



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

COMMISSIONER OF EDUCATION
PRESIDENT OF THE UNIVERSITY OF THE STATE OF NEW YORK

May 15, 2012

President Frank B. Mesiah
National Association for the Advancement of Colored People
Buffalo, New York Branch
395 E. Ferry Street
Buffalo, New York, 14208-1504

Dear President Mesiah:

Thank you for your May 10, 2012 letter, in which you express your concerns regarding New York State's teacher and principal evaluation system and its implementation in the Buffalo City School District. You specifically ask whether it is true that the 20 percent State growth subcomponent and the 20 percent local measures subcomponent "may be scored in the negative even if a significant number of students, in that teacher's class, missed seven weeks of instruction."

Although there seems to be some misunderstanding, 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. The Buffalo City School District's March 23, 2012 submission, signed by the Buffalo Teachers Federation (BTF), required 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. The substantive provisions of Buffalo's March 23 submission are consistent with the Department's position on the attendance issue.

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. These students have been forgotten too many times already. If there is no accountability at all, they will likely be condemned to a lifetime of poverty and desperation. Buffalo has endured too many generations of forgotten students; I cannot approve an evaluation plan that allows another generation to slip away.

I join you in urging 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.

As you note, the Buffalo City School District has submitted evaluation plans containing attendance provisions for purposes of 2011-2012 School Improvement Grant (SIG) funding. Buffalo's initial submissions were unacceptable because they contained a blanket exclusion of students based on attendance rendering large numbers of students invisible. However, Buffalo's March 23, 2012 submission contained attendance provisions – that adjust expectations for chronic absenteeism – and needed only minor technical corrections (that did not impact the substance of the attendance provisions) to meet federal and state law and regulations. The April 18th submission that includes both the attendance provision and the technical changes required to comply with federal and state law and regulations was signed by the Superintendent and the bargaining unit for principals, but not 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.

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. Unfortunately, for far too many students of color in Buffalo, that goal has been a promise unfulfilled. An evaluation system that helps educators improve teaching and learning is a critical step toward providing the opportunities students need.

For decades, Buffalo schools have offered discouragement instead of hope. I want to change that. Growing up in Brooklyn, there were countless times my teachers could have written me off because I was an urban African-American and Latino male or because my parents passed away and weren't there to provide me with support. But my teachers didn't write me off, and school became my refuge, a place that gave me the opportunity to grow and learn. I will not write off the students of Buffalo, even those struggling with chronic absenteeism. They deserve the same chances I had. The school district, administrators, teachers, families and the community must all take responsibility for working together to ensure that happens. I know you share that same commitment.

Sincerely,



John B. King, Jr.
Commissioner