

**ILLINOIS STATE  
CHARTER SCHOOL  
COMMISSION APPEAL  
NO. SCSC 19-004**

<b>Urban Prep Academies</b>	)	
<b>Urban Prep - West</b>	)	
<b>v.</b>	)	<b>No. SCSC 19-004</b>
	)	
<b>Chicago Public Schools District 299</b>	)	

**FINAL DECISION OF THE COMMISSION**

On March 19, 2019, the Illinois State Charter School Commission (the “Commission”) voted to reverse the Board of Education for the Chicago Public Schools District No. 299 (the “CPS”) decision to revoke the charter that was granted to Urban Prep Academies (“Urban Prep”) to establish the Urban Prep-West Charter School. The Commission concludes that it would not be in the best interests of the current students enrolled to close the school at the end of this academic year. 105 ILCS 5/27A-8. Therefore, the Commission reverses the CPS Board’s decision to revoke the Urban Prep-West Charter School (“UPW”).

**I. Jurisdiction**

The Commission exercises jurisdiction in this matter pursuant to the Illinois Charter Schools Law, 105 ILCS 5/27A-9. The Illinois Charter Schools Law explicitly authorizes the Commission to review revocation decisions rendered by a local school district. *See* 105 ILCS 5/27A-9(e) (“Notice of a local school board’s decision to deny, revoke or not to renew a charter shall be provided to the Commission and the State Board. The Commission may reverse a local board’s decision . . .”); 23 Ill. Admin. Code 650.100(a) (“An applicant for a charter or a charter holder may appeal to the Commission a local school board report that denies, revokes or refuses to renew a charter.”)

The Chicago Public Schools Board of Education (“CPS Board”) voted to revoke the UPW Charter on December 5, 2018. On January 4, 2019, in compliance with the statutory deadline, Urban Prep filed an appeal to the Commission. Urban Prep’s appeal included the documentation necessary for the Commission Staff to conduct a comprehensive evaluation of the appeal. Accordingly, the UPW appeal is properly before the Commission under 105 ILCS 5/27A-9(e)

and 23 Ill. Admin. Code 650.100(a).

## **II. Procedural Background**

Urban Prep timely filed its appeal seeking reversal of the CPS Board revocation decision. Upon receipt of Urban Prep's appeal submission, Commission staff initiated the process to review and analyze CPS Board's revocation decision and Urban Prep's appeal. The Commission voted to accept jurisdiction over the appeal on January 24, 2019.

Pursuant to the authority delegated by the Commission, a panel of experts were retained to analyze the record on appeal. The Commission staff, counsel, and a team of evaluators engaged in a multi-faceted due diligence review that included: (1) appeal memoranda from UPW in support of its position; (2) UPW's most recent charter renewal proposal; (3) UPW's charter renewal agreement<sup>1</sup> and appended accountability plan; (4) a Statement of the School's Capacity to Become an LEA, (5) Five-year budget projections; (6) UPW's Remediation Plan and Remediation Site Visit Report (7) the 2017-18 Renewal Recommendation Report (8) aggregate data regarding student performance at schools in assigned school zones and guaranteed options; (9) FY 17-18 financial score card data and Urban Prep Audits; (10) academic findings report data; (11) UPW progress and performance reports; and (12) additional submissions from UPW and CPS per the request of Commission staff, which included various correspondence between the parties during the revocation process.

In addition to the review of the above, Commission staff and evaluators conducted: (1) a joint interview of the parties to gain clarity and additional information regarding UPW's academic program, its facility, operations, financial performance, and management of the school, as well as CPS's revocation criteria, process, policies and ultimate revocation decision; (2) a school site visit, which included classroom observations, and a teacher and parent focus group; (the site visit was observed by a member of CPS staff); (3) case management calls with the parties regarding the appeal process; and (4) analysis of relevant academic performance and other data.

On February 5, 2019, Commission staff and the expert evaluation team conducted a site visit of UPW. The site visit was conducted at 1326 W 14<sup>th</sup> Pl., Chicago, IL 60608 and

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<sup>1</sup> CPS and UPW did not execute a renewal charter agreement following the Board's approval for the two-year term on December 6, 2017. The most recent renewal agreement executed by the CPS Board on December 24, 2015 was reviewed. Performance expectations in this Agreement indicate UPW is expected to receive a rating of Level 2 or higher.

included classroom observations, teacher and parent focus groups, and an examination of school documentation.

