



United Federation of Teachers
A Union of Professionals

July 13, 2011

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

Dear Chancellor Walcott:

The United Federation of Teachers ("UFT") has been receiving troubling reports of teachers and other pedagogues having their probation extended for reasons entirely unrelated to their performance.

The UFT has always believed that the process of granting tenure should be transparent, rigorous and consistent. Indeed, this is one of the many reasons we supported legislation that requires classroom teachers to be evaluated based on multiple and objective measures of performance.

However, we are outraged if teachers are having their probation extended because of the DOE's total inability to effectively manage its workforce or for other reasons that have nothing to do with individual performance:

- There are reports of teachers who had their probation extended because the principal failed to complete a sufficient number of observations.
- We have been told of people whose probation was extended simply because the principal is new to the school. That the DOE may have opted to shift principals should not prejudice the teacher.
- The Union has heard that teachers have had their probation extended simply because they served a portion of their probation in another DOE school, even if that service was entirely satisfactory.
- There seems to be a correlation between teachers having their probation extended and their school's progress report grade or its performance on the quality review, no matter how effective the teacher has been in his or her own classroom.

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- Teachers have also reported being told that their probation is being extended because of the results of their teacher data reports. It is appalling, and a prime example of the DOE's inability to manage, that such an important decision could be made primarily on the basis of a flawed measure that is based on broken tests and that has a margin of error of more than 50 percent.

Your predecessor has said that the granting of tenure was in effect a rubber stamp. If this was in fact the case, then the Department of Education ("DOE") was not doing its job and the UFT welcomes it finally taking its responsibilities seriously. **But**, the process will be **an** empty exercise if there are not clear, consistent and fair guidelines.

The UFT requests the following information:

1. The number of pedagogues in each school who were granted completion of probation, broken down by license;
2. The number of pedagogues in each school who were discontinued, broken down by license;
3. The number of pedagogues in each school whose probation was extended, each broken down by license;
4. For each pedagogue who was discontinued, granted completion of probation or whose probationary period was extended, whether his or her probationary period was shortened pursuant to the Education Law because he or she served as a regular substitute ("Jarema Credit"), received tenure in another school district ("traveling tenure") or received tenure in another tenure area in the City school district;
5. For each school where a pedagogue's probation was extended, the number of pedagogues whose probation was extended despite the principal recommending that he/she be granted completion of probation and the reason the principal's recommendation was not followed;
6. For each school where a pedagogue's probation was extended, the number of pedagogues whose probation was extended because there was an insufficient number of observations or "limited ... evidence of effective instructional practice" and the dates each such pedagogue was observed in the last two years;
7. For each school where a pedagogue was granted completion of probation, was discontinued or had his or her probation extended, the number of pedagogues who had been in that particular school for fewer than two years, and, for each such person, the length of service in the school and whether the person was granted completion of probation, was discontinued, or had his or her probation extended;

8. For each school where a pedagogue's probation was extended, (i) the length of time the principal has served in the school; (ii) the school's grade on the progress report; and (iii) the school's quality review rating;
9. For each person that was "flagged" in the Tenure Notification System (or similar system), the reason the person was flagged, including whether the person was flagged based on his or her TDR, and whether the person was granted completion of probation, was discontinued, or had his or her probation extended; and
10. For each school where a pedagogue's probation period was extended, the number of pedagogues who were asked to sign a second extension of probation agreement.

I am requesting this information pursuant to both the Public Employees' Fair Employment Act (the "Taylor Law") (Civil Service Law § 200 *et seq.*) and the New York State Freedom of Information Law (Public Officers Law § 84 *et seq.*). Pursuant to the Public Employees' Fair Employment Act (the "Taylor Law"), the DOE has an obligation to provide the UFT with information relevant to collective negotiations, grievance adjustment and/or administration of the collective bargaining agreements between the UFT and the DOE. The information requested is necessary in order to accurately assess whether the DOE has complied with its obligation to bargain with the UFT, violated the applicable collective bargaining agreements or unilaterally changed pedagogues' terms and conditions of employment.

Please also note that this is not a request for the names, addresses or other identifying information of any pedagogue.

I look forward to hearing from you shortly as this is a time-sensitive matter and this is information that the DOE should have readily available. If some of this information can be provided sooner, please do not wait until you have everything before sending it.

Sincerely,



Michael Mulgrew
President
United Federation of Teachers