

STATE OF NEW YORK
COMMISSIONER OF EDUCATION

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In the Matter of:

MARIE POLLICINO,

Petitioner,

UNITED FEDERATION OF TEACHERS, Local 2,
American Federation of Teachers, AFL-CIO,
COMMUNITY DISTRICT EDUCATION COUNCIL
26, and MELVYN L. MEER,

Petitioners-Interveners,

-v-

BOARD OF EDUCATION OF THE CITY SCHOOL
DISTRICT OF THE CITY OF NEW YORK d/b/a New
York City Department of Education and/or the Panel for
Educational Policy and JOEL I. KLEIN, as Chancellor
of the Board of Education of the City School District of
the City of New York,

Respondent.

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**AFFIDAVIT OF
AMINA RACHMAN**

Appeal No. 18682

STATE OF NEW YORK)
 ss.:
COUNTY OF NEW YORK)

AMINA RACHMAN, being duly sworn, deposes and says:

1. I am special assistant to the President of the United Federation of Teachers, Local 2, AFT, AFL-CIO (the "UFT"). I submit this affidavit in support of the Reply of the Petitioner-Intervenor UFT and in response to the affidavit of Martine Guerrier, dated January 22, 2007 and attached to Respondents' Verified Answer dated January 22, 2008 (the "January 22nd Guerrier Affidavit") and the Affidavit of Martine Guerrier dated January 11, 2008, attached to

Respondents' Verified Answer dated January 22, 2008 (the "January 11th Guerrier Affidavit"). I am fully familiar with the facts and circumstances set forth below.

2. I was one of the UFT's representatives on the Mayor's Task Force on Parent Engagement (the "Task Force") referred to in paragraph two of the January 22nd Guerrier Affidavit. The Task Force arose out of an April, 2007 agreement (the "Agreement") (attached hereto as Ex. A) between the UFT, parent organizations and community groups on the one hand, and the Mayor and Chancellor Joel I. Klein on the other. As it relates to school leadership teams ("SLTs"), the Agreement provides that a committee including "appropriate stakeholders", chaired by the Chief Family Engagement Officer of the Department of Education ("DOE"), would address issues of parent engagement and "specifically, ... ensure that every school has a well functioning and well trained SLT."

3. The Task Force met for the first time on or about April 30, 2007. Along with representatives of the UFT, representatives of Association of Community Organizations for Reform Now (ACORN), Coalition for Educational Justice (CEJ), the New York City Council, James Devor and the Council of School Supervisors and Administrators (CSA) participated. Ms. Guerrier and Deputy Chancellor Christopher Cerf participated on behalf of the DOE, though no superintendents or official PA/PTA representatives did. The Chancellor's Parents Advisory Council (CPAC) was not invited by the DOE to participate. The Task Force's meetings were not open to the public.

4. At the first meeting, the Task Force identified five areas of parent involvement that required attention – SLTs, parent coordinators, the Parent-Teacher Associations/Parent Associations, the role of the school principal in fostering parent involvement and new vehicles

for parent involvement. Thus, while ensuring that the SLTs functioned properly was a primary concern of the Task Force, it was hardly the only issue on the Task Force's agenda.

5. With regard to SLTs, the Task Force focused its attention on issues such as making sure that every school had a functioning SLT, training for SLT members, and accountability for the SLT fulfilling its role. With respect to SLTs, I understood the role of the Task Force, as did, to my knowledge, its other non-DOE members, to be to make suggestions on how the existing rules governing SLTs set forth in Chancellor's Regulation A-655 ("Reg. A-655") could be made to work in practice, and the Task Force's work with respect to SLTs proceeded from this premise. The Task Force's work was in the nature of implementing what was already in the Reg. A-655. For example, the Task Force was focused on issues such as (i) publicizing SLT elections, (ii) involving all parent groups (including special education, general education, and English Language Learners), (iii) the taking and distributing of minutes and (iv) the use of designees in place of members. To these ends, the non-DOE members of the Task Force requested that the DOE provide information on the functioning of SLTs - for example, the number of SLTs actually in place - but the Task Force never received all of the information requested. At no time was the Task Force asked, nor did the Task Force itself, undertake to revise or rewrite Reg. A-655. The Task Force discussed how to resolve conflict among the members of a SLT, but it did not consider - or suggest - allowing the principal to a final determination on the CEP or the school budget, if a consensus was not reached.

6. Upon information and belief, Ms. Guerrier mentioned to the Task Force that the DOE was considering a new regulation to replace Reg. A-655 and, subsequently, asked the Task Force - in sum and substance - whether she could use some of the Task Force's ideas in the new regulation.


