

**CHICAGO PUBLIC SCHOOLS**  
**Hearing on Proposed Boundary Change for National Teachers Academy**  
**January 29, 2017**

This statement is submitted on behalf of Concerned Parents of National Teachers Academy (“NTA”) and Chicago United for Equity (“CUE”).

**I. INTRODUCTION**

On December 1, 2017, Chicago Public Schools (“CPS”) announced<sup>1</sup> its proposal (“CPS’s Proposal”) for a reassignment boundary change for and phase-out of NTA. NTA is a Level 1+ and efficiently utilized elementary school located at 55 West Cermak Road, at the site of the former Harold Ickes Homes. NTA’s student population is at least 78% African American and 75% low-income.<sup>2</sup>

Under CPS’s Proposal, NTA would undergo a phase-out starting in school year 2019-2020, and CPS would eventually convert NTA’s building into a high school. During this transition, NTA’s current attendance boundary would be combined with the attendance boundary for South Loop Elementary (“SLE”). Starting in fall 2019, students in third grade and below would be zoned to SLE, and NTA’s Regional Gifted Program (“RGC”) for kindergarten through third grade would move to SLE. Eventually all elementary grades from NTA will transition to SLE. After this transition is complete, CPS projects that SLE will have an estimated student population between 1,500<sup>3</sup> and 1,800<sup>4</sup> students, who would be divided among three SLE school buildings. While NTA is being phased out, CPS would

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<sup>1</sup> CPS initially presented a version of this plan to the public in May 2017.

<sup>2</sup> National Teachers Academy, CPS School Profile, <http://cps.edu/Schools/Pages/school.aspx?SchoolID=610231>. Data from the Near South Steering Committee reported that NTA’s overall student population is 82% African American and 77% low-income and that its neighborhood program is 93% African American and 90% low-income.

<sup>3</sup> The combined populations of both schools at this time is 1,520 students.

<sup>4</sup> CPS estimates that by using all three buildings, SLE will be able to serve 1,800 elementary students. CPS Presentation, July 10, 2017, *available at* [https://blog.cps.edu/wp-content/uploads/2017/06/170710-NTA-community-meeting-3-vF\\_FINAL.pdf](https://blog.cps.edu/wp-content/uploads/2017/06/170710-NTA-community-meeting-3-vF_FINAL.pdf).

also start converting NTA’s building into a high school. The phase-out of NTA as an elementary school would be complete by the end of school year 2023–2024.

## **II. LEGAL STANDARDS**

The Illinois School Code sets forth substantive and procedural requirements for “school actions.” 105 ILCS 5/34-230. Reassignment boundary changes and phase-outs are both considered “school actions” under the Illinois School Code and therefore, are governed by the requirements set forth in section 34-230. 105 ILCS 5/34-200; 34-230. A “phase-out” is defined as “the gradual cessation of enrollment in certain grades each school year until a school closes or is consolidated with another school.” 105 ILCS 5/34-200.

Before proposing any school actions, the chief executive officer (“CEO”) of CPS must create and publish guidelines for school actions (“the Guidelines”). 105 ILCS 5/34-230(a). The Guidelines “shall outline the academic and non-academic criteria for a school action.” 105 ILCS 5/34-230(a). The CEO must announce any proposed school actions that are “consistent with the [G]uidelines” by December 1<sup>st</sup>. 105 ILCS 5/34-230(b). For any proposals, the Illinois School Code requires CPS to convene at least two public meetings and a public hearing prior to approving a proposed school action. 105 ILCS 5/34-232(3).

An independent hearing officer must preside over the public hearing and must issue a report that summarizes the hearing and “determines whether the chief executive officer complied with the requirements of [105 ILCS 5/34-230] and the [G]uidelines.” 105 ILCS 5/34-230(f)(4). If the proposed school action fails to comply with the mandates set forth in the Illinois School Code, then “the proposed school action shall not be approved by the Board [of Education].” 105 ILCS 5/34-230(h).

## **III. ARGUMENT**

CPS’s Proposal violates state law and CPS procedures, and the Board of Education cannot permissibly approve it. CPS’s Proposal involves two school actions for NTA: (1) a

reassignment boundary change and (2) a phase-out of NTA as an elementary school. CPS's Proposal must comply with the Illinois School Code and its own Guidelines for both of these school actions in order for the Board of Education to approve it. 105 ILCS 5/34-230(h). As set forth below, this Hearing Officer should issue findings that CEO Forrest Claypool<sup>5</sup> did not comply with the requirements of 105 ILCS 5/34-230 and the Guidelines, and the Board of Education cannot approve this proposal.

As a preliminary matter, CPS has repeatedly characterized its Proposal as only a reassignment boundary change. However, the language of CPS's Proposal makes clear that CPS will be gradually ending enrollment in certain grades at NTA until it closes as an elementary school—which falls squarely within the statutory definition of a “phase-out.” See 105 ILCS 5/34-200. Over the years, CPS has made many proposals that involve more than one school action, and in these cases, the hearing officer must determine whether CPS has complied with the Illinois School Code and the Guidelines for each action in the proposal.<sup>6</sup> To be clear, opening a high school is not a “school action” within the meaning of section 34-200. Consequently, CPS must demonstrate statutory and procedural compliance for both proposed school actions within its Proposal—(1) a reassignment boundary change and (2) a phase-out.

#### **A. CPS'S PROPOSAL VIOLATES THE ILLINOIS SCHOOL CODE.**

CPS's proposed school actions for NTA violate multiple provisions of the Illinois School Code, and consequently, the Board of Education cannot approve this Proposal. 105 ILCS 5/34-230; 34-225.

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<sup>5</sup> Forrest Claypool was the CEO of CPS when the Guidelines for the 2017–2018 school year were drafted and finalized and when the Proposal for NTA school actions was announced. CEO Claypool resigned from CPS on December 8, 2017.

<sup>6</sup> See, e.g., Hearing Officer Report, *In the matter of Public Hearing on Proposals to Close Alfred David Kohn Elementary School and Revise School Attendance Boundaries of Countee Cullen Elementary School, Langston Hughes Elementary School, & Mildred I. Lavizzo Elementary School*, 40–41 (May 5, 2013), available at <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=2765> (issuing separate determinations regarding whether the CEO's proposal complied with the Illinois School Code and Guidelines for a school closing and reassignment boundary change).

**1. The Guidelines Fail to Include Any Criteria for Phase-Outs as Required by 105 ILCS 5/34-230.**

The Illinois School Code specifically requires the CEO to publish guidelines for school actions, which “shall outline the academic and non-academic criteria for a school action.” 105 ILCS 5/34-230(a). The General Assembly enacted this provision as part of its express recognition that the use of “clear system-wide criteria” would “minimize the negative impact of school facility decisions” on affected communities. *See* 105 ILCS 5/34-18.43(a)(5). Such criteria, in other words, should promote a sense of objective decision-making and even-handedness system-wide. In keeping with this requirement, CPS has, in the past, used academic and non-academic criteria to measure or assess whether a given school should be subject to school action. Specifically, CPS has used school utilization data and its School Quality Rating Policy (“SQRP”) to determine, on a system-wide basis, which schools could be subject to a school action.<sup>7</sup>

However, CEO Claypool failed to include any academic or non-academic criteria for phase-outs in the Guidelines for school actions during school year 2017-2018. Instead, the Guidelines state, with respect to phase-outs, that

The CEO may propose a phase-out only if: the school(s) principal, parents, or community members have requested that a phase-out be considered via the process to request proposals outlined in the definitions section.

Guidelines, § II(C). The definition of the “Process to request proposals” describes four methods (such as email, formal communication to CEO, etc.) for requesting a proposal this school year. Guidelines, § IV. Requiring that CPS receive a request for proposal may be a condition,<sup>8</sup> but it does not constitute “system-wide criteria” as required by the statute. A

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<sup>7</sup> For example, in 2013, CPS’s Guidelines used school utilization rates and school performance ratings to select schools for closure, consolidation, reassignment boundary changes, and phase-outs. *See* Hearing Officer Report, *In the Matter of the Proposal to Close Marcus Moziah Garvey Elementary School and Revise School Attendance Boundaries of Mount Vernon Elementary*, (May 5, 2013), available at <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=2751>.

