BEFORE THE
BOARD OF EDUCATION OF THE CITY OF CHICAGO

In the Matter of:
The Hearing to Take Public Comment
On the Proposed Closing of:

Bartholome De Las Casas
Occupational High School

) Margaret C. Fitzpatrick
) Hearing Officer
) 2010

Hearing Officer’s Report and Recommendation
To the Chief Executive Officer
Regarding the Proposed Closing Of
Bartholome De Las Casas Occupational High School

I. Introduction

Consistent with Article 34, Section 18 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) and the Chief Executive Officer’s School Closing Guidelines for the 2009-2010 Academic Year, hearings were held for this matter, including a Community hearing. The purpose of the Hearings was for the presentation of evidence from representatives of the CPS Chief Executive Officer (“CEO”) and the taking of public comment on the proposed closing of Bartholome De Las Casas (“Las Casas”) from parents, staff members (including CTU and other union representatives), the Principal, Local School Council members of Las Casas and community members.

I have been appointed by the CEO, pursuant to Board Policies to serve as the Independent Hearing Officer for this matter to preside over the Hearings and to submit this Report and Recommendation. The hearings were held on January 29, 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 8:00 p.m. and February 4, 2010 at Ninos Heroes Elementary School at 8344 Commercial Ave. at 5:30p.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).

**Board Polices**

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 for this Policy. This Policy sets forth the basis for school consolidation in this District including Non-Academic Reasons for School Closings. They include:

- Non-Academic Reasons for School Closings (the focus of the closing of the Las Casas School):
  - Space Utilization Level;
  - Physical Condition of the Building;
  - Alternative Use of School Facilities; and
  - Conversion to a Charter School.

- Academic Reasons for School Closings

- A Basis for School Closings Due to a Need for Change in Educational Focus

- The Process for School Closings
• Implementation Process of School Closings and Annual Review
• The Procedures for the Reassignment of Students Upon School Closings
• The Procedures for the Reassignment of Teachers Upon School Closings
• The Effect of a School Closing on the relevant Local School Council.

B. Notice

Pursuant to Board Policy, Notice of the hearing dates January 29, 2010 and February 4, 2010 was served on the Principal of Las Casas School. Similarly, pursuant to Board Policy, Notice of the Hearing dates was sent to teachers or staff members of Las Casas School on or about January 15, 2010. Also, Notice of the Hearings was sent to the Local School Council members of Las Casas School on or about January 15 2010. Finally, Notice was served on the community of Las Casas School via newspaper publications in English in the Chicago Sun Times on January 22, 2010 and in Spanish in the Hoy Newspaper beginning on January 22, 2010.
(See Board Exhibit A)

II. Witness and Staff Participation

A. CPS Witnesses and Staff Available at the Hearing Board Meeting

1. Miguel A. Rodriguez, Deputy General Counsel
2. Robert Runcie, Chief Administrative Officer
3. Dr. Richard Smith Chief Area Officer, Area 27
4. Deborah Duskey, Chief Officer of the Officer of Specialized Services
5. Stephen B. Glombicki, Deputy Director of the Office of School Safety and Security

Community Meeting

1. Wendy Thompson, Deputy Chief
2. Miguel Rodriguez, Deputy General Counsel

B. Witnesses Who Submitted Public Comment

Consistent with the purpose of the Hearing, the opportunity for public comment on the proposed closing of Las Casas School from staff members (including CTU and other union representatives), the Principal, Local School Council members and community members was available.

III. Exhibits

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

A. NOTICES OF HEARINGS*

1. Notice Letters to:
   a. Parents or Guardians of Las Casas Students in English and Spanish
   b. Principal of Las Casas
   c. Assistant Principal of Las Casas
   d. Teachers and Staff Members of Las Casas
2. Affidavit of Devin McFarland, Special Assistant to the Chief of Staff of CBOE Re: mail and/or personal delivery of all notices

*It should be noted that the notice letters (Board Exhibit A 1) for the Community Hearing stated the location to be at Las Casas School. The newspaper notices (Board Exhibit A 3) stated the location for the February 4, 2010 Community Hearing to be at Ninos Heroes School. At the Community Hearing, Ms. Thompson made a statement explaining that extensive measures were taken to communicate the correct location to all interested parties. Ninos Heroes was selected because it was ADA accessible. A shuttle bus was provided at Las Casas to bring any and all persons to Ninos Heroes, and the sign in time to speak was extended until 6:30 p.m. (See Board Exhibit 13)
B. RELEVANT LEGAL AND PROCEDURAL DOCUMENTS

