

**IN THE ILLINOIS STATE
CHARTER SCHOOL COMMISSION**

Bronzeville Lighthouse Charter School)	
)	
v.)	No. SCSC 16-004
)	
Chicago Public Schools District 299)	

FINAL DECISION OF THE COMMISSION

On March 1, 2016, the Illinois State Charter School Commission (the “Commission”) voted to reverse the Board of Education for the Chicago Public Schools District No. 299 (“CPS” or “CPS Board”) decision to non-renew the charter that had previously been granted to Chicago Lighthouse Charter School (“Chicago Lighthouse”) to establish the Bronzeville Lighthouse Charter School (“Bronzeville” or the “Charter School”). The Commission concludes that the CPS Board did not comply with the parties’ charter agreement or the Illinois Charter Schools Law when it voted not to renew the Charter School and that it would not be in the best interests of the current students enrolled to close the school at the end of the academic year. 105 ILCS 5/27A-8. Therefore, the Commission reverses the CPS Board’s decision to non-renew the Bronzeville Lighthouse Charter School.

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 non-renewal 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 CPS Board voted to non-renew the Bronzeville Charter on November 18, 2015. On December 18, 2015, in compliance with the statutory deadline, Bronzeville submitted an appeal to the Commission. Chicago Lighthouse’s submission included the documentation necessary for the Commission Staff to initiate its review on appeal. The record clearly demonstrates that on November 18, 2015, CPS took action to non-renew Bronzeville’s Charter. Accordingly, the Bronzeville appeal is properly before the Commission under 105 ILCS 5/27A-9(e) and 23 Ill. Admin. Code 650.100(a).

II. Procedural Background

Bronzeville filed its appeal seeking reversal of the CPS Board non-renewal decision. Upon receipt of Bronzeville’s appeal submission, Commission staff began its process of review and

analysis of the CPS Board's decision and Bronzeville's appeal. The Commission voted to accept jurisdiction over the appeal on February 9, 2016.

The Commission retained a team of experts to analyze the overall record on appeal. Over the course of the appeal process, the Commission staff, counsel, and team of evaluators engaged in a number of activities and conducted a review of the following: (1) memoranda from the parties regarding their arguments on the non-renewal decision; (2) Bronzeville's renewal proposal; (3) Bronzeville's charter renewal agreement and appended accountability plan; (4) a Statement of the School's Capacity to Become an LEA, which included five-year budget projections; (5) the CPS renewal application; (6) aggregate data regarding student performance at schools in assigned school zones; (7) FY 14 financial score card data; (8) academic findings report data; (9) Bronzeville progress and performance reports; and (10) additional submissions from Bronzeville and CPS per the request of Commission staff, which included various correspondence between the parties during the CPS renewal process.

In addition to the review of the above, Commission staff and evaluators: (1) conducted a joint interview of the parties to question them about Bronzeville's academic program, its facility, operations, financial performance, and management of the school, as well as CPS's non-renewal criteria, process, policies and ultimate non-renewal decision; (2) conducted a school site visit, which included a tour of the school facility, classroom observations, and a meeting with parents (the site visit was observed by a member of CPS staff); (3) held conference calls with the parties regarding the appeal process; and (4) compiled and analyzed relevant academic performance and other data. Additionally, counsel reviewed and analyzed the appeal record, memoranda and other submissions.

On February 16, 2016, the parties participated in a public hearing to receive comment on Chicago Lighthouse's appeal. Commissioner DeRonda Williams, Commissioner Kathy Robbins, Commissioner Troy Ratliffe, and Interim Executive Director Hosanna Mahaley Jones and Deputy Director Shenita Johnson represented the Commission at the hearing. At the public hearing, the Commissioners heard comments from individuals who support both parties and from over fifty (50) speakers who expressed support for a decision to keep Bronzeville open.

Having conducted a comprehensive review of all the materials submitted by the parties and the analyses performed by experts and having concluded due diligence, Commission staff prepared its recommendation to the Commission. On February 29, 2016, Commission staff met with the parties to this appeal and informed them that Commission staff would recommend that the appeal be granted. On March 1, 2016, the Commissioners met and voted on Commission staff's recommendation regarding Bronzeville's appeal. Seven (7) Commissioners were serving on the Commission as of March 1. Six (6) Commissioners participated in the discussion of the appeal and vote at a duly noticed public meeting and those same six (6) Commissioners voted to adopt the staff recommendation and to grant the appeal.