<sup>8</sup> In fact, the CEO’s Guidelines explicitly refer to the receipt of a request for proposal as what it is—a “condition.” Guidelines, § II(C), p. 2 (“In determining whether to propose a phase-out that meets the above-specified condition . . .”).

criterion is defined as a “standard, rule, or test on which a judgment or decision can be based or compared; a reference point against which other things can be evaluated; a characterizing mark or trait.” *See* Black’s Law Dictionary (10th ed. 2014). To comply with the basic meaning of “criteria” and with their statutory purpose, criteria in school action guidelines must comprise objective standards—as they have in years past—that can be used to evaluate a school and compare it to another. CPS could receive any number of requests for consideration of a phase-out—such requests, without more, do nothing to provide a basis for decision about whether one or another such request will be acted upon and a school action proposed. Concerned Parents of NTA and CUE both pointed out this omission of criteria in their respective public comment submissions to the Guidelines and urged CPS to include criteria for this type of decision in the final Guidelines. CPS nonetheless failed to rectify the problem.

CPS’s Proposal to phase-out NTA when it has failed to include any academic or non-academic criteria in the Guidelines for proposing a phase-out violates section 34-230(a). In other words, without Guideline criteria for a phase-out, the CEO cannot propose a phase-out. In this matter, the CEO cannot permissibly propose a phase-out based on Guidelines that are legally insufficient, and likewise, the Board of Education cannot permissibly approve the proposed phase-out of NTA.

## **2. CPS Failed to Provide Adequate Notice for its Proposal.**

The Illinois School Code sets forth notice requirements for school action proposals and specifically requires that CPS include a “written statement of the basis for the school action” and “an explanation of how the school action meets the criteria set forth in the Guidelines.” 105 ILCS 5/34-230(c)(1). In this case, CPS failed to provide adequate notice regarding the basis of its proposed actions and how the proposed actions meet the Guideline criteria. Specifically, CPS failed to provide any information regarding what request for proposal

formed the basis of its Proposal until the night of the public hearing for this matter (January 29, 2018).

At both Community Meetings, NTA speakers specifically asked CPS to identify what request for proposal permitted the CEO to make this Proposal. *See* Transcript, Community Meeting #2, Jan. 16, 2018, p. 38–39 (statement of Elisabeth Greer, chair of NTA’s LSC). Despite these requests, CPS failed to publicly identify any specific request for a proposal on which consideration of the school actions in its Proposal was based prior to its presentation before the Hearing Officer on January 29, 2018.

For other school actions this year, CPS identified details about the request for proposal on which the action was based in various contexts. However, for this Proposal, CPS failed to identify any request in those same contexts. For example, in its initial press release regarding school actions, CPS specifically stated who requested the proposal for four of the seven school actions that it has proposed this year. *See* CPS Press Release, issued Dec. 1, 2017, attached as Exhibit 1. But CPS identifies no request for a proposal related to NTA in that release. In addition, when community or school members have actually requested school actions, CPS has included, in its letters to affected parents, the name of the group that requested the proposal. *See* Parent Letter for Jenner-Ogden Consolidation, p. 1, dated December 1, 2017, attached as Exhibit 2. But in its letter to NTA parents announcing the Proposal, CPS did not include any information about who requested a proposal for NTA, when this request was made, or what this request included. *See* Parent Letter for NTA, dated December 1, 2017, Exhibit 3. CPS’s public statements related to this Proposal during the two community meetings prior to this public hearing also omitted identification of the request for proposal. Without question, information regarding the request for a proposal for NTA should have been made publicly available to NTA and the Near South community by

December 1<sup>st</sup>, 2017, at the latest. Failure to provide adequate notice for this Proposal violates section 34-230(c)(1).

### **3. CPS's Proposal Fails to Comply with the CEO's Guidelines.**

CPS's Proposal is not consistent with the CEO's Guidelines, and this failure means that even if the Guidelines were adequate, CPS's Proposal violates the Illinois School Code. By law, the CEO can only propose school actions that are consistent with the Guidelines. 105 ILCS 5/34-230(b). If CPS does not follow its own Guidelines, it is therefore in violation of the School Code. As set forth below in Section III.B, this year's Guidelines conditioned the proposal of a reassignment boundary change and the proposal of a phase-out on the receipt of a request for a proposal from community members, and there has been no request for a proposal related to NTA from community members.<sup>9</sup> The fact that CPS's Proposal and related Transition Plan are not consistent with the CEO's Guidelines is a separate and additional violation of section 34-230.

### **4. NTA Students Will Not Be Given the Option to Enroll in a Higher Performing School as Required by 105 ILCS 5/34-225.**

CPS's Proposal does not provide NTA students with the opportunity to attend a higher performing school, as required by the Illinois School Code. Section 34-225 states that CPS's school transition plan for any proposed school action "shall include . . . options to enroll in higher performing schools." 105 ILCS 5/34-225(c)(2). CPS has acknowledged this legal requirement. In response to public feedback during the 2016 school action process, CPS responded to public comments by explaining that, "By law, [CPS] cannot send students in a higher performing school to a lower performing school but equally [CPS] cannot send students to a school that is merely equivalent. The welcoming school must be higher

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<sup>9</sup> At both Community Meetings, NTA speakers specifically asked CPS to identify what request for proposal permitted the CEO to make this Proposal. See Transcript, Community Meeting #2, Jan. 16, 2018, p. 38–39 (statement of Elisabeth Greer, chair of NTA's LSC). To date, CPS has failed to identify any request for a proposal on which consideration of the school actions in its Proposal was based.

performing than the closing school.” *See* Email from CEOGuidelines@cps.edu, dated Oct. 19, 2016, attached as Exhibit 4.

Per CPS policy, school performance ratings are annually determined based on the criteria set forth in its SQRP. Based on SQRP criteria and CPS’s current data, CPS has determined that NTA and SLE both qualify for a Level 1+ rating. Under CPS’s current SQRP, Level 1+ is the highest quality rating possible. Based on CPS’s own performance ratings policy and data, it is not possible for NTA students to attend a higher performing school.

CPS has argued that its Proposal complies with this Illinois School Code requirement because SLE is a higher performing school as defined by the CEO’s Guidelines. *See* Ex. 3. The Guidelines define a “higher performing school” as one receiving a higher level on SQRP for the 2016-2017 school year. Guidelines, § IV. If two schools have the same SQRP rating, then CPS will consider which school has higher scores for six additional metrics—primarily based on data resulting from Northwest Evaluation Association (“NWEA”) standardized tests. CPS’s argument must be rejected, because the requirement in the Code does not contemplate redefinition of “higher performing school” in the Guidelines from year to year. CPS’s definition of “higher performing school” in the current Guidelines has no application outside of the school action process. This choice to have a specific definition of “higher performing” in the Guidelines is unwarranted. CPS has a performance rating system in existence for all their schools—that SQRP rating is sufficient for use in this context. School actions should not merit a distinct definition. The Guidelines’ post-hoc definition of “higher performing” does not change the fact that CPS has already determined these NTA and SLE are of equal and of the highest possible quality.



***a. The Guidelines' Definition "Higher Performing" and CPS's Determination that SLE is Higher Performing Are Inconsistent with Section 34-225.***

Based on the SQRP Levels released in the beginning of the current 2017-2018 school year, CPS has determined that NTA and SLE both qualify for a Level 1+ rating, the highest possible rating. Under the CEO's Guidelines, if two schools have the same SQRP rating, then CPS will consider which school has higher scores for six additional metrics, primarily based on NWEA attainment data. This "tie-breaker" represents a parsing of data to justify a pre-determined outcome (phasing-out NTA). The intent behind section 34-225 of the Illinois School Code is that the students should have an option to attend a school that is performing higher. Being able to point out minute differences in NWEA achievement data as a "tie-breaker" does not convincingly show that affected NTA students will receive a meaningful increase in educational opportunity. It creates only a post-hoc justification.

