

August 22, 2001

**RECOMMENDATION TO REMOVE THE PRINCIPAL OF BRIAN PICCOLO ELEMENTARY  
SCHOOL PURSUANT TO SECTION 34-8.3(d) OF THE ILLINOIS SCHOOL CODE**

**THE CHIEF EXECUTIVE OFFICER RECOMMENDS:**

The removal of the principal of Brian Piccolo Elementary School ("Piccolo School") pursuant to Section 34-8.3(d) of the Illinois School Code.

**DESCRIPTION:**

The 1995 Amendatory Act of the Illinois School Code grants the Chief Executive Officer of the Chicago Public Schools the power to place an attendance center on probation to correct deficiencies in the performance of that school (105 ILCS 5/34-8.3).

Pursuant to that power, in October 1996, the Chief Executive Officer placed 109 schools on probation, including Piccolo School, because fewer than 15% of the students in these schools were reading at or above grade level and because these schools had a history of low student achievement over the past several years.

Section 34-8.3(d) further states that, with respect to attendance centers on probation which have failed to make sufficient progress in correcting educational deficiencies, the Chief Executive Officer may take other actions, with the approval of the Board of Education, including the removal of the principal after an opportunity for a hearing.

Pursuant to the "Revised Guidelines for the Removal and Replacement of Principals of Schools on Probation," (hereinafter "Guidelines" and attached as "Attachment A"), and "Revised Procedures Governing Principal Removal Hearings" (hereinafter "Hearing Procedures" and attached as "Attachment B"), a hearing was held by a duly-appointed hearing office to receive input concerning the removal of the principal of Piccolo School.

**I. Hearing**

A hearing was held on August 7, 2001, to ascertain whether the principal of Piccolo School should be removed for failure to sufficiently correct the school's educational deficiencies.

Appropriate and proper notice was given for said hearing to the principal and local school council. The notice included the Chief Executive Officer's contemplated action to remove the principal of Piccolo School to further the school's educational improvement.

The hearing was conducted by Richard Travis, Esq., who presided as an independent hearing officer. Mr. Travis conducted the hearing in an efficient and impartial manner.

The Law Department, representing the Chief Executive Officer, presented written and documentary evidence to support a recommendation to remove the principal of Piccolo School. The principal, Ms. Linda Sienkiewicz, having previously agreed to voluntary re-assignment, presented no evidence, written or documentary, or oral testimony, in opposition.

The independent Hearing Officer has submitted a written report to the Chief Executive Officer summarizing all relevant evidence offered during the hearing, including findings of fact and a recommendation to remove the principal of Piccolo School.

The Chief Executive Officer has reviewed the Hearing Officer's findings of fact and recommendation prior to making her recommendation, and hereby adopts the Hearing Officer's recommendation to remove the principal of Piccolo School.

**II. Factors Considered in the Recommendation to Remove the Principal of Piccolo Elementary School**

The factors listed below were considered by the Chief Executive Officer and the Independent Hearing Officer in recommending the removal of the principal of Piccolo Elementary School:

- A. failure of the principal to effectively and/or sufficiently develop, implement or comply with the school improvement plan;
- B. failure of the school to show satisfactory improvement of student reading and math scores on the Iowa Test of Basic Skills;
- C. failure of the school to show satisfactory improvement in student attendance, truancy, drop-out and/or graduation rates;
- D. failure of the principal to effectively and/or sufficiently follow the directives or recommendation(s) of the CPS Office of Accountability.

**III. Procedures for Removing and Replacing Principals.**

For schools where the Chief Executive Officer, in conjunction with the Chief Accountability Officer, recommends the removal of the principal, should the Board approve the principal's removal and replacement, the following will occur:

- A. an interim principal will be appointed for the school by the Chief Executive Officer based upon recommendations of the Chief Education Officer and Chief Accountability Officer;
- B. the interim principal will serve at the pleasure of the Chief Executive Officer until the school makes sufficient educational progress to be removed from probation;
- C. until the school makes sufficient educational progress to be removed from probation, the local school council of a school on probation whose principal has been removed and replaced by an interim principal pursuant to section 8.3(d) shall have no authority to select a new four-year contract principal.

**LSC REVIEW:**

LSC approval is not applicable to this report.

**AFFIRMATIVE ACTION REVIEW:**

None.

**FINANCIAL:**

The vacancy filled will be within current budget appropriations.