On February 5<sup>th</sup> the parties participated in a public hearing to receive comment on UPW's appeal. Commissioners DeRonda Williams and David Feinberg presided over the hearing. More than 100 people attended the public hearing. Both parties presented a statement in support of their respective positions, and more than 36 speakers provided testimony and public comment in support of UPW. Other than the statement provided by district administrators there were no comments or testimony in favor of the decision to revoke or close UPW.

Staff and evaluators conducted follow-up site visits on February 12<sup>th</sup> and February 13<sup>th</sup> to observe professional development and additional classrooms.

On February 19, 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.

Based upon the comprehensive review of all the materials submitted by the parties, which included analysis of academic performance data, including real-time observation of teaching and learning, historical financial reports, and an assessment of organizational capacity, Commission staff prepared its recommendation to the Commission.

On March 15, 2019, Commission staff met with the parties to this appeal and informed them that Commission staff would recommend that the appeal be granted. On March 19, 2019, the Commissioners met and voted on Commission staff's recommendation regarding UPW's appeal. Seven (7) Commissioners participated in the duly noticed public meeting.<sup>2</sup> On the motion to adopt the recommendation to grant the appeal filed by Urban Prep, five Commissioners voted in favor of the recommendation and two voted in opposition of the motion.

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

1. In July 2017, UPW submitted an application seeking to renew its charter prior to the term expiration date of June 30, 2018.

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<sup>2</sup> Six commissioners were physically present for the meeting. On an approved motion to participate remotely, one Commissioner participated telephonically.

2. The Renewal Recommendation Report produced by CPS indicated that UPW “did not meet” the district’s standards across the academic, financial or organizational domains. (Renewal Recommendation Report, p.1)
3. On December 6, 2017, the CPS Board granted UPW a two-year renewal with conditions.
4. A December 15, 2017 letter forwarded to Urban Prep memorialized the CPS Board decision to grant UPW a shortened two-year term and set forth the conditions of the renewal.
5. In addition to the Illinois Charter Schools Law, the Charter Agreement, CPS’ School Quality Rating Policy (SQRP) and the Charter School Quality Policy (CSQP) codifies the district’s criteria and process for determining school quality and its renewal and revocation decisions.
6. Notwithstanding the renewal decision, UPW was placed on the Academic Warning List and required to implement a Remediation Plan Based on the school’s rating of a Level 2 for the 2016-17 academic year.
7. The Remediation Plan template is designed by CPS and correlates to measures within the School Quality Rating Policy.
8. On January 12, 2018, UPW submitted its Remediation Plan.
9. Instructional and organizational leadership shifts occurred at UPW and the Urban Prep network at the start of the 2018-19 academic year.
10. UPW did not meet the goals it established on eight (8) of the performance measures in the Remediation Plan.
11. UPW improved performance on eleven (11) of the performance measures in the Remediation Plan.
12. UPW’s performance decreased on three (3) of the performance measures in the Remediation Plan.
13. In November 2018, CPS notified UPW that it has failed to achieve a Level 2+ on the SQRP, failed to implement the Remediation Plan and would be recommended for revocation at the December board meeting.
14. On November 14, 2018, CPS conducted a public hearing concerning its recommendation to revoke the UPW charter.
15. On November 25, 2018, CPS sent the Commission the Board Report, notice to Urban Prep of the UPW revocation and closing and other materials documenting its decision and vote to revoke UPW at the end of the 2018-19 school year.

16. On December 5, 2018, the CPS Board approved Board Report 18-1205-EX5 to revoke the UPW charter. The Board Report was duly certified on December 7, 2018 by the CPS Board Secretary. Written notice was provided to UPW on the same day.
17. On January 4, 2019, UPW filed an appeal to the Commission.

