposal to Turnaround Marshall High School via Reconstitution. 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,
RECONSTITUTIONS OR ATTENDANCE AREA BOUNDARY CHANGES.” 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 centers

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

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

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

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

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

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

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B. High School Indicators, Standards and Scoring
A high school may receive a total performance score ranging from zero (0) to thirty-six (36). For the 2009-2010 school year, the current status, trend, and growth indicators and standards that determine a high school’s performance score shall be as follows:

1. One-Year Drop-Out Rate – 6 possible points
   a. Current Status - A high school shall be evaluated on its one-year drop out rate averaged from the two most recent school years. To determine current status, a school’s one-year drop-out 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:
   2% or less drop out in one year = 3 points
   6% - 2.1% drop out in one year = 2 points
   10% - 6.1% drop out in one year = 1 point
   More than 10% drop out in one year = 0 points

   b. Trend – A high school shall be evaluated on improvement of its one-year drop-out rate. Improvement trend is determined by comparing the 2008-2009 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 one-year drop-out rate of more than 0.5%, points are earned as follows:
     No reduction = 0 points
     Reduction of at least 0.1 but under 1.0 percentage points = 1 point
     Reduction of at least 1.0 but under 3.0 percentage points = 2 points
     Reduction of at least 3.0 percentage points = 3 points
   • Schools with a 2008-2009 one-year drop-out rate of 0.5% or less automatically earn 3 points regardless of improvement

2. Freshmen On Track – 6 possible points
   a. Current Status – A high school shall be evaluated on its Freshmen On Track rate averaged from the two most recent school years. To determine current status, a school’s Freshmen On Track rates for the 2007-2008 school year and 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:
     80% or more on track = 3 points
60%-79.9% on track = 2 points
45%-59.9% on track = 1 point
Less than 45% on track = 0 points

b. Trend – A high school shall be evaluated on improvement of its Freshmen On Track rate.
Improvement trend is determined by comparing the 2008-2009 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. The school shall receive points as follows:
• For schools with a 2008-2009 Freshman On Track rate of 0%-89.9%, points are earned as follows:
  No Improvement = 0 points
  Improvement of at least 0.1 but under 2.5 percentage points = 1 point
  Improvement of at least 2.5 but under 5.0 percentage points = 2 points
  Improvement of at least 5.0 percentage points = 3 points
• Schools with a 2008-2009 Freshman On Track rate of 90% or greater automatically earn 3 points regardless of improvement.

3. ACT Score – 6 possible points
a. Current Status – A high school shall be evaluated on its average ACT score. To determine current status, a school’s average ACT scores for tests administered during the Spring 2008 PSAE administration and during the Spring 2009 PSAE administration will be averaged. If two years of data are not available, one year of data will be used. The school shall receive points towards its overall performance score as follows:
  Average ACT score is 20 or more = 3 point
  Average ACT score is at least 18, but less than 20 = 2 points
  Average ACT score is at least 16, but less than 18 = 1 point
  Average ACT score is less than 16 = 0 points

b. Trend – A high school shall be evaluated on improvement of its Average ACT score.
Improvement trend is determined by comparing the 2009 Average ACT score with the Average ACT score of the three previous years. If the school does not have three previous years of data, the previous two years will be used. The school shall receive points as follows:
• For schools with a 2009 average ACT score of 0-22.9, points are earned as follows:
  No Improvement = 0 points
  Improvement of at least 0.1 but under 0.5 = 1 point
  Improvement of at least 0.5 but under 1.0 = 2 points
  Improvement of at least 1.0 = 3 points
• Schools with a 2009 Average ACT of 23 or greater automatically earn 3 points regardless of improvement.
4. PSAE Reading Score – 1 possible point  
   a. Current Status - A high school shall be evaluated on the percentage of students meeting or exceeding state standards as indicated by the school’s PSAE Reading results averaged from the two most recent school years. To determine current status, the school’s PSAE Reading results from tests administered in Spring 2008 and Spring 2009 shall 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:  
      70% or more meeting or exceeding = 1 point  
      50%-69.9% meeting or exceeding = 2/3 point  
      30%-49.9% meeting or exceeding = 1/3 point  
      Less than 30% meeting or exceeding = 0 points  
   
   b. Trend - High schools will not receive a score based on improvement of their PSAE Reading scores hereunder; however accountability criteria will be implemented in the future to evaluate high schools on this metric.

5. PSAE Mathematics Score – 1 possible point  
   a. Current Status - A high school shall be evaluated on the percentage of students meeting or exceeding state standards as indicated by the school’s PSAE Mathematics results averaged from the two most recent school years. To determine current status, the school’s PSAE Mathematics results from tests administered in Spring 2008 and Spring 2009 shall 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:  
      70% or more meeting or exceeding = 1 point  
      50%-69.9% meeting or exceeding = 2/3 point  
      30%-49.9% meeting or exceeding = 1/3 point  
      Less than 30% meeting or exceeding = 0 points  
   
   b. Trend - High schools will not receive a score based on improvement of their PSAE Mathematics scores hereunder; however accountability criteria will be implemented in the future to evaluate high schools on this metric.

6. PSAE Science Score – 1 possible point  
   a. Current Status - A high school shall be evaluated on the percentage of students meeting or exceeding state standards as indicated by the school’s PSAE Science results averaged from the two most recent school years. To determine current status, the school’s PSAE Science results from tests administered in Spring 2008 and Spring 2009 shall 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:  
      70% or more meeting or exceeding = 1 point  
      50%-69.9% meeting or exceeding = 2/3 point  
      30%-49.9% meeting or exceeding = 1/3 point  
      Less than 30% meeting or exceeding = 0 points  

   b. Trend - High schools will not receive a score based on improvement of their PSAE Science scores hereunder; however accountability criteria will be implemented in the future to evaluate high schools on this metric.
Less than 30% meeting or exceeding = 0 points

**b. Trend** - High schools will not receive a score based on improvement of their PSAE Science scores hereunder; however accountability criteria will be implemented in the future to evaluate high schools on this metric.

