

**ILLINOIS STATE  
CHARTER SCHOOL  
COMMISSION APPEAL  
NO. SCSC 19-002**

**CHICAGO EDUCATION PARTNERSHIP,** )  
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 )  
v. ) **Appeal No. SCSC19-002**  
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 )  
**BOARD OF EDUCATION OF THE CITY OF CHICAGO.** )

**FINAL DECISION OF THE COMMISSION**

On March 19, 2019, the Illinois State Charter School Commission (the “Commission”) voted to deny the appeal filed by Chicago Education Partnership (the “CEP”) to establish the Moving Everest 2 Charter School (“ME 2”). The Commission finds that, although the proposal satisfies compliance elements of the Charter Schools Law, 105 ILCS 5/27A-7(a), et seq., establishment of the proposed new charter school would not be in the best interests of the students the school is designed to serve. The Final Decision of the Commission is being issued pursuant to 23 Ill. Admin. Code 650.110(d) (3) based on the Commission vote denying the appeal on March 19, 2019 and is sent to each party by certified mail.

**I. Jurisdiction**

The Commission exercises jurisdiction in this matter pursuant to the Illinois Charter Schools Law, 105 ILCS 5/27A-7(a), et seq. The Local Education Agency (“LEA”), Chicago Public Schools District #299 (the “CPS”) received the ME 2 charter proposal in three tiers on May 1, 2018, August 1, 2018, and October 1, 2018. CPS held a public hearing regarding the proposal on November 14, 2018 and then voted to deny the ME 2 proposal, submitted by CEP, on December 5, 2018. On December 31, 2018, CEP filed an appeal with the Commission. The appeal included all the required components and was timely submitted. Thus, the CEP’s appeal is properly before the Commission pursuant to 105 ILCS 27A-8(g).

## II. Procedural Background

Chicago Education Partnership, an Illinois not-for-profit corporation, filed a proposal to open a new charter school in the Chicago Public Schools District #299. Proposed as a replication of the Moving Everest Charter School (“ME 1”), CEP anticipated opening ME 2 in fall 2019 with 180 students in Kindergarten and first grades and growing to full capacity of 810 students in grades Kindergarten through eight. CEP sought 100 percent of the current Per Capita Tuition Charge (“PCTC”) for District #299, which as published by the Illinois State Board of Education was \$12,254.75, at the time of the appeal.

The Chicago Public Schools Board of Education (“CPS Board”) voted to deny the charter proposal on December 5, 2018. The CEP timely filed an appeal with the Commission on December 31, 2018. The CPS serves approximately 370,000 students and according to the Illinois State Report Card is comprised of more than 650 schools. The 2017-18 Illinois State Report Card states that CPS’s student demographics include: 83% low-income, 47% Hispanic, 37% Black, 19% English Language Learners (ELL) and 14% students with Individualized Education Plans (IEPs).

The CEP currently operates one elementary charter school, ME 1, which is in Chicago’s Austin neighborhood. Authorized by CPS in 2015, ME 1 is rated as a Level 2+ school on the School Quality Rating Policy (SQRP)<sup>1</sup> and at the time it filed its proposal, served students in grades K through 3, with the following demographics: 93% low income, 96% African American, 12% of students have Individualized Education Plans (IEP).

On January 24, 2019, pursuant to its policies and procedures, the Commission accepted jurisdiction of the appeal and delegated to its staff the duty to perform due diligence and evaluate the appeal filed by CEP. In reviewing the appeal, the Commission’s staff retained a team of independent experts to analyze CEP’s proposal and appeal. Throughout the 75-day evaluation period, Commission staff conducted multiple case management calls with CEP and CPS to guide the evaluation process and provide an equal opportunity to both parties to engage in the process.

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1. CPS School Quality Rating Policy (SQRP) is the District’s policy for measuring annual school performance. SQRP rankings are based on a 1+ (the highest) and 3 (the lowest) scale. Definition obtained from the CPS website.

On February 4, 2019, pursuant to 105 ILCS 27A-8(c) of the Charter Schools Law, the Commission held a public hearing in Chicago, which was chaired by Commissioners Troy Ratliff and William Farmer. Representatives from the CEP and CPS provided statements and presented arguments favoring their respective positions on the appeal. Seventy (70) people attended the public hearing.

Starting February 4<sup>th</sup> to February 11<sup>th</sup>, 2019 the Commission also held open, for seven days, an Email Forum following the public hearing for additional public input and comment. Fifty-one (51) e-mails were received by the Commission; 41 in opposition and 10 in support of the proposal to establish the new charter school.