#### **IV. Analysis**

##### **A. Standard of Review**

The Commission “may reverse a local school board’s decision to deny a proposal when the Commission finds that the charter school or charter school proposal (i) is in compliance with this article [the Charter Schools Law] and (ii) is in the best interests of the students it [the charter school] is designed to serve.” *See* 105 ILCS 5/27A-9(e). *See also* 23 Ill. Admin. Code 650.100. To determine whether a 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).

Additionally, as required under the Law, the Commission shall give preference to the establishment of charter schools 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**

For the review of a revocation decision, the Commission conducts an analysis of the local school district authorizer’s and the charter school’s procedural and substantive legal compliance. The Charter Law indicates that a “charter may be revoked or not renewed if the local school board or the Commission, as the chartering entity, clearly demonstrates that the charter school . . . [f]ailed to meet or make reasonable progress toward achievement of the content standards or

pupil performance standards identified in the charter. *See* 105 ILCS 5/27A-9(c). The Illinois Charter Schools Law and the Charter Agreement further delineate conditions, requirements, policies and procedures that an authorizer must follow when it makes a revocation decision and that a charter school must respect in order to mount a proper defense.

***Procedural Compliance.*** The Commission finds that the question of whether both parties comply with the Charter Law presents complicated legal and factual issues. Even though UPW did not meet the renewal conditions CPS set in 2017, the Commission concludes that charter school’s performance does comply with the Illinois Charter Schools Law. CPS’ inconsistent application of the charter law and its policy with its renewal decision in 2017 and subsequent revocation months later blurred accountability and performance expectations for UPW, which creates a serious concern about the district’s procedural and substantive compliance with the law that governs its revocation decision.

Accountability for CPS authorized charter schools is governed by the Charter School Quality Policy (CSQP). The district’s School Quality Rating Policy (SQRP) establishes the academic and non-academic measures upon which school performance is based and the weighting of those measures and assigns an overall quality rating <sup>3</sup>. The CSQP codifies standards for non-renewal, as well as standards and process for revocation actions. For nonrenewal actions, the CSQP states:

*Charter school operators who operate two or more charter schools or campuses will have each school or campus evaluated individually for renewal or non-renewal. A school or campus will be recommended for non-renewal to the Board if that charter school or campus (i) is on the Academic Warning List during the final year of the charter contract and has a current two-year SQRP point value average rating of 2.5 or below or (ii) was previously on the Academic Warning list for two consecutive or non-consecutive years during its charter agreement, unless the charter school or campus has at least a Level 2+ or higher SQRP rating in the final year of operation under its charter contract. (Charter School Quality Policy, p. 2)*

The CSQP also delineates that charter schools are placed on the Academic Warning List when “...the charter school or campus: (a) Has a SQRP rating of Level 3; or (b) Has a two-year SQRP point value average of 2.5 or lower; or (c) Has a SQRP rating of Level 2 in three consecutive years.” (*Id.* at p. 1)

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<sup>3</sup> The SQRP rating is applied to district-run and charter schools. Ratings range from Level 1+ (highest), Level 1, Level 2+, Level 2, Level 3 (lowest). Schools rated as 2+ or higher are considered to be in Good Standing.

In fall 2017, UPW submitted its renewal application for consideration to CPS. UPW was rated a Level 2 in school years 2016 and 2017; the school received an average SQRP score of 2.5. (Charter ...School Recommendations, December 6, 2017 Presentation to the Board, p. 6) In December 2017, UPW was granted a shortened, two-year term renewal (July 1, 2018 – June 30, 2020). As a condition to the 2017 UPW renewal CPS sought strict performance of conditions which required that the school achieve a Level 2+ rating for the 2017-18 academic year, and thus, be removed from the district's Academic Warning List. UPW missed the mark and instead achieved a Level 2 rating.

The record remains unclear why the district chose to renew UPW's charter in 2017. The district set specific conditions for renewal, which UPW did not satisfy. The renewal recommendation report submitted to the Board indicated the school had not met the standards of academic, organizational or fiscal performance. Thus, UPW arguably satisfied the criteria for non-renewal action. However, instead of non-renewal, the Board opted to give UPW a short, conditional renewal charter agreement.