### 7. Attendance – 3 possible points

**a. Current Status** - A high school shall be evaluated on its average attendance rate from the two most recent school years. To determine current status, a school’s attendance rates from the 2007-2008 school year and 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
- 90%-94.9% attendance rate = 2 points
- 85%-89.9% attendance rate = 1 point
- Under 85% attendance rate = 0 points

**b. Trend** - High schools will not receive a score based on improvement on their average attendance rate hereunder; however accountability criteria will be implemented in the future to evaluate high schools on this metric.

### 8. Students Enrolled in AP Classes – 3 Possible Points

**Trend** – A high school shall be evaluated on improvement in the percentage of its students enrolled in at least one AP Class. Improvement trend is determined by comparing the 2008-2009 enrollment percentage with the average percentage 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 AP enrollment rate of 0%-34.9%, points are earned as follows:
  - No Improvement = 0 points
  - Improvement of at least 0.1 but under 2.5 percentage points = 1 point
  - Improvement of at least 2.5 but under 5.0 percentage points = 2 points
  - Improvement of at least 5.0 percentage points = 3 points
- Schools with a 2008-2009 AP enrollment rate of 35% or greater earn 3 points regardless of improvement.

### 9. Students Scoring 3+ on AP Exams – 3 Possible Points

**Trend** – A high school shall be evaluated on improvement on the percentage of its students who are enrolled in AP classes that score 3+ on at least one AP exam (“AP Success percentage”). Improvement trend is determined by comparing the 2008-2009 AP Success percentage with the average AP Success percentage 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 AP enrolled students scoring 3+ on AP exams in 2008-2009, points are earned as follows:
  No Improvement = 0 points
  Improvement of at least 0.1 but under 1.0 percentage points = 1 point
  Improvement of at least 1.0 but under 3.0 percentage points = 2 points
  Improvement of at least 3.0 percentage points = 3 points
• Schools with 90% or greater of AP enrolled students scoring 3+ on AP exams in 2008-2009 earn 3 points regardless of improvement.

10. Students Making Expected EPAS Reading Gains – 3 possible points
Current Status - A high school shall be evaluated on the percentage of its students making expected gains in Reading from one year to the next on the EPAS assessment series as follows:
  Schools with an EPAS Reading Gains score at or above the 85th district-wide percentile = 3 points
  Schools with an EPAS Reading Gains score at or above the 50th district-wide percentile, but below the 85th district-wide percentile = 2 points
  Schools with an EPAS Reading Gains score at or above the 15th district-wide percentile, but below the 50th district-wide percentile = 1 point
  Schools with an EPAS Reading Gains score below the 15th district-wide percentile = 0 points

11. Students Making Expected EPAS Mathematics Gains – 3 possible points
Current Status - A high school shall be evaluated on the percentage of its students making expected gains in Mathematics from one year to the next on the EPAS assessment series as follows:
  Schools with an EPAS Mathematics Gains score at or above the 85th district-wide percentile = 3 points
  Schools with an EPAS Mathematics Gains score at or above the 50th district-wide percentile, but below the 85th district-wide percentile = 2 points
  Schools with an EPAS Mathematics Gains score at or above the 15th district-wide percentile, but below the 50th district-wide percentile = 1 point
  Schools with an EPAS Mathematics Gains score below the 15th district-wide percentile = 0 points

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

1. Upon determining to recommend to the Chicago Board of Education (“Board”) that a school be closed, consolidated with another school, 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 action.

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. The hearing will be transcribed.

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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<td>Robert Runcie</td>
<td>Chief Administrative Officer, CPS</td>
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Mr. Runcie stated the basic case for reconstituting Gillespie School, 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 turn-around John Marshall High School through reconstitution based on chronic low academic performance.

Before I begin, I want the hearing officer and the community to understand that Marshall High School students are our first concern in making this recommendation. I want to make it clear that Marshal students have not failed and, this recommendation is predicated on the conviction that, if the school is provided a clean slate, it will help CPS to deliver to Marshall students the high quality education all students deserve and Marshall students will succeed.

The CEO’s recommendation that Marshall be reconstituted is based on the Board of Education’s authority to reconstitute schools on academic probation under Section 34-8.3 of the Illinois School Code and the CPS Performance 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 reconstitute the school and remove and replace the staff.
At the Board of Education meeting in December 2009, the Chief Executive Officer published criteria for identifying low performing schools as candidates to be reconstituted. Specifically, schools that earned less than 33.3% of points on the CPS Performance Policy for two consecutive years were eligible for reconstitution. Marshall received 16.7% of available points on the Performance Policy in 2007-2008 and 6.1% of available points in 2008-2009.

In evaluating whether or not to reconstitute a school, CPS also applied various exclusionary criteria. Schools that met any of the following criteria were not considered for reconstitution:

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 34-8.3 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.

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 reconstitution. Marshall High School was not excluded for any of the reasons listed above and was therefore considered for reconstitution.

If approved by the Board of Education of the City of Chicago, the following would occur as a result of the reconstitution:

1. All students currently enrolled in Marshall or eligible to enroll in Marshall this coming fall would continue as students at the school.
2. All staff including the faculty would be removed and replaced.
3. Marshall and its new administration and staff would be supported by the CPS Office of Turnaround, which Donald Fraynd, Officer for the Office of School Turnaround, will describe more fully in his statement.

We understand that turnarounds present challenges to students and staff but we know that they can dramatically improve educational outcomes for students. We believe that Marshall students deserve nothing less.”

Ryan Crosby  
Director of Performance Policy, CPS

Mr. Crosby delineated the school’s data pursuant to the CPS School Performance Policy. He testified as follows: “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.
I am appearing before you today to present specific data highlighting the low academic performance of John Marshall Metro High School. This data is being displayed on the PowerPoint presentation currently being shown.