Furthermore, based on testimony from CPS representatives, CPS did not comply with the Guidelines' definition for calculating which school is "higher performing." Herald Johnson testified during the public hearing that CPS determined which school was higher performing, NTA or SLE, based on the requirements of subsection (2)(a) within the Guidelines' definition of "Higher performing school." See Guidelines § IV. Subsection (2)(a) requires calculation of "multi-year value added results in reading, multi-year added results in math," and NWEA attainment percentile in math and reading for second through eighth grades. *Id.* Mr. Johnson stated that CPS no longer calculates "value added" (a type of growth metric), so CPS solely relied on NWEA attainment percentiles for this determination. Disregarding this requirement is a clear violation of the Guidelines.<sup>10</sup> Further, disregarding this requirement distinctly disadvantages NTA compared to SLE. NTA primarily serves

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<sup>10</sup> As this Hearing Officer knows, CPS writes the Guidelines every year and easily could have removed or changed this requirement.

minority and low-income students, and research has shown that these particular subgroups consistently score lower on standardized tests (i.e., lower attainment percentiles) than white students and students from wealthier backgrounds. As described below in Section III.A.4.b, NTA’s student growth data is very strong and should have been taken into consideration when comparing school performance. Throughout the district, CPS has recognized the importance of measuring growth and weighted growth more heavily in its determination of all schools SQRP rating. In describing the justification for this, CPS stated:

Both attainment and growth matter, but growth is weighted more in the SQRP. That is because schools start in different places, and growth takes that into consideration. Attainment is a good indicator of how ready students are for their next step . . . . Growth is a good indicator of how much they are learning, and therefore how effective the school is at providing instruction.<sup>11</sup>

Thus, failure to consider any growth-related data as the Guidelines require—and consistent with CPS’s performance policy that recognizes growth is more important than attainment—further undermines CPS’s determination that SLE is higher performing for purposes of the school action process.

The Illinois School Code is clear, and it requires that affected students be given the option to attend a higher performing school. In the past, hearing officers have questioned the CEO’s compliance with section 34-225 for proposed school actions where the closing and receiving schools were functioning at the same level, and as a result, issued findings of non-compliance with the Illinois School Code and the Guidelines.<sup>12</sup> To date, no hearing decision has analyzed a situation where CPS proposed closing or phasing out a school within the

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<sup>11</sup> See CPS School Quality Rating Policy (SQRP) Overview, attached as Exhibit 5, *also available at* [http://cps.edu/Performance/Documents/SQRP\\_Overview.pdf](http://cps.edu/Performance/Documents/SQRP_Overview.pdf).

<sup>12</sup> See Hearing Officer Report, *In re Anthony Overton Elementary School Proposed School Action (Closure)*, (May 2, 2013), *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=2780> (“What is meant by or what are reasonable expectations for students who transition to a higher-performing school? The possibilities are limited. The students’ educational prospects are enhanced, remain the same, or diminished. The promise, the reasonable expectation, is that it will be enhanced. Otherwise the concept of a higher-performing school is meaningless in this context.”); Hearing Officer Report, *In re Proposed Closure of John Calhoun North Elementary School*, (Apr. 29, 2013), *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=2735>.

highest performance rating because CPS has never attempted to do this. This Hearing Officer should find that based on CPS's own school performance policy and data that NTA and SLE are both performing at the same SQRP level, this Proposal fails to comply with section 34-225.

***b. Data Beyond SQRP Ratings Shows that NTA is Higher Performing than SLE***

Moreover, there is evidence that NTA is doing an exceptional job of educating low-income and minority students beyond the already high quality performance that its SQRP score captures. An elementary school's SQRP score is based on aggregated student data for nine different metrics. As part of CUE's Race Equity Impact Assessment, Professor Paul Zavitkovsky from the University of Illinois at Chicago ("UIC") analyzed student achievement data based on specific student populations, including data for African American students and low-income students.<sup>13</sup> Professor Zavitkovsky focused his analysis on students in third grade because performance in this grade is highly predictive of long-term educational outcomes.<sup>14</sup> Professor Zavitkovsky found that 71% of low-income third grade students in NTA's neighborhood program<sup>15</sup> scored at or above grade level on the PARCC English Language Arts ("ELA") assessment—compared to only 56% of low-income third grade students at SLE and only 49% of low-income third grade students districtwide. See Zavitkovsky, NTA Keeps Getting Better at Preparing Its Primary Students, p. 7, attached as Exhibit 6.

Likewise, Professor Zavitkovsky found that 68% of low-income third grade students in NTA's neighborhood program<sup>16</sup> scored at or above grade level on the PARCC math

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<sup>13</sup> CPS was invited to participate in CUE's REIA, and a CPS representative, Judy Camacho, was present when this data was presented.

<sup>14</sup> Donald J. Hernandez, *et. al*, DOUBLE JEOPARDY: HOW THIRD-GRADE READING SKILLS & POVERTY INFLUENCE HIGH SCHOOL GRADUATION, ANNIE E. CASEY FOUND. (2012), available at <http://www.aecf.org/m/resourcedoc/AECF-DoubleJeopardy-2012-Full.pdf>.

<sup>15</sup> This figure increased to 73% when low-income students within the RGC were taken into account.

<sup>16</sup> This figure increased to 70% when low-income students within the RGC were taken into account.

assessment—compared to only 54% of low-income third grade students at SLE and to only 50% of low-income third grade students districtwide. *Id.* at 8. Professor Zavitkovsky also found that NTA nearly doubled the CPS average of African American students from low-income households who meet statewide reading norms in third grade. *See id.* at 9. Lastly, Professor Zavitkovsky compared achievement data from NTA and CPS districtwide for low-income, African American students in third grade. *See* Zavitkovsky, *Solid Achievement by Third Grade is Really Important*, p. 8, attached as Exhibit 7. Professor Zavitkovsky found that 63% of NTA boys and 81% of NTA girls within this subcategory achieved at or above grade level in math, compared to only 37% of their male counterparts and 47% of their female counterparts districtwide.<sup>17</sup>

Taken together, this data shows that NTA is doing an outstanding job of educating African American students and students from low-income backgrounds and producing better academic results for these student populations than either SLE or CPS as a whole. Ultimately, SLE will not provide NTA students with the opportunity to attend a higher performing or higher quality school than the one that they already attend, in violation of the statutory requirement.

Finally, data from previous CPS school closings and school closings research show that the academic performance of receiving schools is negatively impacted after a school closing.<sup>18</sup> This negative impact will likely be exacerbated by the fact that, while acting as a

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<sup>17</sup> Again, these figures were only based on students enrolled in NTA's neighborhood program—presumably, they would be even higher if the RGC were taken into account.

<sup>18</sup> *See* JOURNEY FOR JUSTICE ALLIANCE, *DEATH BY A THOUSAND CUTS: RACISM, SCHOOL CLOSURES, & PUBLIC SCHOOL SABOTAGE*, 12 (May 2014) available at [https://www.j4jalliance.com/wp-content/uploads/2014/02/J4JReport-final\\_05\\_12\\_14.pdf](https://www.j4jalliance.com/wp-content/uploads/2014/02/J4JReport-final_05_12_14.pdf); CHICAGOLAND RESEARCHERS & ADVOCATES FOR TRANSFORMATIVE EDUCATION (CREATE), *CREATE RESEARCH BRIEF ON SCHOOL CLOSURES*, 1 (March 2013) available at <https://www.dropbox.com/s/tq7l2v9x47gkajo/CREATE%20Research%20Brief%20235%20School%20Closures%20March%202013.pdf>. A direct comparison of school performance ratings for receiving schools from fall 2013 is complicated because CPS changed its performance rating policy in 2014—shifting from a three-tiered system to a five-tiered system. However, there were several receiving schools that clearly fell in quality, including schools like Jensen Elementary and Nicholson Elementary that toppled from Level 1 (on the three-tiered system) to Level 3 (on the five-tiered system).

receiving school, SLE will swell from its current population of 783 students to enroll approximately 1,500 students. Research has also shown that generally big schools are not as effective, and research conducted in Chicago and throughout Illinois shows that grade configuration which requires students to transition to a separate middle school, as CPS's Proposal likely will require due to having three separate SLE facilities, results in significant drops in student achievement.<sup>19</sup>

Thus, CPS's Proposal simultaneously fails to provide NTA students with a higher performing school and poses a significant risk of providing NTA and SLE students with a *lower* performing school after this Proposal is implemented. The failure to provide NTA students with a higher performing receiving school violates section 34-225, and therefore, the Board of Education cannot approve this Proposal.