The Illinois Charter Schools Law distinguishes actions of non-renewal and revocation. *See* 105 ILCS 5/27A-9. Upon review of the school's performance for renewal, a charter school that fails to fulfill the terms of the agreement is not renewed. At the expiration of its term and at the end of the academic year, the charter agreement is terminated and the school winds up its operations and closes. In strong contrast, revocation takes the extraordinary step of ending a school's ability to operate during the term of its charter, based on concerns that the school has not or cannot meet performance expectations. Given the severity of the action, the Charter Law provision on revocation requires an authorizer to give the charter holder a real opportunity to remediate or cure the deficiency before it terminates a charter agreement. The Law allows a charter school subject to revocation up to two years for remediation. Conversely, nonrenewal does not require this additional step. The burden is placed on the authorizer seeking to take either action to prove the charter school has either failed to comply with the requirements of the charter or committed an act in violation of the charter, local or state or federal laws. *Id.* For revocation, the authorizer must also demonstrate that it advised the school of those failures or violations and gave the school a real chance to overcome or correct them.

It is worth noting that the standard charter agreement has a five-year term. *See* 105 ILCS 5/27A-9. A renewal term for less than five years is customarily an indication that the authorizer

has concerns with the school's capacity to meet the terms of the charter for an extended period. Yet, even if conditional or for a shortened term, the grant of a renewal generates a new charter that arguably "restarts the clock," allowing the authorizer and the charter to negotiate new and updated terms of the agreement related to policies and performance.

CPS revocation actions are governed in part by the CSQP which states:

*When a charter school or campus is placed on the Academic Warning List, the CEO or designee will send notice that the school or campus is in revocation status and subject to closure. Upon receipt of such notice, the charter school or campus shall submit a written remediation plan to the CEO or designee to rectify the problems that resulted in the charter school or campus being placed on the Academic Warning List. The written remediation plan shall include a timeline for implementation and the CEO or designee shall monitor the implementation and adherence to the remediation plan requirements.*

*The CEO will recommend the revocation of a charter school or campus to the Board if either: (1) the CEO determines that the charter school or campus failed to implement the remediation plan and adhere to the timeline; or (2) the charter school or campus remains on the Academic Warning List for two consecutive years. (Id.)*

Under its own policy, the district staff makes a nonrenewal recommendation if a school that operates more than one charter is on the Academic Warning List "during the final year of the charter contract and has a current two-year SQRP point value average rating of 2.5 or below." At the time its contract was up for renewal, UPW met this condition. It was on the Academic Warning List. Yet, the Board decided against non-renewal and instead approved UPW for a two-year charter term with conditions.

A month following the Board's renewal decision, UPW was required to implement a Remediation Plan (as of January 2018). In November 2018, the CPS Board acted to revoke it. When the school's SQRP was tabulated, UPW was again rated Level 2 with a two-year average SQRP score of 2.5. CPS contends that based upon that data, it rightfully concluded that UPW did not meet the renewal conditions that had been set, failed to implement the remediation plan and remained on the Academic Warning List, and therefore, revocation was warranted.

However, it is important to note that the district did renew UPW's charter. Having done so and deciding instead to pursue charter revocation, CPS was required to allow UPW to implement its remediation plan and be given the opportunity to demonstrate that it could make reasonable progress. During the remediation period, UPW increased its SQRP point score .3



points, from 2.4 to 2.7 respectively, and UPW made gains on 73% (11 of the 15) measures on the SQRP. The Commission believes that improvement of this magnitude, over less than a full-academic year, is an indication of reasonable progress.

To defend its revocation decision, rather than counter UPW's evidence of improved performance, the district points back to the same academic data the Board considered and relied upon when making its decision to renew UPW. The district states that UPW remained on the Academic Warning List for two consecutive years and maintained a four-year SQRP average of 2.6. (District Response, p. 7) Although that is factually true, a closer look reveals that UPW's performance at the time CPS decided to revoke the school's charter was better than it had been when the Board voted to grant UPW charter renewal. The UPW two-year term was set to expire in June 30, 2020, with the renewal process set to begin in fall 2019. Presumably, absent the revocation decision, the district would have focused its evaluation and renewal decision on UPW's academic performance during the term of the renewed charter, 2018-19 and 2019-20 academic years, not the years under UPW's previous charter term. The district's decision to revoke UPW's charter just months after renewing it, based upon the school's performance under its previous charter and not its more recent, improved academic progress makes it difficult to conclude that CPS has followed the Charter Law provisions on revocation and non-renewal. The Commission acknowledges an authorizer's discretion to renew or not renew a charter based on nonperformance and to revoke when circumstances warrant. However, inconsistent application of the standards and policies, as done here, is at least a consequential departure from best authorizing practices and at worst improper and inconsistent with the Charter Law.