As discussed by Mr. Runcie, schools considered for reconstitution were those that received fewer than 33.3% of points on the CPS Performance Policy for two consecutive years. The CPS Performance Policy is the District’s school accountability policy. Under this policy, each high school receives an annual rating based on its performance on a variety of student outcome measures, including standardized test scores, dropout rate, freshmen on-track data, AP course enrollment and success, and student attendance. This rating is based on a point system. Points are received for the school’s current level of performance, its improvement over time, and the growth of individual students from year-to-year on standardized assessments. In 2008-2009, there were 12 separate metrics on which schools were evaluated, each worth up to three points, for a total of 36 available points. High schools that received less than 44% 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 reconstitution.

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 12 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 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, Marshall earned 16.7% of available points. In the 2008-2009 school year, Marshall earned only 6.1% of available points, the lowest of any high school eligible for reconstitution. CPS began placing schools on probation for low academic performance 14 years ago. Marshall has been on probation for each of those 14 years, including the current school year.

The next slide shows the percent of students at Marshall and across the District who met or exceeded state standards on the Prairie State Achievement Examination, or PSAE, in the 2008-2009 school year. PSAE performance is used as a part of the high school scoring in the Performance Policy.

As you can see, Marshall’s 2008-2009 performance on the PSAE composite, which is the combined result of the PSAE reading, mathematics, and science assessments, was 4.2%, compared to a District average of 28.5%. In reading, the percent of Marshall students meeting or exceeding state standards was 8.7%, compared to a District average of 34.8%. In mathematics Marshall’s performance was 1.4%, compared to a District average of
26.9%. In science Marshall’s performance was 2.4%, compared to a District average of 23.7%.

The gap between Marshall and the District has been persistent over time, and in recent years has been widening. Since the 2000-2001 school year, Marshall has not had more than 10% of students meeting state standards. At its highest point in 2004-2005, the PSAE Composite score at Marshall was 7.4%, but has declined since to 4.2%, a decrease of 3.2 percentage points or 43%. Over that same time period, the District average declined from 31.4% to 28.5%, a decrease of 2.9 percentage points, or 9%.

It is important to note that beginning in 2007-2008, the Illinois State Board of Education, or ISBE, changed the way that the PSAE was scored, which means we should use caution in comparing scores prior to 2007-2008 with scores from 2007-2008 or after. However, scores from the ACT college readiness exam, which is one component of the PSAE, are more easily comparable over time. Average ACT score is also a metric used in the Performance Policy. As you can see, average ACT scores at Marshall have historically been below the District average. The average ACT score at Marshall was 13.8 in 2008-2009. The CPS average was 17.

The low performance on standardized tests at Marshall is consistent across subjects. On the PSAE reading test, Marshall went from a high of 15% of students meeting standards in 2004-2005 to 8.7% in 2008-2009, a decrease of 6.3 percentage points, or 42%. Over that same time period, the CPS average decreased from 41.1% to 34.8%, a decrease of 6.3 percentage points or 15%. The 8.7% of students at Marshall in 2008-2009 means that only 18 out of 208 students tested met state standards in reading.

In mathematics, Marshall declined from a high of 5% in 2004-2005 to 1.4% in 2008-2009, a decrease of 3.6 percentage points, or 72%. Over that same time period, the CPS average decreased from 27.1% to 26.9%, a decrease of 0.2 percentage points, or 1%. The 1.4% of students at Marshall in 2008-2009 means that only three out of 209 students tested met state standards in mathematics.

In science, Marshall’s scores have remained below 3% in all years since 2001. Over that same time period, the CPS average has remained above 20%. The 2.4% of students at Marshall in 2008-2009 means that only five out of 209 students tested met state standards in science.

In addition to standardized test scores, the CPS Performance Policy evaluates schools on attendance rate. The attendance rate for Marshall has been consistently lower than the District average for the past seven years and has declined over the past few years. In 2008-2009, Marshall’s attendance rate was only 54.1%, compared to a District average of 81%. It is important to note that beginning in the 2007-2008 school year, high schools began taking attendance each period, as opposed to once per day as had been the case. As a result, attendance rates for most high schools declined that year. However, Marshall’s attendance rate declined by a substantially higher margin. With an attendance rate of 54.1% in 2008-2009, almost half of all instructional time at Marshall was missed.
by students. This represents nearly 400 hours of instructional time missed by the average Marshall student during the course of the year.

The ultimate goal of high schools is to graduate students prepared for college and the workplace. The 5-year cohort graduation rate at Marshall has consistently been below 50% and has declined over the past several years. Between 2003-2004 and 2006-2007, the school’s graduation rate dropped from 46.8% to 39.5%. While Marshall’s graduation rate in 2007-2008 was 49.6%, it dropped again in 2008-2009 to 38.1%. This means that over 60% of students who began as freshman at Marshall in the 2004-2005 school year did not graduate by the 2008-2009 school year.

To conclude Mr. Hearing Officer, Marshall met all of the criteria for reconstitution. The school has low performance on standardized tests and other student outcome measures and this performance has remained low over time.”

Akeshia Craven CAO Area 19

CAO Craven testified as follows: “I am the Chief Area Officer for the Chicago Public Schools Area 19. John Marshall Metropolitan High School is within my area and I am responsible for the oversight of that school on behalf of the Chief Executive Officer. I have been employed by Chicago Public Schools for five years. Prior to becoming Chief Area Officer, I led two key CPS high school initiatives. The first was the development and rollout out of the Instructional Development System (IDS) managed instruction strategy. The second was the development and rollout of the Instructional Leadership Council and school-based Instructional Leadership Teams.

As you have already heard, Marshall High School had been on probation for 14 years. It has received less than a third of total performance points under the Board’s Performance and Remediation of Schools Policy for two consecutive school years. That means that students at the school are not growing at a rate consistent with the other comparable schools in the district.