On February 7, 2019, Commission staff and the expert evaluation team conducted a site visit of ME 1. The site visit was conducted at 416 N Laramie Ave and included over 15 classroom observations, teacher and parent focus groups, an examination of school documentation, which was also attended by a member of the CPS team.

On February 13, 2019, Commission staff and the expert evaluation team conducted a joint capacity interview with representatives from both parties. The interview was held at the James R. Thompson Center, located at 100 W. Randolph St, Chicago, IL 60601. Both parties responded to questions about the proposal the leadership team and board's capacity, and CPS review and decision.

On March 15, 2019, the Commission staff informed the parties to this appeal that the Commission staff would recommend denial of the appeal filed by CEP. The Commission staff prepared its recommendation to the Commission based on the review of all the materials submitted by the parties and the due diligence conducted by the Commission staff and the expert evaluation team.

On March 19, 2019, the Commission held a public meeting and voted on CEP's appeal. The Commission meeting was held at the Michael A. Bilandic Building, located at 160 N. LaSalle St., Chicago, IL 60601. Seven of the nine Commissioners attended the Commission meeting, six Commissioners were physically present, one Commissioner pursuant to a motion, participated remotely via a conference call, and two Commissioners were absent. Public comment was received by 15 individuals, all in opposition to the CEP proposal. The motion as set forth in the Agenda Book was called to vote, and seconded. The discussion on the motion included a presentation by staff, both parties, questions from Commissioners to the parties and

their respective responses. On a roll call vote, seven Commissioners voted in favor of the motion to deny the appeal for the establishment of Moving Everest 2 Charter School. Thus, the Commission denied the CEP's appeal and upheld the decision by CPS to deny the new charter school proposal to establish Moving Everest 2 Charter School.

### **III. Findings of Fact**

#### **A. Overview of CEP's Proposal**

1. CEP currently operates a charter school in the city of Chicago, Moving Everest 1 (ME1), located at 416 N Laramie Ave, Chicago, IL 60644 in the Austin neighborhood.
2. CEP sought to replicate ME 1 in a newly constructed facility on the border of the Austin and Belmont-Craigin neighborhoods.
3. CEP proposed to create a K-8 elementary school in Fall 2019, with 180 students in grades K – 1st in year one, growing to 810 students at capacity.
4. The CEP mission statement, as provided, is to “creat[e] a school that dramatically transforms lives of K-8 students and prepares them for success in college and in life through: a rigorous and personalized academic program, a focus on holistic education and the development of strong character.”
5. Integral to CEP is the partnership with By the Hand (“BTH”) Club for Kids, a non-profit afterschool program that provides academic, social, and faith-based programs for students.
6. CEP identified a vacant 1.5-acre site, owned by BTH, located at 1830 N. Leclaire Ave, to construct a new school. BTH was identified as the leaseholder for the proposed school.
7. CEP identified a combination of expeditionary learning (“EL”) and social emotional learning (“SEL”) as primary components of its academic program.
8. ME 1 is rated as a Level 2+ school according to CPS’ School Quality Rating Policy (SQRP). CPS considers a school rated as 2+ or higher as schools in Good Standing.
9. Based on the PARCC exam, student attainment in reading for grade 2 is 18%, for math 20%. Student attainment rate for reading in grade 3 is 17% and for math, 14%.
10. CEP presented a five-year budget for the proposed school based on receiving 100% of the current PCTC for District #299, which was \$12,254.75 at the time of the appeal. Revenues were projected in year one at \$2,726,219, growing to \$6,179,557 in year five.

Expenditures in year one was \$2,505,130, growing to \$5,929,810 in year five.

B. District #299's Reasons for Denial

As required by 105 ILCS 5/27A-8(f), CPS provided its rationale for the denying the CEP proposal. A high-level overview of the reasons cited by the district included the following:

1. *Replication Criteria.* The track record of academic performance by CEP did not satisfy CPS' threshold for replication. CPS' Charter School Quality Policy ("CSQP") sets out the criteria and performance standards for charter school replication. The policy states, for a single-site charter, an application will be recommended to the Board for approval "if the school has a current two-year SQRP point value average of 3.5." Moving Everest 1 is rated a Level 2+ with a one-year SQRP score of 3.3. Thus, CPS found that CEP's proposal did not meet the threshold for replication.
2. *Bilingual Program.* Initially, CEP did not include any plan or details related to serving students with limited English proficiency. As required by the Illinois School Code and based on the proposed school location, CPS identified the lack of details related to bilingual education services as a deficiency of the proposal. CPS permitted CEP to correct the deficiency and update the proposal, but eventually concluded that CEP was not prepared to meet the needs of EL students.
3. *Lack of Community Support.* CPS concluded that CEP had not conducted any community outreach efforts with people in the immediate vicinity of the proposed school location. CPS contended that the proposed school location was within a few steps of Belmont-Craigin, a community with a higher concentration of English Learners.