7. The Task Force did not see the proposed new Reg. A-655 until the summer, towards the very end of its work, when it was presented to the Task Force as a near *fait accompli* that was to or would be put out for public comment. The draft Reg. A-655 was not a product of the Task Force, nor was it approved by the Task Force prior to it being issued. No final report was issued by the Task Force.

8. When the UFT saw the proposed regulation, UFT President Randi Weingarten wrote to Chancellor Joel I. Klein to ask him to “convene a committee of administrators and teachers selected by their bargaining units and parents selected by school-related parent organizations to work with the Department of Education to revise” Reg. A-655. That letter is attached hereto as Ex. B.

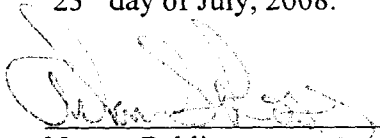
9. I have no doubt that the Task Force’s work was not the “collaborative” effort between the relevant superintendents and a committee composed of administrators selected by the CSA, teachers selected by the UFT, and parents selected by school-related parent organizations. Certainly, I am aware of no effort by each community school district, of each district that reports directly to the Chancellor and of each high school superintendency to collaboratively develop a plan with administrators selected by the CSA, teachers selected by the UFT, and parents selected by school-related parent organizations.

10. For the foregoing reasons, I respectfully request that the Commissioner grant the relief requested in the UFT's Petition.

Dated: July 23, 2008
New York, New York


Amina Rachman

Sworn to before me this
23th day of July, 2008.



Notary Public

ADAM S. ROSS
Notary Public, State of New York
No. 02RO6155957
Qualified in Kings County
Commission Expires Nov. 20, 2010

The Mayor and the Chancellor are committed to moving forward in a spirit of collaboration as the Department of Education (DOE) continues to implement the Children First initiatives announced in the Mayor's 2007 State of the City Speech. In particular, a constructive dialogue has resulted in a number of improved ways for the DOE to benefit from the input of teachers, parents and community groups in policy deliberations. While policy and decision-making authority rest with the Mayor and Chancellor, they also believe that the development of better ways to inform the exercise of that authority with the experience and perspective of other interested groups will serve our shared objective of continuing to improve the quality of New York City's schools on behalf of the 1.1 million children who attend them.

1. Fair Student Funding

The UFT will confirm that its voice has been heard by evidence by the following:

- a) Hold harmless provision assures that successful schools will not be destabilized by reduction in funds. Schools will carry forward their hold harmless from 2007-2008 to 2008-2009.
- b) Schools will be adequately funded to continue paying for existing faculty, even as their salaries increase in the future. This protection will be available to all faculty positions where it is currently available (i.e., "base teacher" positions).
- c) When teachers choose to retire or leave for another school, any "hold harmless" from the current year that is connected with these teachers will not be decreased. This assures schools the financial ability to replace the departing teacher with another senior individual.
- d) UFT, the New York Immigration Coalition, the Annenberg Institute at Brown University, will now be part of an advisory group that will analyze the impact of FSF and recommend refinements over time.
- e) UFT continues to believe that using "actual teachers salary" as a consideration in hiring decisions under the Open Market Transfer System is impermissible under the Agreement, has filed a grievance to that effect, and will continue to pursue it.

2. Tenure

We have not changed the tenure criteria this year, recognizing that significant additional work, including understanding the import of new state law, is in order before we do so. We have formed an internal committee to develop those criteria, and welcome the UFT's participation in that process. Obviously, the work of the committee will be informed by the requirements of state law.

3. Class Size

After the promulgation of SED regulations, expected within weeks, DOE will work with the UFT, and other stakeholders, such as New Yorkers for Smaller Class Size, with the goal of developing recommendations on how best to implement the regulations.

4. Parent Engagement

Next week, we will create a committee, chaired by DOE's Chief Family Engagement Officer, and encourage ACORN, the City Council, the Coalition for Educational Justice and other appropriate stakeholders to appoint members. The charge is to design improved systems and processes for parent engagement and, specifically, to ensure that every school has a well functioning and well trained SLT. Preliminary recommendations are anticipated by mid-summer.

5. English Language Learners

- a) Weights will be significantly increased to reflect the specific challenges faced by this historically underserved population.
- b) In 2008-2009, students who tested out of ELL status the previous year will continue to be "weighted" as if such status had not changed.
- c) We will have a reserve this year specifically designed to meet the needs of ELL students who are not adequately covered by the weights. The weights also do not affect the Title III program specifically designed to support ELL programming in schools with minimum ELL concentrations.
- d) We are committed to working in good faith to achieve a comprehensive back-end tracking of ELL dollars.