The district has supported Marshall High School over the last several years with the following supports:

- The District provided the school an additional full-time administrator during the 07-08 and 08-09 school years. The administrator’s role was to coach and develop the school’s principal as well as to assist in putting systems and routines in place toward improved safety and academic outcomes for students.

- Beginning in school year 05-06, the school operated under an Area Instructional Officer-monitored restructuring plan as a result of not meeting annual yearly progress or AYP. The plan emphasized increasing literacy and scientific reasoning skills among students and provided financial resources for additional staff to support the school’s work in these two areas.
Since school year 07-08, the District has provided the school with a comprehensive instructional development system. Through IDS, the school’s teachers in English, mathematics and science receive curriculum aligned to PSAE, Illinois and College Readiness Standards; quarterly and end of year assessments aligned to the curriculum and meant to provide ongoing data about student progress and learning gaps; and targeted professional development in the form of workshops as well as site-based 1-on-1 coaching.

Since the school has been on probation, the District has provided oversight of its discretionary budget to ensure funds are allocated in line with the school’s goals for student outcomes.

Over the past 14 years, the District has removed two principals from Marshall for their inability to increase the school’s academic performance, once in 1996 and again in 2006.

Despite those supports, Marshall High School’s student growth has not improved and last year the school had less than 4 out of every 100 students meet or exceed state standards. Of immediate concern, in March 2009, the Illinois State Board of Education (ISBE) placed Marshall High School on probation due to its persistent non-compliance with legal and regulatory requirements in its delivery of special education services to Marshall High School students with disabilities. A copy of ISBE’s notice to the school is contained in the binder of evidence at Tab C 10.

In the notice, ISBE noted a myriad of concerns at the school. If Marshall High School fails to adequately address those deficiencies, ISBE could withdraw recognition of Marshall High School, which means that the school will not be accredited, will not receive general state aid, and will be ineligible to participate in Illinois State High School Association interscholastic athletics and other activities. Non-recognition may effectively close Marshall High School.

For all of these reasons, for individual students and for the community, there is an urgent need for the performance of Marshall High School to improve and to improve quickly and to demonstrate to ISBE that a new day will be dawning at Marshall. Accordingly, the Chief Executive Officer is recommending that the Marshall High School be turned around through reconstitution.

In a reconstitution, students will not be displaced from the school. Instead, a new team of administrators, faculty and support personnel will be staffed at the school. They will undergo extensive professional development and planning before the start of the 2010-11 school year to develop a comprehensive plan and approach. This turnaround approach, if rigorously implemented, will result in accelerated student achievement at Marshall High School.

If the Board approves the proposed turnaround of Marshall High School, the Chief Executive Officer will recommend that the Board’s Office of School Turnaround, under the leadership of Dr. Donald Fraynd and the Chief Education Officer, Dr. Barbara Eason-Watkins, manage Marshall High School. They hire and train the new administration and
staff at Marshall High School. Dr. Fraynd will speak about the plan that the Office of School Turnaround will implement at the school to ensure that it improves student achievement and remains in recognized status under the Illinois School Code.

In conclusion, there is an urgent need to accelerate student achievement at Marshall High School and to correct deficiencies noted by ISBE. The community and the students deserve to do better. Prior supports and interventions at Marshall High School have not produced satisfactory results. The Chief Executive Officer believes that a turn-around by reconstitution will accelerate student achievement and we owe it to the Marshall High School students to implement this strategy.”

Dr. Donald Fraynd Officer, Office of School Turnaround

“I am the Officer who heads the Chicago Public Schools Office of School Turnaround within the Chief Education Office. I have a doctorate in educational leadership and policy analysis from the University of Wisconsin at Madison, 11 years experience as a high school teacher and principal and have spent 3 full years doing research in school reform and best practices for struggling schools. In the last two years, I have worked extensively on the turnarounds of Harper High School, Fenger High School and Fenger Achievement Academy.

Today, I am here to provide you and the public information on the turnaround strategies that the Chief Education Officer will implement at Marshall High School if the proposed turnaround by reconstitution of the school is approved by the Board of Education.

In Chicago, we have many schools that have been placed on academic probation for a number of years due to persistently poor academic performance, a situation that leaves thousands of our students without a bright future. The Chief Executive Officer’s goal is to “turnaround” those schools so that their students will achieve academic success that will prepare them to lead productive and fulfilling lives in post-secondary education and ultimately in the workplace and their communities.

Marshall has a proud history in the City of Chicago. Many people care deeply about the future success of the school. We stand ready to partner with students, parents, alums, civic leaders, and community members to make Marshall a model urban school. The Chief Executive Officer believes that reconstitution at Marshall High School is necessary to give Marshall the clean slate and the restart it needs for turnaround strategies to succeed.

To effectively turnaround a school with persistently poor academic achievement, we need to work closely and collaboratively with the community to implement our comprehensive turnaround model. Our model contains strong evidence-based strategies that are built on local and national expertise as well as preexisting district capacity and experiences. Turnaround efforts are multi-year efforts, in which some strategies are implemented incrementally to ensure that they are rigorous and adapted well to the school. The strategies include:
1. Permitting students to stay in place and return to the school in the following school year, as in a reconstitution, thereby increasing the chances of a higher quality educational experience for the students currently in the school.

2. Conducting multiple meetings with community groups and parents to ensure that they are aware about the issues, and help to make decisions for the future of the school in a collaborative effort that pulls together the energies of multiple stakeholders to improve the school.

3. Conducting a rigorous, inclusive and fair hiring process for new staff that includes an extensive process of resume review, phone screenings, group interviews, a sample lesson, interviews by parents and students, and reference checks, which ensures that we make every effort to find the highest quality staff to help power the turnaround efforts.