***Substantive Compliance.*** UPW meets the requirements for substantive compliance, but again, serious questions persist as to whether CPS does. CPS argues that UPW "failed to implement its remediation plan" or that it "failed to meet or make reasonable progress toward achievement of . . . pupil performance standards identified in the charter." Viewing UPW's performance after the CPS decision to renew its charter, the Commission finds that there is sufficient evidence to conclude that UPW made reasonable progress toward achievement of pupil performance standards that CPS established as part of the Remediation Plan.

CPS insists that UPW failed to implement the Remediation Plan based on its failure to achieve the goals it set in the Remediation Plan by the end of the 2017 – 18 academic year. The UPW goals were ambitious and may yet be attainable during the term of the charter. It does not

appear that either UPW or CPS considered whether the goals set were actually attainable under the short timetable CPS allowed. UPW's goals were set with an intention of achieving a SQRP rating of Level 1+. CPS approved a Remediation Plan for UPW to implement and demonstrate improved performance on the Plan's fifteen performance goals and several strategic priorities over the course of SY 2018 and 2019.

The Commission's determination of what is *reasonable* involved an analysis of the measures identified, the timeframe under which the school implemented the Plan, and whether there was a likelihood of an upward trend in UPW's performance. As UPW indicated in its appeal memorandum and as noted by CPS, UPW increased its overall SQRP point average from a 2.4 to a 2.7. The school not only increased its SQRP point score, it also exceeded performance as compared to the year prior on academic performance. UPW improved performance on most, but not all fifteen of the individual goals it had set for 2018. The qualitative evidence CPS provided related to observations during the Renewal site visit and Remediation Plan site visit were generally the same. Following the Remediation site visit district representatives noted the school was "making strides but lacked the structures and systems that are needed for lasting improvements." (District Response, p. 9) However, the record indicates that UPW had developed structures and identified systems to improve performance and reach its remaining academic goals by 2019.

The Charter Law confers upon the Commission, as experts in "public and nonprofit governance, management and finance, public school leadership, higher education, assessments, curriculum and instruction, and public education law" and individuals who "have demonstrated understanding of and a commitment to public education, including without limitation charter schooling" (105 ILCS 5/27A-7.5(d)), the ability to reverse a revocation decision if it determines that the school complies with the Law and is in the best interest of students that it serves. Here, the Commission has evaluated all the facts and circumstances surrounding the Board's decision to revoke UPW's charter. In its considered judgment, the Commission concludes that having renewed the UPW charter notwithstanding its failure to meet CPS benchmarks and having allowed UPW to demonstrate that it could make reasonable progress toward improving on most of the measures in its Remediation Plan, the Board erred in revoking UPW's charter. UPW's six (6) month record of performance post-renewal does not support a conclusion that UPW failed to implement its Remediation Plan. UPW has not finished implementing the Plan but has

sufficiently demonstrated its ability to comply with the law and perform its charter obligations.

CPS did not meet its burden to clearly demonstrate that UPW failed to meet or make reasonable progress toward achievement of the pupil performance standards identified in the Charter Agreement, as required under 105 ILCS 5/27A-9. The Commission concludes that UPW did “make reasonable progress toward achieving the pupil performance standards identified in [its] charter.”

### C. Best Interests

For review of a revocation decision, the best interests analysis is conducted in two parts. First, the Commission evaluates whether the school’s current performance is sufficient to meet the Commission’s standards for academic performance, organizational capacity, and facilities/finance. The Commission also considers whether any of the legislative priorities identified in the Charter Schools Law – (1) high level of local student, parent, business, school, or broader community support; (2) rigorous academic achievement programming; (3) intentional design to enroll and serve at-risk children – would be advanced by a decision to authorize the charter school on appeal. Second, the Commission seeks to determine if there are accessible, better performing options for students currently enrolled at the school by reviewing the performance and availability of seats at assigned schools.

