

December 17, 2014

**REMOVE AND REPLACE THE PRINCIPAL OF
EDWARD JENNER ELEMENTARY ACADEMY OF THE ARTS
AND TERMINATE THE PRINCIPAL'S CONTRACT**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the principal of Edward Jenner Elementary Academy of the Arts ("Jenner"), Berlinder Fry, 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 Board of Education of the City of Chicago ("Board") the 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 authority, the Board has adopted policies under which Jenner was placed on probation eight years ago. The Board adopted the "School Performance, Remediation and Probation Policy for the 2013-2014 School Year," (Board Report 13-0424-PO2) ("Performance Policy") and Jenner remained on Probation last year in accordance with the terms of that policy.

The Illinois 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 CEO's "Guidelines for the Removal and Replacement of Principals of Schools on Probation for the 2013-2014 School Year" and the "Procedures Governing Principal Removal Hearings," Berlinder Fry, the Jenner Local School Council (LSC) members, and the assistant principals of Jenner were duly notified that the CEO was contemplating the removal of Berlinder Fry as principal pursuant to Section 34-8.3(d) to further the school's educational improvement. Frederick Bates, Esq., an independent hearing officer, presided over the Jenner principal removal hearing on November 12, 2014, in an efficient and impartial manner.

The Law Department, representing the CEO, presented the statements of the Chief of Schools for Network 6, Herald Chip Johnson, and the Director of Performance Data and Policy for the Chicago Public Schools, Ryan Crosby, as well as documentation to support a recommendation to remove Berlinder Fry as Jenner'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 advised the CEO that sufficient evidence exists to support the removal of Berlinder Fry as the principal of Jenner.

III. Chief Executive Officer's Recommendation

The CEO has reviewed the Hearing Officer's report and hereby recommends that Berlinger Fry be removed and replaced as the principal of Jenner effective on December 17, 2014. The CEO further recommends that Fry's Uniform Principal's Performance Contract, with a term beginning July 1, 2011, and ending on June 30, 2015, be terminated on December 17, 2014. These recommendations are based upon the following factors:

- A. Jenner has a history of poor performance. Jenner has been on probation for the past eight (8) consecutive school years. Berlinger Fry has been the principal of Jenner since July 1, 2011.
- B. For six years Jenner has been a Level 3 school. In the 2007-2008 school year, Jenner received 35.7% of available points pursuant to the Board's Performance Policy. In the 2008-2009 school year, it received 26.2% of available points. In the 2009-2010 school year it received 21.4% of available points. In the 2010-2011 school year, it received 45.2% of available points. In the 2011-2012 school year, it received 38.1% of available points. In the 2012-2013 school year, it received 21.4% of available points.
- C. For uniform measurement purposes, the results of the Illinois Standards Achievement Test ("ISAT") for the 2012-2013 school year are helpful in assessing Jenner's performance. Jenner's 2012-2013 ISAT Meets or Exceeds Composite score, which is the combined result of the ISAT reading, mathematics, and science assessments, was 16.6%, compared to a network average of 70.2% and a District average of 55.1%. In reading, the percent of Jenner students meeting or exceeding state standards was 13.3%, compared to a network average of 67.2% and a District average of 50.9%. In mathematics Jenner's performance was 12%, compared to a network average of 67.9% and a District average of 52.4%. In science Jenner's performance was 43.1%, compared to a network average of 86% and a District average of 75.8%.
- D. This widening gap is also shown when comparing the percentage of students exceeding state standards. In 2012-2013 Jenner's ISAT Composite Exceeds score was 1%, compared to a network average of 23.1%, and a District average of 11.6%. Jenner's Composite Exceeds score was 10.6 percentage points below the network average in 2005-2006 and 22.1 percentage points below the network average in 2012-2013. Jenner's Composite Exceeds score was 4 percentage points below the District average in 2005-2006 and 10.6 percentage points below the District average in 2012-2013.
- E. Jenner's reading value-added score was -0.9 in 2009-2010, 0.2 in 2010-2011, 0.4 in 2011-2012 and -0.5 in 2012-2013. Its mathematics value-added score was -0.3 in 2009-2010, 2.0 in 2010-2011, -0.4 in 2011-2012, and -1.6 in 2012-2013. This means that, on average, students at Jenner grew at a below-average pace in two of the last four years in reading and three of the last four years in math. As a point of reference, Jenner's reading value-added score of -0.5 in 2012-2013 was in the 27th percentile and its math value-added score of -1.6 was in the 6th percentile.
- F. Jenner is on probation in accordance with state law and the Board's Performance Policy. The school has low performance, this performance is consistently low across subject areas, and the school is not making sufficient progress in catching up to the rest of the District.

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

1. The CEO will appoint an interim principal for Jenner. The interim principal will serve at the pleasure of the CEO;
2. The LSC shall have no authority to select a new four-year contract principal until Jenner makes sufficient academic progress to be removed from probation; and
3. ~~The Uniform Principal's Performance Contract of Berlinger Fry will be terminated effective December 17, 2014.~~

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 Jenner will have no authority to select a new four-year contract principal, as required by Board Policy.

Respectfully submitted:


Barbara Byrd-Bennett
Chief Executive Officer

Approved as to Legal Form:

 
James L. Bebley
General Counsel