III. Findings of Fact

A. CPS Revocation Process and Decision

1. In July 2011, CPS renewed its Charter Agreement with Chicago Lighthouse. The Charter Renewal Agreement (“Charter Agreement”) included an Accountability Plan that was expressly incorporated into the Agreement and stated that the CPS Performance Remediation and Probation Policy (PRPP) “shall be used to determine if a school is meeting or making reasonable progress, as defined in the Illinois Charter Schools Law. This determination shall be used in decisions concerning the revocation or renewal of a school’s charter or contract.” (Charter Agmt, Ex. D, Accountability Plan, at i-ii.)
2. The Charter Agreement enables CPS to modify the Accountability Plan that it uses to evaluate Bronzeville’s performance, but requires that CPS provide advance written notice to the charter school before it can be applied. The provision states that “[t]he Charter School shall be held accountable by the Board in accordance with the Accountability Plans in Exhibit D . . . the parties agree that the Accountability Plan attached as Exhibit D hereto is subject to revision and modification by the Board effective on July 1 of each year of the Agreement upon written notice from the Board no later than April 1 of each year at which time the Charter School shall have an opportunity to comment on such revised Accountability Plan.” (Charter Agmt. ¶ 9.)
3. The Accountability Plan incorporated into the Bronzeville Charter Agreement at Exhibit D is entitled “Charter Accountability Plan - 2011-2012 School Year.”
4. The Charter Accountability Plan - 2011-2012 School Year specifically states that Bronzeville “shall be evaluated annually in accordance with the Agreement and this Accountability Plan, as may be amended from time to time to ensure, at a minimum, alignment with the district’s School Performance, Remediation and Probation Policy (“PRPP”).” (Charter Agmt. Ex. D., Accountability Plan at i.) The PRPP was adopted by the CPS Board on July 28, 2010 as Policy 10-0728-PO4) and according to the Accountability Plan, under the policy, a school would receive one of three ratings: “Remediation, Probation or Good Standing.” *Id.*
5. Pursuant to the PRPP, Policy 10-0728-PO4, “A school with an Achievement Level 3 score hereunder shall receive Probation status. A school with an Achievement Level 1 score or an Achievement Level 2 score hereunder shall receive Good Standing status,” except in certain limited circumstances.
6. CPS amended the PRPP in April 2013 and changed the policy again by adopting School Quality Rating Policy (“SQRP”) for both elementary and high schools on August 28, 2013. The 2013 SQRP Policy 13-0828-PO5 states that “CPS charter schools are subject to the performance standards set out in this policy by and through the accountability provisions in their charter contract with the Board and shall annually receive a School Quality Rating and Accountability Status.”
7. The SQRP, 13-0828-PO5, states that a “school with a School Quality Rating of Tier 1, Tier 2, or Tier 3 hereunder shall receive Good Standing status” except when the school has been on Probation or Remediation status for 2 or more consecutive years and in other limited circumstances.
8. In January 2014, CPS requested that Bronzeville consider transitioning from an accountability plan governed by PRPP, Policy 10-0728-PO4 to the new SQRP, Policy 13-