6. Chicago Board of Education’s Policy on the Closing of Schools, 07-0523-PO2
7. Chief Executive Officer’s School Closing Guidelines for the 2009-2010 Academic Year
8. Chief Executive Officer’s Procedures for Hearings on Proposed School Closings, Consolidations, Attendance Area Boundary Changes or Reconstitutions

C. DOCUMENTS AND WRITTEN EVIDENCE IN SUPPORT OF CLOSING LAS CASAS OCCUPATIONAL HIGH SCHOOL

9. Written Statement of Robert Runcie, Chief Administrative Officer for the Chicago Public Schools
10. Written Statement of Dr. Richard Smith, Chief Area Officer, Area 27
11. Written Statement of Deborah E. Duskey, Chief Officer of the Offices of Specialized Services
12. Written Statement of Stephen B. Glombicki, Deputy Director of the Office of School Safety and Security
13. Written Statement of Wendy Thompson, Deputy Chief Administrative Officer

D. PUBLIC COMMENT DOCUMENTS

A. Statement of Dr. John Kugler
B. Mary Magdalena Capital Work History
C. CPS Comprehensive Annual Financial Report for Fiscal Year Ending June 30, 2009
IV. **Summary of Testimony**

Certified transcripts of the Public Hearing have been maintained. Also, Spanish and Sign language Interpreters were available at the hearing.

**Board Hearing**

**CPS**

**Robert Runcie**  **Chief Administrative Officer**

Mr. Runcie stated that Las Casas facility is not meeting the needs of the special education students. It was originally designed as an elementary school and not equipped to accommodate the more innovative therapies necessary to the current student population. Further, the design presents safety concerns for these students with special needs.

Las Casas meets all the criteria for closure based upon the impracticality of the facility. CPS is prepared to work individually with each family for a smooth and successful transition. Each student will have the opportunity to attend a therapeutic day school providing superior services.

**Dr. Richard G. Smith**  **Chief Area Officer, Area 27**

Dr. Smith described his background as a Principal and administrator in special education, a school psychologist, and professor of special education. Currently he is responsible for program development, curricula, accountability and academic and behavioral outcomes of students in fifteen Chicago Public Schools in Area 27.

Las Casas currently has 72 students and daily attendance is at 48% due in part to excessive suspensions. Dr. Smith stated that it is impractical to continue to use the Las Casas facility and referred to a report done by John Verre, Co-director of the Harvard Institute on Critical Issues in Urban Special Education. The report indicated that:

- The facility is too large and spread out
- The facility is inappropriately designed to address social, emotional and behavioral needs of students
- Space utilization for academic services and supports is underdeveloped
- Space allocated for social, emotional and behavioral supports is not adequate or appropriate
• The facility is not conducive to the social emotional, behavior development of students
• The building is well located but not well-designed or organized for this program
• The space used for social, emotional behavioral supports is poorly designed and lacking in privacy
• The program should be redesigned, redeveloped, and relocated.

Students who exhibit behavioral and emotional disorders need to be monitored at all times as they have poor impulse control and aggressive behavior. The building is too large and spread out and there are multiple floors and stairwells where students are out of the line of sight of security. Presently if a student has a behavioral issue and security is needed, the time it takes staff to provide assistance is not safe or therapeutically sound; students are not provided privacy for clinical staff to work with them because there are no rooms available.

Dr. Smith visited four therapeutic schools in Chicago, which provided more appropriate structures for teaching and working with this special population of students. The classrooms were smaller and located on one floor with structured areas to address student behavior. For the above reasons, Dr. Smith recommends closing Las Casas.

Deborah Duskey  Chief Specialized Services Officer

Ms. Duskey stated that she is responsible for proper placement of students with disabilities. Moving Las Casas students to other therapeutic day schools will not change the student’s least restrictive environment, and will result in students receiving therapeutic support in settings suited to provide intervention and support. The Office of Specialized Services has identified five schools qualified to provide therapeutic day services whose mission is to prepare students for the pursuit of higher education or transitions into society where they will become independent and successful. The schools were also selected based on the address of students currently attending Las Casas. A meeting was held for parents of students attending Las Casas regarding the five approved schools. These schools have a variety of academic, behavior and social support to meet the needs of the students. If the closing is
approved, the district will begin the process of transition and students who are anticipated to graduate in June will remain at Las Casas until that time.

