

Date: March 18, 2022

**TO: Principals
Superintendents
Borough/Citywide Offices – Executive Directors
Borough/Citywide Offices – Directors for Special Education
Borough/Citywide Offices – Directors for of Finance & Human Resources**

**FROM: Arwina Vallejo, Executive Director of School Based Evaluations and Family
Engagement
Special Education Office (SEO)**

**SUBJECT: School Psychologist and School Social Worker Clustering Activities for
Spring, 2022**

On March 15, 2022 a memorandum was issued regarding the selection of the Deployment Advisory Committee (DAC). This memorandum will serve to describe the remainder of the Clustering Activities which are completed during the month of May.

As per UFT agreement, all districts and high school superintendencies are required to conduct and complete the following clustering activities according to the enclosed activity calendar.

- elect a DAC (completed by April 6, 2022);
- train new DAC members;
- review referral data and hold a clustering meeting(s);
- post vacant CSE positions in the following disciplines: School Psychologists, School Social Workers and special education teachers assigned at the CSE;
- conduct retention activities and then fill remaining vacancies through the Open Market Transfer System (OMTS) selection for School Psychologists and School Social Workers.

A DAC for each community school district and high school superintendency will recommend a pattern of service to the Special Education Office (SEO) that maintains continuity of service as much as possible and takes into consideration the needs of compliance within the allocation of staff provided. The deliberations of Deployment Advisory Committees should be concluded in one day if a review of the data does not reveal a compelling need to change clusters. To facilitate this all DACs should be trained and begin deliberations on the first day of clustering. SEO will grant final approval of deployment plans after consultation with the UFT functional chapter leader. SEO is the final authority on issues pertaining to the development of clusters and in assuring that clustering rules are followed. A DAC shall be convened for each of the high school superintendencies.

Please find enclosed guidelines and a calendar for the clustering process, CSE Team selection and cluster retention/open market hiring phases of this process.

Thank you for your cooperation in this matter.

Enclosures:

- School Psychologist and Social Worker Clustering Guidelines
- Spring 2022 Clustering Calendar
- Sample Retention of Cluster Assignment Form
- Sample Appeal Form for Clinicians
- Example Appeal Response Memo

SCHOOL PSYCHOLOGIST AND SCHOOL SOCIAL WORKER CLUSTERING GUIDELINES

The activities described are intended to give some flexibility of assignment while maintaining consistency of service and assisting in coverage of school sites by a stipulated number of School Psychologists and School Social Workers throughout the City.

CLUSTERING

The following procedures and timelines are designed to facilitate the review of the pattern of service for the 2022-2023 school year in all districts and high school superintendencies.

- The Division of Specialized Instruction and Student Support's Special Education Office (SEO) has ensured that advisory committees of assessment staff and administrative/supervisory personnel were established in order to review the school psychologist and school social worker pattern of service for the coming school year. School Psychologists and School Social Workers in each Community School District selected four representatives, two from each discipline for the Deployment Advisory Committees (DAC). Each discipline is represented by one monolingual and one bilingual staff member. The SEO will assign up to three supervisory personnel to the committee. Individuals who are on sabbatical were notified of the meeting and were entitled to vote, if they were present for the meeting.

Respective SEO Liaisons have ensured coordination of clustering activities in former high school superintendencies.

- The size of the DAC should be workable so that recommendations can be made and cluster assignment plans can be developed efficiently and effectively through a consensus process. Administration may invite other knowledgeable supervisory personnel (e.g., supervisor of school psychologists, Administrators of Special Education, etc.) to join the advisory committees, which should not exceed seven (7) members except where two boroughs are involved as in BASIS.
- The Committees will meet at locations designated SEO Liaisons to review the clustering of the schools in their school districts and high school superintendencies. The DAC will review and if necessary develop new recommendations for deployment of staff to school assignments. Stability of clusters and maximizing services for students should be the primary considerations. Recommendations for change require a written explanation to SEO's Executive Director of School Based Evaluations and Family Engagement or designee indicating how the workload projection was developed and the rationale used for the change.
- It is anticipated that the workload due to referrals of non-attending, non-public, private, parochial and charter school students will be completed by respective District CSE Teams. None of these cases, therefore, may be included in the school team clusters. Turning five and suspension cases will be done by the school based CSE team in the home-zoned school or the school likely to be the student's school.