#### **5. The Proposed Transition Plan Otherwise Fails to Comply with the Illinois School Code.**

The proposed transition plan ("Transition Plan") for CPS's Proposal fails to comply with other statutory mandates governing transition plans, substituting vague assurances for the specific commitments that the Illinois School Code requires.

For any school action, the CEO "must identify and commit specific resources for implementation of the school transition plan." 105 ILCS 5/34-225. In this case, CPS's Proposal involves an ongoing transition that will span five school years. Aside from a lump sum of money, CPS has not identified how it plans to support these school communities throughout the proposed five-year transition. For example, the Transition Plan promises that a Principal Transition Coordinator ("PTC") will be assigned during the 2018-2019 school year (when no students are transitioning) and 2019-2020 school year (when four grades

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<sup>19</sup> UIC CENTER FOR URBAN EDUCATION LEADERSHIP, TAKING STOCK: ACHIEVEMENT IN ILLINOIS UNDER NO CHILD LEFT BEHIND, (Apr. 2016), *available at* <http://urbanedleadership.org/taking-stock.pdf>; attached as Exhibit 8.

transition). There is no similar support promised for the following four school years, during which NTA will still be phasing out.

In particular, the School Code requires that transition plans commit specific resources to ensure that “affected students receive a comparable level of social support services . . . that were available at the previous school,” where need continues. 105 ILCS 5/34-225(d)(1). The Transition Plan fails this requirement, and leaves it entirely unclear whether or how affected students will continue to receive the supports from which they now benefit. For example, NTA currently has an integrated health center within its school building that is operated by UIC and that serves NTA students, families, and community members. NTA’s Health Center is a federal qualified health center that serves a “medically underserved” population.<sup>20</sup> See 42 U.S.C. § 254b. NTA’s Health Center is an asset for the school and for the community. However, in the nine months since CPS introduced its Proposal, CPS has yet to articulate how these health services will be maintained for NTA students and the NTA community.

Likewise, CPS has failed to address how NTA students will be provided the same extracurricular and athletic activities during and after this transition. The Transition Plan mentions that CPS will “explore options to provide affordable after school program options” at SLE—acknowledging that this is an issue—but fails to provide any specific plan, or commit specific resources, to ensure this will be accomplished. Currently, NTA offers its students free participation in a variety of activities, including, but not limited to: football, baseball, cheerleading, double dutch, wrestling, soccer, basketball, track, and cross-country.<sup>21</sup> While SLE offers athletic programming, nearly every program—including all team sports—charge a participation fee—up to \$100 or more per activity.<sup>22</sup> As noted above, 75% of students

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<sup>20</sup> <http://hospital.uillinois.edu/patients-and-visitors/mile-square-federally-qualified-health-center/locations/school-basedclinics/national-teachers>.

<sup>21</sup> <http://nta.auslchicago.org/student-life>.

<sup>22</sup> <http://www.southloopschool.net/enrichment/athletics>.

attending NTA come from low-income households that cannot afford such prohibitive fees. Additionally, upon information and belief, once this Proposal is approved, CPS plans to end NTA's partnership with the Chicago Park District (the "Park at NTA") and use the Park District space within NTA's campus for classrooms within the new high school. The Park at NTA provides a variety of free or low-cost recreational programs and facilities—including a swimming pool, basketball court, and indoor gymnasium—on NTA property during and after school hours for children and adults. Again, the Transition Plan fails to address how CPS plans to provide a "comparable level of social support services" to address this loss. In effect, this transition will eliminate very important athletic programming for NTA students without offering any specific supports to address this issue.

Relatedly, the Transition Plan wholly fails to acknowledge and address how a five-year phase-out will impact NTA's school budget and, consequently, the programming that NTA is able to provide its students who stay through eighth grade. CPS's student-based approach to school budgeting relies on the number of students enrolled on the 20<sup>th</sup> day of school. CPS's Proposal reduces NTA's student population dramatically in fall 2019 and repeatedly for four years after that. There is no information in CPS's Transition Plan setting out the "specific resources" with which it will address the fact that NTA students will endure five years of foreseeable and significant budget cuts that would result from this Proposal.

In sum, CPS's Transition Plan provides, at best, vague assurances about additional administrative support and professional development—which fail even to account for the full transition—and wholly fails to articulate how CPS will specifically address the loss in programming, services, and supports to NTA students who will be scattered at two different schools during the five years of phase-out.

## **6. The NTA Community Was Excluded From the Decision-Making Process for this Proposal.**

The Illinois School Code recognizes that “equitable and efficient use of available facilities-related resources among different schools and among racial, ethnic, income, and disability groups is essential” to a system of quality education, and because needs vary, “decisions that impact school facilities should include the input of the school community *to the greatest extent possible.*” 105 ILCS 5/34-18.43(a)(4) (emphasis added). The Illinois School Code expressly recognizes the profoundly negative impact that school actions have had on school communities in the past, and requires significant involvement of those communities in the decision-making process as a means to minimize that impact in the future. *See* 105 ILCS 5/34-18.43 (“[D]ecisions that impact school facilities should include the input of the school community to the greatest extent possible . . . . In order to minimize the negative impact of school facility decisions on the community, these decision should be implemented according to clear system-wide criteria and with the significant involvement of local school councils, parents, educators, and the community in decision-making.”). In this case, CPS made the decision to phase-out NTA and use its building for a high school, without any input from NTA’s administration, staff, parents, or students.

Objective evidence shows that the Mayor’s office was involved in discussions for a number of years with the Prairie District Neighborhood Association (“PDNA”), regarding SLE’s expansion and the need for a high school. *See* Email from Alderman Dowell to CPS, dated April 14, 2015, attached as Exhibit 9 (describing her plans to bring a high school to NTA). Even as those discussions began to contemplate phasing out NTA, CPS did not involve NTA or its parents in the discussions. The NTA community was in reality explicitly excluded from this conversation. *See* Email from Alderman Dowell to NTA Principal Isaac Castelaz, dated Jan. 26, 2016, attached as Exhibit 10. In June 2017, comments of the President of



PDNA, John Jacoby, were set out in a newspaper article as follows: “Should NTA people have been consulted?” [Jacoby] asked rhetorically. “Why all this backroom discussion? Who am I to sit down with CPS CEOs and try to steal NTA for the rich kids from the poor kids? I see all that coming. Frankly, that’s the way the system works.”<sup>23</sup> Mr. Jacoby would have been correct, had he been describing the way that many school action decisions used to be made in CPS. However, in 2011, the General Assembly enacted our school action law to replace that unfair “way the system works” with a different way, one designed to result in rational, equitable decisions and quality education for all. *See* 105 ILCS 5/34-18.43(a).

Again, the Illinois School Code provides that “[t]he factors that impact the equitable and efficient use of facility-related resources vary according to the needs of each school community. Therefore, decisions that impact school facilities should include the input of the school community to the greatest extent possible.” 105 ILCS 5/34-18.43(a)(4) (emphasis added). This provision reflects the General Assembly’s judgment that facilities-related decisions must be *informed* by community input—not just exposed to it after the fact. In pursuing its Proposal, CPS has confined itself to the latter. After deciding that NTA’s building would be used for a high school, CPS hosted a number of meetings at and around NTA, which it has since mischaracterized as “community involvement.” There is no question that CPS eventually asked the NTA community what they thought about the Proposal—but it did so only *after* CPS decided to propose it. The NTA community (LSC, administrators, parents, and teachers) was not included in the process of making the decision to phase-out NTA so that its building can be used for a high school—they were merely permitted to react to it. In other words, their input did not *inform* the Proposal as required by law. Since announcing its Proposal, the feedback and input from NTA has been overwhelmingly

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<sup>23</sup> Daniel Moattar, *Who Controls South Loop Schools?* SOUTH SIDE WEEKLY, June 21, 2017, available at <https://southsideweekly.com/who-controls-south-loop-schools/>.

negative. CPS misleadingly points to its creation of what it calls “Steering Committees” as an example of meaningful community input. The Steering Committee, however, was not formed until after the decision to phase-out NTA had already been made. The Steering Committee meetings have focused on how this Proposal will be implemented. The Proposal itself has never truly been open for discussion—only the details of how CPS would phase-out NTA, not whether.