- 0828-PO5. Bronzeville opted to continue being held accountable pursuant to the PRPP for the 2014-2015 school year.
9. On March 31, 2014, CPS notified Bronzeville in writing that the 2013 SQRP would govern the school's accountability plan for the 2015-2016 school year. CPS informed Chicago Lighthouse that if Bronzeville did "not wish to be evaluated and measured against this revised Accountability Plan, [it] must submit written notification of [its] desire to terminate [the school's] charter school agreement with CPS, effective at the end of the current academic year."
 10. CPS adopted another version of the School Quality Rating Policy on August 27, 2014 and another on November 19, 2014. Under Policy 14-0827-PO2 and later adopted Policy 14-1119-PO1, CPS amended the SQRP language to change the Tier designations to Levels and to modify the rating scale so that a school was required to obtain a rating of 1+, 1 or 2+ in order to secure "Good Standing" status.
 11. CPS did not provide Bronzeville the required written notice before June 30, 2014 regarding its plan to adopt Policy 14-0827-PO2 or Policy 14-1119-PO1 and to apply the pupil performance standards set forth in those policies to Bronzeville during the 2014-2015 school year.
 12. For the 2014-2015 school year, the operative policy for the Accountability Plan incorporated into the Bronzeville Charter Agreement is the PRPP, Policy 10-0728-PO4, and not Policy 13-0828-PO5, 14-0827-PO2 or Policy 14-1119-PO1.
 13. For the 2015-2016 school year, the operative policy for the Accountability Plan incorporated into the Charter Agreement is SQRP, Policy 13-0828-PO5. (Charter Accountability Plan – Starting in 2015-2016 School Year at i.)
 14. The 2015-2016 SY Accountability Plan also states that the "Board may act to . . . not renew a charter . . . during the term of the Agreement in accordance with paragraphs 12 and 13 of this Agreement. In all circumstances, the Board shall follow the requirements of the Charter Schools Law and its Agreement, including all due process requirements, regarding the processes required for revocation, renewal, and non-renewal. When a charter is up for renewal, the charter's academic performance on the PRPP [sic] will be categorized as Meeting Standards, Making Reasonable Progress, or Failing to Meet Standards or Make Reasonable Progress." (Charter Agmt., Ex. D., Accountability Plan, at ix.)
 15. On December 3, 2014, CPS notified Bronzeville that the school had received an SQRP Rating of Tier 2 and a PRPP Achievement Level 3 Rating for the SY 2014-2015.
 16. On October 19, 2015, Chicago Lighthouse submitted its completed application for Charter Renewal to CPS with a Renewal Proposal, in accordance with the Charter Agreement.
 17. On October 26, 2015, CPS representatives confirmed receipt of Bronzeville's completed application. In an email, CPS also identified next steps in the renewal application process which were to include: 1) requests for additional information from CPS by November 20, 2015; 2) submission of responses to CPS requests for additional information by December 4; 3) meeting between CPS and Charter School representatives to review the renewal recommendation; and 4) a CPS Board vote on Bronzeville's charter renewal proposal in March 2016. The school also received notice from CPS in September 2015 that CPS planned to conduct a site visit to the school as part of the renewal application process.

18. In a press release dated *October 26, 2015*, CPS announced that the CEO would be proposing adoption of a new Charter School Quality Policy (CSQP). According to the press release, the CSQP would provide criteria for charter school non-renewal and non-renewal decisions.
19. The October 26, 2015 press release also stated that: “in conjunction with this [the CSQP] policy, the District will recommend immediately placing 10 charter schools on an Academic Warning List, which could result in the closure of these schools if performance does not significantly improve. Four of these schools are receiving additional scrutiny and could be recommended for non-renewal or non-renewal.”
20. The following day, CPS released the SQRP levels for all of its schools and Bronzeville learned that it had achieved a Level 3 SQRP rating for the 2015-2016 school year.
21. On October 28, 2015, the CPS Board approved the CSQP proposed by the CEO. The CSQP indicates that a charter school or campus is placed on the Academic Warning List if the charter school or campus has (1) a SQRP rating of Level 3; or (2) a two-year SQRP point value average of 2.5 or lower; or (3) a SQRP rating of Level 2 in three consecutive years. Bronzeville was placed on the Academic Warning List.
22. One week later, on November 4, 2015, the CEO of CPS notified Chicago Lighthouse in writing that “as part of the 2015-16 renewal process, the Office of Innovation and Incubation evaluated each application for renewal against the parameters set by the Charter Quality Policy.” Having conducted the evaluation of Bronzeville’s renewal application, the CEO determined that Bronzeville had “failed to meet or make reasonable progress toward achievement of the content standards” and he would be recommending that the CPS Board “decide not to renew [the school’s] charter and charter agreement effective July 1, 2016” pursuant to the Charter Schools Law, Paragraph 12 of the Charter Agreement and “section V.(A) of the Charter Quality Policy”.
23. On November 18, 2015, CPS officials gave a public presentation to the CPS Board during which it explained the basis for its recommendation that Bronzeville be non-renewed. In the presentation, CPS stated that the non-renewal recommendation was due to Bronzeville’s lack of progress on meeting academic standards and pointed to the downward trend in the school’s performance from a PRPP Level 1 Rating in 2011-2012 SY to an SQRP Level 3 Rating in 2015-2016 SY. CPS also noted that Bronzeville “has a 2 year SQRP average of 2.0, less than the 2.5 benchmark.”
24. The CPS Board adopted the staff recommendation to deny Bronzeville’s renewal application and approved Board Report 15-1118-EX5 which expressly took action to non-renew the Charter School. The Board Report was duly certified on November 20, 2015 by the CPS Board Secretary. According to the Report, the CPS Board voted for non-renewal because the School “earned a School Year 15-16 SQRP rating of Level 3 based on school year 2014-15 data and has a 2 year SQRP average of 2.0.”
25. On November 25, 2015, CPS sent the Commission the Board Report, notice to Chicago Lighthouse of the CPS Board’s non-renewal decision and other materials documenting its decision and vote to close Bronzeville at the end of the 2015-2016 school year.

