Steven L. Beshear
Governor

Terry Holliday, Ph.D.
Commissioner of Education

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
DEPARTMENT OF EDUCATION
Capital Plaza Tower • 500 Mero Street • Frankfort Kentucky 40601
Phone: (502) 564-4770 • www.education.ky.gov

April 19, 2013

Dr. Donna Hargens, Superintendent
Jefferson County Public Schools
332 Newburg Road
Louisville, KY 40232

Ms. Diane Porter, Board Chair
Jefferson County Public Schools
P.O. Box 3921
Louisville, KY 40201

Dear Superintendent Hargens and Board Chair Porter:

Thank you for the recent meeting to discuss the performance of priority schools in Jefferson County Public Schools (JCPS). I felt the meeting was very positive and the spirit of collaboration was very evident. The development of a joint plan to support the priority schools in JCPS should provide the Kentucky Department of Education (KDE) and JCPS with an excellent roadmap for continued collaboration and should help improve performance in the priority schools.

In a recent *Courier Journal* article, the President of the Jefferson County Teachers Association (JCTA) questioned recent statements I have made to the press in public meetings and in the recent letter that I sent to you. The JCTA president asked for specifics concerning "perceived contract barriers". Also, in the article, Dr. Hargens was quoted as not having specifics about "perceived contract barriers".

The following information provides the specifics behind the comments on Page 5, Bullets 2 and 3 of the March 21, 2013, letter to Chair Diane Porter and Dr. Donna Hargens. The evidence **(in bold)** has been gathered through conversations with schools and information provided to JCTA members through their regular channels. The list is not exhaustive, but should provide enough specifics for our conversations regarding our work in priority schools. We collaborate with the schools where we work and those conversations are also sources of the following information.

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From the March 21, 2013 letter (page 5):

Bullet 2: The district will address current PERCEIVED contract barriers such as

A. *A stipulation that seniority is the priority basis for the determination of assignment of teacher to courses, students*
B. *The limitation of one hour of after school time per week for meetings*
C. *Exclusions of Professional Learning Community (PLC) work from embedded support, planning and collaborative data analysis and rigorous lesson planning*
D. *The assumption that a professional observing in a classroom for the purpose of learning to assist a teacher in developing better lesson plans and improving classroom strategies is considered an evaluation as opposed to coaching*
E. *Flexible professional development that enables a teacher to choose three professional learning days of his/her choice that does not limit the amount of time available to coach the teacher and/or groups of teachers in areas in which they need to improve*
F. *The role of a teacher in a priority school requires significant amounts of support and training and embedded coaching for meeting the diverse needs of teachers.*
G. *With the level of inexperience currently coming to the classroom, the current model with these contract stipulations does not set up retention of teachers nor success with challenging populations and their dynamics*

Bullet 3: Continue to address perceived and real restrictions around hiring/placement and acknowledgement that some of this is occurring- seniority, hiring from the overstaff list, hiring from the transfer list and limitation on hiring from outside the district. Principals must have full autonomy in the hiring of staff.

The following are more specific examples of barriers in existence as more generally referenced in my March 21, 2013 letter:

- Regarding doing whatever it takes to meet the needs of these students, requiring contract deviation for a different schedule:
    - **In November 2012, Principal Moeller at Doss High asked Erin Houston, JCTA Deputy Executive Director, about the possibility of a contract deviation that would mandate teachers have an additional prep period. Doss would call their intervention time PLUS TIME. This also resulted in a grievance filed by the JCTA president, 11/29/12** (KDE Note: This is not an unusual activity in priority schools. In order to allow for extended time which is a requirement in both the transformational and re-staffing models for priority schools, often minutes are found to create an intervention period. Sometimes it is called an RTI period, sometimes it has a unique-to-school name. At Sheldon Clark High School in Martin County it is called a Red Zone period. This is a time in which all school staff provides intense interventions identified as needed, often based on EXPLORE, PLAN or ACT or they may provide enrichment for those

students who do not need additional specific support.) *[Example of Bullet 2C, E, and F]*

The JCTA Deputy Executive Director indicated that the Doss request was not something that JCTA was willing to do. *[Example of Bullet 1F]*

- **On February 14, the Education Recovery Leader from Knight reported to her Education Recovery Director issues in her work: Education Recovery Specialists (ERSs) cannot ask teachers to bring "homework" to PLC meetings. There is no work outside the PLC meeting itself. Teachers cannot be asked to read an article or identify student misconceptions and bring the information/data to the next meeting. Not preparing for PLCs slows down the pace and progress of the work.** *[Example of Bullet 2F]*

