



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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January 18, 2013

Chancellor Dennis Walcott
New York City Department of Education
52 Chambers Street
New York, NY 10007

Dear Chancellor Walcott:

Today begins a new day for most students in New York State because, by yesterday's deadline, 99.1% of school districts were able to successfully negotiate annual professional performance review ("APPR") plans for their teachers and principals in accordance with Education Law §3012-c and Subpart 30-2 of the Rules of the Board of Regents. Those districts will receive an average 4% increase in State aid for the current school year. Unfortunately, the New York City Department of Education ("NYCDOE") was not among those successful school districts and, in addition to losing approximately \$240 million in State aid, does not meet the requirements for funding through the Systemic Supports Grant (\$9.76 million) and the Supporting Teacher and Leader Effectiveness Grant (\$35.9 million).

In order to ensure that New York City students are not further harmed by NYCDOE's inability to reach agreement with its negotiating units and that the City's students receive the benefit of world-class teachers and leaders in every classroom and every school who can prepare them for college and careers, under the State Education Department's ("Department") authority to allocate and monitor federal funds to NYCDOE, I am directing NYCDOE to take the steps outlined in this letter in accordance with the commitments made in NYCDOE's Race to the Top ("RTTT") memorandum of understanding and scope of work.

As you are aware, in December 2011, I suspended §1003(g) (federal School Improvement Grant) funding to all New York City public schools that were implementing a Transformation or Restart model because of NYCDOE's failure to implement an evaluation system in these schools for the 2011-2012 school year. Because NYCDOE has been unable to reach agreement on an evaluation system for these schools for the 2012-2013 school year, these schools continue to remain ineligible to receive any additional funding under this grant. In addition, NYCDOE is now not eligible to apply for new §1003(g) funding for its Priority Schools to implement a Federal Intervention Model beginning in the 2013-2014 school year. The suspension of grants that had been previously awarded and the ineligibility of NYCDOE to compete for new grant awards means that NYCDOE will forego over \$100 million in §1003(g) grants.

Later this school year, the Department will also make available §1003(a) school improvement grants to Focus Districts. NYCDOE is a Focus District. These grants are intended to support Focus Districts in implementation of the Common Core Learning Standards and their teacher and principal evaluation systems. Please be advised that Focus Districts that do not have an approved APPR plan will be restricted in their use of these funds for activities intended to support the development of teacher and principal evaluation systems that are aligned to the applicable provisions of Education Law §3012-c and Commissioner's regulations. No other use of these funds will be permitted.

Moreover, NYCDOE is currently eligible for more than \$727 million in Title I funding and more than \$103 million in Title IIA funding. NYCDOE submitted a Consolidated Application on December 7, 2012, containing proposed budgets and budget narratives for these federal Titles. Based on NYCDOE's continued inability to implement a teacher and principal evaluation system in conformance with State law and regulations and the commitments made and requirements of the federal funding programs described above, the Department will not approve NYCDOE's Title I and Title IIA budgets and budget narratives or its District Comprehensive Improvement Plan for 2012-2013 without revisions that include the actions described below.

The Department requires that, **no later than February 15, 2013**, NYCDOE provide the Department with a plan, timeline and budget to accomplish the following, consistent with collective bargaining to the extent applicable, by **March 1, 2013**:

- Select a State-approved teacher practice rubric to provide feedback on instruction and effectiveness in priority and focus schools;
- Develop a plan for training teachers and principals on use of the teacher practice rubric to provide feedback on instruction and effectiveness in priority and focus schools;
- Select a State-approved principal practice rubric to provide feedback on instruction and effectiveness in priority and focus schools;
- Develop a plan for training principals and community school district superintendents on use of the principal practice rubric to provide feedback on instruction and effectiveness in priority and focus schools; and
- Other such actions as may be required to prepare for effective implementation of Education Law §3012-c and Commissioner's regulations.

As Mayor Bloomberg stated in a press conference yesterday, "Everything our Administration has accomplished in turning our schools around these past 11 years has been based on setting standards and requiring accountability. A new teacher evaluation process is a crucial part of that. That's why it was a condition of New York State receiving Federal 'Race to the Top' funding from the Obama Administration. That's why I supported the State requirement on revising teacher evaluations that was passed into law back in 2010."

As a condition of receiving federal RTTT funds as a participating LEA, NYCDOE signed a Memorandum of Understanding (“MOU”) in which it committed to take several actions related to teacher and principal evaluation and NYCDOE’s persistently lowest-achieving schools during the RTTT funding period. NYCDOE’s total four-year RTTT allocation is approximately \$256 million. I recognize that NYCDOE and its bargaining units have not been able to successfully negotiate an APPR plan for its teachers and principals; it is clear that NYCDOE is not on track to fully implement and deliver on its commitments under this federal grant. As specified in Section D of the MOU, State recourse for LEA non-performance (failure to meet goals, timelines, budget, or annual targets or failure to fulfill other applicable requirements) includes temporarily withholding funds or disallowing costs under the grant.

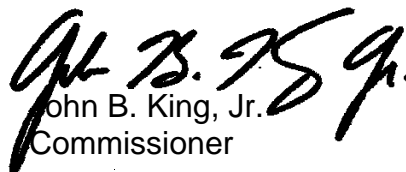
NYCDOE has an obligation to continue to negotiate an APPR plan pursuant to Education Law §3012-c(2)(k), which states: “To the extent that by July first, two thousand twelve, or by July first of any subsequent year, if all the terms of the [APPR] plan have not been finalized as a result of unresolved collective bargaining negotiations, the entire plan shall be submitted to the commissioner upon resolution of all of its terms, consistent with article fourteen of the civil service law.”

Therefore, as NYCDOE continues to work to negotiate an APPR plan, it must also take immediate and specific action, described above, to ensure that its RTTT commitments regarding teacher and principal evaluations are met and that implementation occurs during the life of the RTTT grant as required.

Failure to provide an adequate plan, timeline and budget by the dates set forth above could result in various consequences, including but not limited to suspension and/or redirection of federal funds and/or a determination that NYCDOE is a “high risk grantee” pursuant to the federal Education Department General Administrative Regulations (“GEPA”) (34 CFR §80.12).

It is unfortunate that I am forced to take these actions, but the 1.1 million children who attend New York City schools deserve the very best education we can give them. The ongoing impasse regarding evaluations continues to deny them that education; we must take action.

Sincerely,


John B. King, Jr.
Commissioner