B. CPS Response to Bronzeville Appeal

CPS adopted a new Charter School Quality Policy in October 2015 and determined that an application of the standards for pupil performance under that policy clearly demonstrate that

Bronzeville has failed to meet or make reasonable progress toward achievement of the standards it is obligated to meet under the terms of its Charter Agreement. Based on that determination, CPS decided to forego asking Bronzeville to prepare a Remediation Plan and to forego implementation of the renewal application process. Instead, the CPS Board voted not to renew the school's charter and to close Bronzeville at the end of the 2015-2016 school year.

1. CPS asserts in early November 2015, following Chicago Lighthouse's submission of a charter renewal application and after evaluating Bronzeville's academic performance, the CPS CEO decided to recommend that the school's charter not be renewed by the Board at the end of the 2015-2016, which is when the Charter Agreement is set to expire.
2. CPS cites to the Illinois State Board of Education policy on Charter School Renewal/Revocation Decisions and states that "the school's progress on meeting student academic standards" is the "most important factor for renewal."
3. CPS contends that Bronzeville has failed to meet standards or make reasonable progress towards achievement of pupil performance standards for three consecutive school years. (CPS Br. at 7.) The Charter School has received a Level 3 PRPP Rating for SY 2013-2014 and SY 2014-2015 and was designated "Failing to Meet Standards or Make Reasonable Progress." Then, for the SY 2015-2016, Bronzeville received an SQRP Level 3 Rating.
4. CPS states that neither Bronzeville graduates' college attendance rates, current students' attendance rates nor their increased attainment and growth on the NWEA, MAP or PARCC assessments justify renewal of the school's charter.
5. CPS also argues that Chicago Lighthouse does not have the capacity to operate Bronzeville as a separate Commission authorized charter school because it has failed to outline a plan to improve its academic program and it lacks a realistic facility plan and budget. CPS also insists that there are other public school options in the neighborhood available to better serve students currently enrolled at Bronzeville.
6. As part of its recommendation to the CPS Board, CPS staff indicated that it developed a cross-departmental School Transition Team that would work with families impacted by the charter non-renewal and school closure. The Transition Team would work to develop a "customized transition team plan" for each student and (1) coordinate with potential receiving schools and community groups to identify higher performing school options; (2) provide academic and social-emotional supports to impacted students during the 2015-2016 and 2016-2017 school year; (3) facilitate the transition of student records; and (4) if necessary, secure supplemental transportation assistance for students.
7. On March 1, 2016, the day of the Commission vote on Bronzeville's appeal, CPS representatives publicly announced that staff worked to make arrangements with other CPS schools and find additional seats that it could guarantee to Bronzeville students. On February 29, 2016, just after 4 p.m., CPS sent a communication to the Commission and the Charter School with the same announcement. CPS stated that for Bronzeville students whose assigned school was not better performing, it would guarantee them a seat in one of four elementary that are better performing. CPS also promised to provide students who needed it transportation assistance for at least one year.

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 non-renewal decision, the Commission conducts an analysis of the local school district authorizer’s and the charter school’s legal compliance. The Illinois Charter Schools Law and the Charter Agreement delineate conditions, requirements, policies and procedures that an authorizer must follow when it makes a non-renewal decision and that a charter school must respect in order to mount a proper defense. Specifically, in the Accountability Plan, CPS commits to follow “all due process requirements, regarding the processes required for revocation, renewal and non-renewal.” (Charter Agmt., Ex. D., Accountability Plan, at ix.)

Although Bronzeville met the requirements for legal compliance with the Charter Law and the parties’ Charter Agreement, CPS did not. On review of the District’s non-renewal decision, the Commission considers whether Bronzeville performed its obligations under the terms of the Charter Agreement and the Charter Schools Law. Similarly, the Commission reviews whether CPS complied with the requirements set forth in the Charter Law and the parties’ Agreement regarding the non-renewal process. Here, application of the standards the CPS Board adopted as part of new CSQP approved in October 2015 to justify the non-renewal of Bronzeville’s charter was improper.