C. Commission's Due Diligence Findings

1. CEP's commitment to "the delivery of a rigorous and personalized academic program, a focus on holistic education and the development of strong character," is evidenced both by its association with BTH, as well as the organization's agile capacity to address the needs of students and its professional staff.
2. CEP has adopted a set of rigorous curricula: EL (formerly Expeditionary Learning) for Reading, Eureka for Math, ZEARN for math intervention, and FOSS for Science.
3. In the 2018-19 academic year, ME 1 shifted from a curriculum based on Core Knowledge in English Language Arts (ELA) to EL.

4. ME 1 teachers and leadership have not engaged EL to provide formal, on-going professional development or training related to the implementation of the new curriculum or analysis of student outcomes.
5. The curriculum selected is rigorous, however, instructional delivery is not consistent across most classrooms.
6. The principal has significant school leadership experience but is new to the role as the leader of Moving Everest, as is approximately 50% of the teaching staff.
7. The shifts in curriculum and school staffing in the 2017-18 academic year also included transition from departmental to self-contained classrooms in primary grade classrooms.
8. ME 1 currently does not serve any students requiring bilingual education services; and the current instructional and leadership staff were not involved in developing a comprehensive plan to serve students with limited English proficiency or students learning English as a second language.
9. Evidence of trauma-sensitive training and practices is limited to the school's social worker.
10. The CEP Board of Directors represent a diverse skill set and knowledge base to sufficiently govern an expanded school model.
11. The By the Hand Club for Kids, a nonprofit afterschool program, provides faith-based programming which accommodates students who seek to opt-out. The executive director of BTH also serves as chair of the CEP board.
12. CEP averages of 136 days of unrestricted cash and has a debt asset ratio of 0.14.

#### IV. Analysis

##### A. Standard of Review

The Commission may reverse a local school board's decision to deny a proposal to establish a new charter school when the Commission finds that the proposal (i) complies with the Charter Schools Law and (ii) is in the best interests of the students the charter school is designed to serve. 105 ILCS 5/27A-8(h); Comprehensive Cmty. Solutions, Inc. v. Rockford Sch. Dist. No. 205, 216 Ill. 2d 455, 471 (2005). To determine whether a new school proposal satisfies this standard, the Commission conducts a de novo review of the proposal and the school

district's response. 23 Ill. Admin. Code 650.110 (d)(1). See also Bd. of Educ. of Rich Twp. High Sch. Dist. No. 227 v. Ill. State Bd. of Educ., 965 N.E.2d 13 (Ill. App. Ct. 1st Dist. 2011).

As required under the Law, the Commission applies preference to proposals that: (1) demonstrate a high level of local pupil, parental, community, business, and school personnel support; (2) set rigorous levels of expected pupil achievement and demonstrate feasible plans for attaining those levels of achievement; and (3) are designed to enroll and serve a substantial proportion of at-risk children; provided that nothing in the Charter Schools Law shall be construed as intended to limit the establishment of charter schools to those that serve a substantial portion of at-risk children or to in any manner restrict, limit, or discourage the establishment of charter schools that enroll and serve other pupil populations under a nonexclusive, nondiscriminatory admissions policy.” 105 ILCS 5/27A-8(a).

#### B. Legal Compliance

Based upon its review and analysis of the proposal, public hearing comments, the information presented during the due diligence and following the Commission staff's recommendation, the Commission concludes that CEP's proposal to establish Moving Everest 2 Charter School, complies with the Charter Schools Law. See 105 ILCS 5/27A-7. CPS insists that it properly denied the replication proposal submitted by CEP in compliance with its 2018 Request for Proposals (RFP) and the Charter Schools Law; however, the reasons CPS cited for denial are not based on application of the Illinois Charter Schools Law but instead on application of district policies. That conclusion is supported by the following findings:

*Baseline Criteria for Replication.* CPS's Charter School Quality Policy (CSQP) sets out the charter school academic performance standards the district considers when evaluating an existing charter school's request to replicate. For a single-site charter operator, the policy states that an application will be recommended to the Board for approval “if the school has a current two-year SQRP point value average of 3.5.” Moving Everest is rated Level 2+ with a one-year SQRP score of 3.3. CPS's Request for Proposal (RFP) references the criteria established in the CQSP, and states that while it is unlikely that a school not meeting the criteria will be recommended for approval, a school can still apply for replication. District administrators admitted that CPS staff retains a degree of discretion to recommend approval if a school does not

meet the threshold criteria, however, the standards under which it will choose to exercise that discretion remains unclear. District representatives indicated its rationale for conducting its site visit to ME 1 was for the purposes of further evaluating the school's capacity to replicate. Ultimately, CPS' evaluation team concluded that CEP was not ready to replicate a charter school due to its observation of issues CEP still needed to improve.

