

May 14, 2014

VIA EMAIL ONLY (*rschneider@doe.mass.edu*)

Board of Elementary and Secondary Education
c/o Rhoda E. Schneider, General Counsel
75 Pleasant Street
Malden, MA 02148

Dear Ms. Schneider:

Pursuant to G.L. c. 69, § 1J(q), the Boston Teachers Union (“BTU”) hereby appeals the final Level 5 turnaround plans for both the Dever Elementary School and the Holland Elementary School. The BTU is appealing the discontinuation of the dual language program at the Dever Elementary School on the grounds that the decision to discontinue the dual language program was made “on the basis of demonstrably false information or evidence[.]” G.L. c. 69, § 1J(q)(2). The BTU is appealing the compensation plan at both the Dever and the Holland Schools on the grounds that maintaining the preexisting compensation system for Boston Public Schools teachers “would further promote the rapid academic achievement of students in the applicable school[s.]” G.L. c. 69, § 1J(q)(1). Finally, BTU appeals the elimination of the contractual grievance procedure because in drafting that section of the final turnaround plans the Commissioner “failed to meet the requirements” of the law. G.L. c. 69, § 1J(q)(3).

Dual Language Program

The foremost recommendation made by the Dever Elementary School local stakeholder group was to “[c]ontinue, expand, and improve the culturally responsive Dual Language school model” Dever Elementary School Local Stakeholder Group Recommendations to the Commissioner Submitted January 6, 2014.¹ As the local stakeholder group explained, “recent assessment results . . . show[ed] evidence of the success of dual language instruction in accelerating student growth in literacy from Kindergarten-grade 2. The school has also shown evidence of improvement in attendance, school climate and behavior, and mathematics.” *Id.*

¹ Available at www.doe.mass.edu/apa/sss/turnaround/level5/schools/Dever-StakeholderRecoms.pdf.

The elimination of the dual language program is premised in part on the Dever's persistently low levels of achievement on the MCAS examinations. As the local stakeholder group explained, however, the dual language program has not been in existence for a sufficient length of time to substantially impact the school's MCAS results. Dever Local Stakeholder Group April 7, 2014 letter to Commissioner Chester.² In year 1 of the Dever's Level 4 turnaround status, there were no dual language students in the MCAS cohort. *Id.* In years 2 and 3 of turnaround status, dual language students comprised only 11% and 28%, respectively, of the MCAS cohort. *Id.* Accordingly, the dual language program cannot be blamed for persistent low achievement on the MCAS examination at the Dever, and it has not yet had sufficient time to substantially improve the school's levels of achievement as measured on the MCAS examination. Currently "literacy data from grades K to 2, in English, is the strongest it has been since the school began administering the TRC in 2008." *Id.* Thus, the existing program is yielding strong results in grades K-2 as measured by the Text Reading and Comprehension (TRC) assessment. As you know, students do not sit for the MCAS until the third grade. Although the Commissioner's final plan appears to suggest otherwise, in fact, the Commissioner's own memorandum of April 24 to the Boston Public Schools and the local stakeholder group states that "ESE has not and does not now attribute Dever's low achievement to its dual language program."³ Given the data showing that the dual language program at grades K-2 is actually succeeding, the Commissioner's admission was unavoidable and there is no justification for his continued decision to dismantle the program.

The final turnaround plan also expresses concern regarding students whose first language is neither English nor Spanish. In the first dual language cohort, there were only six students who were native speakers of a language other than English or Spanish. Dever Local Stakeholder Group April 7, 2014 letter to Commissioner Chester. On the 2013 ELA MCAS, two of those students scored at the proficient level and four at the needs improvement level, with none falling in the warning range. *Id.* On the 2013 Math MCAS, five of those students scored at either the proficient or advanced levels, with only one student falling in the warning range. *Id.* Those students, then, actually outperformed the school as a whole.⁴

There is no data showing that the dual language program, which is still in the process of scaling up to be implemented school-wide, has contributed to low achievement at the Dever. Accordingly, any conclusion that eliminating the dual language program will promote the rapid

² Available at www.doe.mass.edu/apa/sss/turnaround/level5/schools/Dever-StakeholderMods.pdf.

³ Available at www.doe.mass.edu/apa/sss/turnaround/level5/schools/DeverModificationsMemo.pdf.