In sum, CPS made the decision to use NTA’s building for a new high school (which would require a phase-out of NTA elementary students) without NTA’s involvement, in violation of the Illinois School Code.

**B. CPS’S PROPOSAL FAILS TO COMPLY WITH THE 2017 SCHOOL ACTION GUIDELINES.**

CPS’s Proposal also fails to comply with the Guidelines that its CEO created and finalized for the 2017–2018 school year. As noted above in Section III.A.2, this results in a violation of the School Code. It also violates the general and well-recognized duty of administrative agencies to comply with their own administrative enactments. *See, e.g., Tolliver v. Hous. Auth.*, 2017 IL App (1st) 153615, ¶ 33. This provides an independent reason CPS’s Proposal must be rejected.

**1. There Has Been No Request for a Proposal under the Guidelines.**

As explained above, the Guidelines contain a single (legally inadequate), purported condition for phase-out—that a principal, parents, or community members have requested that a phase-out be considered. Guidelines, § II(C). As explained above, that condition does not meet the School Code’s “criteria” requirement. But even if it did meet the criteria requirement, CPS could not use it to close NTA because there has been no request for a proposal from the NTA community and there has been no request for a proposal to phase out NTA or reassign its boundary.

Under CPS's terms, receipt of a request for a proposal is a pre-condition to proposing a phase-out or a reassignment boundary change. In other words, the CEO's ability to permissibly propose, and the Board of Education's ability to permissibly approve, either a reassignment boundary change or a phase-out is contingent on CPS's ability to establish that its Proposal complies with the CEO's Guidelines. During the Public Hearing, CPS finally revealed what it considered to be the requests for a proposals (collectively "the Requests") that permitted the CEO to propose phasing out NTA and reassigning its boundary.

***a. The Purported Requests for Proposal Were Submitted After CPS Made this Proposal, and Therefore Cannot Form its Basis.***

CPS announced its Proposal to phase-out NTA and reassign its students in May 2017. *See* Parent Letter, Ex. 2.<sup>24</sup> During the public hearing on January 29, 2018, CPS presented four Requests that were all dated and submitted to CPS after June 2017. The earliest of the purported Requests was submitted in mid-July 2017. These Requests cannot possibly form the basis of this Proposal, as required by the Guidelines, because they were submitted after CPS had already announced its Proposal. In fact, each of the Requests refer to this Proposal as already existing and consider it to be CPS's Proposal. At best, these purported Requests indicate that the authors endorsed CPS's plan—not that they initially requested it. Thus, none of the purported Requests satisfy the requirements of the Guidelines because they were issued after CPS announced this Proposal and therefore, cannot form the basis of the Proposal.

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<sup>24</sup> *See also*, Inside CPS, *New Investments in Schools Coming to Near South Community*, CPS, (June 2017) <http://blog.cps.edu/2017/06/14/new-investments-schools-coming-near-south-community/> (publicly announcing the initial framework for this Proposal).

**b. *There Was No Request for Any Proposal from NTA's principal, parents, or community.***

Additionally, the Guidelines state that a request for a proposal must come from the school principal, parents, or community members. Guidelines, Section II(C). In this case, CPS did not receive a request for a proposal from NTA's principal, parents, or community asking that NTA be phased out or have its attendance boundary reassigned to SLE. The four Requests that CPS presented during the public hearing were submitted by the following: Alderman Pat Dowell, the Near South Planning Board, residents of the Dearborn Homes (which are not located within NTA's attendance boundary), and residents of Chinatown and Bridgeport (also not a part of NTA's attendance boundary). None of these Requests came from the NTA community or were submitted on behalf of the NTA community. Alderman Dowell's statement discussed overcrowding at SLE and a general need for a new high school in the Near South community. The Near South Planning Board is a "not-for-profit community based organization serving businesses, property owners, developers, and institutions,"<sup>25</sup> and its Request also recognized a general need for a new neighborhood high school in the Near South community. The residents of the Dearborn Homes submitted a petition asking that NTA be changed into a high school that Drake Elementary students could attend. Only twenty-four of the sixty-three signees actually have children in CPS, and those children would be zoned to Drake Elementary based on the location of the Dearborn Homes. Lastly, the Chinatown/Bridgeport petitions simply stated "I am writing to support using the NTA building to be a high school for students living in the Chinatown and Bridgeport communities."

Neither the authors nor the rationales for any of the Requests stem from NTA in anyway. In short, the NTA community is not the driving force behind these purported

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<sup>25</sup> Near South Planning Board, *About Us*, <http://thenearsouthplanningboard.org/index.php?link=2>.

Requests. In fact, until last night, the NTA community was not even privy to the fact that CPS considered these Requests to form the basis of its Proposal. Without a request from NTA's principal, parents, or community, this Proposal fails, in this respect as well, to comply with the Guidelines, and cannot be approved by this Hearing Officer.

***c. There Was No Request for Phase-Out of or Boundary Change for NTA.***

The Guidelines state that the CEO may propose a phase-out or a reassignment boundary change only if CPS has received a request that a phase-out or reassignment boundary change be considered via the process to request proposals. Guidelines, Section II(C). Again, as stated above in Section III.A.1, this does not constitute "criteria" under the plain meaning of the word. But even if the Hearing Officer accepts that this qualifies as a "criterion" within the meaning of section 34-230 (it does not), CPS still has not satisfied its own Guidelines. CPS formally introduced the concept of requesting a proposal only through the school action process in last year's Guidelines. Last school year, CPS received requests for a proposal for other school actions that comply with the description set forth in Section IV of the Guidelines ("Process to Request Proposals"). *See, e.g.,* Request for Proposal to Consolidate New Field Primary School and Eugene Field Elementary School, submitted by Annie Gill-Bloyer, attached as Exhibit 11 (asking that two elementary schools be consolidated).

In this case, the purported Requests do not ask CPS to phase-out NTA or move its boundary. At best, these Requests recognize the need for an additional neighborhood high school and endorse CPS's Proposal to open a new high school. To be clear, written and oral comments to CPS regarding the need for a new neighborhood high school in the Near South area do not amount to a request that NTA be subjected to a school action of any kind. This year's Guidelines explicitly condition the approval of a phase-out or boundary change on a

*request that a phase-out or boundary change be implemented*—not a request for a new high school (which has nothing to do, in itself, with phasing out another elementary school and normally does not involve doing so). A request for a new high school option is just that—a request for a new high school option and nothing more. Without a specific request for a phase-out of NTA or reassignment of its boundary, this Proposal cannot be approved by this Hearing Officer.

**2. The Proposed Transition Plan Does Not Comply with the Guidelines.**

The Transition Plan for CPS’s Proposal fails to comply with the Guidelines. 105 ILCS 5/34-230; 34-225. The Guidelines echo the transition plan requirements listed in section 34-255 of the Illinois School Code, and as fully discussed above in Section (III)(A)(4), the Transition Plan fails to satisfy these requirements. Notably, the Transition Plan fails to specifically articulate how CPS will support NTA students through the proposed five-year transition (including budget concerns) and how CPS will address the supports and services that its Proposal will eliminate, such as NTA’s Health Clinic and athletic activities. The fact that the Transition Plan fails to comply with the Guidelines is a separate and additional reason the Proposal cannot be approved.

