

**RESCIND BOARD REPORT 04-0225-PO2
AND ADOPT A NEW POLICY ON THE CLOSING OF SCHOOLS**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board rescind Board Report 04-0225-PO2 and adopt a new Policy on the Closing of Schools.

POLICY TEXT:

When considering the matter of closing schools, it is the intent and desire of the Board of Education to provide students high quality academic opportunities in a supportive educational atmosphere. In accordance with existing Board actions and consent decrees and to the maximum extent consistent with financial constraints, the Board will avoid closing schools when such closings will have a negative impact on the desegregation or integration of any school.

I. SCHOOL CLOSINGS FOR NON-ACADEMIC REASONS

The Board may close a school for any or all of the following non-academic reasons:

- A. **Space Utilization Level.** The space available at a school or schools in close proximity is not being used in the most efficient, cost-effective manner; or
- B. **Physical Condition of Building.** The physical condition of the school building(s), including the cost to repair safety hazards and make structural changes necessary to ensure compliance with all city, state and federal laws, makes continued operation of the site cost-prohibitive or continued occupancy of the site unsafe or impractical; or
- C. **Alternative Use of School Facilities.** The Board may close a school to use its facilities for other programmatic/educational purposes, for support services, to open a new school, or to expand an existing school; or
- D. **Conversion to Charter School.** The Board may decide to close a school and convert it to a charter school as provided in Section 5/27A-5 of the Illinois School Code, 105 ILCS 5/27A-5.

No school will be closed for any of the reasons set forth above if such closing would violate the second amended consent decree in the matter of U.S. v. Board of Education of Chicago, 80 C 5124.

II. SCHOOL CLOSINGS FOR ACADEMIC REASONS

Pursuant to Section 34-8.3 of the Illinois School Code, 105 ILCS 5/34-8.3, the Board may decide to close schools that have been on probation for at least one year and have failed to make adequate progress in correcting performance deficiencies following an opportunity for public hearing.

- A. The decision to close a school for academic reasons shall be based on a consideration of the factors that led to the school being placed on probation and the availability of "higher performing schools" in close proximity as well as other various factors, as determined by the Chief Executive Officer ("CEO") and as specified in the Closing of School Guidelines promulgated by the CEO.
- B. No school shall be closed for academic reasons if any of the following applies:
 - 1. the school is an elementary school that has a new principal who has been in place for two academic years or less; or

2. the school is subject to an agreement between the Board and the Chicago Teachers' Union (CTU), which agreement prohibits school closure on the basis of academic reasons (e.g. a partnership agreement such as the Fresh Start Schools Agreement); or
3. the school has served as a receiving school for students re-assigned to the school due to a school closure or school consolidation within the last two years; or
4. no potential receiving school is located within a safe walking distance from students' homes; or
5. there are no higher performing schools in close proximity to the school and the provision of transportation to schools with available space that can meet the students' educational needs is not possible or is impracticable.

C. A school on probation closed pursuant to this Section II may re-open as an entirely new school with a different educational focus.

D. Pursuant to Section 6316(b)(8)(B) of the No Child Left Behind Act, 20 U.S.C. Sec. 6316, the Board may also decide to close schools that have failed to make Adequate Yearly Progress for five (5) consecutive years or may close and convert them to charter schools.

III. SCHOOL CLOSINGS DUE TO A NEED FOR CHANGE IN EDUCATIONAL FOCUS

The Board may determine that a school closure is necessary to address the educational needs of students or to comply with the provisions of the No Child Left Behind Act, 20 U.S. C. Sec. 6316, by implementing new curriculum and/or instructional programs that involve either:

- A. Extensive reassignment of school faculty and staff; or
- B. Transformation of educational focus, which may result in significant change in the student population.

Nothing in this policy shall be construed to require the Board to close a school in order to implement a change in educational focus at the school.

IV. PROCESS FOR SCHOOL CLOSINGS

The Chief Executive Officer may recommend school closings to the Board for any of the reasons set forth in Sections I through III of this Policy. Effective September 1, 2007, the process for all school closings the effect of which is the assignment and transfer of all students enrolled at the school to two (2) or more designated receiving schools shall be as set forth below.

A. Notice of CEO Proposal for School Closure

The CEO shall provide advance notice to the public of his or her proposal that a school or schools be closed. Such notice shall be provided at least 120 days before the close of the academic year in which a school is recommended to close and shall be provided at least twenty-five (25) days prior to a vote by the Board to consider and take action on the CEO's recommendation.

Notice of the CEO's proposal to close a school shall include a written statement of the CEO's rationale. Specifically, the notice shall state whether the school should be closed for academic or non-academic reasons and shall include an explanation of how the school meets the criteria set forth in the Closing of Schools Policy Guidelines.

Prior to the CEO's public disclosure of his proposal to close a school, he or his designee shall provide notice to the principal, Local School Council (LSC) and staff in the school(s) the CEO proposes be closed as well as those schools being designated as receiving schools.

The CEO shall develop the specific criteria to be used in determining which schools shall be eligible for closure on the basis of academic performance. The criteria shall be published in the Closing of Schools Policy Guidelines. The criteria may be adjusted each school year at the discretion of the CEO. However, the CEO shall notify every school of the specific criteria to be used in advance of announcing a proposal that a school or schools be closed so that administrators and/or staff may review the criteria and determine whether the school is eligible for closure for academic reasons.