The Illinois Charter Schools Law allows districts to establish processes to receive charter proposals. *See* 105 ILCS 27A-8(c) The statute, however, does not provide specific criteria or thresholds, other than the requirements set forth in Section 27A-7, as criteria for the charter applicant to satisfy compliance. The Commission finds it worth noting that Moving Everest 1 satisfies the district's standards for expansion of its current school, even though it falls just short of the standards CPS set for replication. The CQSP provides that schools seeking to expand, i.e.: increase class size, need to achieve a 3.2 on the SQR. When asked whether CEP considered seeking approval to expand in order to meet its goals to "serve more students," board and school leadership indicated it had not. District administrators also indicated that no discussion was had with the school about the opportunity to expand. Distinctions between replication and expansion are relevant given one of the reasons the school was denied was based on "whether plans and systems are in place to replicate with fidelity." (District Response, p. 4)

### C. Best Interests

The Commission's decision to affirm CPS's decision on CEP's proposal is based on the conclusion that opening a school, at this time, is not in the best interests of the students it is designed to serve. *See* 105 ILCS 5/27A-8(h) (ii). Commission staff and a team of three expert evaluators reviewed the CEP appeal submission and related documentation, which included: (a) *an appeal memorandum, which provided a statement as to why the Commission should reverse the District's decision;* (b) *a statement of the school's capacity to operate as a local education agency (LEA);* (c) *five- year budget projections for the school;* (d) *the District's response to the appeal;* (e) *the Joint Capacity Interview of the school and the District;* and (f) *public comment from the Public Hearing and Email Forum.* Additionally, staff reviewed application of statutory preferences. *See* 105 ILCS 5/27A-8(a)(1)(2)(3) Commission staff rated the CEP proposal in three performance areas, academic, operational and financial, and in each area rated whether the



proposal exceeds the standard, meets the standard, or does not meet the standard.

The CEP proposal met the standard in operational and financial areas and approached the standard in the academic plan. Statutory preferences in the areas of External Support and Track Record were not applicable. The proposal was eligible for application of the at-risk preference, however, evaluators noted that the academic plan was not sufficiently developed to serve English language learners, which is a subgroup population of students recognized as at-risk.

***CEP demonstrated strong organizational capacity and leadership.*** A cornerstone to CEP's strong organizational capacity is the partnership it has with the By the Hand Club for Kids (BTH). As with ME 1, BTH planned to acquire the land and construct a new school facility for the proposal replication. The minimal facility costs, approximately six to seven percent of per pupil funding, allows CEP to dedicate more resources to students and staff. CEP and BTH identified a local church, Grace and Peace and the ReVive Center for Housing and Healing as partners for the proposed school.

Led by CEO, Mike Rogers and Donnita Travis, chair of the board<sup>2</sup>, Moving Everest demonstrated strong operational and organizational capacity. The Board of Directors appear engaged and committed to replication of the existing Moving Everest model. BTH's executive director also serves as the chair CEP board. Commission staff reviewed the Memorandum of Understanding between the two organizations and noted that the arms-length partnership between CEP and BTH can be better formalized by establishing board policies to avoid any appearance of or apparent conflicts of interests, an evaluation protocol for the afterschool programs and aligned training opportunities for school and BTH afterschool staff.

BTH is a nonprofit, afterschool program. ME 1 students along with students from other neighborhoods, participate in the programming provided by BTH. CEP described the partnership with BTH as an opportunity to provide a "continuum of services" that extends the school day and provides additional enrichment and intervention opportunities to students. Evaluation of the BTH afterschool programming revealed majority of the ME 1 students participate in the afterschool program. CEP explained that students must affirmatively opt-in to participate in the afterschool program and families can opt-out of the faith-based programming. Evaluators noted, however, that BTH and CEP have yet to fully-leverage opportunities to increase academic, social and emotional growth outcomes for students. For example, given the degree of project-based

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<sup>2</sup> Donnita Travis is also the Executive Director for BTH.

learning with the EL curriculum, evaluators anticipated an articulation of extra or co-curricular programming that will potentially accelerate and support student learning and growth.