#### **1. Commission Assessment of UPW Performance.**

*Academic Performance.* The Commission has concluded that UPW currently approaches Commission standards with regard to academic performance. The overall rating is below the Commission’s standards, but the school does meet the standard on measures related to SAT performance and graduation rate as compared to the schools that students are zoned or assigned to attend. In the 2017-18 school year, UPW students outperformed these schools on the SAT and improved student performance in reading growth, which places it in the 83<sup>rd</sup> percentile. To address its school’s academic performance issues, UPW needs to give additional attention to providing intensive support in math across all grade levels. In addition, the school should include tiered supports to students with additional needs.

*Organizational Capacity.* The Commission has determined that UPW approaches the standards set by the Commission for organizational capacity. The UPW governing Board is

diverse in its expertise, however, it is not clear that the Board is sufficiently engaged monitoring the school's performance and holding the school's leadership accountable. Additionally, the school needs to enhance its organizational structure for managing the additional reporting requirements that will be allocated to an LEA.

*Facilities and Finance Management.* The Commission has determined that UPW does meet the standard that it sets for Commission schools with regard to facilities and finance management. UPW will not be allowed to continue the lease of the CPS-owned facility where it currently operates<sup>4</sup>. UPW has identified a former Catholic school facility and plans to relocate there but will need to act aggressively to ready the site for fall 2019.

UPW's budget is reasonable and reflects an accurate picture of funding as a Commission authorized charter/LEA. The budget assumes enrollment of 370 students, which would be a significant increase over the current enrollment of 175 students, which has declined over the last few years. Stabilization of the enrollment at UPW will be important for UPW's ability to meet standards with regard to facilities and finance management. Moreover, the Urban Prep network manages and oversees fiscal management and review of the audits and financial reports show limited reserves and high debt ratios for the organization. These issues will need to be addressed prior to seeking certification.

## **2. Legislative Priorities.**

UPW has been able to advance two of the Charter Law's stated legislative priorities and would continue to serve this function as a Commission authorized school.

*Level of Community Support.* Throughout the appeal process, UPW was able to demonstrate that UPW as well as its other campuses enjoy extensive support throughout the local school community among students, parents and faculty as well as the broader community that UPW serves. The public hearing was attended by more than 100 people and approximately 36 individuals provided comments in support of UPW's appeal. Additionally, numerous local public officials and community representatives provided written letters in support of the school.

*At-Risk Populations.* UPW advances the goal established by Illinois legislators to serve

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<sup>4</sup> CPS maintains that all charter school building leases are written to accompany a charter school's charter agreement and that the leases expire when the charter agreement does or is otherwise terminated.

students traditionally seen as educationally at-risk. UPW is located on Chicago's west side and serves a student population that is 99% African- American and 98% Low Income. UPW's mission is "to provide a comprehensive, high-quality college preparatory education to young men that results in our graduates succeeding in college." The school maintains a college preparatory focus for educationally disadvantaged males, predominately African American males, who have significant skill gaps when they enter high school. The school also serves a substantial population of students with Individualized Education Plans.

### **3. Availability of Educational Options for Current UPW Students.**

During the majority of the appeal process, CPS offered to facilitate enrollment in schools available to UPW students to attend upon UPW's closure. CPS offered to guarantee placement into four other school options<sup>5</sup>. Commission Staff conducted an analysis of the assigned schools for UPW's students and the guaranteed options and found that UPW outperforms these schools on most academic measures.

In addition to these guaranteed options, CPS offered that UPW students would have the option of attending other higher performing Charter Schools. This offer is commendable, but CPS cannot guarantee placement in these schools. Moreover, none of these schools offer the uniquely designed model and mission to serve all-boys; making them unlikely choices for UPW families. CPS did not indicate that transportation would be made available to students but did indicate that receiving schools would be eligible to receive additional funding if students chose to attend.