**PERSONNEL  
IMPLICATIONS:**

An Interim Principal will be selected, according to Section III A above, and shall serve at the pleasure of the Chief Executive Officer until the school is removed from probation. Until such removal, the Local School Council of Piccolo Elementary School will not have the authority to select a new four-year contract principal. The current principal shall be reassigned by the Chief Executive Officer to perform other duties with the same salary and benefits until the termination of her Uniform Principal's Performance Contract.

Respectfully Submitted,



ARNE DUNCAN  
Chief Executive Officer

Approved for Consideration:



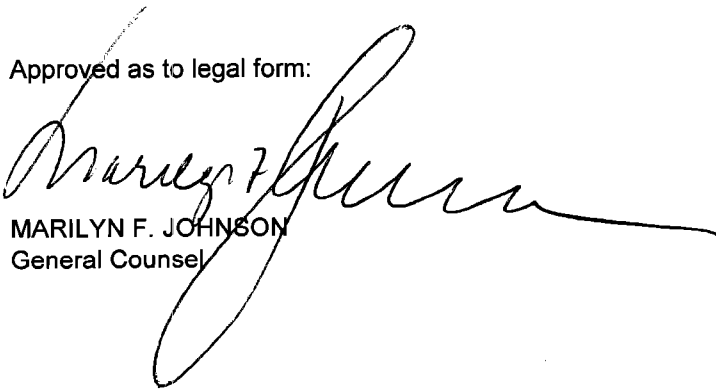
BARBARA EASON-WATKINS  
Chief Education Officer

Noted:



KENNETH C. GOTSCH  
Chief Fiscal Officer

Approved as to legal form:



MARILYN F. JOHNSON  
General Counsel

**REVISED**

**GUIDELINES FOR THE REMOVAL AND REPLACEMENT  
OF PRINCIPALS OF SCHOOLS ON PROBATION**

**Introduction**

The Illinois School Code grants the Chief Executive Officer ("CEO") of the Chicago Public Schools ("CPS,") the power to place an attendance center on probation to correct deficiencies in the center's academic performance. 105 ILCS 5/34-8.3. Pursuant to that power, in October 1996, the CEO placed 91 schools on probation in which fewer than 15% of the students were reading at grade level and which had a history of low student achievement. Section 34-8.3 (d) of the School Code further states that the CEO, with approval of the Chicago Board of Education ("Board of Education"), may take other actions, including the removal and replacement of the principal, concerning schools on probation which have failed to make sufficient progress in correcting educational deficiencies noted in their local school improvement plans, after opportunity for a hearings.

These guidelines set forth bases and procedures for the determination of whether the principal of a school previously placed on probation shall be removed and replaced, guidelines for requested hearings concerning the removal and replacement of the principal and procedures for the implementation of that decision, if ultimately made by the CEO.

**Guidelines**

**I. Evaluation of probationary progress.**

The factors to be considered in identifying principals who may be subject to removal and replacement pursuant to section 34-8.3 (d) include, but are not limited to:

- A. failure of the principal to effectively and/or sufficiently develop, implement or comply with the school improvement plan;
- B. failure of the school to show satisfactory improvement of student reading and math scores on the ITBS or the TAP achievement test;
- C. failure of the school to show satisfactory improvement in student attendance, truancy, drop-out and/or graduation rates;
- D. failure of the principal or school to eliminate or ameliorate a significant threat to the safety and well-being of the students or staff which is attributable to the school's internal operations and disruptive of the school's educational process and learning environment;

- E. failure of the principal or school staff to comply with applicable law, collective bargaining agreements, court orders, or Board rules and policies which results in the disruption of the school's educational process and learning environment;
- F. failure of the principal to effectively and/or sufficiently follow the directives or recommendations of the CPS Office of Accountability.

## II. Hearings.

A principal determined to be subject to removal and replacement is entitled to a hearing before an independent officer appointed by the Chief Executive Officer pursuant to section 8.3(d):

- A. the date, time and place of the hearing shall be set and announced by the CEO;
- B. the CEO shall send notice of the date, time and place of the hearing to all interested parties at least five days in advance of the hearing. The notice shall clearly apprise all interested parties that the subject of the hearing is the proposed removal and replacement of the principal;
- C. the hearing officer will be responsible for conducting the hearing in an efficient and impartial manner;
- D. at the hearing, the hearing officer may consider relevant oral testimony and documentary evidence offered by:

personnel from the CPS Central and Region Education Offices, including, but not limited to, personnel from the Office of Accountability and the Region Education Officer;

the school's Probation Manager;

members of the school's local school council;

the school's principal;

any witnesses called by the principal to testify on his or her behalf;

