

**REMOVE AND REPLACE THE PRINCIPAL OF THEODORE HERZL ELEMENTARY SCHOOL  
AND TERMINATE THE PRINCIPAL'S CONTRACT**

**THE CHIEF EXECUTIVE OFFICER RECOMMENDS:**

That the principal of Theodore Herzl Elementary School ("Herzl"), Patricia Surgeon, be removed and replaced pursuant to Section 34-8.3(d) of the Illinois School Code and that her contract be terminated pursuant to Section V of the Board's Uniform Principal's Performance Contract.

**DESCRIPTION:**

**I. Legal Framework**

The Illinois School Code grants the Chief Executive Officer of the Chicago Public Schools ("CEO") the authority to place schools on probation to correct deficiencies in their academic performance (105 ILCS 5/34-8.3). The Illinois School Code further grants the Chicago Board of Board ("Board") the authority to establish guidelines to determine the factors for placing an attendance center on probation. 105 ILCS 5/34-8.3(b)(4).

Pursuant to that authority, the Board has in place policies under which Herzl was placed on probation. The Board recently adopted the "School Performance, Remediation and Probation Policy for the 2009-2010 School Year," (Board Report 09-0624-PO1) and Herzl will remain on Probation in accord with the terms of that policy.

The School Code provides that when a school on probation fails to make adequate progress to correct deficiencies within one year, the CEO, with the approval of the Board and after an opportunity for a hearing, may remove and replace the school's principal. 105 ILCS 5/34-8.3(d)(1). Pursuant to Section V of the Board's Uniform Principal's Performance Contract, a principal's contract may be terminated before the expiration of its four-year term based upon the principal's removal pursuant to Section 34-8.3(d).

**II. Hearing on Principal Removal**

Pursuant to the "Guidelines for the Removal and Replacement of Principals of Schools on Probation for the 2009-2010 School Year" and the "Procedures Governing Principal Removal Hearings", Patricia Surgeon, Herzl's principal, and the Herzl Local School Council (LSC) were duly notified that the CEO was contemplating the removal of Patricia Surgeon as principal pursuant to Section 34-8.3(d) to further the school's educational improvement. Mr. Fred Bates, Esq., an independent hearing officer, presided over the Herzl principal removal hearing on Wednesday, June 9, 2010, in an efficient and impartial manner.

The Law Department, representing the CEO, presented the statements of the Area 9 Chief Area Officer and the Chief Officer of Research, Evaluation and Accountability as well as documentation to support a recommendation to remove Patricia Surgeon as Herzl's principal to the hearing officer. The hearing was uncontested.

The hearing officer has submitted a written report to the CEO summarizing all relevant evidence offered during the hearing, making findings of fact, and recommending the removal of Patricia Surgeon as the principal of Herzl.

**III. Chief Executive Officer's Recommendation**

The CEO has reviewed the Hearing Officer's findings of fact and recommendation and hereby recommends that Patricia Surgeon be removed and replaced as the principal of Herzl effective at the end of the 2009-2010 academic school year. The CEO further recommends that Patricia Surgeon's Uniform Principal's Performance Contract, with a term beginning December 18, 2008, and ending December 17, 2012,, be terminated effective June 30, 2010. These recommendations are based upon the following factors:

A. Herzl Elementary School has a history of poor performance. It has been on probation for the past

three (3) school years, including the 2009-2010 school year, and for five (5) out of the last six (6) school years.

- B. Herzl Elementary School has not made adequate progress to either meet its SIPAAA priority goals or to come off of academic probation; despite significant support from the probation team, which included the former Area Instruction Officer, the current Chief Area Officer and the Area Office staff.
- C. In the 2007-2008 school year, Herzl earned 42.9% of the total available points under Chicago Public Schools' School Performance, Remediation and Probation Policy for the 2009-2010 School Year, 09-0624-PO1. In the 2008-2009 school year, Herzl earned 26.2% of available points. Herzl's decline in points is attributable to the fact that Herzl is achieving well below the District, and is not making significant progress in catching up, which is demonstrated by the following.
  - (1) Herzl's 2008-2009 performance on the ISAT composite, which is the combined result of the ISAT reading, mathematics, and science assessments, was 50.7%, compared to a District average of 69.8%.
  - (2) In reading, the percent of Herzl students meeting or exceeding state standards on 2008-2009 ISATs was 50.5%, compared to a District average of 67.8%.
  - (3) In mathematics Herzl's performance was 57% on 2008-2009 ISATs, compared to a District average of 73.6%.
  - (4) In science Herzl's performance was 29.7% on 2008-2009 ISATs, compared to a District average of 64.3%.
  - (5) The gap between Herzl and the District has been persistent over time, and in recent years has been widening. After the 2005-2006 school year, when the District as a whole, including Herzl, showed large improvements in the percent of students meeting or exceeding state standards, the District continued to improve, from 61.8% on the ISAT composite in 2005-2006 to 69.8% in 2008-2009, an increase of 8 percentage points. Over this same period, the ISAT composite score for Herzl went from 48.8% to 50.7%, an increase of 1.9 percentage points.
  - (6) Herzl's 2009 reading Value-Added score was -3.4 and its mathematics Value-Added score was -3.1. This means that on average between 2008 and 2009, students at Herzl grew 3.4 ISAT scale score points less in reading and 3.1 ISAT scale score points less in mathematics than similar students in the District. As a point of reference, Herzl's reading score was in the bottom 6% of scores and its math score was in the bottom 11 of scores in the District in 2009.
- D. The Chief Executive Officer and his designee, the Chief Area Officer have provided significant supports to the school and gave Principal Surgeon months of remediation with available coaching in which to demonstrate that she could lead the school to meet its SIPAAA priority goals and off of academic probation. Based on her performance and the CEO and his designee's judgment that Principal Surgeon has failed to remediate performance deficiencies, it is the CEO and his designee's judgment that new leadership at Herzl Elementary School is necessary that period of remediation, the Chief Executive Officer believes lead the school to meet its SIPAAA priority goals and off of academic probation.

If the Board adopts the CEO's recommendation to remove the Herzl principal, the following actions will occur:

- 1. The CEO will appoint an interim principal for Herzl, based upon the recommendations of the Chief Area Officer. The interim principal will serve at the pleasure of the CEO; and
- 2. The LSC shall have no authority to select a new four-year contract principal until Herzl makes sufficient academic progress to be removed from probation.

**LSC REVIEW:** LSC approval is not applicable to this report.

**FINANCIAL:** The interim principal position will be filled at a cost within current budget appropriations.

**PERSONNEL IMPLICATIONS:** An Interim Principal will be selected, who will serve at the pleasure of the CEO. Until the school comes off probation, the Local School Council of Herzl will have no authority to select a new four-year contract principal.

Approved for Consideration:



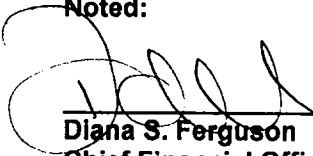
Barbara Eason-Watkins  
Chief Education Officer

Respectfully submitted:



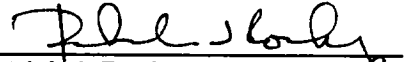
Ron Huberman  
Chief Executive Officer

Noted:



Diana S. Ferguson  
Chief Financial Officer

Approved as to Legal Form:



Patrick J. Rocks  
General Counsel