**C. CPS’S PROPOSAL IS NOT IN NTA’S, SLE’S, OR THE NEAR SOUTH COMMUNITY’S BEST INTEREST.**

The General Assembly recognized the importance of developing an equitable and effective school facility development process when it enacted our school action law. *See* 105 ILCS 5/34-18.43(a) (“The equitable and efficient use of available facilities-related resources among different schools and among racial, ethnic, income, and disability groups is essential to maximize the development of quality public educational facilities for all children, youth, and adults.”). Consistent with the intent of the General Assembly, this Hearing Officer

should consider whether CPS's Proposal is in the best interest of NTA, SLE, and the Near South community.<sup>26</sup>

If approved, CPS's Proposal will destroy a Level 1+, efficiently utilized elementary school that primarily serves low-income and minority students. The NTA community has objected to this Proposal since it was announced in May 2017 and throughout the community meetings required under section 34-230. Not a single SLE parent spoke in favor of CPS's Proposal during either community meeting earlier this month or during the public hearing. The only clear conclusions from the community meetings, public hearing, and written input throughout this process are that: (1) the NTA community does not want NTA to be phased out or undergo a reassignment boundary change; and (2) the parents in the Near South community want an additional neighborhood high school. As described below, approval of the Proposal will cause direct harm to the NTA community, and there is no reason that the creation of a neighborhood high school must be conditioned on phasing out NTA.

**1. NTA is a Close-Knit Community, that is Committed to Social Justice and Holistic Support of its Students and Families.**

Approval of this Proposal will destroy a truly unique school community. At NTA, students are academically challenged, emotionally supported, and exceptionally prepared for future academic success. Every day, students are taught to follow the NTA Way by demonstrating Courage, Commitment, Awareness, and Integrity. Students in the Regional Gifted Center ("RGC") are fully integrated with students in the neighborhood program for all activities outside of academic instruction—lunch, recess, field trips, assemblies, etc. In short, CPS should be celebrating NTA's overwhelming success. Instead, this Proposal casts aside the success and dedication of NTA's staff, students, and families because CPS wants an

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<sup>26</sup> See e.g., Hearing Officer Report, *In re Proposal to Co-Locate Disney II Magnet School with Thurgood Marshall Middle School*, (May 5, 2013) available at <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=2801> (determining that was "in the best interest of the students and communities" to co-locate).

empty building for a high school. A written statement cannot possibly capture the spirit of NTA, but the testimony presented at the public hearing and at all previous community meetings prove that this Proposal is not in best interest of NTA students, parents, teachers, administrators, or community members.

## **2. NTA’s Student Population Has Already Been Disrupted by Other CPS School Actions.**

Years ago, CPS changed SLE’s boundary to exclude certain students and reassigned them to NTA. CPS has publically admitted that this decision was wrong. *See* Parent Letter, p. 1 (“Years ago, when [SLE] was built, boundaries were drawn that excluded and separated low-income black children from their peers.”). We agree that the previous boundary change was a racially biased and discriminatory action towards now-NTA students. However, displacing these students yet again will not undo or alleviate the harm of CPS’s previous actions—it will exacerbate it. Displacing these students again will subject them to the same harm or worse. CPS’s claimed rationale, that it is trying to right this specific historical wrong, merits skepticism, considering that its initial proposal for NTA and SLE (issued in May 2017), *again* excluded a large portion of NTA’s attendance boundary from attending SLE.<sup>27</sup> But regardless of whether the proffered rationale is sincere, CPS’s Proposal will result in yet another displacement of and educational disruption for NTA students.

In 2012, CPS again disrupted NTA when it closed Price Elementary and selected NTA to be the receiving school for Price students during the 2012–2013 school year. NTA welcomed students from Price, but as noted above, it has been challenging for schools throughout CPS to serve as receiving schools following a school action. Aside from promising NTA a new instructional leader and additional security personnel, CPS did not commit

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<sup>27</sup> CPS’s preliminary framework for this Proposal only extended SLE’s boundary to 22<sup>nd</sup> Street instead of including NTA’s entire attendance boundary, which would have excluded students in the Ickes redevelopment from attending SLE after NTA’s phase-out. *See* CPS Near South Side School Planning Presentation, (June 6, 2017), *available at* <https://blog.cps.edu/wp-content/uploads/2017/06/170605-NTA-community-meeting-1-vF.pdf>.



specific resources to NTA under the 2012 Transition Plan to support Price students. Despite this added challenge, NTA continued to improve its school performance.

Finally, NTA welcomed many new students who were displaced by CPS's closure of 49 elementary schools in June 2013. Ward 3, where NTA is located, was the hardest hit area of the city, with over 1,700 students displaced. Many students chose to attend NTA instead of their designated receiving school, and many students found their way to NTA after facing a lack of adequate transition support or challenging school culture at their designated receiving school. Many of these displaced students still attend NTA today. If this Proposal is approved those students will have their educational experience disrupted yet again.

CPS should have taken this history of disruptions into account when considering whether to make this Proposal. Another dramatic disruption to the educational experience of NTA students and to the NTA community is not in their best interests.

### **3. NTA is a Resource for the Near South Community.**

NTA is built on the site of the former Ickes Community Center and it provides significant support to the Near South community and former Ickes residents. For example, as noted above, NTA hosts a UIC Health Clinic that provides health care services to students, and community members, including uninsured and under-insured families.<sup>28</sup> Through the Health Clinic, NTA is also able to provide annual dental and vision services to students. In addition, NTA also has a partnership with the Chicago Park District. The Park at NTA hosts recreational programs, including swimming, on NTA property during and after school hours for children and adults.<sup>29</sup> The Park at NTA also offer affordable childcare. CHA's Plan for Transformation specifically acknowledges NTA as a resource and investment to support the

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<sup>28</sup> UI Health, School Based Mile Square Health Centers, <http://hospital.uillinois.edu/patients-and-visitors/mile-square-federally-qualified-health-center/locations/school-based-clinics>.

<sup>29</sup> The Park at NTA, Chicago Park District, <https://www.chicagoparkdistrict.com/parks-facilities/park-nta#locprograms>.

Hilliard Homes and Ickes redevelopment.<sup>30</sup> It is not in the best interests of NTA students, NTA families, or the Near South community to eliminate vital community resources, especially at a time when CPS and other state and local agencies are facing significant financial challenges.

#### **4. CPS Can Give the Near South a High School Without Destroying NTA.**

There is no reason that NTA has to be sacrificed to provide the Near South with a high school. CPS has forced this false choice on the Near South community. CPS and individuals who are not affiliated with the NTA community decided that NTA's building should be used for this Proposal. However, despite financial hardship, CPS consistently manages to purchase new land and build new buildings (e.g., SLE's new third building, Lincoln Elementary's annex, Skinner West's annex, new proposed Englewood high school etc.). Concerned Parents of NTA and CUE remain concerned that CPS has not meaningfully considered alternative ways to bring a high school to the Near South area without using NTA's building.

#### **5. The Proposal Fails to Reasonably Account for the Expected Increase in Student Population Once the Ickes Homes are Redeveloped.**

The Chicago Housing Authority ("CHA") has approved plans for the redevelopment of the Ickes Homes within the 11.3 acre parcel of land directly adjacent to NTA. The Ickes redevelopment will include 972 residential units, of which at least 222 will be designated as CHA family housing units, meaning households with minor children.<sup>31</sup> If each of those households has three minor children (the average number for CHA family housing residents),

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<sup>30</sup> CHICAGO HOUSING AUTHORITY, ANNUAL PLAN (FY 2005), PLAN FOR TRANSFORMATION YEAR 6, 14, 41 (Nov. 1, 2004), *available at* <https://www.hud.gov/sites/documents/CHAFY2005-ANNUAL-PLAN.PDF>. *See also* Statement of John A. McDermott Jr., dated Jan. 29, 2018, attached as Exhibit 12.

