

**ILLINOIS GENERAL ASSEMBLY  
CHICAGO EDUCATIONAL FACILITIES TASK FORCE  
*Record of Action from the January 12, 2012 Meeting:***

*Upon motion by Cecile Carroll, Blocks Together and seconded by Nona Burney, Grand Blvd. Federation, the CEFTF resolved to adopt the following Findings regarding Chicago Public Schools' implementation of P.A. 97-0474 to date, and to report these Findings in its Report to the General Assembly, Governor, Mayor and CPS:*

In accordance with its responsibilities pursuant to Public Act 97-474 to “review[] Chicago public schools’ compliance with the provisions of Sections 34-200 through 34-235,” the CEFTF finds as follows:

1. The “guidelines” required to be developed by CPS pursuant to the Act are required to “outline the academic and non-academic criteria for school *action*;” (34-230) are to be “implemented according to a clear system-wide criteria and with the significant involvement of local school councils, parents, educators and the community in *decision-making*. (34-18.43) Further, the Act anticipates the posted draft guidelines will be revised based on that “significant involvement.” (34-230).
2. The CEFTF finds that the final Guidelines for School Actions issued November 29, 2011 are not in compliance with the mandates of 34-230:

(a) The Guidelines are not “clear,” in that these non-specific criteria are so broad that various education experts estimated anywhere from 47 schools (Chicago Teachers Union analysis) to more than 145 schools (Catalyst Magazine researchers’ analysis, Nov. 15, 2011) can be said to “meet” the academic criteria. Yet a much lesser number of schools are proposed for “action.” Therefore, the criteria fail to provide transparency to explain clearly to the public why one school is selected for “action” and another is not. Moreover, the published final criteria do not even attempt to establish why one type of action such as closure is suitable as opposed to another type of action: co-location, consolidation, boundary changes or phase-out, for example. Indeed CPS included no criteria for attendance boundary change actions in its Guidelines. As CPS is well-aware, having participated in all CEFTF hearings and meetings, the clear intent of the statute is to require CPS to provide transparent, evidence-based criteria for each type of school action, so as to answer these essential questions for the public and the affected families, schools and communities. But they are not answered in the guidelines published as final by CPS.

(b) The “non-academic criteria” in the Guidelines is similarly quite unclear: It (last paragraph on page 1) recites a number of factors including student safety, school culture and climate, enrollment estimates, the quality of the facility, family and community feedback, etc. which the CEO and Board “will” consider without disclosing *how* any particular factor is measured or how it affects the decision-making. For example, does it weigh in favor or against a particular school action or inaction and why? Other completely unspecified information “will” be considered by the Board and CEO (the Guidelines recite that factors are “not

- limited to” those enumerated). Moreover, even the enumerated factors are extremely vague: how is student safety measured? School climate? The facility? We note that the TF has pressed for data on student safety, in particular, with no meaningful response from the CEO.<sup>1</sup>
- (c) Based on the Guidelines criteria as it is in final form, no independent hearing officer can reasonably be expected to reach a fair determination of whether the CEO school action proposals satisfy such an imprecise criteria.
  
  - (d) The Guidelines were finalized and published without “the significant involvement of local school councils, parents, educators and the community in *decision-making*.” In spite of the critique and recommendations provided to CPS officials at an October 28<sup>th</sup>, 2011 meeting with Co-Chair Soto and other Task Force representatives and other comments, CPS has not revised in any way the proposed guidelines for school actions announced this year. Rather, on both November 28<sup>th</sup> and December 1<sup>st</sup>, 2011 CPS indicated that it would “consider such input in the future.” Since the Guidelines are the touchstone of the school action decision-making taking place now, and since CPS refused to consider the public’s input and revise them, it has effectively deprived the LSCs, parents, educators and community of the “significant involvement.....in *decision-making*” that the Act calls for. The CEFTF’s members have repeatedly noted in open session and in correspondence with CPS the Act’s declaration that “decisions that impact school facilities should include the input of the school community *to the greatest extent possible*.” However, despite these requests, the CEO chose to move forward sacrificing careful compliance with the law for the expediency of moving quickly.
  
  - (e) Nothing in the Guidelines expresses how equity will be ensured in taking school actions, though equity with respect to race, ethnicity, income and disability is key under the Act. (34-18.43 (4) It appears to this Task Force that almost all affected schools are overwhelming in the South and West Side of the City and almost exclusively both poor and African-American in school population. The Task Force finds that the criteria is, therefore, not system-wide as the brunt of the school actions are borne by a limited segment of the school population.
3. Public Act 97-0474 is a process-oriented statute which grew out of the work of this Task Force and more than 18 months of public hearings in which parents, school communities, local school council members, teachers, principals and students who faced years of threats –or actual—school closures, co-locations, consolidations, turnarounds, phase-outs and conversion to charters reported their frustration and confusion in trying to ascertain how CPS makes decisions for