- Regarding perceived support from JCTA for whatever it takes to do the very different in these schools:
  - **JCTA ACTION Column, December 16, 2009: President's Message included a letter from a teacher who had moved into JCPS and applauds the collective bargaining contract as a reason for being glad to be in JCPS citing , "...the constant barrage of meetings, teacher conferences after school, weekly department and team meetings, countless hours of professional development."** (KDE Note: With the significant number of inexperienced staff and the unique needs of students in priority schools, education recovery requires helping teachers get better. The selection of this letter for the ACTION column does not provide evidence of support for interventions provided through school improvement grant funding to priority schools in JCPS.) *[Example of Bullet 2A, B, C, D, E, F, G, and Bullet 3]*
  - **JCTA ACTION Newsletter, November 10, 2010, President's Message regarding leadership assessments and JCTA's concern for teacher binders...or collection of evidence of what goes on in the classroom. JCTA comment in italics says "JCTA has been very concerned about the process of creating these data binders is much too burdensome..."** (KDE Note: The process for the binders had been done at Shawnee the year before, in collaboration with University of Louisville, to assist teachers in being able to have an organized way of looking at their work. This is a practice not unlike National Board Certification. The next year, when leadership audits were to begin, the principals of the first group of Persistently Low-Achieving Schools (now priority schools) told teachers to do this same practice in order to show the review team what was happening in classrooms. The binders would give evidence for teachers during personal interviews. Even though the teacher interviewed said the "audit team didn't spend a lot of time looking at the binders, the process of putting it together and keeping it was helpful...") *[Example of Bullet 2C]*

- **JCTA ACTION Newsletter, October 31, 2013, Page 2, Planning Time**
  - **The article indicates that planning time is for member planning and should not be directed by another individual. If planning is missed it must be made up on the same day it is "taken" and be paid overtime. Then the advice is that if the principal does not approve the extra time pay, they are to contact Uniserv and the number is listed.** (KDE Note: Planning time is the primary time available to education recovery staff to assist in building sustainable systems for improvement and to build collaboration among teachers to address student learning systems for individual students for improvement.) *[Example of Bullet 2C, D, E, F, and G]*
- **JCTA ACTION Newsletter, September 5, 2012, Page 2, article on plan books**
  - **The article indicates teachers were being told by principals what should be in their plan books. It further indicates that principals cannot tell teachers what must be included and the contract indicates the language of individualized education plans (IEP) and core content guides can't be required to be there. The advice in the article is to comply and then contact JCTA.** (KDE Note: Education recovery staff members are to assist teachers who are struggling, who are sometimes the inexperienced teachers in priority schools and to build lessons that meet the needs of the students through differentiation. It would seem that the plan book for lessons would be where the collaborative plan would be recorded.) *[Example of Bullet 2D]*
- **JCTA ACTION Newsletter, February 20, 2013, Page 2, Interventions**
  - **The article indicates they are hearing about interventions in the JCTA office. They were seeking additional information to determine if it is interrupting planning time and requires teacher preparation. It goes on to say that they believe this is a violation of contract and asks teachers to inform the UniServ director with any additional information.** (KDE Note: As stated earlier, "whatever it takes" for students who are in a school performing in the lowest five percent in the state includes intervention. State statute regarding seniors who do not meet ACT benchmarks directs intervention as a necessity.) *[Example of Bullet 2E, and Bullet 3]*
- **JCTA ACTION Newsletter, March 6, 2013, Page 2, PLC's Gone Wild**
  - **This article indicates that mandated Professional Learning Communities are a violation of the contract. Much of the article is in capital letters and indicates that teachers should contact their UniServ Director immediately to correct this problem.** (KDE Note: Working with teachers in PLCs is an essential element of education recovery work, especially as end-of-year assessments approach. Principals are to have the autonomy under transformation and re-staffing models to be flexible based

on data and information they have. Collaborative discussion with the teachers about the data and how the schedule may need to be revised for a period of time to assist getting the optimum instruction time is essential. For example, in Leslie County High School, the language arts and math teachers met in PLCs (2010) and with the help of education recovery staff totally overhauled the curriculum for the remainder of the year when the data indicated that the students were not going to make the gains they needed to based upon the data they had. The Lawrence County High School math department now makes changes as necessary, because they have learned what to do. While still a struggle, they own the work collaboratively. Priority schools are different and require different actions.) *[Example of Bullet 2B, C, E, F, G and Bullet 3]*

- **JCTA ACTION Newsletter, February 13, 2013, Page 2, Interventions** (this also was distributed through social media)
  - **This article indicated JCTA is hearing many things about intervention times. They were seeking more information as to when they are occurring, whether they are interrupting planning and if it requires additional preparation. They believe this may be a contract violation and members should call their UniServ Director with information.** *[Example of Bullet 2B, C, E, F, G and Bullet 3]*
- In addition, one of the processes that Education Recovery has put in place for all priority schools in Kentucky is what we have referred to as a soft roll out of the Professional Growth and Effectiveness System (PGES) which is the state model being developed for teacher effectiveness. This system has been a grass roots effort of nearly three years for developing an instrument that truly reflects what teachers do and need to do for all students to achieve college- and career-readiness. As the leadership of education recovery began to review this work, we knew that priority schools needed a collaborative, professional conversation around what the elements of the Danielson Framework are and what would be expected. So, we developed the soft roll out for education recovery staff and principals to begin the dialogue about the process.
  - **When education recovery staff did a three day PGES training for principals and assistant principals, JCTA sent an e-mail to members indicating that the PGES that the "state people" had shared was not approved by JCTA.**
  - **JCTA leadership has consistently indicated they do not support PGES and there would be an alternative model that JCTA approved; they were active in seeking legislative assistance in requiring KDE to approve anything submitted.**
  - **This led to confusion as evident at Thomas Jefferson Middle School (TJMS). The principal sought clarification from his area superintendent and ER director as to whether TJMS was a part of the**

soft roll out or not because his JCTA teacher rep had been told to ask him about it from the union office.