In the November 4, 2015 letter to Chicago Lighthouse, and the November 18, 2015 Board Report and public presentations, CPS states that Bronzeville’s charter was non-renewed pursuant to Section 9(c) of the Illinois Charter Schools Law, which in part states 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). Bronzeville’s pupil performance standards are set forth in the Accountability Plan which is expressly incorporated as Exhibit D to the Charter Agreement and identifies the specific policy that applies in a given school year.

Under the charter agreement, CPS was required to notify Bronzeville on or before June 30, 2015, if it was planning to apply performance standards from a policy other than School Quality Rating Policy 13-0828-PO5 for the 2015-2016 school year. Bronzeville did not receive notice of CPS’s intent to apply the CSQP to Bronzeville until November 4, 2015, after the new policy was approved. Therefore, CPS cannot rely on the higher standards for performance CPS established in the October 2015 CSQP to make Bronzeville eligible for automatic non-renewal in the 2015-2016 school year. Yet the record suggests that CPS did rely on the new standards in the CSQP to justify its non-renewal decision.

A review of the approved Board Report and November 18, 2015 presentations indicates that CPS made the non-renewal decision after a recommendation from the CEO based exclusively on his application of the CSQP, Section V.(A). The provision states that:

Charter school operators who operate a single-site charter school will be recommended for non-renewal to the Board if the school (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 contract, unless the charter school has at least a Level 2+ or higher SQRP rating in the final year of its charter agreement. (emphasis added)

The November 18, 2015 Board Report that the CPS Board approved states simply that “Bronzeville failed to meet or make reasonable progress toward achievement of the content standards or pupil performance standards because it earned a School Year 15-16 SQRP rating of Level 3 based on school year 2014-2015 data and has a 2 year SQRP average of 2.0.” *See* CPS Board Report 15-1118-EX5. In its November 4, 2015 letter, CPS explicitly states that Bronzeville was placed on the Academic Warning List based upon its SY 2014-2015 data and Level 3 SQRP Rating, and that pursuant to the Charter Law, the parties’ Charter Agreement in paragraph 12 and “section V.(A) of the Charter Quality Policy,” non-renewal of Bronzeville’s would be recommended. As a result of the CSQP Section V.(A), CPS aborted any “further review of Bronzeville Lighthouse Charter School, as previously communicated on September 14, 2015, and in the renewal application materials.”

The 2013 SQRP, Policy 13-0828-PO5, which applies to Bronzeville under the Accountability Plan for the SY 2015-2016, does not include the language of Section V.(A) that CPS relied upon to justify its automatic non-renewal decision. Instead, under the 2013 SQRP, CPS is required to adhere to the language of the Charter Agreement, in Paragraphs 12 and 13. In Paragraph 12, non-renewal requires a finding that “cause for revocation exists under Paragraph 13” of the Charter Agreement. Although CPS conclusively determined that Bronzeville failed to meet or make reasonable progress toward achievement of pupil performance standards set forth in its Accountability Plan, there is no evidence in the record that the CPS Board afforded Bronzeville any real notice, due process, or opportunity to remediate, as it would have been required to do before finding that revocation of Bronzeville’s charter and school closure was appropriate.

Instead, CPS decided to cancel the site visit to Bronzeville’s campus, skip the renewal application process that was expected to take nearly six (6) months, and dispense with the need for development and implementation of a Remediation Plan. The CPS Board proceeded directly to a vote against renewal of Bronzeville’s charter.

As a matter of law, the CPS Board’s application of the new standards and an automatic non-renewal provision from the CSQP to justify its non-renewal vote contradicts Paragraphs 9 and 12 of the Charter Agreement and Section 5/27A-9 of the Charter Schools Law, which require that CPS “clearly demonstrate” that cause for revocation of Bronzeville’s Charter exists under the operative Accountability Plan. CPS did not meet its burden to comply with 105 ILCS 5/27A-9 and for this reason alone its non-renewal decision warrants reversal.

C. Best Interests¹

For review of a non-renewal 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 Bronzeville Performance.

Academic Performance. The Commission has concluded that Bronzeville does not currently meet Commission standards with regard to academic performance. In its initial charter term, Bronzeville boasted a strong academic program. Yet transitions from founding school leadership led to instability in the academic leadership team and likely contributed to a significant downward trend in academic performance. The downward trend of the school’s performance is accurately captured by the Accountability Plan ratings the school received on the PRPP and SQRP. However, Bronzeville has exhibited significant gains in math, and average growth overall. During the Commission appeal process, the site visit yielded observations of high quality instruction. Additionally, the school outperformed many comparison schools on the PARCC assessment, albeit narrowly.

