



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234
Deputy Commissioner
Office of P-12
Albany, NY 12234
518 474-3862

November 6, 2013

Dr. Pamela Brown, Superintendent
Buffalo Public Schools
419 City Hall
Buffalo, New York 12303

Dear Dr. Brown:

I am writing in response to the submission by the Buffalo Public Schools (BPS) on September 27, 2013 of a revised Corrective Action Plan (CAP) to comply with Public School Choice (PSC) requirements pursuant to §120.3 of the Commissioner's Regulations as required by my letter to you of September 3, 2013. After reviewing your submission, State Education Department (SED or "the Department") staff has determined that the CAP provides sufficient detail in terms of goals, progress targets, activities, time lines, documentation, and measurement strategies for the Department to approve the CAP.

While I am pleased to inform you of the approval of the CAP, I also wish to bring to your attention the following:

Goal 1: Pursuant to Education law §211-e, BPS may only enter into a contract with an Educational Partnership Organization (EPO) after receiving permission from the Commissioner, the district may enter into an EPO arrangement only for schools that are Priority or SURR, and entering into an EPO contract does not automatically change the accountability status of a school to "In Good Standing."

Goals 1 and 2: Reference is made to the "possible use of a lottery." We remind BPS that Public School Choice must be based upon giving priority to the "lowest achieving students from low-income families as determined by the LEA for purposes of Title I allocations."

Goals 1 and 2: As has been discussed by SED staff with BPS staff, the only option available for creation of charter schools through an RFP process in time for the opening of a school at the beginning of the 2014-15 school year would be through the conversion process. In addition, SED has reminded BPS staff that the charter school conversion process requires that a majority of parents of the students enrolled in the existing public school vote in favor of such conversion, and approval by the BPS Board of Education and the Board of Regents. While approval of the collective bargaining units that represent employees at the school is not required for its conversion, the school employees of a charter school that has been converted from an existing public school who are eligible for

representation under article fourteen of the civil service law shall be deemed to be included within the negotiating unit containing like titles or positions, if any, for the school district in which such charter school is located and shall be subject to the collective bargaining agreement covering that school district negotiating unit. Please also note the SED does not provide facilities aid to support the creation of new or conversion charter schools.

Goals 1 and 2: Critical to the success of the BPS plan is the issuance of an RFP that attracts the highest quality educational management organizations and charter school operators to work in Buffalo to create new schools or assume management of existing schools. We strongly encourage BPS to enlist the support of the entire educational community to work together to solicit high quality providers, select the ones that best match the needs of Buffalo, and create the conditions for successful implementation.

Goal 4: Reference is made to “continuation of an enrollment stabilization process.” We note that any decisions regarding the placement of students with disabilities must be done in accordance with their IEPs and applicable law and regulations.

Goal 5: Any plan that BPS seeks to implement must be in compliance with all applicable federal and State laws and regulations, including, for example, those regarding the district’s authority to contract for the education of its students, as applicable.

Goal 10: SED recommends that BPS schedule a regular series of meetings throughout the school year to inform parents of the options for public school choice that will be made available to them during the 2014-15 school year. Successful implementation of the CAP will be assessed in part on the degree to which BPS ensures that parents are well informed regarding their PSC opportunities.

The plan you have submitted is but an initial step in the process of ensuring that BPS comes into full compliance with applicable Commissioner’s Regulations pertaining to PSC. In order for BPS to maximize PSC during the 2013-14 school year, we urge BPS to conduct a mid-year inventory to identify all available seats in Good Standing Schools so as to offer as many parents as possible choice for second semester placement.

Every child who attends a Title I School is entitled to the opportunity to attend a School In Good Standing. It is the expectation of the State Education Department that BPS will by the 2014-15 school year have made substantial progress towards coming into full compliance with PSC requirements.

To this end, Assistant Commissioner Ira Schwartz will be reaching out to Dr. Keresztes to set up regularly scheduled meetings to discuss the progress of BPS in implementing the CAP.

We look forward to working with you to implement your plan to increase PSC in the Buffalo Public Schools.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Slentz', enclosed within a light gray rectangular border.

Ken Slentz

cc: Board of Education
Will Keresztes
Judy Elliott
John B. King, Jr.
Ira Schwartz
Roberto Reyes