

December 17, 2014

**REMOVE AND REPLACE THE PRINCIPAL OF
THURGOOD MARSHALL MIDDLE SCHOOL
AND TERMINATE THE PRINCIPAL'S CONTRACT**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the principal of Thurgood Marshall Middle School ("Marshall Middle"), Paul Flaherty, be removed and replaced pursuant to Section 34-8.3(d) of the Illinois School Code and that his 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 Marshall Middle 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 Marshall Middle 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," Paul Flaherty, and the Marshall Middle Local School Council (LSC) members were duly notified that the CEO was contemplating the removal of Paul Flaherty 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 Marshall Middle principal removal hearing on December 3, 2014, in an efficient and impartial manner.

The Law Department, representing the CEO, presented the statements of the Chief of Schools for Network 1, Anna Alvarado, 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 Paul Flaherty as Marshall Middle'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 Paul Flaherty as the principal of Marshall Middle.

III. Chief Executive Officer's Recommendation

The CEO has reviewed the Hearing Officer's report and hereby recommends that Paul Flaherty be removed and replaced as the principal of Marshall Middle effective on December 17, 2014. The CEO further recommends that Paul Flaherty's Uniform Principal's Performance Contract, with a term beginning July 1, 2013, and ending on June 30, 2017, be terminated on December 17, 2014. These recommendations are based upon the following factors:

- A. Marshall Middle has a history of poor performance. Marshall Middle has been on probation for the past six (6) consecutive school years. Paul Flaherty has been the principal of Marshall Middle for the past five (5) years.
- B. In five of the six years Marshall Middle has been a Level 3 school. In the 2007-2008 school year, Marshall Middle received 50% of available points pursuant to the Board's Performance Policy. In the 2008-2009 school year, it received 38.1% of available points. In the 2009-2010 school year it received 42.9% of available points. In the 2010-2011 school year, it received 33.3% of available points. In the 2011-2012 school year, it received 23.8% of available points. In the 2012-2013 school year, it received 19% 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 Marshall Middle's performance. Marshall Middle's 2012-2013 ISAT Meets or Exceeds Composite score, which is the combined result of the ISAT reading, mathematics, and science assessments, was 44.2%, compared to a network average of 70.8% and a District average of 55.1%. In reading, the percent of Marshall Middle students meeting or exceeding state standards was 41%, compared to a network average of 67.2% and a District average of 50.9%. In mathematics Marshall Middle's performance was 40.6%, compared to a network average of 68.8% and a District average of 52.4%. In science Marshall Middle's performance was 57.7%, compared to a network average of 86.8% 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 Marshall Middle's ISAT Composite Exceeds score was 3.1%, compared to a network average of 19.7%, and a District average of 11.6%. Marshall Middle's Composite Exceeds score was 7.8 percentage points below the network average in 2005-2006 and 16.6 percentage points below the network average in 2012-2013. Marshall Middle's Composite Exceeds score was 1.4 percentage points below the District average in 2005-2006 and 8.5 percentage points below the District average in 2012-2013.
- E. Marshall Middle's reading value-added score was -1.1 in 2009-2010, -2.2 in 2010-2011, 0.6 in 2011-2012 and -1.6 in 2012-2013. Its mathematics value-added score was -1.1 in 2009-2010, -1.7 in 2010-2011, -1.6 in 2011-2012, and -2.0 in 2012-2013. This means that, on average, students at Marshall Middle grew at a below-average pace in three of the last four years in reading and four of the last four years in math. As a point of reference, Marshall Middle's reading value-added score of -1.1 in 2012-2013 was in the 4th percentile and its math value-added score of -2.0 was in the 3rd percentile.
- F. Marshall Middle 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 Marshall Middle principal, the following actions will occur:


1. The CEO will appoint an interim principal for Marshall Middle. 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 Marshall Middle makes sufficient academic progress to be removed from probation; and
3. The Uniform Principal's Performance Contract of Paul Flaherty 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.

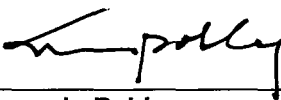

PERSONNEL IMPLICATIONS: An Interim Principal will be selected, who will serve at the pleasure of the CEO. Until the school comes off probation, the Local School Council of Marshall Middle will have no authority to select a new four-year contract principal, as required by Board Policy.

Respectfully submitted:



Barbara Byrd-Bennett
Chief Executive Officer

Approved as to Legal Form:

James L. Bebley
General Counsel