¹Arguably, a finding that the CPS non-renewal decision does not comply with the Charter Schools Law supports reversal and grant of Bronzeville’s appeal as a matter of law. However, the Charter Schools Law and Commission precedent is consistent with review of legal compliance and best interests on appeal. In light of its primary goal, the Commission will continue to observe the practice of reviewing matters relating to both legal compliance and best interests that are presented on appeal, regardless whether the appeal involves review of a proposal to establish a new charter school, a revocation or as here, a non-renewal decision.

Organizational Capacity. The Commission has determined that Bronzeville does meet the standards set by the Commission for organizational capacity. The current board of directors is primarily composed of newer members, but includes the founding school leader who oversaw the first few years of academic success at Bronzeville. The governing board of the Charter School actively responded to the poor academic performance in 2013 by dedicating resources to new leadership in a focused manner. Chicago Lighthouse hired a new principal and assistant principal in 2014 and in 2015, the school focused its efforts on improving services for diverse learners through the retention of a director of specialized services. Additionally, to serve the diverse learner students, the school added five paraprofessionals to the staff and has 100% of the special education teachers ISBE and HQT certified.

Bronzeville is managed by an external education service provider, Lighthouse Academies. The management agreement between the service provider and the Board clearly defines the appropriate set of responsibilities and specifies that the governing board may use necessary tools to evaluate the service provider's performance.

Facilities and Finance Management. The Commission has determined that Bronzeville does meet the standard that it has set for Commission schools with regard to facilities and finance management. CPS has not committed to continue to allow Bronzeville to lease its current facility if the appeal is granted and school is allowed to remain open. 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. Bronzeville has identified an independent facility to locate the school if CPS does not make the current building available. However, Bronzeville was not able to provide sufficient information about the cost and feasibility of securing the alternative facility during the appeal process.

An analysis of Bronzeville's budget indicates that the school has a positive cumulative fund balance and significant cash-on-hand. However, budget estimates did not account for potential increases in rent and/or facilities costs. The lack of additional information regarding the costs of an alternative facility weakened the relative strength of Bronzeville's overall budget as a Commission-authorized school and LEA.

2. Legislative Priorities.

Bronzeville 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, Bronzeville was able to demonstrate that Bronzeville enjoys extensive support throughout the local school community among students, parents and faculty as well as the broader community the school serves. The public hearing was attended by more than 250 people and over 50 individuals provided comments in support of Bronzeville's appeal. Many of the comments offered during the public hearing indicated that parents, staff and students recognize and approve of the changes that Chicago Lighthouse has made recently under the new principal.

At-Risk Populations. Bronzeville advances the goal established by Illinois legislators to serve students traditionally seen as educationally at-risk. Bronzeville is located in the

Bronzeville community on Chicago’s south side and serves a student population that is 95% African-American and 94% Low Income. The school also serves a substantial population of students with Individualized Education Plans or diverse learners (13%). Bronzeville’s mission is to prepare its students “to succeed through a rigorous arts-infused educational program; to provide all scholars with the socio-emotional foundation necessary to carry them through high school and college.”

3. Availability of Educational Options for Current Bronzeville Students.

During the majority of the appeal process, CPS offered to facilitate application and enrollment in schools available to Bronzeville students to attend upon the school’s closure, but did not guarantee placement into any of the other school options. When asked during the appeal process about transition plans and placement for impacted students, CPS was unable to provide any information regarding guaranteed placement or transportation. Instead, the Commission was informed that the only guaranteed placement available for families is the students’ assigned or zoned school.

Commission Staff conducted an analysis of the assigned schools for Bronzeville’s 470 students and found that if all Bronzeville students enrolled in their assigned schools, 88% of those students would have transferred to a higher performing school. However, only 22% of the students would be able to enroll in assigned schools that are in good standing.

