



January 31, 2012

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Dr. John King, Jr., Commissioner
NYS Department of Education
89 Washington Avenue
Albany NY 12234

Dear Commissioner King:

It is my understanding that in the next few weeks, you will consider the New York City Department of Education (NYCDOE) appeal of the New York State Education Department (NYSED) December 31, 2011 decision to suspend School Improvement Grant ("SIG") funding for 33 NYCDOE schools on the state Persistently Low Achievement list. Following Mayor Bloomberg's State of the City address on January 12, 2012 and presentations made by Chancellor Walcott's staff, I understand that NYCDOE's forthcoming submission will contain an application to close thirty-three (33) PLA schools that have been receiving SIG funding in their current intervention model of Transformation or Restart and opening 33 new schools in the Turnaround model. I adamantly oppose NYCDOE's unilateral decision to do this and urge you to deny such application.

It is clear that NYCDOE's latest intended maneuver related to PLA schools is neither rooted in sound educational judgment nor a commitment to the Turnaround model *per se*, but rather in NYCDOE's desire to avoid resuming and completing negotiations pertaining to teacher and principal evaluations as required by Education Law 3012-c for Transformation and Restart schools. NYCDOE's successful SIG submissions in summers 2010 and 2011 provided for a commitment to the Transformation and Restart models of intervention for particular schools and an explicit three year timeline for improvement. Specifically, pursuant to NYCDOE's submission as approved by NYSED, transforming or restarting these schools involved tailored three-year intervention plans with defined goals, progress measurements and interim benchmarks. Granting NYCDOE's application would ratify rank abandonment of these reform plans with no rational basis. A number of these schools already have demonstrated substantial improvement; many more

show early indications of progress but are not being given the time to follow NYCDOE's own plans for them. If approved by you, NYCDOE's turnaround proposal, being made to avoid 3012-c requirements, not to improve education, will prematurely abandon the reforms agreed to, and underway, without any evaluation of progress. Further, the turnaround requirement that at least 50% of the teaching staff in each of these schools be removed will create extraordinary disruption. The one step forward these schools have taken through the transformation and restart reforms will move two steps backward with the disruption resulting from the turnaround requirements.

Candidly, my personal sign-off on both NYCDOE's submissions is the least of my concerns. More importantly, NYCDOE's latest plan is hasty and arbitrary in that its impetus stems not from concerns about raising student achievement or finding a better way to evaluate teachers but rather from a desire to avoid negotiations under the evaluation statute. NYSED should not ratify NYCDOE's latest flip-flop.

Simply stated, if the Turnaround model were the most educationally sound plan of intervention for the 33 schools, it would have been selected for any or all of them in 2010 and 2011. It was not. It is being proposed now only as a means of evading the SIG and 3012-c evaluation requirements.

Insofar as NYSED's decision to suspend SIG funding on December 31st was based on district/union inability to negotiate a 3012-c evaluation, NYSED cannot now approve NYCDOE's proposal which includes no student performance-based teacher and principal evaluation system as sufficient to restore SIG funding. The hypocrisy of DOE's proposal is not lost on me, nor will it be lost on a public education system in NYS, where nearly a third of all Principals have signed on to an open letter critical of the APPR and its implementation and nine other districts have lost their SIG funds for failure to have such an evaluation system in place.

From a practical standpoint, compliance with the Turnaround model in the 33 schools would add about 1,800 teachers to the Absent Teacher Reserve ("ATR") at a cost of nearly \$180 million annually. That is a sum this system can ill afford. Aside from the fiscal implications, removing half of the teaching staff at 33 schools and recruitment of replacements from other schools will cause a massive school-by-school destabilization throughout the system with scant evidence of an ability to do more good than harm.

On a related note, I understand that NYCDOE proposes to close each school after a formal Educational Impact Statement closure process and reopen a new school with a new DBN number for Turnaround in its place. From a technical standpoint, when NYCDOE closes a school, does that not mean the school no longer exists and thus is removed from NYSED's PLA list? If so, when a new school is opened, the new school



should not even qualify for SIG funding by virtue of it not appearing on the PLA list - correct?

For the students in the 33 schools and the quality of the education they are receiving, I urge you to reject NYCDOE's proposal to abandon the reforms currently underway and convert to turnaround models, direct them to continue with the three-year transformation and restart plans and direct districts and unions back to the bargaining table to continue negotiations to implement 3012-c evaluations with a clear but reasonable timetable set. Should these negotiations stall again, intervention either through your office or PERB can be utilized to resolve the obstacles. Once satisfactory evaluation systems are negotiated, NYSED should retroactively release SIG funding to the December 31, 2011 suspension date.

I remain available to discuss these issues with you.

Very truly yours,

A handwritten signature in black ink that reads 'Ernest A. Logan'.

Ernest A. Logan

C: Governor Cuomo
NYS Regents
Assembly Speaker Silver
Senate Education Chair Flanagan
Assembly Education Chair Nolan
Mayor Bloomberg
Chancellor Walcott
Michael Mulgrew