The DAC may recommend changes in clusters and justify changes in writing if:

- There was an approved permanent redeployment during the year.
- There were twenty (20) or more days of documented temporary redeployments through March of the current school year into or out of a particular school due to caseload factors. (Do not include temporary redeployments to cover staff absences.)
- There were changes or changes are anticipated in the number of special education classes in the school that will significantly affect the anticipated workload.
- There was an opening or phase-out of a school or one is anticipated. The most current information reflecting these changes should be provided to the DACs by the first day of clustering deliberations.
- There is a substantial change in bilingual caseload in schools within the district and changing the clustering will allow for a significant number of additional bilingual cases to be incorporated in the cluster. For example, in a paired cluster with a total caseload of 50 bilingual cases, one school has a decrease in bilingual workload. Another school in the district that was not previously designated bilingual has had an increase in bilingual workload so that clustering it with the second school in the bilingual cluster will now account for a total of 75 bilingual cases. A change such as this should only be made where it increases the bilingual caseload of a cluster significantly (i.e., 50%) and the total number of bilingual cases is at least twenty (20). However, even in the event that a district's allocation for bilingual staff has increased, if the total change for a school is less than 20 bilingual cases, then all effort should be made to insure stability and continuity of service to the District's clusters.
- Where changes are required because of any of these reasons, they should be made in a manner that minimizes the numbers of clusters affected. If a change in clusters is required, the DAC should consider the following variables: geographic factors (e.g., proximity); presence of Citywide Programs in Community School District/High School buildings; nature of the work environment in paired schools (space facilities and administrative support); distribution of initials, triennials, re-evaluations at each site; accessibility of site. If a change is necessary, the committee should adjust the cluster in a manner which, to the maximum extent possible, requires staff to cover fewer school buildings.

The DAC will review SESIS referral data provided and decide whether it accurately reflects the caseload for the schools. They may also call school staff to verify school data and consult assessment logs. SEO should provide information as needed on temporary and permanent redeployments during the first seven (7) months of this school year.

To the maximum extent possible, it is the aim of the activity to assign staff to one school, to clusters of two schools, or to a cluster of programs in Alternative High Schools, with the expectation that this will be their sole assignment for the school year. Staff assignment will equal to 5 days of service and in some instances, will include an "on call assignment". Staff assigned as "on call" will report to the respective school when called upon by the school principal and/ or existing SBST team for case completion. Unless the school does not have a psychologist, they should not be required to attend the IEP meeting.

The DAC will designate as bilingual a number of clusters equal to their full bilingual allocation. Clusters designated predominately bilingual should reflect a significant workload of bilingual referrals for that district. For every cluster designated bilingual, the language for that cluster should be specified and included in the posting of clusters. Where multiple languages exist within a cluster, the majority language should be designated for that cluster. The bilingual clusters will be rank ordered by the committee based on their bilingual caseload. The rank ordering will be used in recruitment.

The recommendations of the DAC will be forwarded to SEO office for review and decision. The deployment plans will be reviewed and the final decision will be made by the SEO's Executive Director of School Based Evaluations and Family Engagement or designee after consultation with the UFT Functional Chapter Leader for School Psychologists and School Social Workers. A copy of the final pattern of service (clusters) will be sent to the Functional Chapter Leader. SEO is the final authority in matters pertaining to the development of clusters.

RETENTION/OPEN MARKET HIRING PLAN

All School Psychologists and School Social Workers who have received a cluster assignment through the previous clustering process and those clinicians hired via the open market process may opt to retain their clusters. School Psychologists and School Social Workers who do not have retention to a cluster assignment or wish to change their cluster assignment must apply for open clusters through the Open Market Transfer System. Posting for school based CSE Team vacancies will also occur as part of the selection process as per the enclosed calendar. The assignment of staff to schools and school based CSE Teams is intended to maintain consistency of service, to assist in the performance of timely evaluations and to allow staff to select among assignment options. The following are procedures for the school based CSE teams and respective District CSE Teams selection process:

- All School Psychologists and School Social Workers who obtained their cluster assignment as a result of the previous clustering activity and those who were hired through the open market process may opt to retain their clusters if the cluster remains appropriate to their license area (monolingual or bilingual by language) and there is valid documentation confirming the criteria outlined above.
- Staff who remained in their cluster assignment but had the number of days of service changed in their majority school continue to have the right of retention even though the number of days of service to that school may have dropped below three days (to include only one day).
- All bilingual clusters filled by monolingual personnel, and similarly all monolingual clusters filled by bilingual personnel, must be posted on the Open Market Transfer System. If additional bilingual or where appropriate monolingual personnel apply, the Office of the First Deputy Chancellor (**OFDC**)/Borough/Citywide Offices selection committee must make every effort to assign selected bilingual or monolingual personnel in accordance with the bilingual cluster rank order list in the district where appropriate. Monolingual personnel in bilingual clusters may be hired to the bilingual cluster in the absence of additional bilingual candidates but, if displaced, must apply for open clusters on the Open Market Transfer System like all other candidates.