<sup>31</sup> Jay Kozlarz, *Developers to Bring Nearly 1,000 New Units to Chicago's Former Ickes Homes*, CURBED CHICAGO (May 11, 2017), *available at* <https://chicago.curbed.com/2017/5/11/15615118/chicago-ickes-homes-mixed-use-redevelopment>; Jay Kozlarz, *Ickes Redevelopment Moves Forward, Leaves Some Wanting More Public Housing*, CURBED CHICAGO (Feb. 6, 2017), *available at* <https://chicago.curbed.com/2017/2/6/14522750/chicago-ickes-homes-redevelopment-plan-public-housing>.

the student population will increase by nearly 700 students within the boundaries of the newly expanded SLE and the new high school. Of the 550 units of mixed income housing, many of those people will presumably have children as well. In addition, prior to announcing this Proposal, CPS officials had reported that they expected an additional 1,000 students will be living in the SLE attendance boundary by 2020—without counting reassignment of any NTA-area students.<sup>32</sup> The Proposal and its Transition Plan fail to take into account this influx of students, coupled with other fast-growing developments within the Near South community.

***a. Despite the Expansion Being Made to SLE, it Cannot Sustain the Expected Increase in Student Population.***

Even with a new school building, SLE will not be able to serve its projected attendance boundary under the Proposal and will soon be overcrowded again. CPS's Proposal only adds 300 additional seats at the elementary school level.<sup>33</sup> As noted above, the CHA units within the Ickes redevelopment alone will likely result in between 600 to 700 additional students directly within the SLE-NTA combined boundary. Relieving SLE's overcrowding is purportedly one of two rationales given for this Proposal, and based on information that is already known about population trends in the Near South community, this goal will not be realized. Instead SLE and NTA students, along with the hundreds of additional students moving into the Near South community, will be overcrowded within an 1,800 student elementary school, divided among three buildings.

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<sup>32</sup> Sarah Karp & Becky Vevea, *How Chicago School Construction Furthers Race and Class Segregation*, WBEZ CHICAGO, (July 7, 2016), available at <https://www.wbez.org/shows/wbez-news/how-chicago-school-construction-furthers-race-and-class-segregation/92305e1d-2888-46e3-9e6c-de3a3a7f01de>.

<sup>33</sup> CPS estimates that by using all three buildings, SLE will be able to serve 1,800 elementary students. CPS Presentation, July 10, 2017, available at [https://blog.cps.edu/wp-content/uploads/2017/06/170710-NTA-community-meeting-3-vF\\_FINAL.pdf](https://blog.cps.edu/wp-content/uploads/2017/06/170710-NTA-community-meeting-3-vF_FINAL.pdf).

***b. The Proposed High School Will Not Be Able to Enroll Students from the Projected Boundaries with the Expected Increase in Student Population.***

Under the Proposal, the new high school will only be able to serve between 1,000 and 1,200 students. This would be smaller than SLE's new capacity. Yet, CPS has publicly promised that the new high school will serve students from the South Loop, Bridgeport, Chinatown, and North Bronzeville areas, including students from the following elementary schools: Drake, Haines, Healy, NTA, SLE, Ward, Armour, Holden, and Pershing. At this time, there are already 2,037 high school students living within the proposed boundary for the new high school. This figure again does not take into account expected population growth from Ickes redevelopment, new CHA family housing units, and general growth within the Near South community. At best, a new high school using NTA's building will only be able to provide seats for a fraction of the students that CPS has promised to include. If the Proposal is approved, and the high school, as expected, becomes overcrowded, then CPS will need to adjust its boundaries. Any student (other than students in the directly neighboring Ickes redevelopment) would remain vulnerable to exclusion by this likely future boundary change—including students in the northern part of the South Loop, Bronzeville, Bridgeport, or Chinatown. Ultimately, CPS's Proposal sacrifices NTA for a high school program that will only serve a fraction of the high school students living within the Near South community.

**IV. CONCLUSION**

For the reasons set forth above, Concerned Parents of NTA and CUE respectfully request that you determine that CEO Claypool did not comply with the Illinois School Code or CPS's own 2017 Guidelines and, consequently, that the Board of Education cannot approve this proposed action.

Respectfully submitted,



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Katherine Gladson  
LAF (Legal Assistance Foundation)  
120 S. LaSalle St., Suite 900  
Chicago, IL 60603  
T: 312.229.6389



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Candace Moore  
Chicago Lawyers' Committee for Civil Rights  
100 N. LaSalle St., Suite 600  
Chicago, IL 60602  
T: 312.888.4190

Submitted by hand-delivery and by email: January 30, 2018

## **EXHIBITS**

- Ex. 1           CPS Press Release (Dec. 1, 2017)
- Ex. 2           Parent Letter for Jenner-Ogden Consolidation (Dec. 1, 2017)
- Ex. 3           NTA Parent Letter, (Dec. 1, 2017)
- Ex. 4           Email from CEOGuidelines@cps.edu, (Oct. 19, 2016)
- Ex. 5           School Quality Rating Policy (SQRP) Overview
- Ex. 6           Paul Zavitkovsky, NTA Keeps Getting Better at Preparing Its Primary Students, (Dec. 2017)
- Ex. 7           Paul Zavitkovsky, Solid Achievement by Third Grade is Really Important, (Dec. 2017)
- Ex. 8           UIC Center for Urban Education Leadership, Taking Stock: Achievement in Illinois Under No Child Left Behind, (Apr. 2016),
- Ex. 9           Email from Alderman Dowell to CPS (April 15, 2015)
- Ex. 10          Email from Alderman Dowell to Principal Isaac Castelaz (Jan. 26, 2016)
- Ex. 11          Request for Proposal to Consolidate New Field Primary School and Eugene Field Elementary School, submitted by Annie Gill-Bloyer
- Ex. 12          Statement of John A. McDermott Jr. (Jan. 29, 2018)

**CHICAGO PUBLIC SCHOOLS**  
**Hearing on Proposed Boundary Change for National Teachers Academy**  
**January 29, 2017**

**REQUEST TO DISREGARD CHICAGO PUBLIC SCHOOLS' ("CPS") SUMMARIES OF  
COMMUNITY MEETINGS AND RELY STRICTLY ON THE TRANSCRIPTS PROVIDED.**

On behalf of Concerned Parents of National Teachers Academy and Chicago United for Equity, we request that the Hearing Officer disregard CPS' summaries of Near South Proposal Community Meetings #1 (held on January 9<sup>th</sup>, 2018) and #2 (held on January 16<sup>th</sup>, 2018) from the evidence to be considered. The flaws in these documents render them wholly unreliable to reflect the community testimonies given. Instead, we request the hearing officer to rely strictly on the transcripts provided as they are the only reliable record of the community meetings.

- I. The summaries prepared by CPS of the two community meetings are unreliable because the content included in them consistently (1) misclassifies speakers' affiliations to the schools and communities at issue, (2) omits relevant credentials and titles clearly stated on the record by speakers, (3) supplements the documents with information not provided through the oral testimonies and not reflected in the transcripts and (4) mischaracterizes the content of the speakers' remarks.**

Following each of the two community meetings regarding the Near South Proposal, CPS publicly posted on its website a copy of the full transcript of the meetings and a document purporting to summarize the contents of the meetings. However, in reviewing the summary documents provided in comparison to the transcripts it is clear that the summary documents routinely:

- (1) Misclassify speakers' affiliations to the schools and communities at issue;

Examples include but are not limited to:

- Testimony of Ms. Tatiana Golden-
  - Summary: Identified as “Tatiana, NTA parent”<sup>1</sup>
  - Transcript: “I have four daughters. Two graduated from Ward and two currently in Healy. I am a member of the PAC at Healy.”<sup>2</sup>
- Testimony of Mr. Kofi Ademola-
  - Summary: Identified as “Unknown, NTA Community Member.”<sup>3</sup>
  - Transcript: “I’m member of the Black Lives Matter Chicago.”<sup>4</sup> Record shows no mention of a specific connection to the NTA community.
- Testimony of Mr. Ted Toerne-
  - Summary: Identified as “Ted, NTA Community Member.”<sup>5</sup>
  - Transcript: “My name is Ted Toerne. I live in the University Village neighborhood. I drove from my job in Oak Lawn and will return there after the meeting because I think it's important for me to say something.”<sup>6</sup> Record shows no mention of any specific affiliation to NTA.