Stephen B. Glombicki    Deputy Director of Security

Mr. Glombicki is a former police officer who now works as Deputy Director of Security to ensure that students, faculty and staff are safe within CPS schools. Las Casas was originally built as St. Mary Magdalene Elementary, and now houses high school students with emotional problems. The building has multiple floors connected by narrow stairwells. The building does not provide privacy for students, resulting in volatile situations with increased likelihood of altercations and disturbances. The building has two full time Police Officers assigned and two Security Officers. The multi-floor large building space creates an environment where implementing safety and security methods is difficult to the detriment of students and staff.

Community Hearing

Wendy Thompson    Deputy Chief Administrative Officer

Ms. Thompson summarized the statements of Mr. Runcie and Dr. Smith and Mr. Glombicki made at the January 29, 2010 hearing. She concluded that the Las Casas facility is not conducive to the specific needs of the special education population of Las Casas students. Five private therapeutic day centers with proven success in providing services to this student population have been identified and the Office of Specialized Services will be working with each family to ensure appropriate placement if the Board approves closing Las Casas.

PUBLIC COMMENT

Board Hearing

Joan Gross    Vice-President of Beacon Junior/Senior high Schools

Beacon Junior-Senior High School’s curriculum is based in regular content and differentiated for the needs of students. Beacon offers challenging academic content that accommodates special needs. Beacon offers a vocational program with community based employment training and transition support for graduates.
Mr. Levron Black  Accompanied Ms. Gross

Mr. Black stated that Beacon has exceeded the 10% requirement of reintegrating students back to public school. They have implemented a handle with care system.

George Smith, Jr.

Bartholome De Las Casas is a person that asked Queen Isabella and King Ferdinand to bring over slaves from Africa and Mr. Black objects to the name of the school for that reason.

Fr. Freddy Washington Pastor, St. Mary Magdalene Church

For ten years CPS has been trying to renovate the building to accommodate the needs of the students and recently granted 1.2 million dollars to upgrade the school, but nothing has been presented to the archdiocese as to what is needed. The school has a new roof, new tuck-pointing, and new windows new electrical, new plumbing and electrical. The archdiocese has expended monies for these purposes also. He hopes that CPS will continue to retain Las Casas High School at this location.

Deborah Lynch  Teacher

Ms. Lynch asks why the students were located at Las Casas ten years ago if it was not appropriate. She believes the hearing is a sham because the students have already received letters assigning them to a new school. She wonders if a charter school is taking over the building. It's not about bricks and mortar, its about hearts and minds.

Dr. John Kugler  Teacher

Mr. Kugler is against closing the school. He believes that closing the school translates to the student that they have failed. He believes closure will benefit CPS.

Gersha Jackson  Director of Transition

Ms. Jackson is the director of transition and reintegration services for Banner School Corporation. She invited all parents of Las Casas students to tour the facility and to discuss two of their programs, Better Transition program and Reintegration Program. They were successful in reintegrating 21% of their student population into high school.
Kristine Mayle  Teacher

Ms. Male’s concern is the stability of the students due to their special needs. She asks why CPS is farming out these jobs to private companies when CPS has qualified teachers in the system. She is frustrated that the students are not being considered.

Mary McGuire  CTU

Ms. McGuire is concerned about the increasing privatization of public schools. The teachers at Las Casas are highly qualified. CPS has a responsibility to educate students in a public facility. Instead they will spend money to pay others to educate these most fragile students. Montefiore could be consolidated with Las Casas so that they could keep the same teachers. Schools should have IEPs like students.

Derrick Harris

Mr. Harris has been to Las Casas at the request of Michael Scott because of the unique challenges that the school faces. Parents have the right to choose a public school for their child and Las Casas is the only public school available. Students attending Las Casa come from Jefferson or Cook County jail, or places like Hargrove. They have ED and/or BD disabilities and LD is secondary. He believes these children need to stay together. He is also concerned about the care of these students.

David Chesnut  AMI Kids

His school is available and offers the latest in audiovisual equipment and responsible staff. He extends an offer of welcome to any displaced students.