6. Middle School Strategy:

- a) We look forward to the recommendations of Speaker Quinn's Middle School Task Force, which is charged with finding strategies to improve academic achievement and social development of our middle school students.
- b) Assuming that the Chancellor accepts the policy recommendations, DOE, CEJ, and the City Council, and other stakeholders, will work together, in good faith, to design effective implementation strategies with a view towards commencing implementation as soon as is practicable, ideally in the next academic year.
- c) As part of that effort, the Chancellor, the City Council, the UFT, CEJ, and other member groups will strongly encourage schools with middle school grades to adopt the recommendations, with a shared goal of at least 50 schools agreeing to participate.

d) We will provide appropriate incentives and work to identify associated resources to encourage schools to implement the plan.

7. Student Success Centers

a) The DOE applauds the development of initiatives to increase graduation rates, coordinate supports for opening college and career pathways and encourage college preparedness.

b) Student Success Centers may represent one such promising initiative currently in development.

c) DOE will work in good faith with the Urban Youth Collaborative to learn more about the initiative and, as appropriate, support its development.



United Federation of Teachers
A Union of Professionals

September 19, 2007

Mr. Joel Klein
Chancellor
New York City Department of Education
52 Chamber Streets
New York, NY 10007

Dear Mr. Klein:

We have reviewed your proposed changes to Chancellor's Regulation A655, and are very disappointed. The new regs would diminish, not increase, the voice of parents and teachers in helping to determine the educational direction of their schools.

At initial meetings of the Parent Engagement Task Force it was agreed that there was much that was good in the existing regulations on School Leadership Teams. The need was to faithfully implement those regulations so that a fully functioning School Leadership Team would exist in every school in this city. Indeed, by so doing, the DOE would fulfill the goal of Section 100.11 of the New York State Education Department Commissioner's Regulation which requires school districts to develop plans for the participation of teachers and parents with the administrators and school board members in school-based planning and shared decision-making.

School Leadership Teams have always had two primary responsibilities: the creation of the school's Comprehensive Education Plan (CEP) and the development of a budget and staffing plan that was aligned with that CEP.

A careful review of your proposal shows an actual stripping of the role parents and teachers should play in the creation of a school-based budget and staffing plan that is to be aligned with the collaboratively developed Comprehensive Education Plan.

You propose to have the principal print-out a budget and bring it to the SLT for "input" before submission to the district superintendent. Under this approach the school budget is created by the Principal and that document sets the parameters for developing the CEP.

This proposal represents a reduction of the limited powers the SLT's were originally given with regard to the formation and submission of the budget. In the earlier guidelines, the collaborative role of the SLT in both budget formation and submission was crucial; in the current draft regs, the role of the SLT in budget formation is reduced to "input," and the SLT has no role or vote in the decision to submit the budget for DOE approval.

In effect, most of the major decisions about the school's educational direction will have been made with little input from parents and teachers and before the CEP is even developed.

Another aspect that must be noted is the tone and slant of the new regulations. Commissioner's Regulation 100.11 was called for a "plan for the participation of teachers and parents with administrators and school boards in school-based planning and shared decision-making." Yet so much of your proposed plan ignores teachers and other staff.

Real partnership is an essential element of the work to improve the performance of all students and all schools. We ask that you follow the Commissioner's Regulations requiring collaboration in development of plans for school-based management and shared decision-making. Convening a committee of administrators and teachers selected by their bargaining units and parents selected by school-related parent organizations to work with the Department of Education to revise Chancellor's regulation A655 would be a great way to do so.

Sincerely,

A handwritten signature in black ink, appearing to read 'Randi Weingarten', with a stylized flourish at the end.

Randi Weingarten
President

RW:ar



United Federation of Teachers
A Union of Professionals

FAX

DATE: 10-3-07

TO:

NAME: Teresa Argudo

FIRM: NYC-DOE

FAX #: 212-374-5588

FROM:

NAME: Amina Rachman

TELEPHONE #: 212-598-7787

Number of pages including cover sheet _____

DELIVER IMMEDIATELY _____ CALL WHEN RECEIVED _____

COMMENTS:

52 Broadway, New York, NY 10004 p: 212.777.7500 www.uff.org

Princk Weingarten President, Michael Mendel Secretary, Mikaela Anderson Treasurer, Robert Astrowsky Assistant Secretary, Mona Romain Assistant Treasurer
District Chairpersons: Carmen Alvarez, Michaela Brudien, Richard Farkas, Annalisa Gentile, Michaela Mulgrew, Frank Volpicella