The Commission weighed the UPW's ability to meet the standards established by the Commission, as well as the extent to which the school is currently advancing legislative priorities under the Charter Schools Law and whether the students that UPW currently enrolls would be better served by attending their assigned schools and their access to better performing schools. On the whole, the Commission concludes that it is in the best interests of the current students at UPW to retain this educational option.

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<sup>5</sup> None of the four options were schools that more than 50% of the students would be assigned to attend. The Commission's analysis of the top four assigned schools revealed that the school's performance was not higher than UPW across all academic measures on the SQRP and in some cases the academic performance was lower. One of the four schools CPS identified as a guaranteed option has a selective admissions program within the school, which inflates the school's overall performance.

First, the students' best interests cannot be neatly extricated from the Commission's finding that UPW did make reasonable progress on its Remediation Plan following the Board's renewal decision. The record on appeal indicates that UPW made material progress toward full implementation of its Remediation Plan and that it has improved academically. It is in the best interests of students, families and the local community at UPW to be allowed to continue this progress.

Second, even though UPW approaches but does not yet meet Commission's standards on each domain, UPW has demonstrated that implementation of its Remediation Plan can lead to improved academic results. The charter school showed improvement on SQRP measures within a six-month window. The charter network that operates UPW has demonstrated success at its other campuses: Urban Prep – Bronzeville High School earned an SQRP rating of 2.8 and Urban Prep – Englewood High School earned an SQRP rating of 2.7. With more time to execute changes, the Commission expects that UPW will continue to improve in the areas where it currently does not meet Commission standards.

Third, the record shows that the majority of the assigned schools and the placement options offered by CPS to current UPW students are not performing substantially better than UPW<sup>6</sup>. This means that some of the receiving schools where UPW students would enroll may themselves become the subject of closure or revocation in the near future. A large number of speakers at the public hearing on February 5, and at the March 19, 2019 public meeting urged the Commission to keep UPW open because of the unique, single-gender model that prepares at-risk male students for college; and because it not only offered physical safety, but psychological safety for one of the city's most at-risk student populations. It is not in the best interest of current UPW students to subject them to serial, involuntary school transfers.

Accordingly, the Commission concludes that it is in the best interests of the students currently enrolled at UPW to grant the UPW appeal and allow the school to remain open during the 2019-2020 school year.

## **V. Conclusion**

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<sup>6</sup> In 2017-18, UPW's college enrollment and persistence rates were higher than the schools more than 50% of students are zoned to attend and the placement options offered by CPS. In the same year, 12.8% of UPW students met college readiness benchmarks, as compared to 9.7% in 2016-17 academic year. None of the zoned schools have more than 10% of its students meeting college readiness benchmarks; and only two of the placement options offered by CPS have more than 15% of students meeting college readiness benchmarks. It was noted that one of these schools has a selective admissions program, which would not be accessible to most UPW students.

For all of these reasons, and those stated at the public meeting of March 19, 2019, the Commission concludes that UPW complies with the provisions of the Charter Law and that it is in the best interests of students it is designed to serve. On the basis of the information presented to the Commission on appeal, the Commission concludes that reversal of CPS's decision to revoke UPW's Charter is warranted.

Appeal SCSC19-004 is GRANTED.

The Commission reverses the CPS charter revocation decision and reinstates the charter for UPW Charter School, subject to the execution of a Charter Agreement that includes the following express conditions:

1. By July 1, 2019, Urban Prep provides necessary and sufficient documentation, including but not an executed facility lease to demonstrate capacity to operate a school in fall 2019. Monthly status updates on progress to be provided to Commission staff.
2. By July 25, 2019, Urban Prep West to submit pre-enrollment certification documentation for a minimum of 155, enrolled and registered, students eligible to enroll in fall 2019.
3. By August 1, 2019, a Strategic Plan in accordance with the Commission's Accountability standards and expectations for performance in the 2019-20 school year.

The Commission's Counsel is authorized to include relevant terms and conditions in the written Agreement, which shall reflect resolution of any and all outstanding issues between the Commission and the governing body of the charter school, including, but not limited to: charter authorization, site location, funding, Commission fees, financial controls and practices, academic accountability, and evaluations.

Dated: April 4, 2019