B. Public Hearings on School Closure Proposals

1. If the CEO proposes to recommend the closing of a school or schools, the public will receive no less than three (3) opportunities to comment on the CEO's proposal prior to the Board's consideration of the recommendation as described below:

- a. The CEO shall convene at least one public hearing at 125 South Clark, or at the offices of the Board of Education;
- b. The CEO shall convene at least one forum or meeting on proposed closings held at a location intended to foster maximum participation by persons in the affected school(s); and
- c. The public may comment on the CEO's proposal at the public participation portion of an official Board meeting in accordance with the Board's policy on Public Presentation, Board Report 04-0728-PO7, as may be amended.

2. Each meeting or hearing noted in section IV.1.a and IV.1.b above shall adhere to the following requirements:

- a. Notice of the meeting or hearing, its date, time and location shall be provided at least seven (7) calendar days in advance of the hearing.
- b. The hearing or meeting shall take place at least seven (7) calendar days prior to Board consideration.
- c. Sufficient time shall be allowed to elicit public comment
- d. The hearing or meeting shall be conducted by an independent hearing officer based upon procedures established by the Law Department.
- e. Public comments or a summary of such comments will be provided to the independent hearing officer responsible for preparing a recommendation and report.
- f. Following the public hearing, the hearing officer shall prepare a recommendation and report.
- g. Hearing officer recommendations and reports shall be made available to the public and copies shall be sent to the principal and LSC chair of each school the CEO recommends for closure.

C. Analysis of Impact on Racial Composition

Before the public hearing, the CEO or his or her staff shall review October pupil enrollment data for the current school year and prepare three-year enrollment projections, broken down by racial category, for all schools affected by the proposed action. In addition, before any school closing is proposed, the CEO's staff shall prepare an analysis of the impact on student racial composition setting forth: (1) The projected impact on the racial composition and stability of all schools affected by such action (with three-year enrollment projections attached); (2) Any projected negative impact on the racial composition and stability of any affected school; and (3) Possible alternatives to the proposed action, including maintenance of the status quo, along with the projected impact that each alternative would have on the racial composition and stability of each school affected by such action.

The enrollment projections, student racial composition impact analysis and a transcript of the public hearing will be provided to the Board prior to its consideration of a proposed school opening. The

Board will review the data and will not approve any action that is inconsistent with the provisions of the Comprehensive Student Assignment Plan developed pursuant to the 1980 Desegregation Consent Decree or any modification of that consent decree.

If, after the public hearing, the CEO determines to recommend the school closing(s) to the Board, he/she or a designee shall prepare a final board report regarding the school closing(s) based on all pertinent information, including relevant information received at the public hearing. The board report shall be submitted to the Board for final action. The Board shall take final action on any recommended school closings prior to the beginning of the next school year.

V. IMPLEMENTATION OF SCHOOL CLOSINGS AND ANNUAL REVIEW

After approval of any school closing(s) by the Board, the CEO shall be responsible for the orderly closing of the school(s). CPS shall provide support to facilitate the transition of students affected by a school closure. The CEO or designee shall assemble a support team to provide necessary and appropriate services, as identified by the CEO's designee, to assist those students who attended a school that is closed under this Policy.

The CEO shall review the school closing process annually and report to the Board on the impact school closures have on CPS students. The report to the Board shall be made publicly available.

VI. REASSIGNMENT OF STUDENTS UPON SCHOOL CLOSING

- A. When a school is closed for academic reasons, the students will be reassigned to a higher performing school or to schools with available space that can meet their educational needs (including special education and bilingual education). In addition and where practicable, students shall be provided with the opportunity to enroll in other, high performing schools with available space.
- B. When a school is closed for non-academic reasons or due to a change in educational focus, the students will be reassigned to a school or schools with available space that can meet their educational needs (including special education and bilingual education).
- C. Students with disabilities at a neighborhood school closed pursuant to this policy will be placed at the closest school to their homes that can implement their Individualized Education Program. Students with disabilities at a non-neighborhood school closed pursuant to this policy will be placed at the neighborhood school or the closest school to their homes that can implement their Individualized Education Program.
- D. Students may apply for enrollment at a school or schools other than the school to which they are reassigned as provided in paragraphs A-C above, subject to space availability and the admissions criteria of such school(s).
- E. If a school closing requires that the attendance boundaries of any school receiving students be redrawn, they shall be redrawn pursuant to applicable Board policies.

VII. REASSIGNMENT OF TEACHERS ASSIGNED TO CLOSED SCHOOLS

Tenured teachers at schools closed pursuant to this policy shall become reassigned teachers pursuant to the Board's policy, "Reassignment and Layoff of Regularly Certified and Appointed Teachers Due to Changes in Staffing Needs." Regularly certified and appointed teachers at closed schools whose entire student population is reassigned to one school will be reappointed to the receiving school consistent with CPS staffing formulas.

VIII. LOCAL SCHOOL COUNCILS AT CLOSED SCHOOLS

Local School Councils at schools that are closed for any reason shall be dissolved when the school closes.


LEGAL REFERENCES: Consent Decree, United States v. Board of Education of the City of Chicago 80 C 5124; 105 ILCS 5/34-18; 20 U.S.C. Sec. 6316.

Approved for Consideration:




Barbara Eason-Watkins
Chief Education Officer

Noted:



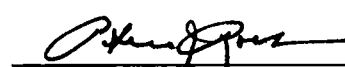
John Maiorca
Chief Finance Officer

Respectfully Submitted:



Arne Duncan
Chief Executive Officer

Approved as to Legal Form 



Patrick J. Rocks
General Counsel