George Schmidt  Substance

The Board issued bonds in excess of 900 million dollars maybe over one billion dollars. Mr. Schmidt offered a copy of the Board of Education’s Annual Financial report. (Exhibit Public 3) They could afford to make one building adequate for the education of 82 special needs students. It is dishonest to take the position that the building cannot be renovated to be appropriate for these students. He referred to the closing of Spalding and noted that now the school is privatized. There is plenty of money available to rehabilitate this school.
Tendai Mufuka  Infinity School

Ms. Mufuka is the director of Infinity School and understands the difficulty in closing Las Casas and welcomes students to Infinity.

Community Hearing

Ruby Bradford  Former Las Casas Student

Ms. Bradford stated that she wanted to say farewell to Las Casas.

Fr. Freddy Washington  Pastor, St.

Fr. Washington stated that he supports keeping Las Casas open. He has talked to parents to see why they have not been present at the Board hearing and found that they believe the decision has already been made. He further stated that CPS did not tell the archdiocese about the facility problems. The large space at the school could have been renovated and the cost possibly could have been shared. There have only been two updates in the building in the last ten years. The Board should have told the parish what was needed before they spent 1.2 million dollars on the school.

Derrick Harris

Mr. Harris was curious as to why there were no parents at the Board hearing and why there are no parents at this community hearing. He believes that proper notice was not given regarding the community hearing. He believes that there are parents at Las Casas waiting for the hearing. Students have the right to a free appropriate public education. There has been no specific information to substantiate how the 5 new schools will be appropriate for Las Casas students. Public Act 096-0803 addresses school closings and he believes the Board is not in compliance with that law. The LSC and parents should have been involved in the decision-making process to close the school.

Rev. Andre Smith  American Clergy Leadership Conference

Rev. Smith has mentored at Las Casas School. The students need safety and protection. The school has teachers that care. He believes the budget director should be fired instead of closing the school.
George Smith, Jr.

Mr. Smith referred to the school name and asked that it be changed to Toussant L'Ouvertre who is from Haiti and fought in the Revolutionary War.

Roni-Nicole Facen

Ms. Facen is a student at St. Xavier College. She is interested in secondary special education. Las Casas is the only school in the district for these special needs students. They will be displaced and the atmosphere will be chaotic and not conducive for learning.

Wanda Linton  Las Casas Staff

Ms. Linton stated that some of the schools chosen for the Las Casas students do not want them and the students will end up on the street. She suggests that they move to another building or consolidate with another school, but that they stay together.

Magale Dauyon

Ms. Dauyon stated that this is the 100 year anniversary of the parish and she does not want the school to close. It will affect the church and community in a negative way.

V. Findings and Recommendation

I make the following findings and recommendation regarding the proposed Closing of the Las Casas School:

- I find that the CEO has satisfied the Notice requirements as mandated by Board Policy and the School Code 105 ILCS 5/34-18;
- I find that the CEO has the satisfied the mandates of Board Policy 410.4 Closing of Schools (adopted pursuant to Board Report 07-0523-PO2, dated May 23, 2007);
- Las Casas Occupational High School is located at 8401 S. Saginaw Ave. and currently has 72 with special needs related to social, emotional, and/or behavioral disabilities;
The Las Casas facility was originally built as an elementary school with multiple floors, long hallways connected by narrow stairwells and a large open multipurpose room not conducive to close monitoring of students;

There is no available space at Las Casas for clinical staff to work privately with students.

Due to the expansive layout of the building, response time to student behavior issues is delayed, potentially impacting the safety of students and staff.

The Office of Specialized Services is providing services to Las Casas students to ensure that each student will be placed in an appropriate program in compliance with their special needs.

Five State-approved therapeutic day schools have been identified as appropriate reassignment for the special needs students currently attending Las Casas, considering such factors as: experience serving students with similar learning and emotional characteristics, academic, behavior and social supports such as community partnerships for transition, intensive literacy and writing instruction, full-time reintegration support staff family support and counseling, vocational course offerings, service learning and employment opportunities, and internet connected computers in every classroom. The addresses of the 72 students currently attending Las Casas have been considered in identifying these schools.
Based on these findings, I conclude that the CEO has supported his recommendation that in accordance with Section I.B of the Board’s School Closing Policy, that Las Casas be closed at the end of the 2009-2010 school year.

Submitted this 8th day of February, 2010

By:

Margaret C. Fitzpatrick