- **With the confusion at TJMS, some other principals put the soft roll out on hold. (KDE Note:** Again, the intent of the soft roll out was to have professional conversations for understanding that conversations could be held any way the principals felt best worked for the staff. The schedule was to be October/Nov: Self Reflection and Professional Growth; Nov/Dec: Student Growth; December/Jan: Reflective Practice; March: Student Voice and May: End of Year Reflective practice.)
- **As a result of the confusion, JCPS is about three months behind other priority schools in the process.** (KDE Note: Even if JCPS had not decided to move forward with PGES, the soft roll out would have enabled professional conversation around important elements of teacher practice. Inexperienced staff, if not all staff, desperately need to be a part of this conversation. *[Example of Bullet 2B, C and Bullet 3]*

- Each school must apply for a contract deviation asking that an earlier date be allowed for grades to be due than the contract calls for because, as is, grades are due after the contract ends.
  - **Reported by Knight Middle and Valley** *[Example of Bullet 2B]*

- Regarding data tracking: Employee grievance filed by the JCTA president (on grievance form A) 11/15/12
  - **Detailed statement of Grievance: This is a Class Action grievance. The Board, through its designee Kenneth Moeller, violated the JCBE/JCTA Agreement when he directed staff at Doss High School that, "Grades should be entered in Infinite Campus grade book" and directed the five specific grading categories to be recorded/entered into Infinite Campus. The articles under which this grievance is brought are: Article 01 School Board Authority; Article 05 Employee rights, Article 06 Academic Freedom; Article 29 Grievance Procedure; Article 34- Duration**
  - **Resolution desired: That the Board immediately cease and desist violating the JCBE/JCTA Agreement and follow Article 6- Academic Freedom of the JCBE/JCTA Agreement. Render any and all other remedies deemed necessary under the premise.**
  - **Grievance was denied in hearing 2/19/13** *[Example of Bullet 2C]*

- Regarding seniority, transfer issues, inexperience of staff, in late March, representatives Christopher Tate and Janine Rudder from the U.S. Department of Education conducted an onsite audit of school improvement grants in Kentucky. They randomly selected two schools to review: Greenup High School in Greenup, Kentucky and Frost Middle School in Jefferson County. In an exit conference phone call with KDE Division Director Donna

Tackett and Branch Manager David Millanti on April 12, 2013 (which precedes their written report for improvement by several weeks), they reported preliminary findings at Frost Middle:

- **Leadership indicated they face a major challenge in recruiting and retaining veteran teachers; JCPS district staff indicated the same issue (Frost wants to have an agreement with the JCTA that Olmstead was able to negotiate in order to recruit and retain quality, veteran teachers)** *[Example of Bullet 3]*

Despite these specific examples, I understand that several positive steps have recently occurred. The priority school principals have been given the transfer list a week ahead of others. However, the unintended consequence is that more veteran teachers are not wanting to transfer to these schools and since other principals don't have access to the list, they are not hiring priority teachers who are trying to transfer out until everybody has the information. As a result, the priority schools do not know what vacancies they actually have to fill. In addition, since schools cannot hire from outside of JCPS until August, interested and desired candidates may not be available. We appreciate this effort, but need more assistance to tweak the practices to achieve the best outcome to insure that some veteran teachers are obtained in priority schools.

Another improvement occurred as Seneca High School faculty recently voted in support of two contract deviations to enable priority school related change. As a result Seneca will have parent/teacher conferences on the November 5 Gold Day and will meet in their PLCs 50 minutes per week during planning.

This letter does not provide an exhaustive list of specific concerns we have about "perceived contract barriers" nor all of the positive events occurring. The district may want to conduct an internal or external investigation to gain additional specifics.

It is my position that "perceived contract barriers" are prohibiting collaborative efforts to improve student performance in priority schools. It is also my expectation and recommendation that these issues should be addressed in direct communication between JCPS and JCTA. I will not engage in these discussions due to the current contract negotiations. However, I am providing the specific examples due to the statements of the JCTA president in a recent *Courier Journal* article.

Our only concern is the continued lack of progress in several priority schools. In my initial letter, I listed KDE challenges, JCPS challenges and "perceived contract barriers" that need to be addressed in order to improve student performance in priority schools. Dr. Hargens met with education recovery staff and JCPS leadership collaboratively on April 12, which is initial work in completing the tasks. In a week or two, we should have a collaborative plan completed that will provide the basis for improving student performance.

I am always available, upon your request, to meet with you to discuss these issues in greater detail. We look forward to the positive results that occur as a result of focus and support for priority schools.

Sincerely,

Terry Holliday

Terry Holliday, Ph.D.

cc: KBE Members
Kevin C. Brown
Susan Allred