

Summary of Superintendent Receiver's Proposals and Commissioner's Resolution of
Buffalo Receivership Agreement¹

Proposal 1: Ability to fill vacancies in summer school, recreational or part time programs with the most qualified teacher, regardless of seniority

Commissioner's Resolution: Impose with modifications to: clarify process if preferred eligibility list exists; require that an interview committee will number either 3 or 5 members; and require that the rubrics for the positions will be based on objective criteria

Proposal 2: Ability to fill vacancies through the transfer process with the most qualified teacher, regardless of seniority

Commissioner's Resolution: Impose with modifications to: clarify process if preferred eligibility list exists; require that an interview committee will number either 3 or 5 members; and require that the rubrics for the positions will be based on objective criteria

Proposal 3: Discretion and ability to deny teacher requests for transfers out of persistently struggling schools

Commissioner's Resolution: Impose with modifications to: require consideration of the teacher's wishes and best interest of students in evaluating transfer requests; require that notice of denial of request be provided in writing, which shall include description of constitutionally and statutorily permissible reason(s) for the transfer; require that, where transfer request is denied on the basis that there are not readily available other qualified persons, the Receiver must maintain documentation on file that the district undertook a good faith recruitment search and determined that there were not available persons qualified; clarify that teachers can make subsequent transfer requests; clarify that existing CBA provisions governing process for transfer requests based on hardship still apply

Proposal 4: Right to mandate faculty meetings twice per month; meetings held either before or after school hours and would be 60 minutes in duration; teachers receive hourly rate of pay

Commissioner's Resolution: Impose with modifications to: require that, where practicable, notice will be provided to teachers at least one week in advance, except in emergencies; clarify that proportionate increase in compensation is based on hourly rate of pay in accordance with the CBA

Proposal 5: Discretion and ability at any time and for any reason to involuntarily transfer teachers out of persistently struggling schools regardless of seniority or status as building union delegate

¹ This document is a summary provided for informational purposes only and does not comprise the full text or content of the Commissioner's decision in this matter, which is available on the Department's website at: <http://www.nysed.gov/common/nysed/files/buffalo-receivership-decision-and-order.pdf>

Commissioner's Resolution: Impose with modifications to: require notice to teachers as far in advance as practicable which shall be at least 15 days prior to the effective date of the transfer; require that notice include a description of the constitutionally and statutorily permissible reason(s) for the involuntary transfer; clarify that if a building union delegate is involuntarily transferred, the reasons for the transfer shall not relate to lawful union actions; clarify that teachers will be allowed up to 2 days to move to the new building; require that, if the principal requests an involuntary transfer, the teacher can discuss the transfer with the receiver or designee before it becomes final; require that teachers are placed on a transfer list, consistent with the CBA, for placement in a similar position in the teacher's tenure area in another school (same FTE allotment with no loss of compensation)

Proposal 6: Right to extend school day and/or school year; teachers would receive proportionate increase in compensation

Commissioner's Resolution: Impose with modifications to: require that the receiver can expand student learning time by a minimum of 200 student contact hours per year; if the receiver decides to lengthen the day/year by more than this amount, teachers shall be notified in writing by February 1 for the following school year; clarify that proportionate increase in compensation is based on hourly rate of pay (for longer school day), 1/200th of annual salary (for longer school year), and both hourly rate of pay and 1/200th of their annual salary (where both school day and school year are extended), in accordance with the CBA

Proposal 7: Discretion and ability to change starting and ending times of school day from the previous school year, with notice to teachers by March 1

Commissioner's Resolution: Impose with modification of notice date to February 1 to ensure consistency with Proposal 6 (as modified)

Proposal 8: Discretion and ability to require teachers to use all technological tools necessary and appropriate to more effectively communicate with students and parents; district will provide training where needed

Commissioner's Resolution: Impose in its entirety

Proposal 9: Discretion and ability to modify schedule at any time to add more common planning time

Commissioner's Resolution: Impose in its entirety with reminder to superintendent receiver that all existing provisions of CBA remain in effect

Proposal 10: Right to require that teachers attend professional development (PD) (based on the needs of the school) the receiver deems necessary; 30 days' advance notice to teachers; PD will be offered more than once if it is after the school day/school year; teachers will receive additional compensation if PD is after school day/school year

Commissioner's resolution: Impose with modifications to: require that, consistent with the CBA, PD be held during student release time and at the school or within the district to the extent possible; clarify that, for PD that occurs after the regular school day or occurs after the regular school year and is less than four clock hours, the proportionate increase in compensation is based on the hourly rate of pay in accordance with the CBA; clarify that proportionate increase in compensation is 1/200th of annual salary for PD that occurs after the regular school year and is four clock hours or longer