4. Investing substantial resources in physical upgrades in the school over the summer so that students return to an environment that communicates that it is a new day and a new start.

5. Procuring new textbooks, new curriculum programs, new computers / software, and a wealth of new programs to help build a healthy climate and culture in the school.

6. Providing resources to address mental health issues, including employing additional staff, providing mentors and adding community-based mental health programs to the school.

7. Restoring order to the school by training staff extensively in classroom management techniques and discipline programs and tracking data on the conditions of classrooms and continuously coaching teachers in how to improved their classroom management skills.

8. Training staff in a new and more effective curriculum including programs for off-pace readers, credit recovery, and a new emphasis on teaching the skills present in the ACT test.

9. Ramping up and improving career and technical education programs improved to give students the opportunity to achieve job-based certifications upon completion.

10. Ramping up and improving college placement services to assist students in selecting a college or career program

11. Focusing management on student achievement by using data to ensure that academic, social emotional and behavior goals are met.
The Office of School Turnaround has used its turnaround model in 5 schools that are now at various phases in the process. We have learned a great deal and will continue our steadfast focus on improving our model moving forward for the benefit of students.

On the high school side, we have already begun to turnaround 3 schools with challenges and demographics similar to Marshall.

- Fenger High School and its Achievement Academy are our two newest turnaround schools. They are only in the first four months of a multi-year and multi-faceted turnaround effort at the schools. The focus on Fenger this year has been on disturbing and tragic events in the community outside the school that led to the death of Fenger student, Darrion Albert. While we were all deeply affected by that horrible crime, we should not miss the hopeful story of truly positive things that are happening within the school in spite of it. I want the hearing officer and the public to know that the vast majority of Fenger students are good kids who are eager to learn and proud of their “turned around” school. Conditions in the school are much better than in previous years because of the turnaround efforts there. The majority of Fenger students in our intensive reading program are on the verge of achieving one year’s worth of reading growth in just four months since the start of the turnaround. Additionally, the hallways are calmer than they have ever been as evidenced by a 50% decrease in the number of students caught in our daily hall monitoring, one of many strategies to stabilize the school to ensure students are in the classrooms and learning.

- Harper High School is in its second year of turnaround. We are very pleased with its first years’ results. In that year, Harper’s attendance rate increased by 15%, serious student misconduct decreased by 80%, and the freshman on track rate was one of the district’s highest in year-to-year growth, posting an 18% increase. Harper’s scores on the PSAE only 1 year into the multi-year turnaround process showed a 3 point jump in reading and nearly a 2 point jump overall. These are not just numbers; these data show that hundreds of students’ lives are improving as a result of the turnaround efforts.

Students at Marshall will benefit greatly from turnaround. We will work hard to ensure the same concrete student outcomes that we have in our other schools.”

Stephen Glombicki  
Deputy Director of Security

“I am employed by the Board of Education of the City of Chicago as the Deputy Director of Security. My role at Chicago Public Schools is to assist the Director of Safety and Security, Michael Shields, in his mission to ensure that students, faculty and staff are safe within CPS schools and on school grounds and to work with community partners to provide safe routes for students to and from school.

I am appearing before you at the request of the Chief Executive Officer (CEO) to
identify the efforts my office has made and will make to ensure that students at John Marshall Metropolitan High School are safe within their school and its grounds after it is turned around in the 2010-2011 school year.

I have a Bachelor of Science degree in Law Enforcement Management and 42 years of experience with Chicago Police Department. 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. Before that, I was a Lieutenant in charge of the Gang Enforcement Operations for Area # 2. Much of my law enforcement career has been spent studying how, and implementing strategies, to make communities safe for young people through law enforcement.

If the CEO’s proposal to reconstitute and turnaround Marshall High School is approved, currently enrolled undergraduates at Marshall will continue at Marshall. No student will be displaced.

The Office of Safety and Security has already developed a productive working relationship with the Marshall community and with elementary and high schools in the surrounding area. We will continue that after Marshall is turned around and will make diligent preparation for a safe 2010-2011 school year. Specifically, the following will happen:

- Director Shields will continue to conduct Security Task Force meetings at Marshall High School, with representatives from Mayor’s Office, Alderman Ed Smith’s office, the 11th Police District, the Chicago Transit Authority and new school administration. Those meetings will focus on safety issues at Marshall High School.

- Prior to the start of the 2010-2011 school year, the Office of Safety & Security will meet with the Police Commander of the 11th District, Commander Penelope Trahanas and her staff, including the school sergeant, to coordinate security plans made by the Office of Safety and Security and the Chicago Police Department at Marshall.

- Over this summer, the Office of Safety and Security will work with the Office of School Turnaround’s security liaison to address safety concerns identified by Marshall students, parents and community members.

We believe that these efforts will help improve safety and security at Marshall and help students at Marshall feel physically and emotionally safe at the school.”
Marilyn Stewart  

CTU President

CTU President Stewart testified as follows: “I'm the President of the Chicago Teachers Union. Tomorrow is Ground Hog Day. Like the movie, this is CPS's plan to keep doing the same thing over and over again, and it's not working. The testimony as you heard this evening emphasizes the fact that if I said you have homelessness, wards of the court, emancipated minors, students in group homes, 60 to 70 girls are pregnant or have children trying to decide to Similac or a bus card -- oh, I'm not talking about Marshall, am I? Yes, I am. I'm talking about Marshall, Fenger Carpenter, Orr and all the students that have these challenges.

You've heard the testimony. There are a lot of good things happening at Marshall, and there are a lot of challenges happening at Marshall. I challenge the Board members or the people making the decisions and Dr. Fraynd to come to these schools and sit with these schools -- I'm a former special education teacher -- and sit with these teachers and students and say what do you need to succeed because what's working is absolutely working and what's not working is not fair to the students, and I want to add one other point to what one of the teachers said. The do's that don't and there is also a category of students special ed students that are possibly called the can'ts. They can't do it, and I think it's absolutely egregious for the Board to compare a child who is trying to but just can't to a child who can and will.

