



May 15, 2012

Mr. Philip Rumore
President, Buffalo Teachers Federation, Inc.
271 Porter Avenue
Buffalo, NY 14201

Dear Mr. Rumore:

Thank you for your May 4, 2012 memorandum regarding a recent story in *The Buffalo News*.

I'd like to clear up a few misconceptions.

As you know, the attendance issue with respect to evaluations has been resolved: the State Education Department has already approved the substance of the Buffalo City School District and the Buffalo Federation of Teachers submission regarding factoring student attendance into the evaluation process. In addition, the State's growth measure includes adjustments for students with disabilities, English language learners and students in poverty (see 8 NYCRR §30-2.2[r]). Similar adjustments to locally selected measures are allowable.

The Department's position is clear: attendance can be included as an adjustment factor in the evaluation plans. However, it should be just that – a factor, not a reason to exclude an entire segment of students (particularly large numbers of low-income students and students of color) from the evaluation process. As educators, we cannot abdicate all responsibility for students who are chronically absent. Instead, we must work with them and their families to help them get back on track.

I urge the Buffalo School District, the BTF, and the leadership of the City of Buffalo to launch a community-wide discussion of how best to improve student attendance. The future of the City of Buffalo depends on closing both the achievement gap and the engagement gap that are obstacles to student success.

Although the attendance issue was resolved, the Buffalo City School District's March 23, 2012 submission, signed by the Buffalo Teachers Federation, did require several technical changes and corrections to comply with federal and State laws and regulations. None of the changes have a substantive impact on the provisions regarding the factoring of attendance, and the substantive provisions of Buffalo's March 23rd submission are consistent with the Department's position on this issue.

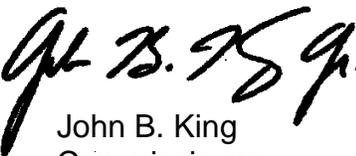
The District subsequently submitted a revised MOU, dated April 18, 2012, that reflected the necessary changes and corrections. As noted above, these changes and corrections were technical in nature and were necessary to comply with the requirements of the federal School Improvement Grants program (SIG), State Education Law §3012-c and Subpart 30-2 of the Rules of the Board of Regents. However, the April 18th submission signed by the Superintendent and the bargaining unit for principals does not have a signature reflecting the agreement of the BTF. I have repeatedly indicated that I will approve the April 18th plan – which accounts for chronic absenteeism and complies with the law – if the BTF will sign it.

Given that the only changes to the March 23rd agreement we require are technical in nature and do not impact the substance of BTF's agreed upon language regarding attendance, and also given that, for the 2011-2012 school year, the State's growth measure includes adjustments for ELLs, poverty and students with disabilities, I see no reason for the Buffalo City School District and the BTF not to send a corrected and agreed upon version of the March 23rd MOU, as revised in the April 18th submission, to SED as soon as possible.

I urge you and your BTF colleagues to move swiftly to re-approve the March 23rd agreement, as revised in the April 18th submission. Because the substantive provisions of Buffalo's March 23 submission are consistent with the Department's position on attendance, I am optimistic that this can be accomplished. Buffalo students need SIG resources and the initiatives those resources will support. More importantly, they need an evaluation system that allows their principals and teachers to continue to grow professionally.

We all have the same goal: to give students the best possible educational opportunities and the best possible chance to succeed in college and careers. An evaluation system that helps educators improve on teaching and learning is an irreplaceable step to provide those opportunities.

Sincerely,



John B. King
Commissioner

Summary of Technical Changes Necessary to March 23 Buffalo Teachers Agreement

State Growth or Other Comparable Measures Subcomponent

- Correction to ensure that teachers could obtain each point in the HEDI (Highly Effective, Effective, Developing, Ineffective) scoring ranges (Education Law §3012-c[2][j]; 8 NYCRR §30-2.6[e][4])

Locally-Selected Measures of Student Achievement Subcomponent

- Correction to ensure that the scoring ranges for Effective and Developing matched those prescribed for 2011-2012 in Education Law §3012-c(2)(a)(5) and §30-2.6(c) of the Rules of the Board of Regents
- Correction to reflect that the State will provide a single school-wide growth score combining both Grades 4-8 ELA and math
- Correction to replace references to “attendance” with “absenteeism”
- Correction to indicate that any weighting for absenteeism would occur by adding points to the State-provided growth score, rather than by changing the Commissioner’s scoring ranges (Education Law §3012-c[2][a][5]; 8 NYCRR §30-2.6[c])

Other Measures of Teacher and Principal Effectiveness Subcomponent

- Addition of HEDI scoring bands (Education Law §3012-c[2][h][6]; 8 NYCRR §30-2.6[d], [e]).