CEP's strong fiscal position further demonstrates the capacity of the leadership and its ability to operate a second school that is economically sound. The appeal presented a reasonable budget, demonstrating strong cash flows for all years. Consistent with its obligation as an LEA, the budget includes a provision for a full time Director of Special Education and a Director of Bilingual Program. A substantial cash balance indicated that CEP was in a strong position in the event the proposed new school experienced enrollment issues or lower than expected fundraising, or unexpected costs.

Lastly, the organizational capacity for the school is also evidenced by its committed teachers and parents. Parents are involved in a parent-led organization at the school and often serve as volunteers or employed by BTH. During the focus groups, teachers and parents noted how the school was responsive to addressing student and staff needs. Parents were knowledgeable and excited about the shift to the EL curriculum, and in general the opportunity for more students attend the new Moving Everest charter school.

***The Revised Academic Program Has Yet to Demonstrate Evidence of Success, specifically for English Learner Student Population.*** CEP proposed to replicate the existing ME 1 model. The curriculum the school has chosen is research-based and EL is a compelling component of the academic plan. However, the school is in the initial phases of implementing EL and has yet to analyze evidence of success. Evaluators noted that the current NWEA results suggest that ME 1's academic trends are positive. For example, third grade students are in the 79<sup>th</sup> growth percentile in ELA and 81<sup>st</sup> percentile for math. The appeal evaluation team also found that the instructional practices across the school mirrored a more direct instruction model as opposed to the project-based learning model espoused by EL. Furthermore, as CPS indicated the fidelity of the implementation is questionable. Illustration of the gaps and missed opportunities to fully support teachers in the transition was observed by evaluators during the site visit to the school. Evaluators noted that classroom management remains an area of challenge, which is exacerbated by the inconsistency in the delivery of instruction. These are areas of concern for a school that is still growing by adding grades each year and yet to experience inevitable shifts that will occur once middle and upper grades are added.

The anticipated student demographic for the proposed charter school would likely include

a significant number of Latinx students, and a significant English learner population. Appeal evaluators agreed with CPS in that the proposal is hindered from the outset, by its failure to articulate how the design of the academic program will serve an English Learner student population, a demographic not represented at ME 1. The Appeal Memorandum makes broad assertions regarding the strong academic outcomes for the students currently attending Moving Everest 1, which serves as the basis for replicating its current school model. However, the proposal and the team did not demonstrate capacity to develop a bilingual education plan or program that will serve English learners. While, the CEP team retained the services of an English Learner (“EL”) consultant to spearhead the development of an EL program, plans regarding curriculum choices and adaptations, teacher hiring, and training were not developed.

***The proposal has an unbalanced level of support.*** The District argued that the proposal also lacked the required community support. The Charter Law does not require community support. Instead, the statute makes clear that a “preference,” shall be given to schools that have a “high-level” of support. *See* 105 ILCS 5/27A-8(c) Here, the CEP proposal is not eligible to receive application of the preference. Commission staff agrees that CEP did not present sufficient evidence of community support, specifically from the neighborhood the school is proposed to serve, to warrant application of the preference.

Parents, school staff, and By the Hand leadership expressed support and commitment to opening a new school; however, the depth of knowledge and understanding of who the new school would serve varied among the school’s stakeholders. Parents who attended and spoke in favor of the new school at the public hearing held by the Commission primarily spoke about the existing school. The Rev. John Zayas who is affiliated with the Revive Center, was the only person directly from the proposed new community to speak in support of the school at the public hearing. CEP indicated the proposed new school would partner with the Revive Center for Housing and Healing, a faith-based social service organization. While, there was no opposition expressed at the public hearing, the Commission received more than 40 emails in opposition to the school, including a letter from neighboring elected officials and community-based organizations.

Low levels of support, specifically from within the community the school will locate creates a risk that the school will be unable to meet enrollment targets and retain key staff

positions. Furthermore, the appeal was met with strong resistance by local parents, community organizations and civic leaders.

Evaluation of the best interests requires thoughtful deliberation of how students are impacted by the decision. The evaluation team assessed the significant level of transition the existing school will endure in the next few years – ME1 will undergo its renewal evaluation in fall 2019, the addition of middle school grade levels over the next 4 years, the adjustments to the academic program, and the local opposition -- were all weighed and collectively, favor a determination that at this time, it would not be in the best interests of students the school was designed to serve for a new Moving Everest to open.

## **V. Conclusion**

Based on the information presented to the Commission on appeal, and as reflected by the vote taken on March 19, 2019, the Commission concludes that reversal of the District #299 decision to deny the CEP proposal to establish a charter school is not warranted at this time.

Appeal SCSC19-002 is DENIED.

Dated: April 2, 2019.