

## TEACHER CLAIMS NATIONAL ORIGIN WAS REASON FOR PRINCIPAL'S NON-RENEWAL



A former teacher brought legal action against the Chicago Board of Education and a school principal after her contract was not renewed. She asserted numerous claims, making her arguments in both a district and appeals court. The woman, a native of Hyderabad, India, was initially hired by the Board in 1991. She began working at Pablo Casals Elementary School in 2002, teaching second grade and later third grade. The principal at the time – not the one named in the suit – rated the teacher in annual evaluations as “excellent,” but never recommended her for tenure and stated in court that she was not a strong disciplinarian with her students. This principal retired but, before leaving, did not renew the teacher for the next school year. The teacher, however, was rehired to teach the fifth grade, and a new principal was assigned to Pablo Casals near the beginning of the school year. The principal conducted three formal observations in the teacher’s classroom during the year, the latter two which were largely negative. The negative remarks centered on her lessons and inability to discipline students. In the spring of the subsequent school year, the principal recommended that the teacher not be renewed, and the Board terminated her job. The teacher responded with a lawsuit, claiming that the Board violated Title VII of the Civil Rights Act and 42 U.S. Code § 2000e (civil rights) by retaliating against her and discrimination based on national origin, as well as an ADA (Americans with Disabilities Act) violation. A charge



against the principal alleged a violation of 42 U.S. Code § 1981 (equal rights) with respect to discrimination. Summary judgment was granted in favor of the defendants, and the woman’s ensuing appeal cited only the discrimination claim. She attempted to substantiate her claim with four points: an alleged statement from the principal, suggesting that the teacher work on the North Side where the majority of Indian students attend; the principal’s opposition to her grievance (filed after HR misclassified her as a temporary assigned teacher); the principal refusing to assign the teacher to a third-grade class (she was assigned to the seventh grade after winning her grievance and being reinstated); and the principal sending the assistant principal to observe the teacher, three times in one day, soon after she was assigned a seventh-grade class. Appellate judges did not believe that the teacher’s reassignment to the seventh grade was a reduction in responsibilities or pay and consequently dismissed the claim. Similarly, the opposition to the grievance and the assistant principal’s observations, according to the appeals court, did not “point directly” to discrimination based on the teacher’s national origin. Furthermore, the court noted that the principal had also non-renewed four non-Indian teachers. With regard to the principal’s alleged comment about where the teacher should work, appellate judges stated that, even if it was considered true, the remark was made 10 months prior to the recommendation for non-renewal. Therefore, the court saw no causal link between the two. The district court’s decision was affirmed.