

**REMOVE AND REPLACE THE PRINCIPAL OF MELVILLE W. FULLER ELEMENTARY SCHOOL
AND TERMINATE THE PRINCIPAL'S CONTRACT**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the principal of Melville W. Fuller Elementary School ("Fuller"), Patricia Kennedy, 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 Education ("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 Fuller was placed on probation. The Board recently adopted the "School Performance, Remediation and Probation Policy for the 2010-2011 School Year," (Board Report 10-0728-PO3) and Fuller 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)(2). 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 2010-2011 School Year" and the "Procedures Governing Principal Removal Hearings," Patricia Kennedy, Fuller's principal, and the Fuller Local School Council (LSC) were duly notified that the CEO was contemplating the removal of Patricia Kennedy as principal pursuant to Section 34-8.3(d) to further the school's educational improvement. Mr. Fredrick H. Bates, Esq., an independent hearing officer, presided over the Fuller principal removal hearing on Monday, March 28, 2011, in an efficient and impartial manner.

The Law Department, representing the CEO, presented the statements of the Area 13 Chief Area Officer and the Director of Performance Policy from the Office of Research, Evaluation and Accountability as well as documentation to support a recommendation to remove Patricia Kennedy as Fuller'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 Kennedy as the principal of Fuller.

III. Chief Executive Officer's Recommendation

The CEO has reviewed the Hearing Officer's findings of fact and recommendation and hereby recommends that Patricia Kennedy be removed and replaced as the principal of Fuller effective at the end of the 2010-2011 academic school year. The CEO further recommends that Patricia Kennedy's Uniform Principal's Performance Contract, with a term beginning November 20, 2008, and ending November 19, 2012, be terminated effective June 30, 2011. These recommendations are based upon the following factors:

- A. Fuller has a history of poor performance. Fuller has been on probation for the past four (4) school years, including the 2010-2011 school year. Ms. Kennedy has served as principal at Fuller for the past ten (10) school years.
- B. In each subject on the ISAT, the gap between Fuller and the District average has remained high and has been widening. Fuller's 2009-2010 performance on the ISAT Composite was 35.7%, compared to a District average of 71.8%. Since the 2003-2004 school year, Fuller's performance on the ISAT Composite has not increased. During that time period, the District improved from 47% to 71.8%, an increase of 24.8 percentage points. The performance gap between Fuller and the District is consistent across subjects.
- C. In addition to standardized test scores, the CPS Performance Policy evaluates schools on attendance rate. The attendance rate for Fuller has been consistently lower than the District average. Between the 2003-2004 school year and the 2009-2010 school year, Fuller's attendance rate has not been above 93%. In 2009-2010, Fuller's attendance rate was 91.7%, which was in the bottom 10% of attendance rates among elementary schools in the District.

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

- 1. The CEO will appoint an interim principal for Fuller, based upon the recommendations of the Chief Education 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 Fuller 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 Fuller will have no authority to select a new four-year contract principal, as required by Board Policy.

Approved for Consideration:



Noemi Donoso
Chief Education Officer

Noted:



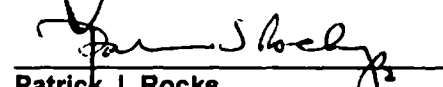
Melanie Shaker
Interim Chief Financial Officer

Respectfully submitted:



Jean-Claude Brizard
Chief Executive Officer

Approved as to Legal Form: 



Patrick J. Rocks
General Counsel