

August 27, 2003

**RECOMMENDATION TO REMOVE THE PRINCIPAL OF MARY McLEOD BETHUNE
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 Mary McLeod Bethune Elementary School ("Bethune 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 2002, the Chief Executive Officer placed or retained 46 elementary schools, including Bethune School, on probation because fewer than 25% of the students in those schools were reading at or above national norms on the Iowa Test of Basic Skills and state norms on the Illinois Standards Achievement Test and because those 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 "Guidelines for the Removal and Replacement of Principals of Schools on Probation," (hereinafter "Guidelines" and attached as "Attachment A"), and "Procedures Governing Principal Removal Hearings" (hereinafter "Hearing Procedures" and attached as "Attachment B"), a hearing was held by a duly-appointed hearing officer to receive input concerning the removal of the principal of Bethune School.

I. Hearing

A hearing was held on August 22, 2003, to ascertain whether the principal of Bethune 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 of Bethune School. The notice included the Chief Executive Officer's contemplated action to remove the principal of Bethune School to further the school's educational improvement.

The hearing was conducted by Martin R. Castro, Esq., who presided as an independent hearing officer. Mr. Castro 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 Bethune School. The principal, Dr. Warren R. Franczyk, having previously agreed not to contest his removal, 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 Bethune School.

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

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

The factors considered by the Chief Executive Officer and the independent Hearing Officer in recommending the removal of the principal of Bethune School included:

- 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 Tests of Basic Skills and the Illinois Standards 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 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 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;
- B. the interim principal will serve at the pleasure of the Chief Executive Officer;
- 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:**

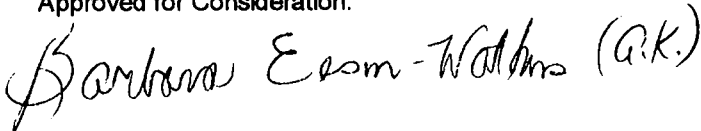
An Interim Principal will be selected, according to Section III A above, and shall serve at the pleasure of the Chief Executive Officer. Until the school comes off probation, the Local School Council of Bethune School will not have the authority to select a new four-year contract principal. The current principal has executed, or will execute, a Settlement and General Release entered, or to be entered, by and between the principal and the Board.

Respectfully Submitted,



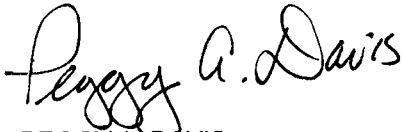
ARNE DUNCAN
Chief Executive Officer

Approved for Consideration:




BARBARA J. EASON-WATKINS
Chief Education Officer

Noted:



PEGGY A. DAVIS
Chief of Staff

Approved as to legal form: 



RUTH M. MOSCOVITCH
General Counsel

ATTACHMENT A

BOARD OF EDUCATION OF THE CITY OF CHICAGO

**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 2002, the CEO placed or retained 76 schools on probation in which fewer than 25% (in elementary schools) or 15% (in high schools) 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 hearing.

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 Iowa Test of Basic Skills, Illinois Standards Achievement Test or Prairie State Achievement Examination.
- 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 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;

- E. 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 two (2) days in advance of the hearing;
- 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 Area Offices;

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;
- 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.

ATTACHMENT B**BOARD OF EDUCATION OF THE CITY OF CHICAGO****PROCEDURES GOVERNING PRINCIPAL REMOVAL HEARINGS**

1. The Chief Executive Officer ("CEO") shall appoint an independent hearing officer to receive input from concerned persons prior to the determination of whether the principal of any Chicago Public School shall be removed pursuant to section 34-8.3(d) of the Illinois School Code.
2. Following the hearing, the hearing officer will prepare a written report containing findings of fact and submit the report to the CEO summarizing all input received relevant to the question of whether the principal concerned should be removed.
3. The CEO will review the hearing officer's findings of fact prior to making the final determination as to the removal of the principal.
4. 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 may call on personnel from the Board's central and area offices to provide input on the educational reasons for the contemplated action. The hearing officer may also call on any other person with relevant information regarding the contemplated action. Every reasonable effort will be made to afford interested persons wishing to give relevant and probative input on this matter an opportunity to do so. The hearing officer, however, shall limit input to avoid redundant or unnecessarily cumulative information;
 - e. Participants may submit any relevant written or documentary evidence to the hearing officer. All oral input 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.