(2) Omit relevant credentials and titles clearly stated on the record by speakers;

Examples include but are not limited to:

- Testimony of Ms. Elizabeth Greer-
  - Summary: Identified as “Elizabeth Greer, NTA community member.”<sup>7</sup> Summary shows no mention of Ms. Greer’s role as chair of LSC at NTA
  - Transcript: “I am chair with the school council at NTA”<sup>8</sup>
- Testimony of Ms. Catherine (last name not identified)-
  - Summary: Identified as “Unknown, Parent of 3.5 year old in the South Loop.” No mention of position as LSC member at Phillips High School.<sup>9</sup>
  - Transcript: “So I want to speak about Phillips High School. I recently joined the LSC there as a volunteer, basically because they don't have - - the parents there don't have the capacity to come and attend these meetings.”<sup>10</sup>

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<sup>1</sup> Summary, January 16<sup>th</sup>, 2018 (p. 4) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6376>.

<sup>2</sup> Transcript, January 16<sup>th</sup>, 2018 (p. 28) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6369>.

<sup>3</sup> Summary, January 16<sup>th</sup>, 2018 (p. 9) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6376>.

<sup>4</sup> Transcript January 16<sup>th</sup>, 2018 (p. 76-77) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6369>.

<sup>5</sup> Summary, January 16<sup>th</sup>, 2018 (p. 11) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6376>.

<sup>6</sup> Transcript, January 16<sup>th</sup>, 2018 (p. 93-94) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6369>.

<sup>7</sup> Summary, January 16<sup>th</sup>, 2018 (p. 5) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6376>.

<sup>8</sup> Transcript, January 16<sup>th</sup>, 2018 (p. 38) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6369>.

<sup>9</sup> Summary, January 16<sup>th</sup>, 2018 (p. 5) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6376>.

<sup>10</sup> Transcript, January 16<sup>th</sup>, 2018 (p.41) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6369>.



- Testimony of Dr. Eve Ewing-
  - Summary: “Eve began by explaining her credentials and experience as a CPS student and teacher.”<sup>11</sup> No mention of her other stated credentials in the field of education policy.
  - Transcript: “So when I say my professional opinion, my opinion is someone who attended CPS my entire life, who became a CPS teacher, who got an undergraduate degree at the University of Chicago. I have two master's degrees, one in teaching and one in education, policy and management. And I have doctorate from Harvard University.”<sup>12</sup>

(3) Supplement the documents with information not provided through the oral testimonies and not reflected in the transcripts; and

Examples include but are not limited to:

- Testimony of Mr. David Wu-
  - Summary: Identified as “David Wu, CBCAC/Chinatown Community Member”<sup>13</sup>
  - “My name is David Wu, and I am a father of three children that have graduated or attended CPS schools. Long-time Chinatown resident.”<sup>14</sup>
- Testimony of Ms. Debbie Lu-
  - Summary: Identified as “Debbie Lu, CBCAC and Bridgeport Community member”.<sup>15</sup>
  - Transcript: “Hi. My name is Debbie. I was born and raised in the near south area. 20 years ago, this area was very different. Overt racism was very strong in Bridgeport. While I imagine it being -- well, I can imagine what it was four years ago. I'm sure many in the room can attest we are moving towards progress. <sup>16</sup> Speaker did not give her last name, organizational affiliation, nor exact neighborhood of Bridgeport.

(4) Mischaracterize the content of the speakers’ remarks.

Examples include but are not limited to:

- Testimony of Ms. Audrey Johnson-
  - Summary: “Unnamed: Former resident of Harold Ickes homes. The NTA park district serves seniors who use the pool so with the HS, that won’t be possible. Where will they go?”<sup>17</sup>

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<sup>11</sup> Summary, January 16<sup>th</sup>, 2018, (p.6) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6376>.

<sup>12</sup> Transcript, January 16<sup>th</sup>, 2018 (p.47) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6369>.

<sup>13</sup> Summary, January 16<sup>th</sup>, 2018 (p. 5) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6376>.

<sup>14</sup> Transcript, January 16<sup>th</sup>, 2018 (p.37-38) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6369>.

<sup>15</sup> Summary, January 16<sup>th</sup>, 2018 (p.6) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6376>.

<sup>16</sup> Transcript, January 16<sup>th</sup>, 2018 (p.43) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6369>.

<sup>17</sup> Summary, January 9<sup>th</sup>, 2018 (p. 4) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6332>.

- Transcript: “Now for your school, our district not only serves our kids, it serve our seniors, it serve our Chinese community, it serve our kids during the summertime. So what happens with our children in our community? We got enough killing going on. That's what happens all summer. Or what happens to our seniors that don't have nothing to do. They come over and swim in the morning, get they self together.”<sup>18</sup>
- Testimony of Ms. Catherine (last name not identified)-
  - Summary: “...She decided that as a parent in South Loop she would invest in a high school in case her child wasn’t enrolled in selective enrollment. She concluded by saying that Philips HS doesn’t have a librarian there and that she thinks that is sad. She questioned why they don’t have a librarian.”<sup>19</sup>
  - Transcript: “Phillips Academy has about half of its seats open. I decided that as a parent in the South Loop, I would like to invest in a high school, to give my son a viable option for high school in case or in the event he does not place into one of the selected enrollment schools or selective enrollment school is not suited for his learning style.
 

I started going and volunteering at the academic cafes there. The students there are all super wonderful. There are some challenges. I think there's inappropriate uses of technology there that I was a little concerned about. Not in -- it's about teaching math on the computer for students that don't have access to a computer or Internet at home. I don't know if that's a great choice.

I would like to get more involved and find out the reasoning. They don't have a librarian there, which I think is really sad. So if CPS wants to talk about all the investing they've done in Phillips High School, why don't we have a librarian there?”<sup>20</sup>

**II. Taken as a whole, any reliance on these flawed documents would taint the decision-making process.**

The CPS’ summary documents are riddled with inconsistencies, particularly related to comments that reflect opposition to the proposal. Taken as a whole these flaws would taint the decision-making process and therefore should be disregarded in their entirety.

The consistent misidentification of speakers’ affiliations as NTA community members has the effect of negating the multi-stakeholder group that expressed opposition to the proposal.

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<sup>18</sup> Transcript, January 9<sup>th</sup>, 2018 (p. 39) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6359>.

<sup>19</sup> Summary, January 16<sup>th</sup>, 2016 (p.5) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6376>.

<sup>20</sup> Transcript, January 16<sup>th</sup>, 2018 (p.41-42) *available at* <http://schoolinfo.cps.edu/SchoolActions/Download.aspx?fid=6369>.

By lumping everyone as an NTA parent or community member when they have made clear that they are not, the summaries inappropriately paint a picture that it is only people self-interested in NTA that are voicing opposition. Additionally, on at least two occasions the summaries provide additional information regarding organizational affiliations of two proponents of the proposal that was not provided in their oral comments as reflected in the transcript. Intended or not, these inconsistencies showcase bias in the drafters of the summaries. It is essential that the hearing officer is able to review accurate information, including affiliations of the speakers because this helps lend credibility and establish expertise of the speakers providing testimony.

The transcript captures a more complete and unbiased record of the comments shared at the meeting. The transcripts also allow the hearing officer to review the full context of the comments presented in the community meetings, rather than a few choice statements CPS decided to highlight in the summaries.

Relying on summary documents that are clearly flawed is unacceptable when there is a clear record available that encompasses the full scope of the content provided at the community meetings. It is for this reason that we respectfully request the hearing officer to disregard CPS' summary documents and affirm in his report that he relied on the transcripts in his review of the evidence.

Respectfully submitted,



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Katherine Gladson  
LAF (Legal Assistance Foundation)  
120 S. LaSalle St., Suite 900  
Chicago, IL 60603  
T: 312.229.6389



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Candace Moore  
Chicago Lawyers' Committee for Civil Rights  
100 N. LaSalle St., Suite 600  
Chicago, IL 60602  
T: 312.888.4190