

August 24, 2023

**RESCIND BOARD REPORT 99-0825-PO3
POLICY ON CRITERIA GOVERNING DETERMINATION OF EDUCATIONAL CRISIS**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:

Rescind the following outdated Board Policy for the reason stated below:

<u>Board Report</u>	<u>Policy Name</u>	<u>Reason for Rescission</u>
99-0825-PO3	Criteria Governing Determination of Educational Crisis	Illinois State Law 105 ILCS 5/34-8.3 already delegates this authority to the Chief Executive Officer. In addition, there is no intent for Chicago Public Schools to declare an educational crisis.

Section 34-8.3(f) of the Illinois School Code grants the Chief Executive Officer ("CEO") the power to determine when a school is in educational crisis, requires the Board to develop criteria governing such educational crisis, and authorizes immediate corrective action without first placing the school on remediation or probation. 105 ILCS 5/34-8.3(f) (1998). The authority to take immediate corrective action is hereby delegated to the CEO pursuant to 105 ILCS 5/34-19 and Board Rule 2-27, except that the authority to implement the following measures is not delegated and requires Board authorization:

1. Ordering new local school council elections;
2. Ordering that a school be subject to the provisions of 105 ILCS 5/34-8.4;
3. Reconstitution of an attendance center;
4. Any other actions which are not delegable pursuant to 105 ILCS 5/34-19 and Board Rule 2-27.

An educational crisis is the existence of an unstable or critical time or state of affairs in a school which necessitates a decisive change in the school's educational program, operations or leadership. Two or more of the following criteria must exist at a school in order for there to be a declaration of educational crisis. Ongoing, repeated or pervasive occurrences, failures or malfeasance of the type outlined in the following criteria further evidence the existence of an educational crisis. The criteria to be used by the CEO in determining whether a school is in educational crisis are as follows:

1. Local school council or local school council member(s) repeated interference with personnel or the operation of school programs, or improper closure of staff positions or programs;
2. Repeated improper use of school personnel or school programs by a school's principal or administrative staff, including, but not limited to the abuse of disciplinary actions against school personnel or students, the improper rescheduling or reassignment of school personnel, the improper closing of school staff positions or programs or the improper expenditure of school funds without local school council approval;
3. Repeated failure or refusal by school staff, principal, local school council or local school council member(s) to comply with and implement the provisions of the Illinois School Code, all other applicable laws, state and federal mandates, including but not limited to bilingual and special

- education requirements, collective bargaining agreements, court orders and Board rules or policies;
4. Repeated failure by the Principal to properly develop and/or implement a school improvement plan or a school expenditure plan which is in accord with all applicable laws, rules and policies;
 5. Failure or refusal of the local school council to approve, without reasonable justification, the school improvement plan and/or the school expenditure plan;
 6. Failure or refusal of the school staff, or principal, or local school council to comply with the school improvement plan or the school expenditure plan to the detriment of the school;
 7. Inability of the school staff, principal, local school council, or local school council member(s) to resolve disputes on matters which are fundamental to the operation of the school or to structure programs conducive to learning;
 8. Inability of a local school council to reach a consensus on decisions which are fundamental to the operation of the school or to develop an effective working relationship with the principal, teachers and staff;
 9. Repeated failure by the principal to properly spend all school funds, including the budgeted, discretionary and internal account funds;
 10. Repeated failure by the local school council to approve appropriate expenditures;
 11. Principal's repeated failure or refusal to keep, and provide to the local school council, accurate internal account records;
 12. Repeated failure or refusal by a principal to follow significant directives issued by the Chief Executive Officer or his designee, including, but not limited to, directives regarding school safety, the opening and closing of school, expenditures of school funds and compliance with laws, collective bargaining agreements, court orders, Board rules and policies;
 13. Repeated failure or refusal of a school's staff or principal to maintain proper school records and reports;
 14. Repeated failure or refusal of a school's principal to complete all documentation and paperwork necessary for the day-to-day operation, opening and closing of the school;
 15. Existence of a local school council that is non-functional and/or deadlocked on key issues affecting the educational process of the school. A non-functional local school council may be defined as, but is not limited to, a council which: on an ongoing basis fails to fill the vacancies on the council; fails to maintain a quorum at four or more regular meetings because of the refusal of council members to remain in attendance for the duration of the meetings; or repeatedly fails to achieve a quorum because members do not attend regular meetings;
 16. Failure or refusal by a school's principal, staff, local school council, and/or local school council member(s) to maintain an orderly school environment that supports and encourages student learning;
 17. Principal's failure to maintain orderly school operations which poses a significant threat to the safety and well-being of students or staff;
 18. Student performance on standardized assessments which is declining or consistently below statewide averages;
 19. Inclusion of a school on the State's Academic Watch list or continuing presence of a school on the list for more than one full academic year;
 20. Failure or refusal by a local school council, local council member(s), principal, or staff to cooperate or comply with the remediation, probation, intervention reconstitution or reengineering process;
 21. Consistent failure by a school's principal, staff, local school council, and/or local school council member(s) to maintain cooperative and educationally supportive relationships with parents/guardians, and community members; or
 22. Notwithstanding the use of various interventions, including assignment of an associate principal, conditions exist, which in the judgement of the CEO, indicate (i) a pervasive breakdown in the educational program as indicated by the absence of improvement in student reading and math achievement scores, an increased drop-out rate, a decreased graduation rate, a decrease in the rate of student attendance; (ii) a pervasive and consistent failure by the principal, staff or LSC to