⁴ "[O]n the 2013 MCAS:

- Only one-in-seven (14%) of Dever students scored proficient or advanced in English language arts.
- Less than one-third (31%) of Dever students scored proficient or advanced in Mathematics."

Dever Elementary School Final Level 5 Turnaround Plan, submitted to the Superintendent, School Committee, and local union April 24, 2014. Available at www.doe.mass.edu/apa/sss/turnaround/level5/schools/DeverFinalLevel5TurnaroundPlan.pdf.

academic achievement of students is based on demonstrably false evidence. The turnaround plan should be modified to stipulate that the dual language program at the Dever will be continued.

Compensation System

Gutting the salary structure agreed upon by the Boston School Committee and the Boston Teachers Union can be expected to have a seriously deleterious effect on the education of students. The standard elementary school workday for teachers in the Boston Public Schools is 6.5 hours per day, with a work year consisting of 183 days and an additional 18 hours of professional development. While it is widely known that many teachers work far in excess of the contractual minimums, the current standard work year for an elementary teacher consists of 1,207.5 working hours.

The planned workday for teachers at both the Dever and the Holland will consist of “up to” 185 days of 9 hours per day, plus an additional 25 days of 8 hours per day. The work year for teachers at the Dever and the Holland will consist of 1865 working hours, an increase of 657.5 hours. For most teachers, these 657.5 additional hours will result in only \$2,000 of additional compensation, for an effective hourly rate of approximately \$3.04. The minimum wage in Massachusetts is currently \$8.00 per hour.

The Commissioner’s compensation plan for both schools recognizes that “[g]ood teaching matters and is a key to addressing proficiency gaps.” Final Turnaround Plan, Appendix C. Further, the compensation system to go into effect for school year 2015-2016 is designed to “attract[] new high potential teachers and allow[] the school to retain its most effective leaders and teachers.” *Id.* It beggars belief to suggest that the most qualified and capable teachers, who presumably have many job opportunities available to them, would choose to work in a school requiring *more than 54% more hours* than other Boston Public Schools, for a pay increase of \$2,000. For a beginning teacher with no graduate credits in school year 2014-2015, this \$2,000 would represent a pay increase of slightly under 4%. By contrast, a teacher employed at a traditional Boston Public School who also worked a side job for 657.5 hours annually at minimum wage would earn an additional \$5,260. Working 657.5 hours for \$2,000 is not a decision any rational person would make.

No one can be expected to teach for long at the Dever or Holland under the conditions contained in the final turnaround plan. Teacher turnover has been shown to have “a significant and negative effect on student achievement in both math and ELA[,]” particularly in lower-performing schools. Matthew Ronfeldt, Hamilton Lankford, Susanna Loeb & James Wyckoff, *How Teacher Turnover Harms Student Achievement* 17 (Nat’l Bureau of Econ. Research, Working Paper No. 17176, 2011).⁵ Fairly compensating teachers at the Dever and Holland

⁵ Available at <http://www.nber.org/papers/w17176.pdf>.

schools would enable the schools to fulfill their stated goal of attracting and retaining high potential and/or highly effective teachers. Accordingly, doing so would further promote the rapid academic achievement of students in those schools. The turnaround plans should be modified so that teachers are paid at the contractual hourly rate for all hours worked beyond the standard contractual work year.

Grievance Procedure

In drafting the turnaround plan for a chronically underperforming school, the Commissioner is to “include provisions intended to maximize the rapid academic achievement of students at the school” G.L. c. 69, § 1J(m). In the final turnaround plans for the Dever and Holland schools, the Commissioner has replaced the contractual grievance and arbitration procedure with an alternative process “as the exclusive mechanism for resolving all disputes.” Dever Final Turnaround Plan, Appendix A, p. 47. See also Holland Final Turnaround Plan, Appendix A, pp. 46-47.⁶ The Commissioner has presented no evidence whatsoever that dismantling the contractual grievance and arbitration procedure will help to maximize the rapid academic achievement of students at the school. By nevertheless including such a provision in the final turnaround plans, the Commissioner failed to meet the requirements of the law. The turnaround plans should be modified so that the contractual grievance and arbitration procedure applies at both schools.

Very truly yours,

Mark J. Esposito

cc: Richard Stutman, President

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⁶ Available at www.doe.mass.edu/apa/sss/turnaround/level5/schools/HollandFinalLevel5TurnaroundPlan.pdf.