The total number of witnesses testifying at the hearing shall be subject to the discretion of the hearing officer;

- E. if a principal waives his or her opportunity for a hearing, Board personnel shall submit only written evidence, including written testimony, to the hearing officer;
- F. after the hearing, the hearing officer will submit a written report to the CEO summarizing all relevant testimony and documentary evidence offered during the hearing; making findings of fact; and recommending whether the principal should be removed and replaced pursuant to section 8.3(d);
- G. the CEO will review the hearing officer's written report prior to making a final determination as to whether the principal shall be removed and replaced pursuant to section 8.3(d) in an effort to remedy the school's failure to show educational progress.

### **III. Procedures for removing and replacing Principals.**

When the CEO, after a hearing, recommends the removal and replacement of a principal to the Board and the Board approves that action, the following will occur:

- A. an interim principal will be appointed for the school by the CEO based upon the recommendation of the Chief Education Officer and the Chief Accountability Officer;
- B. the interim principal will serve at the pleasure of the CEO until the school makes sufficient educational progress to be taken off probation;
- C. until the school makes sufficient educational progress to be taken off probation, the local school council of a school on probation whose principal has been removed and replaced by an interim principal pursuant to section 8.3(d) shall have no authority to select a new four-year contract principal.

**REVISED**

**PROCEDURES GOVERNING PRINCIPAL REMOVAL HEARING**

1. Upon determining that any school in the Chicago School District ("CPS") placed on probation pursuant to section 34-8.3 of the Illinois School Code, 105 ILCS 5/34-8.3, has, after one year, failed to make adequate progress in correcting deficiencies identified in its local school improvement plan, the CPS Office of Accountability shall so advise the CPS' Chief Executive Officer ("CEO"). Thereafter, the CEO may appoint an independent hearing officer to conduct a hearing for the purpose of determining whether to recommend the removal of the principal of any such school by the CEO, with the approval of the Chicago Board of Education, pursuant to section 34-8.3(d) of the Illinois School Code.
2. The CEO shall thereafter serve the principal and local school council of the school notice of the appointment of the hearing officer and of the scheduling of a hearing to address the principal's possible removal, at least five (5) days in advance of the hearing.
3. At the hearing, the Chief Executive Officer shall be represented by an attorney from the Board's Law Department and the principal may be represented by an attorney or other person of his or her choice. Each side may present documentary and testimonial evidence in support of, and in opposition to, the principal's removal.
4. At the hearing, the hearing officer may consider the relevant testimony of:
  - a. personnel from the CPS Central and Region Education Offices, including but not limited to, personnel from the Office of Accountability and the Region Education Officer;
  - b. the school's Probation Manager;
  - c. members of the school's local school council;
  - d. the school principal;
  - e. any witnesses called by the principal to testify on his or her behalf;

The total number of witnesses testifying at the hearing shall be subject to the discretion of the hearing officer.

5. If a principal waives his or her opportunity for a hearing, Board personnel shall submit only written evidence, including written testimony, to the hearing officer.

6. The hearing officer will be solely responsible for conducting the hearing and shall conduct the hearing in an efficient and impartial manner according to the following guidelines:
  - a. the hearing officer will commence the hearing by reviewing the purpose for which the hearing is convened;
  - b. the hearing officer will ensure that a record of the proceedings is made by a certified court reporter;
  - c. the hearing officer shall determine the order of speakers' participation;
  - d. the hearing officer shall call on the CPS' Chief Accountability Officer or designee to provide evidence on the educational reasons for the contemplated action. The hearing officer may also call on the probation manager and other persons with relevant information regarding the contemplated action;
  - e. participants may submit any relevant written or documentary evidence to the hearing officer. All oral testimony is to be directed to the hearing officer only and will be made in a narrative fashion. Only the hearing officer will be permitted to address or pose questions to the participants;
  - f. the hearing officer may impose any other reasonable procedures or limitations as may be necessary to ensure that the proceedings are orderly and efficient.
7. Following the hearing, the hearing officer shall prepare, and submit to the CEO, a written report summarizing all evidence and testimony received relevant to the matter of whether the principal concerned should be removed and containing findings of fact and a recommendation on the disposition of that matter.
8. The CEO will review the hearing officer's findings of fact prior to making a final determination whether to seek the Board's approval of the principal's removal.