I think that the Board has – All of these schools I've named before, Harper Fenger, and all of these other schools, the Board has allowed this to happen. It's egregious also to have schools that have been on probation for this long and for you to sit by and allow this to happen and for teachers to constantly ask for support. I have been at Orr High School who has been turned around several times, and I was there with the late Michael Scott. While I was there, the principal asked he said what is a default school. I said I think I know what it is. I said you tell me what the Board told you. He said students who get kicked out of charter schools or who cannot make it in a selective enrollment school come to my school. So you are getting students with challenges, but you also have to look at the students that are succeeding as was the debate team was here.

Also, you asked about the principal at Harper. I was told that the principal was an interim principal put there by the Board who has only been there for five months who hasn't had an opportunity to care. I challenge the Board members or the people making these decisions. We need to improve and improve quickly. I challenge you that if they don't improve and improve quickly that you resign quickly.”

Donald Baumgartner  
Teacher

Mr. Baumgartner presented a comprehensive notebook concerning Marshall High School, which I have described more completely in the “Summary of Documents Received” section below. He set forth the school’s position in much the same way as the Principals ordinarily would do. He stated in relevant part: “I have an analysis of the ACT scores. We have between 17 and 22, we had 29 students or 14 percent. We had --
Between 15 and 16, we had 38 students, approximately 18 percent. The total is approximately 32 percent getting near or close to the city average. Our problem you could see is between 12 and 14, we have 123 students. This is including the special education. If you factor out the special education students, our percentage would increase. There is a direct relationship between low scores on ACT and special ed. It's a problem with CPS. The higher scoring schools, Whitney Young, Lane Tech, North Side, Brooks, Kenwood, they have single digit special ed students and high ACT scores; or, Marshall, Robeson, Phillips, high double digit special ed numbers and low ACT scores. We are comparing apples to oranges. If you look further to the analysis of the Prairie State, here again, a relationship between high special ed and low ACT scores. We are comparing apples to oranges. If you get 100 points on a test and I get zero, between the two of us, we got 50 percent. We failed as group no matter if you might have received 100 percent.

I analyzed the 2008 Explore Test. This is the first test the students take when they walk in the door in October. We have done nothing to them yet. This is what they have learned in grammar school. The norm is approximately 15 comprehensive or 46 percent national norms. We had 15 students receive a 15’, 8 students receive a 16, 2 received a 17, no students with 18, no students with 19 and no students with 20. I would imagine where the students with the higher percentages go, not to Marshall. You can see we have students high or low; the higher, the lower percentage. Approximately 10 percent of incoming freshman in 2008 were at national norms; likewise, for 2009, similar 10 percent, approximately 15 students. Our numbers have gone down in 2009 compared to 2008 because of the new Westinghouse up the street which is a college prep school, the new charter school and other schools including Whitney Young. We are starting off low, and we end up low.

If we look further, the feeder schools that send us our grammar school students, they have a low of 8 percent, low special education scores but we are getting about 24 percent of the special ed students. We are being loaded up with students who are having difficulties.

I'm also the debate coach. In Chicago, we have 52 schools in debate. Our school is Number 7. We are up there with Lane Tech and Whiney Young. You'll see a letter from Mr. Wes Lynn addressing the excellence the debate team has performed. Some of our debaters are here today. If you look also, we've accomplished -- We are seventh place in the city of Chicago. We have of all the Title 1 schools, schools with poverty, we are the number one school that received the most amount of participation. We received an award for that. Debate gets these kids into college and will keep them in college. We have developed this over the last few years.”

**Earlene Green**

**LSC Chairperson**

Ms. Green is a concerned parent, and also part of the Marshall Alumni Association. She testified in part as follows: “I first would like to start off saying on behalf of the alumni association, no matter what your decision is, we will be there to help the students get a
quality education. … As for this reconstitution, I understand that because those are some of the things that we need at Marshall, but we need a partnership, not just the CPS doing all the hiring of who they want to do that. We have got to be in partnership to do that; and you can't get rid of your teachers, all of them, because they are the ones that the students trust. They know the teachers. The parents know the teachers. The teachers know the teachers.”

Wilbert Smith  Former Teacher

Mr. Smith is an active member of the Marshall Alumni Association. They will support the students no matter what is done. In his opinion, some of the teachers should be retained.

Michael Johnson  LSC Teacher Rep.

Mr. Johnson is an active member of the Marshall Alumni Association, and a teacher at the school. He testified that although the school is not achieving what it ought to achieve, they are not “playing on an even playing field here.” He believes that the feeder school graduate students with deficiencies and push them through to Marshall. He would be in favor of the turnaround process if it worked, but he believes that independent studies that have been done by the University of Chicago and Education Next, show that the turnaround model is not the approach that CPS should be taking.

Pamela Olguin  Attendance Coordinator

She did not dispute the CPS attendance data, but wanted to show that there are circumstances that possibly explain why Marshall’s percentages are not what they should be, such as homeless students, pregnant students and incarcerated parents.

Student 1  Junior

Student 1 is on the award winning debate team at Marshall. She is vehemently opposed to the CEO’s proposal to turnaround the school. She clearly does not want to lose Mr. Baumgartner, the debate team coach. She does not believe that Turnaround has worked at Orr High School.

Student 2  Junior

Student 2 believes that instability is the problem, not the teachers. Parents and the community must take responsibility. The teachers are doing their jobs.

Student 3  Senior

This student is calling for the reconstitution of only 50% of the Teachers at Marshall. If the rules in place are enforced the discipline problems can be resolved.
Student 4
Senior

Student 4 was also a member of the debate team, and pleaded with the Board to spare that program and its coaches. “The Board should take into consideration the fact that displacing all teachers will result in a loss in programs that have been successful as well as a loss for many of the deserving students to receive the great knowledge of being a part of the debate team, horticulture, allied health and many of these programs that cannot be found at other schools. It is within the best interest of the Board to spare those students and staff who demonstrate outstanding performance.”