SQRP Rating Level	Accountability Status	% (number) of students zoned to attend	# of schools
1+	Good Standing	6%(24)	10
1	Good Standing	11%(43)	15
2+	Good Standing	5%(20)	11
2	Remediation	66%(264)	47
3	Probation	10% (41)	6

At the public meeting on March 1, 2016, CPS announced that the Transition Team had worked to secure seats for Bronzeville students in a larger pool of high performing schools. As a result, CPS guaranteed that Bronzeville students whose assigned school was not higher performing than Bronzeville would have access to seats in schools that were. CPS guaranteed that the Bronzeville students would gain admission to one of four elementary schools. CPS also promised to provide transportation for students to those new schools for at least one year. Bronzeville and the Commission received written notice of these guaranteed seats from CPS less than twenty-four (24) hours prior to the Commission public meeting to deliberate and vote on Bronzeville’s appeal. The lack of notice left the Commissioners virtually no time to evaluate the new school options or for Bronzeville to communicate the new information to parents and students and obtain feedback in advance of the Commission vote.

The Commission weighed the Bronzeville’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 Bronzeville 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 Bronzeville to reverse the CPS non-renewal decision.

First, the students' best interests cannot be neatly extricated from the Commission's finding that the CPS Board's non-renewal decision did not comply with the Charter Schools Law. It is in the best interests of students, families and the local community at Bronzeville to be able to trust that the Charter Agreement the school has with the its authorizer will be followed and that the due process protections owed to students, teachers and others in the school be afforded to them before a decision is made to abandon the renewal application process and impose materially different accountability standards that will qualify the school for non-renewal and closure. Allowing Bronzeville to remain open for the 2016-2017 school year when CPS has not clearly demonstrated that it followed the due process and other requirements necessary to find that "cause for revocation exists" pursuant to Paragraphs 12 and 13 of the Charter Agreement and in compliance with the Charter Schools Law, is wholly consistent with the Bronzeville students' best interests.

Second, even though Bronzeville does not meet the Commission's standards at this time on each domain, Bronzeville has demonstrated that it has new, committed leadership that is prepared to dedicate resources to achieve improved academic results. The charter school adopted a new curriculum and is expected to make additional changes to its assessment and data analysis programs. With more time to execute changes, the Commission expects that Bronzeville will continue to improve in the areas where it currently does not meet Commission standards – academic performance and facilities and finance management.

Third, even though Bronzeville's overall performance falls below Commission standards for high quality educational options. The record shows that majority of the assigned schools that will be available to current Bronzeville students are not performing substantially better than Bronzeville. Because so many of the receiving schools where Bronzeville students would enroll are not in good standing, those schools may themselves become the subject of closure or non-renewal in the near future. Additionally, a large number of speakers at the public hearing on February 17, and at the March 1, 2016 public meeting urged the Commission to keep Bronzeville open because it was the safest option in the community for students to attend. It is not in the best interest of Bronzeville students to subject them to serial, involuntary school transfers.

The last minute offer from CPS to offer Bronzeville students a guaranteed seat and transportation to a better educational option was unfortunately too late. Without the ability to analyze the performance and other information regarding the schools CPS proposed as better options, the Commission was not in a position to conclude that the schools where CPS offered to send Bronzeville students would actually provide them with a better education. If Bronzeville students are left only with their assigned schools, the Commission must find that Bronzeville is a safer, higher quality educational option for Bronzeville students overall. Accordingly, the Commission concludes that it is in the best interests of the students currently enrolled at Bronzeville to grant the appeal, allow it to remain open and renew the school's charter for another term.

V. Conclusion

For all of these reasons, and those stated at the public meeting of March 1, 2016, the Commission agrees with Commission staff that CPS District 299 did not comply with the Accountability Plan and Non-Renewal provisions of the Charter Agreement it has with Bronzeville and therefore did not comply with the Illinois Charter Schools Law. The Commission also concludes that grant of the Bronzeville appeal would be in the best interests of the students currently enrolled at the school. On the basis of the information presented to the Commission on appeal, the Commission reverses the CPS Board's non-renewal decision. The appeal is GRANTED.

The Commission reverses the CPS charter non-renewal decision and renews the charter for Bronzeville Lighthouse Charter School, for a term of three years, through June 30, 2019, subject to the execution of a Charter Agreement that includes the following express conditions:

- 1) Approval of a charter agreement by the Commission Staff that includes a refined plan to strengthen the academic program;
- 2) Approval of a Lease and Facility Plan by the Commission Staff, to include a pre-opening checklist and timeline which shall include updated financial projections for facility plan and as an LEA; and
- 3) Submission of Letter of Intent to Enroll forms for a minimum of 80% of the school's enrollment cap.

The Commission's Counsel is authorized to include relevant terms and conditions in the written renewal 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: March 17, 2016