

**REMOVE AND REPLACE THE PRINCIPAL OF SIMON GUGGENHEIM ELEMENTARY SCHOOL
AND TERMINATE THE PRINCIPAL'S CONTRACT**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the principal of Simon Guggenheim Elementary School ("Guggenheim"), Mary D. McNair, 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 Board ("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 Guggenheim was placed on probation. The Board recently adopted the "School Performance, Remediation and Probation Policy for the 2009-2010 School Year," (Board Report 09-0624-PO1) and Guggenheim 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)(1). 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 2009-2010 School Year" and the "Procedures Governing Principal Removal Hearings", Mary D. McNair, Guggenheim's principal, and the Guggenheim Local School Council (LSC) were duly notified that the CEO was contemplating the removal of Mary D. McNair 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 Guggenheim principal removal hearing on Wednesday, May 19, 2010, in an efficient and impartial manner.

The Law Department, representing the CEO, presented the statements of the Area 14 Chief Area Officer and the Director of Performance Policy for the Chicago Public Schools as well as documentation to support a recommendation to remove Mary D. McNair as Guggenheim'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 Mary D. McNair as the principal of Guggenheim.

III. Chief Executive Officer's Recommendation

The CEO has reviewed the Hearing Officer's findings of fact and recommendation and hereby recommends that Mary D. McNair be removed and replaced as the principal of Guggenheim effective at the end of the 2009-2010 academic school year. The CEO further recommends that Mary D. McNair's Uniform Principal's Performance Contract, with a term beginning July 1, 2007, and ending June 30, 2011, be terminated effective June 30, 2010. These recommendations are based upon the following factors:

- A. Guggenheim Elementary School has a history of poor performance. Guggenheim Elementary School has been on probation for the past 3 school years, including the 2009-2010 school year. Ms. McNair has served as principal at Guggenheim since 2007.
- B. In each subject on the ISAT, the gap between Guggenheim and the district average has remained high and has been widening. After the 2005-06 school year, when the District as a whole, including Guggenheim, showed large improvements in the percentage of students meeting or exceeding state standards, the District has continued to improve, from 61.8% on the ISAT composite in 2005-2006 to 69.8% in 2008-2009, an increase of 8 percentage points. Over that same period of time, the ISAT composite score for Guggenheim has stayed flat, going from 52.1% to 51.8%, a decrease of 0.3 percentage points.
- C. In addition to standardized test scores, the CPS Performance Policy evaluates schools on attendance rate. The attendance rate for Guggenheim has been consistently lower than the District average and has been declining. Since the 2001-2002 school year, Guggenheim's attendance rate has been below 93%, and in 2008-2009 it dropped below 90% to 89.7%. Since the 2003-2004 school year, the District average for elementary schools has been consistently above 94%, and was 94.5% in 2008-2009. With an attendance rate of 89.7% in 2008-2009, more than 10% of instructional time at Guggenheim was missed by students. This represents nearly 80 hours of instructional time missed by the average Guggenheim student over the course of the year

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

- 1. The CEO will appoint an interim principal for Guggenheim, 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 Guggenheim 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 Guggenheim will have no authority to select a new four-year contract principal.

Approved for Consideration:



Barbara Eason-Watkins
Chief Education Officer

Noted:



Diana S. Ferguson
Chief Financial Officer

Respectfully submitted:



Ron Huberman
Chief Executive Officer

Approved as to Legal Form:



Patrick J. Rocks
General Counsel