

Dear Reinstate Dr. Siebens Listserv Subscriber,

One parent wrote me from her vacation yesterday: "**What about cause? All these years, it's been impossible to fire bad teachers because of cause.**" Good question.

So let's talk about cause.

According to the administration, Dr. Siebens was removed from the Wilson faculty under a restructuring required by the federal No Child Left Behind Act (NCLB), specifically the remedy known as a reconstitution of faculty.

Sadly, for Dr. Siebens, I believe this explanation is a pretext. I say it is a pretext, because I read the law and it very clearly defines the reconstitution option as "replacing all or most of the school staff (which may include the principal) who are relevant to the failure to make adequate yearly progress." **It's right there in the law that the only staff members who may be replaced under the reconstitution option are "all or most" of those "relevant to" the AYP failure.**

So what happened at Wilson? Instead of applying the standard of being "relevant to AYP failure" to determine which staff members would be removed, and then removing "all or most" of them as required by the NCLB law, the Wilson restructuring plan instead proposed only to replace "no more than 20% of teachers" without including the necessary reference to the "relevant to AYP failure".

Huh?

It is not clear where the 20% notion came from, but it's not from NCLB. And NCLB certainly doesn't say take the made-up 20% threshold then subtract the number of teachers who are conveniently retiring at the end of the year (regardless of their relevance to the AYP failure) and then work up a secret list of teachers under a secret process to get to the magic number of 11, which is what I believe happened at Wilson.

That's not how the NCLB says a reconstitution is supposed to work. I always remember the words of my Civil Procedure law school professor who always said, "You didn't read the rule, Mr. Mahon." (She was usually right. Sadly, this stays with me 24 years later, thank you very much Wendy Williams).

But with the Wilson reconstitution a bunch of people didn't read the rule.

So what about the removal of Dr. Siebens by reconstitution? **Just how was Dr. Siebens "relevant to" the AYP failure? Sadly, he wasn't at all.**

In the DCPS, AYP failure was measured solely by the performance of 10th grade students on the CAS math and English proficiency exams. Dr. Siebens is a science teacher of 11th and 12th graders as assigned to him by the administration. Yep, no math, no English, not even a single 10th grader.

And now no Dr. Siebens at Wilson. And that's just not right.

Unfortunately for Wilson students, no one in the administration from Mayor Fenty on down apparently is willing to remedy this problem by reinstating Dr. Siebens.

And so I believe that Dr. Siebens was tossed under the NCLB bus by those who wanted him out and who were able to secretly have his name placed on the list.

How else can his inclusion on the list of 11 be explained since he had no relevance to AYP failure as required by NCLB? (Of course in litigation we'll learn how all this really went down, and why.)

And, as we all know, Dr. Siebens happens to be one of the best teachers at Wilson and in DCPS as measured by test results and student and parent experience.

Kind of a legal no-brainer. Kind of a shame for Wilson. Kind of a loss for students. **Kind of a surprise that Mayor Fenty is willing to increasingly alienate Wilson parents -- among his strongest supporters for DCPS reform -- by showing what really happens under his reforms. Mayor Fenty can look into this situation and can do it in a fair way as the leader he is. So why isn't he leading?** (Maybe he's too busy packing for the Olympics, where he can see for himself how the Chinese Government successfully implement reforms.)

As the vacationing parent wrote me, ***"I'm wondering if this principal understands the parental dynamic politically. Over the past 15 years, we've put up with winter days without heat, because the boilers were broken, leaky ceilings, no toilet paper, no mimeograph supplies, no textbooks, and teachers removed from the classroom because of budgetary snafus. As a group, though, the parents don't go to the trenches lightly. We are committed to the schools, because we find strong positives. The teachers who go the extra mile are what make the difference. Mr. Cahall might think we are just pains in the ass and not realize where we are coming from and what our history as a community is. We've educated our kids in the shadow of the state of the art Maryland schools and the private schools, yet we have stayed with the DCPS. I haven't really expressed myself well here, but I am wondering if there is a way to explain the point that we're not interested in a pissing match, it takes a lot for parents to sign a petition like yours..."***

Mayor Fenty and Principal Cahall, are you listening? Have you read the rule?

LEGAL DISCLAIMER: *I didn't share this email with Dr. Siebens' legal team and I'm sure they would want me to say that my above opinions (legal and otherwise) do not necessarily reflect the views of his lawyers or his legal strategy. Just comments from the peanut gallery....*

Onward!

Best,

Paul

Paul Mahon

Wilson Parent of Maddie ('07) and Hanna ('09)

Maddie had Anatomy & Physiology with Dr. Siebens

Hanna had AP Biology with Dr. Siebens

Please visit our website <http://www.reinstatedrart.com> to learn more about our cause and to access resources in support of the students' petition.