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<sup>1</sup> CPS Letter dated November 28, 2011, presented at meeting at CPS with CEFTF representatives, states “ The Office of Safety & Security, along with city agencies including the Chicago Police Department, Chicago Housing Authority, and the Chicago Transit Authority, have all been consulted to determine the potential concerns for student safety. . . . Specific metrics reviewed include potential safe passage requirements and violent & drug misconducts.”

school actions and other drastic school changes. These stakeholders expressed their experience of exclusion and disenfranchisement of their communities and families, educational leaders and duly elected Local School Councils from CPS' decision making process. Subsequent to CPS' release of this year's School Action Guidelines, both Task Force members and stakeholders testifying at CPS' hearings and the December 1<sup>st</sup> CEFTF meeting noted the Guidelines did nothing to alleviate the confusion about how decisions were made, and that CPS' previous School Closing Policy was more detailed than what the CEO presents now. CPS' historic and continuing lack of transparency and evidence-based criteria for its decisions has resulted in a pervasive climate of public suspicion about what drives CPS to take school actions and allocate resources often in ways perceived as highly inequitable. The new Act is clearly written to ensure that the CEO and Board of Education respond to the public's concerns and that the locus of "school governance and improvement [is] in the hands of the parents, teachers and community residents at each school." (34-18.43). "[S]chool facility policy" the Act reminds us "must be consistent with these principles."

4. The CEFTF finds, however, that the process to date for the 2012-2013 proposed school actions is not consistent with the intent and language of the law. Specifically:

(a) In the case of the proposed closing of Guggenheim Elementary School, numerous irregularities have occurred and have been reported to the CEFTF by parents and teachers, including :

(i) Removal of the principal after announcements of school actions.

(ii) An attempt by Guggenheim's acting principal and staff to encourage or insist on students transferring out of Guggenheim during the holiday break. Parents indicate they were contacted by phone, and urged by CPS employees to transfer their student immediately to the designated receiving school (Bond) or another school, since Guggenheim would close in February 2012 – before the lawfully required public input process and timeframe by which CPS' Board can render a final decision on the proposed closure. CPS Transfer Forms printed apparently from the CPS IMPACT system were brought to parents/guardians' residences with their student's name already filled in together with a form to be presented to a receiving school. In some instances, Guggenheim staff told parents that most of the teachers would not return to the building on January 9<sup>th</sup> or that the school would be closed in February. Guggenheim's staff also told some families they would have to present proof of residency for their students to return to school on January 9<sup>th</sup>. Transfers were attempted for homeless students as well. CPS reversed course on this and agreed –only after complaints were received from the families and others and only a few days before school resumed-- to allow students to return. Additionally, some Guggenheim teachers who returned early to prepare their classrooms for the resumption of the school year were denied access to the building.

(iii) These actions likely combine to destabilize the school and undercut the chances of Guggenheim providing current students a complete, adequate education for the remainder of the academic year. Loss of a principal and perhaps many students would certainly impact the

remaining students and the school. Moreover, the transitional services mandated by Sec. 34-225 would likely not be delivered to students who leave now and will certainly be compromised if the school has been weakened by these actions.

(iv) At several of the January 6<sup>th</sup>, 2012 hearings on school actions, there were additional irregularities. Families and educators, journalists, and Task Force members all witnessed busloads of people being brought to the hearings. At the hearings for Reed, Crane, Guggenheim, and Dyett (at a minimum - based on current information), the people brought on buses read nearly identical, pre-prepared testimony; or indicated they were not sure why they were there. At least one such person at the Crane hearing -- identified by name in the Catalyst article of January 8<sup>th</sup>, 2012 - stated that he had been paid a stipend from CEDA (a taxpayer-funded agency) to come to the hearing. People arriving on buses were questioned by parents and local community stakeholders during at least two of the hearings, and acknowledged they came from other communities far from the school, or from substance abuse centers, and none were parents or guardians of students in those schools.

(v) At the January 6<sup>th</sup> Crane High School hearing, a member of the clergy who brought people to the Westside hearing from as far away as Roseland and Englewood, acknowledged that he had been “compensated” to bring in busloads of outsiders.

These irregularities suggest at a minimum an attempt to “skew” the results of the lawfully required public input process, in clear violation of both the letter and the intent of P.A. 97-0474.

(b) Additionally, CPS attempted to dampen public input by initially refusing to accept detailed and empirical information prepared by the Crane HS Coalition (eventually CPS officials relented); by limiting participation by not allowing stakeholders who arrived after the start time to register to testify (Dyett hearing); and by limiting testimony at some community hearings on January 6<sup>th</sup>. This cannot be squared with the mandates of the Act.

These Findings shall be included in the Chicago Educational Facilities Task Force Report to the General Assembly, Governor, Chicago Public Schools Board, and the Mayor of Chicago, on CPS’ implementation of the provisions of Public Act 97-0474.

*With 9 votes in favor, and 1 opposed, the motion passes.*