- All other school clusters (open clusters) will be posted on the Open Market Transfer System. Any School Psychologist or School Social Worker may apply for an open school cluster anywhere in the system.
- The OFDC selection committee will reach out to the candidate either by telephone or in an email to arrange interviews. Priority of interview for open clusters will be given to personnel without an assignment in the same district.
- An OFDC/B/CO selection committee will be comprised of the Principal of the school of majority (3 days or more per week), OFDC/B/CO administrative/supervisory designee and an in-discipline staff member assigned within the OFDC/B/CO for all open school clusters. Using the "Selection Committee Invite" letter or similar thereof, the Principal of the minority school will be invited to participate in the selection committee process for those candidates. If the Principal is unable to participate in the Selection Committee process, he/she will be notified by e-mail within three (3) days of the appointment and provided with the name of the "appointed" candidate.
- Principals of the school of majority will have final approval of the selected candidate for the entire cluster.

N.B. A Principal of a school with the majority days of service may submit a request for additional days of service to SEO or designee, at the school's own expense to add a fourth or fifth day to a three or four day assignment. In this case, the cluster should remain the same. The request may be considered by SEO or designee only to the extent that personnel in these titles remain available in each district to support the request.

Requests for additional days by Principals of schools of minority (one or two day assignments), again at the school's own expense, may be considered SEO only to the extent that personnel in these titles remain available in each district to support the request.

In the event that a Principal purchases additional service, it is essential that the school losing services receives adequate coverage (i.e. by an ATR, F status, etc).

CSE TEAM

- Selection of CSE Team School Psychologists and School Social Workers for vacant CSE Team positions will continue to be posted for each CSE. While the CSE Team Psychologist and Social Worker positions continue to be for a three year term, current CSE Team members completing their three year term may apply and be selected for another term the same as all other applicants. Special Education Teachers Assigned to CSE or vacancies for one of the 15 School Psychologists assigned directly to the CSEs will also be posted.
- CSE Team Psychologists and Social Workers who leave the CSE Team for any reason must apply for open cluster assignments through the Open Market Transfer System, the same as all other personnel. They may not "bump" other personnel and are subject to the same interview process. Priority of interview only will be given to personnel exiting the CSE Team for open cluster assignments in the same district.

- Special Education Teacher positions on the CSE Team will continue to be posted on a one year rotational basis. Exiting teachers may reapply and be assigned to the position by the CSE Chairperson upon the absence of other qualified applicants. Special Education Teachers exiting the CSE Team must apply for positions on the Open Market Transfer System and will be treated the same as all other teachers in the system exiting “teacher assigned” positions.

CLUSTER APPEALS

Final appeal of cluster assignments will be heard by SEO’s Executive Director of School Based Evaluations and Family Engagement or designee after completion of the selection process. Appeals are scheduled with the UFT Functional Chapter Leader and heard as soon as possible after the completion of the clustering process but not later than the first week in June. Requests for a hearing can only be made by the social worker or psychologist affected by a change in their cluster and should be submitted using the online Appeal Survey Form to SEO’s Executive Director of School Based Evaluations and Family Engagement or designee. A written decision explaining the rationale (specific circumstances to the cluster) for the decision (memo format, see attached example) to the appellant is required. This appeal represents the final avenue of redress regarding the cluster process. These decisions are not subject to the grievance process in the UFT collective bargaining agreement.

SAMPLE RETENTION OF CLUSTER ASSIGNMENT FORM
(This will be an online survey only)

Date: _____

TO: _____

FROM: _____
Name/Discipline

SUBJECT: **Retention of Cluster Assignment for the 2022-2023 School Year**

My current assignment is(Current Cluster 2021-2022):

_____ School 1	_____ Days per Week
_____ School 2	_____ Days per Week
_____ School 3	_____ Days per Week
_____ School 4	_____ Days per Week
_____ School 5	_____ Days per Week

I have been in this assignment since _____.

I wish to remain in my cluster, as specified(on Proposed POS 2022-2023):

_____ School 1	_____ Days per Week
_____ School 2	_____ Days per Week
_____ School 3	_____ Days per Week
_____ School 4	_____ Days per Week
_____ School 5	_____ Days per Week

, in as much as it includes my current three day-a-week assignment.

Signature

Date

SAMPLE APPEAL REQUEST FORM FOR CLINICANS
(This will be an online survey only)

Date: _____

TO: Executive Director of School Based Evaluations and Family Engagement
or designee

FROM: Clinician Name _____; Discipline _____

SUBJECT: Cluster Appeal

District: _____

Current cluster:

Schools	# of Days

Proposed cluster (from proposed Clustering POS):

Schools	# of Days

Reason for appeal request:

EXAMPLE OF APPEAL RESPONSE MEMO

Date: _____

**TO: JANE SMITH
TITLE**

**FROM: JOSEPH DOE
APPEAL OFFICER**

SUBJECT: Cluster Appeal

The DAC is required to recommend a number of bilingual clusters equal to the bilingual allocation for the district which increased by one School Psychologist and one School Social Worker for next year. It appears that the DAC appropriately designated the P1/P2 cluster as bilingual for next year. This school cluster had the highest number of bilingual cases among monolingual clusters last year.

The appeal, therefore, is denied.