fulfill their responsibilities or adhere to applicable laws, collective bargaining agreements, Board rules or polices; or (iii) a significant threat to the safety and well-being of students and staff that is attributable to the internal operations of the school. If the Chief Executive Officer deems that a school is in educational crisis, the CEO may take immediate corrective action without first placing the school on remediation or probation, including the following:

- A. Removal and replacement of the principal.
 - B. Replacement of faculty members, subject to the provisions of Section 24A-5 of the School Code [105 ILCS 5/24A-5].
 - C. Any other action which is delegable pursuant to 105 ILCS 5/34-19 and Board Rule 2-27.
23. In addition to the above actions, the CEO may seek Board authorization to implement any of the following corrective measures:
- A. Ordering new local school council elections;
 - B. Intervention under Section 34-8.4 of the Illinois School Code;
 - C. Reconstitution of the Attendance Center and replacement and reassignment of all employees of the attendance center;
 - D. Any other action which is not delegable pursuant to 105 ILCS 5/34-19 and Board Rule 2-27.
24. If the CEO determines that the deficiencies at the school can be remedied without a declaration of an educational crisis, the CEO may issue a warning to the principal and/or the local school council stating specific deficiencies which may lead to a declaration of educational crisis and directing the principal and local school council to correct those deficiencies. If the CEO determines that, based on a consideration of the preceding criteria, there are sufficient grounds to declare a school to be in educational crisis, the CEO shall call a public hearing pursuant to the following procedures:
- A. Notice of the hearing to the principal, region education officer, faculty, local school council, parents of pupils enrolled in the school and residents of the community will be given at least five days in advance of the hearing.
 - B. The hearing shall be open to the public.
 - C. The hearing shall be conducted by an independent hearing officer who will conduct the hearing in an efficient and impartial manner.
 - D. The hearing officer shall have exclusive control over the conduct of the proceedings, including the manner in which testimony will be presented, the scope and extent of testimony and the exclusion or inclusion of any presenters in order to minimize duplicative or redundant testimony.
 - E. A transcription of the proceeding shall be maintained by the Board Secretary and shall be made available for public review.
 - F. Following the hearing, the hearing officer shall prepare and submit written findings within fourteen (14) days. The hearing officer's findings should include: a summary of all relevant testimony and evidence offered during the hearing, findings of fact, and a recommendation
25. If, after consideration of the findings and recommendation of the hearing officer, the Chief Executive Officer determines and declares that an educational crisis exists, a plan shall be implemented to ensure educational stability at the attendance center and to alleviate the crisis. The remedial actions may include any of the measures specified in 105 ILCS 5/34-8.3 (1998) or any other immediate corrective action which the Chief Executive Officer or the Board deem necessary and appropriate under the circumstances. The duration or the actions needed to respond to an educational crisis shall be determined and specified by the Chief Executive Officer and/or the Board. In his educational crisis declaration, the Chief Executive Officer shall state in writing the reasons which led to his determination and the actions he intends to take or recommend as a result. The Chief Executive Officer shall report to the Board, at its next scheduled meeting, the reasons which led to the declaration of an educational crisis and the actions he has deemed or deems necessary. Upon declaration of an educational crisis at a school, the Chief Executive Officer shall notify the principal, local school council, staff, and

Region Education Officer as soon as possible. Notwithstanding any procedures or other aspects of this Policy, the Board may act at any time, pursuant to other authority such as its rules or the Illinois School Code, to remove or discipline employees or local school council members who have acted illegally or unethically or otherwise have violated Board rules or policies.

26. This policy shall supersede in all respects the Policy adopted on December 20, 1995 and shall take effect immediately upon its adoption.

Approved for Consideration:

DocuSigned by:
Bogdana Chkoumbova
59776501E4054BD...
Bogdana Chkoumbova
Chief Education Officer

Respectively Submitted:

DocuSigned by:
Pedro Martinez
AA17786A4B2446C...
Pedro Martinez
Chief Executive Officer

Approved as to Legal Form: ^{DS}
LB

DocuSigned by:
Ruchi Verma
56B562E0FFA44C9...
Ruchi Verma
General Counsel