

**REMOVE AND REPLACE THE PRINCIPAL OF FENGER ACADEMY HIGH SCHOOL  
AND TERMINATE THE PRINCIPAL'S CONTRACT**

**THE CHIEF EXECUTIVE OFFICER RECOMMENDS:**

That the principal of Fenger Academy High School ("Fenger Academy") 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 1995 Amendatory Act of the Illinois School Code grants the Chief Executive Officer of the Chicago Public Schools the power 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 Board authority to establish guidelines to determine the factors for placing an attendance center on probation (105 ILCS 5/34-8.3(b)). Pursuant to that statutory authority, in April 2003, the Board adopted an accountability system for all Chicago Public Schools (Accountability Policy, 03-0423-PO03). In February 2004, the Board amended its accountability system, increasing the number of years schools must remain on probation to a minimum of two, and requiring higher levels of achievement for removal from probation (Amended Accountability Policy, 04-0225-PO3).

In accordance with the accountability system, after the 2002-2003 school year, the Chief Executive Officer of the Chicago Public Schools (CEO) retained Fenger on probation for the seventh consecutive year because only 9.3% of its students met or exceeded state standards on the 2003 Prairie State Achievement Examination. In the 2003-2004 school year, the percentage of Fenger students meeting or exceeding state standards on that test decreased from 9.3% to 9.2%. The 2004-2005 school year will mark Fenger's eighth year on probation.

The Illinois School Code provides that when a probation school 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 probation school's principal (105 ILCS 5/34-8.3(d)). 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", and the "Procedures Governing Principal Removal Hearings", Ms. Phyllis Hodges, Fenger principal and the Fenger Local School Council were duly notified that the CEO was contemplating the removal of Ms. Hodges as principal pursuant to Section 34-8.3(d) to further the school's educational improvement. Mr. Stephen H. Pugh, Esq., an independent hearing officer, presided over the Fenger principal removal hearing on August 6, 2004 in an efficient and impartial manner.

The Law Department, representing the CEO, presented evidence and legal argument to support a recommendation to remove the principal of Fenger Academy. Ms. Hodges, who was represented by counsel, presented no evidence in her defense and voluntarily agreed to remove herself as Fenger principal. She stipulated, among other things: (i) that she had no objection of the admission into the record of the documents and written statements tendered to the Hearing Officer by the Law Department; and (ii) that the Hearing Officer would issue a recommendation to the CEO that there are grounds to remove Ms. Hodges as the principal of Fenger Academy pursuant to 105 ILCS 5/34-8.3.

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

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

The Chief Executive Officer has reviewed the hearing officer's findings of fact and recommendation and hereby recommends that Ms. Phyllis Hodges be removed and replaced as the principal of Fenger Academy. The Chief Executive Officer further recommends, pursuant to Section V of Ms. Hodges' current Uniform Principal's Performance Contract, with a term beginning July 1, 2003, and ending June 30, 2007, that her contract be terminated upon the Board's approval of her removal as the Fenger principal pursuant to Section 34-8.3(d). These recommendations are based upon the following factors:

- A. the principal's failure to effectively and/or sufficiently implement or comply with the school improvement plan;
- B. the principal's failure to implement programs to address Fenger's serious academic problems;
- C. the failure of the principal to comply with a Corrective Action Plan issued by the Area 24 Instruction Officer or otherwise to follow the directives of the Area 24 Instruction Officer;
- D. the failure of the school to show satisfactory improvement in student attendance, truancy, drop-out and/or graduation rates; and
- E. the failure of the school to show satisfactory improvement of scores on the Prairie State Achievement Examination. In the 2003-2004 school year, the school's PSAE scores decreased.

If the Board adopts the Chief Executive Officer's recommendation to remove the Fenger principal, the following actions will occur:

- 1. the Chief Executive Officer will appoint an interim principal for Fenger, based upon the recommendations of the Chief Education Officer. This interim principal will serve at the pleasure of the Chief Executive Officer; and
- 2. until Fenger makes sufficient academic progress over two consecutive years to be removed from probation, the local school council shall have no authority to select a new four-year contract principal.

**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.

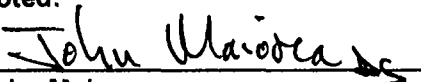
**Approved for Consideration:**

  
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**Barbara Eason-Watkins**  
**Chief Education Officer**

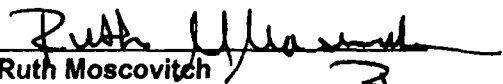
**Respectfully submitted:**

  
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**Arne Duncan**  
**Chief Executive Officer**

**Noted:**

  
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**John Maiorca**  
**Chief Financial Officer**

**Approved as to Legal Form:** *MAC*

  
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**Ruth Moscovich**  
**General Counsel**