

# New York City Public Schools (NY)

**GPA: 1.63**

**Rank: 36th place out of 50**  
(tied with Jefferson County, CO)

*Document Examined: Collective bargaining agreement, June 1, 2003 – October 12, 2007\**

Data from the NCTQ database were drawn from New York City's June 1, 2003 – October 12, 2007 bargaining agreement. The authors have confirmed that a new contract has been approved. In the interest of maintaining a clear, consistent, and reliable standard for the data analyzed in this report, however, we have adhered to NCTQ's coding. Find a more detailed explanation of this approach on page 14.

HIGHLY FLEXIBLE
FLEXIBLE
SOMEWHAT FLEXIBLE
SOMEWHAT RESTRICTIVE
<b>RESTRICTIVE</b>
HIGHLY RESTRICTIVE

## Introduction

This study of the nation's fifty largest school districts starts from a simple premise: district labor agreements should not make it difficult for schools to be nimble, smart, flexible, high-performing organizations.

In particular, the study focuses on provisions that may limit school leaders' ability to attract and retain excellent teachers, to identify and remove ineffective instructors, to use professional development as a tool of organizational improvement, and to manage school operations in a professional manner—i.e., to run the most effective school possible in terms of core instructional and educational activities, crucial areas where school leaders need enough authority to match their mounting accountability obligations and executive responsibilities in a results-based era.

## The Grades

The scale on which districts were graded reflects the approach outlined above. Grades of A or B generally indicate provisions that confer on school leaders the latitude to manage their schools in a professional manner. A grade of C generally means the agreement is silent regarding the provision in question—i.e., it neither affirms nor denies a school leader's right to take a specific course of action. Grades of D and F generally indicate provisions that impede or explicitly bar school leaders from exercising discretion in a given area. New York's overall grade, therefore, reflects the degree to which district policies constrain school leaders' ability to make decisions on important management issues. It is in no way a holistic assessment of local education policy or school leadership, much less of school effectiveness.

## Overall GPA: 1.63 (36th place out of 50—tied with Jefferson County, CO)

New York's GPA is the average of its scores in three areas: Compensation, Personnel Policies, and Work Rules.

New York receives a Restrictive rating, the second-lowest possible, for its 1.63 GPA, ranking thirty-sixth among the fifty districts studied. Although the district receives one B+, the rest of its report card is dominated by Cs and Fs, leaving ample room for improvement.

## Compensation: D- (10th percentile)

The Compensation grade combines four components: Credit for Previous Experience, Performance Pay, Hardship Pay for High-Needs Schools, and Extra Pay for Shortage Subjects.

New York's bargaining agreement is silent on whether schools may raise starting teacher salaries based on previous experience teaching in a private school or college, and bars them from doing so for experience working in a subject-

<b>Compensation</b> . . . . .	<b>D-</b>
1. Credit for Previous Experience . . . . .	D+
2. Performance Pay . . . . .	C
3. Hardship Pay for High-Needs Schools . . . . .	F
4. Extra Pay for Shortage Subjects . . . . .	F
<b>Personnel Policies</b> . . . . .	<b>C+</b>
5. Tenure . . . . .	N/A
6. Evaluation. . . . .	B+
7. Layoffs . . . . .	N/A
8. Transfers . . . . .	C
<b>Work Rules</b> . . . . .	<b>D+</b>
9. Professional Development . . . . .	F
10. Subcontracting Operations† . . . . .	N/A
11. Faculty Meetings . . . . .	C
12. Teacher Leave . . . . .	C

related profession. The agreement is also silent on whether schools may reward teachers on the basis of performance. The district receives two Fs in this category, since its contract bars schools from rewarding teachers in high-needs schools or in shortage subjects.

### **Personnel Policies: C + (76th percentile)**

The Personnel Policies grade combines four components: Tenure, Evaluation, Layoffs, and Transfers.

New York's bargaining agreement allows school leaders to factor student performance, in general, into teacher evaluations, but is silent on whether they may consider test scores in particular. On the question of layoffs, New York state law precludes the district's bargaining agreement from addressing the issue. The contract gets marked down for requiring school leaders to give internal applicants priority over new hires for vacant positions, but gets high marks for barring transferring teachers from "bumping" less senior teachers from their jobs. State law requires that the district select the most junior teacher in a certification area if transfers are necessary, removing the issue from consideration for the Transfers component. Tenure rules in New York, as in most places, are set by state law, not local decision; therefore, the district did not receive a grade for that component.

### **Work Rules: D + (59th percentile)**

The Work Rules grade combines four components: Professional Development, Subcontracting Operations, Faculty Meetings, and Teacher Leave.

New York receives an F for requiring schools to give teachers stipends for professional development activities outside the scheduled workday. On the question of subcontracting operations, the district received an N/A, since New York state prohibits the practice. New York's bargaining agreement is silent on whether the length of faculty meetings is capped; whether time at such meetings must be allotted to union matters; and whether school leaders must grant teachers leave to attend union activities.

### **Conclusion**

Relative to other districts in this study, New York significantly constrains the authority of its school leaders, particularly when it comes to compensating teachers, a category for which it received the second-lowest score among all districts studied. To better equip its school leaders with the flexibility they need to manage their schools effectively, the mayor and the New York City Department of Education should negotiate aggressively to make contract changes that explicitly confer on school leaders the right to:

1. raise the starting salaries of teachers with all forms of relevant prior experience. (The bargaining agreement bars this practice for some forms of experience and is silent on others.)
2. reward teachers on the basis of performance. (The bargaining agreement is silent on this issue.)
3. reward teachers in high-needs schools and teachers of shortage subjects. (The bargaining agreement bars both practices.)
4. consider student test scores when evaluating teachers. (The bargaining agreement is silent on this issue.)
5. base decisions regarding teacher transfers on individual merit and performance rather than seniority. (Of the three indicators directly addressing teacher transfers, the bargaining agreement requires school leaders to consider seniority on one and grants them flexibility on one. New York state law governs practice on the third.)

### **In addition, the board should amend provisions that:**

6. mandate that teachers be given stipends for professional development activities outside the scheduled workday.

\* The data examined in this report come from the National Council on Teacher Quality (NCTQ) database, "Teacher Roles, Rules and Rights." All data were culled from the NCTQ database in November 2007. In states that permit collective bargaining, NCTQ examined collective bargaining agreements, with the exception of Jordan School District in Utah, which does not have a bargaining agreement. In states where collective bargaining is either illegal or otherwise not practiced, NCTQ examined school board policies. Where a provision in state law precludes the possibility of a collective bargaining agreement or school board policy addressing a certain component in our study, we excluded it from our analysis, marking the component "N/A." Find a more detailed explanation of this report's methodology starting on page 14.

† This indicator refers to the right of school leaders to outsource school operations to nonunion workers. NCTQ uses the term "subcontracting" in its database, which we retain here in the interest of consistency.