Student 5
Sophomore

Student 5 believes that the students have to take responsibility for their performance, as the teachers are trying to do their jobs. Students confide in teachers regarding personal matters and should not be replaced.

Student 6
Senior

Student 6 also believes that the students have to take responsibility for their performance, as the teachers are trying to do their jobs. She feels that the principal does not care about the school and should be replaced.

Kimberly Minor
Teacher

Ms. Minor teaches in the Career Tech Program directing the culinary portion of the program. She believes the Career Tech Program is a successful program that is performing well at Marshall. When questioned about the Principal’s whereabouts and why s/he was not present at this important hearing, Ms. Minor said: “I don't have a clue, sir.”

Carol Williams
Teacher

Ms. Williams also teaches in the Career Tech Program directing the agricultural portion of the program. She too believes the Career Tech Program is a successful program that is performing well at Marshall. She pleaded for help for the under-performing students, particularly those who face difficulties that impact their performance. She believes that they utilize creativity, innovation and imagination in order to reach and educate the students.

Dwayne Truss
NAACP Westside Branch

He stated: “Our position simply is we're totally opposed to turnaround and the full reconstitution of Marshall High School. He complained that the administrators and teachers that have failed at Marshall were put there by the CPS administration. He also said “I came down here to the Board of Education to testify on behalf of the increasing
violence and lack of additional security and staff and counseling and social workers that
those students needed at that time.”

Stefanie Dobrin
Teacher

She is the lead teacher for Carnegie learning curriculum for the math, head coach for the
boys’ track team and the girls' volleyball coach. She believes these extracurricular
programs have helped her students grow. This is their third year in the Instructional
Development System. The juniors now are about to take the ACT, so soon they will
really see whether the IDS curriculum has actually worked.

Felecia Smith
Parent LSC Rep.

She stated in part: “I am here because I need to understand about the turnaround school.
The data we requested -- The Board said that they go strictly on data. One of the schools
they are using as a turnaround model is Orr High School, which is in my school district. I
opted to choose to send my children to Marshall because of Orr's progress that has been
made, which has been none. Orr has been consolidated, reconstructed and turned around
and they are back to a turnaround state.

My problem with the Board, they are not sitting down in the schools with the children
and the teachers and some of the parents like myself. When is the Board going to take
responsibility for Marshall being on probation for 14 years. Not only that, it's 100 high
schools that are on probation with CPS. It's over 200 elementary schools that are on
probation. The statistics can't be wrong about everybody. If everybody is on probation,
then something needs to be done with the administration first and foremost, and then it
trickles down.

You all are sitting here making decisions about our children, and you don't even give us
the common courtesy of giving us the data that we need as parents, as community and as
teachers to go forward. Now, after being on probation for 14 years, and for the last six or
so, the Board has put in principals. It's not just on the children or the teachers. It's on the
Board; and when is the Board going to stand up and do what they are supposed to do.
Come down, get out of the offices with everybody else and make sure that these kids
have everything that they need.”

Derrick Harris
North Lawndale LSC Federation

He does not believe the plan to reconstitute Marshall is in compliance with state law.
Furthermore, he feels that community input should be a part of the process. In that regard
he said: “In order to minimize the negative impact of school facility decisions on the
community, these decisions should be implemented according to a clear system-wide
criteria and with a significant involvement with the local school councils, parents,
educators and the community in the decision-making process. I submit to you that that
was not done.” He also believes that a school being on probation for 14 years is a violation of law, specifically the Elementary and Secondary School Education Act.

Sean Walker  
LSC Community Rep.

Marshall needs a change, but CPS come to the school and a collective decision should be made. The socio-economic issues facing this community need to be considered when evaluating Marshall and need to be addressed. All of the stakeholders need to be involved in this process.

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 Policies on Performance; 4) the Procedures for the Hearing; 5) a copy of the relevant statutory provisions; 6) the ISBE 2008 & 2009 School Report Cards; 7) 2008-2009 and 2009-2010 Notice Letters to the school concerning its performance policy status; 8) ISBE notification to the CEO concerning the school’s ISBE Probation status; and, 9) the CPS witnesses’ written testimony and related Power Point presentation.

Documents Submitted In Opposition To The Closing¹

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 comprehensive, and very impressive notebook presented by Mr. Baumgartner containing background on the school, their school data, information about their programs and student achievements,

¹ 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.
information concerning the feeder schools and high school Performance Policy results, and information compiled by Mr. Baumgartner and Mr. Dorrell concerning the impressive Marshall Debate Team; 2) The witness statement of Dr. Kugler indicating that the entire turnaround/school closing process is disruptive to the education of the students; 3) An alternative turnaround plan presented by the faculty and staff containing 17 proposed action items designed to realize dramatic improvement at Marshall; 4) The Consortium on Chicago School Research materials concerning Special Education Enrollment changes; 5) Information concerning the Agriculture/Horticulture Academy at Marshall; and 6) Statistical Data from the Chicago Health & Health Systems Project.

**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 council, parents, students, members of the school’s staffs, the principal, representatives of the Chicago Teachers’ Union, and interested members of the public, an opportunities to comment on the CEO’s proposal to Turnaround Marshall High School via Reconstitution.

2. On Monday, February 1, 2010, a public hearing was held at the Board of Education, 125 South Clark, Chicago, Illinois. The public hearing required to be conducted prior to reconstituting a school has taken place in this case, and all of the other aspects of the applicable Board’s Policies have been fully complied with.

