



A PROJECT OF



January 11, 2013

By Fax and Regular Mail

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

Re: Contract for Excellence 2012-2013

Dear Chancellor Walcott

On behalf of the Campaign for Fiscal Equity, we are writing to bring to your immediate attention the failure of the New York City Department of Education (“DOE”) to comply with the Contract for Excellence Law (“C4E”), Education Law §211-d, for the 2012-13 school year. As we explain, this failure is significant, warranting immediate corrective action by the DOE.

As you know, the Contract for Excellence legislation was designed to ensure that additional funds provided to struggling school districts would be spent wisely on inputs proven to raise achievement. These include reducing class size, increasing time on task, and providing full-day kindergarten and quality early education. The Contract for Excellence is a key component, therefore, in the effectuating the State's constitutional responsibility not just to provide adequate funding, but also to ensure those resources are used effectively improve the quality of education in local districts and schools, especially for at-risk students. The legislation also provides for transparency in the development and implementation of the contract, in order to foster State and local district accountability for school spending.

Under the C4E statute, Section 211-d(4), the DOE is required to develop a contract for excellence “through a public process, in consultation with parents or persons in parental relation, teachers, administrators, and any distinguished educator,” and this process must include at least one public hearing in each county of the City. The law further provides that this process precede any submission of the plan to the State Commissioner of Education, as transcripts of the hearing must be included when the contract for excellence is submitted to the State. Education law §211-d(4)(b). For New York City there is a further requirement that “each community district contract for excellence shall be consistent with the citywide contract for excellence and shall be submitted by the community superintendent to the community district education council for review and comment at a public meeting.” Education law §211-d(4)(c).

The regulations promulgated pursuant to this law provide that each district shall submit the contract for excellence pursuant to the timeline as prescribed by the Commissioner. 8 NYCRR 100.13(b). The timeline established by the Commissioner for 2012-13 required the DOE to post a proposed 2012-13 C4E plan for comment by September 13, 2013, followed by a 30 day comment period that had to be completed by October 13, 2013.

To date, the DOE has not posted a proposed 2012-13 C4E plan for public comment, nor has the DOE held any public hearings on a proposed plan in accordance with the timeframe established by the Commissioner. In addition, the DOE has failed to post any schedule for public comment on the proposed C4E plan for 2012-2013.

We are unaware of any evidence that the DOE has proposed a C4E plan for the current school year. As a result, parents, educators and other stakeholders have been deprived of their opportunity under the C4E law and regulations to have input how essential programs, staff and other resources will be utilized in the City's schools during the current school year. Further, the City's school children have been denied the educational benefit from the adoption and implementation of a City and community-wide C4E that addresses those essential instructional and other programmatic resources. These failures by the DOE represent a clear violation of the C4E law and regulations.

Accordingly, we request that at, within ten days of receipt of this letter, the DOE post a proposed 2012-13 C4E plan for public comment, and establish an expedited schedule for finalizing the C4E. If such action is not forthcoming, we will have no alternative but to take appropriate legal action.

Please contact us if you have questions or to discuss further. Thank you for prompt attention to this matter.

Respectfully submitted,



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