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November 20, 2020

VIA EMAIL

Ms. Jennifer Smith
Franczek P.C.
300 S. Wacker Drive, #3400
Chicago, IL 60602

Re: Haymarket DuPage

Dear Ms. Smith:

Thank you for taking the time to coordinate our recent call between Superintendent Benes, myself and our client, Haymarket. We greatly appreciated the opportunity to continue the conversation regarding School District No. 10's ("District") concerns about Haymarket DuPage.

Before embarking upon a discussion of the financial issues of concern to the District, we would like to turn the District's focus to Haymarket's mission, which is to aid people with substance use disorders in their recovery by providing comprehensive behavioral health solutions. Haymarket Center is a leader in the field of addictions and behavioral health treatment. It has attained this status through evidence-based interventions and state of the art programming geared toward strong outcomes. In its decades-long operation, Haymarket has never been questioned relative to its financial impact on any school district in which it offers treatment programs. Thus, the District's financial concern, which appears centered on the possibility that a person undergoing treatment might be classified as homeless which could allow his/her homeless child to seek educational services from the District, was not contemplated by Haymarket in its consideration of opening its treatment facility in Itasca.

Over the past year, Haymarket counsel spent significant time investigating the financial concern the District raised in both the private meeting with Haymarket and as amplified in its series of written questions. While reviewing these questions and seeking input from a number of people in the education and homeless advocacy communities, Haymarket, through its counsel, became aware of the complexities of the state and federal laws and regulations governing the public school system's responsibilities to children under kindergarten age, and particularly to children who may be classified as homeless.

Haymarket now better understands why the District was sensitive to Haymarket's proposal to provide a treatment program which allowed up to two children under the age of 5 to live with their mothers in Haymarket DuPage, even while we believed that the call upon the District to provide educational services

to any child residing with a mother at Haymarket would not arise. In addition, Haymarket also better understands the District's concern that it may be obligated to provide services for a non-resident child of a parent who is undergoing treatment at Haymarket DuPage.

In response to the District's financial concerns, and as a result of its investigation, Haymarket ultimately determined to address the District's financial concerns by referring women with children to Haymarket Center in Chicago. This was a difficult decision because the lack of child-care is a major barrier to women seeking treatment, and it is far better to serve this population in the local community. Nonetheless, this concession was made in an effort to address the District's financial concerns.

As the zoning applications had to be amended to reflect the new ownership of the subject property, a decision was made at the same time to notify the Village and the District that Haymarket DuPage would not allow children to accompany their mothers who were securing treatment. As a result of this decision, Haymarket believed it had fully responded to the District's financial concerns relative to providing educational opportunities for children who could be deemed residents of Itasca as a result of their living with their mothers at Haymarket DuPage and that a written response to the District's questions was no longer necessary.

In discussions with you, and as a result of our recent conversation with Superintendent Benes, we realized that the District continues to have questions about the financial impact to the District should Haymarket DuPage be allowed to open in Itasca. This letter is to provide further clarification of some of the issues that were discussed during our call:

1. In Chicago, almost all of Haymarket's patients are homeless, as defined by the federal Human Resources and Services Administration: "**Homeless:** Per Section 330(h)(5)(A), the term "homeless individual" means "an individual who lacks housing (without regard to whether the individual is a member of a family), including an individual whose primary residence during the night is a supervised public or private facility that provides temporary living accommodations and an individual who is a resident in transitional housing." Haymarket does not anticipate that this will be the case in Itasca as patients will be drawn from DuPage and the collar counties where most will have permanent residences and not be classified as homeless. Thus, we are assuming that a parent in need of treatment will have a spouse or other family member who will have guardianship of their children and, thus, residency of any child of a parent in treatment will not be established at Haymarket DuPage. Moreover, existing family access to quality education makes it unlikely, in our opinion, that a patient will seek educational services for their non-resident children from the District.
2. The average stay for patients in residential treatment at Haymarket Center is 14-28 days and the average stay for those in recovery homes is 90 days. Haymarket anticipates that the average stay for a patient will not change significantly at Haymarket DuPage. Thus, in our opinion, it is unlikely that a parent in treatment would request educational services for their children from the District or uproot their children from their current schools in order to relocate them to the District.
3. If women with children arrive at Haymarket DuPage seeking treatment, they will be transported by a Haymarket staff member to Haymarket Center in Chicago.

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4. Haymarket amended its zoning applications to include a commitment to not seek licensing for the treatment program for women with children. The District expressed its concern that Haymarket could change its mind and seek licensing for the program at any time, notwithstanding this commitment. As we explained during our call, it is not easy to change programming once licenses have been secured from the State of Illinois. In addition, it is difficult for Haymarket to change its programming from an operational perspective. There is an infrastructure within the building and a team of staff that are dedicated to certain programs and it is not possible to change one program without impacting others.

In addition to answering the questions raised during our recent call, we reviewed once again the questions the District posed last year. As stated during our telephone call, the questions no longer appear to be relevant given the decision to not accept women with children at Haymarket DuPage. If you believe any of the questions posed is still relevant to the Haymarket application for zoning, please let me know.

In conclusion to Haymarket's response, as you know, the Village of Itasca staff report recommended as a condition of approval the following: *"Petitioner's application states that no children will be allowed to stay at the facility overnight even if his/her/their parent(s) are part of the treatment program. If approved, any change in this policy must be approved by the Plan Commission and Village Board by amendment to the special use for a planned development."* We understand that this condition was not authored by or developed in consultation with the District. However, if Haymarket was to agree to a condition of this nature, or if this condition was made by the Village, would it eliminate the District's concerns relative to Haymarket's zoning request?

On behalf of Haymarket, I thank you for engaging with us in this conversation on the proposed Haymarket DuPage. Haymarket stands ready to be a good neighbor to and partner with the District and with the Village and its residents. Haymarket is passionate in its mission and believes there is a very real need for its treatment services in the Village and in DuPage County.

Thank you for your continued willingness to discuss the zoning application with us. We are happy to further explore opportunities which address District financial concerns and create a working relationship between Haymarket and the District.

Very truly yours,



Bridget M. O'Keefe

BMO:jks

cc: Dr. Daniel Lustig
Karen Kissel
Mary Dickson