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

4. John Marshall Metropolitan High School is located at 3250 West Adams Street, Chicago, IL 60624.

5. If approved by the Board of Education of the City of Chicago, the following would occur as a result of the reconstitution: All students currently enrolled in Marshall or eligible to enroll in Marshall this coming fall would continue as students at the school; All staff including the faculty would be removed and replaced; Marshall and its new administration and staff would be supported by the CPS Office of Turnaround.

6. None of the “Exclusion Factors” contained in the Board’s Policies and Guidelines which would exclude Marshall from being turnaround eligible, are applicable in this case.

7. In December 2009, the CEO published criteria for identifying low performing schools as candidates for reconstitution. Schools that earned less than 33.3% of the total available points on the CPS Performance Policy for two consecutive years were eligible to be turnaround via reconstitution. Marshall received 16.7% of available

8. CPS began placing schools on probation for low academic performance 14 years ago. Marshall has been on probation for each of those 14 years, including the current school year.

9. Marshall’s 2008-2009 performance on the PSAE composite, which is the combined result of the PSAE reading, mathematics, and science assessments, was 4.2%, compared to a District average of 28.5%. In reading, the percent of Marshall students meeting or exceeding state standards was 8.7%, compared to a District average of 34.8%. In mathematics Marshall’s performance was 1.4%, compared to a District average of 26.9%. In science Marshall’s performance was 2.4%, compared to a District average of 23.7%.

10. The gap between Marshall and the District has been persistent over time, and in recent years has been widening. Since the 2000-2001 school year, Marshall has not had more than 10% of students meeting state standards. At its highest point in 2004-2005, the PSAE Composite score at Marshall was 7.4%, but has declined since to 4.2%, a decrease of 3.2 percentage points or 43%. Over that same time period, the District average declined from 31.4% to 28.5%, a decrease of 2.9 percentage points, or 9%.

11. The average ACT score at Marshall was 13.8 in 2008-2009. The CPS average was 17.

12. The low performance on standardized tests at Marshall is consistent across subjects. On the PSAE reading test, Marshall went from a high of 15% of students meeting standards in 2004-2005 to 8.7% in 2008-2009, a decrease of 6.3 percentage
points, or 42%. Over that same time period, the CPS average decreased from 41.1% to 34.8%, a decrease of 6.3 percentage points or 15%. The 8.7% of students at Marshall in 2008-2009 means that only 18 out of 208 students tested met state standards in reading.

In mathematics, Marshall declined from a high of 5% in 2004-2005 to 1.4% in 2008-2009, a decrease of 3.6 percentage points, or 72%. Over that same time period, the CPS average decreased from 27.1% to 26.9%, a decrease of 0.2 percentage points, or 1%. The 1.4% of students at Marshall in 2008-2009 means that only three out of 209 students tested met state standards in mathematics. In science, Marshall’s scores have remained below 3% in all years since 2001. Over that same time period, the CPS average has remained above 20%. The 2.4% of students at Marshall in 2008-2009 means that only five out of 209 students tested met state standards in science.

13. In addition to standardized test scores, the CPS Performance Policy evaluates schools on attendance rate. The attendance rate for Marshall has been consistently lower than the District average for the past seven years and has declined over the past few years. In 2008-2009, Marshall’s attendance rate was only 54.1%, compared to a District average of 81%.

14. The 5-year cohort graduation rate at Marshall has consistently been below 50% and has declined over the past several years. Between 2003-2004 and 2006-2007, the school’s graduation rate dropped from 46.8% to 39.5%. While Marshall’s graduation rate in 2007-2008 was 49.6%, it dropped again in 2008-2009 to 38.1%. This means that over 60% of students who began as freshman at Marshall in the 2004-2005 school year did not graduate by the 2008-2009 school year.

15. This low performance has taken place at despite efforts by the CPS to
provide the school with assistance. The District has supported Marshall High School over the last several years with the following supports:

- The District provided the school an additional full-time administrator during the 07-08 and 08-09 school years. The administrator’s role was to coach and develop the school’s principal as well as to assist in putting systems and routines in place toward improved safety and academic outcomes for students.

- Beginning in school year 05-06, the school operated under an Area Instructional Officer-monitored restructuring plan as a result of not meeting annual yearly progress or AYP. The plan emphasized increasing literacy and scientific reasoning skills among students and provided financial resources for additional staff to support the school’s work in these two areas.

- Since school year 07-08, the District has provided the school with a comprehensive instructional development system. Through IDS, the school’s teachers in English, mathematics and science receive curriculum aligned to PSAE, Illinois and College Readiness Standards; quarterly and end of year assessments aligned to the curriculum and meant to provide ongoing data about student progress and learning gaps; and targeted professional development in the form of workshops as well as site-based 1-on-1 coaching.

- Since the school has been on probation, the District has provided oversight of its discretionary budget to ensure funds are allocated in line with the school’s goals for student outcomes.
• Over the past 14 years, the District has removed two principals from Marshall for their inability to increase the school’s academic performance, once in 1996 and again in 2006.

16. In spite of the additional measures afforded to the staff at Marshall, students have continued to perform below standards set by both the State of Illinois and CPS. Marshall High School’s student growth has not improved.

17. Illinois law, and all of the applicable Chicago Public School Policies and Guidelines have been complied with in their entirety, specifically including, but not limited to the School Performance Policy for the 2009-2010 school year.

Recommendation

The Hearing Officer hereby recommends that the Board approve the CEO’s proposal to Reconstitute Marshall School.

FURTHER THE HEARING OFFICER SAYETH NOT.

Respectfully submitted,

Fredrick H. Bates

February 11, 2010

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2 The fact that there are other under-performing schools that are not being reconstituted 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 the schools on probation. It seems obvious that to do so would unduly burden and strain CPS’ limited resources. Moreover, there is nothing in the state law, or the Board Policies or Guidelines, which requires the lowest performing schools in an Area to be acted upon first. If a school is on probation for two consecutive years, without any of the exclusions being applicable, it is subject to being a Turnaround school.