

**Know Your Rights Handbook**  
*New York City Edition*

**The 2007-08 New York State  
Education Budget and Reform Law  
and State Education Department Regulations  
*as amended in 2008-09***



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The **Campaign for Fiscal Equity, Inc. (CFE)** is a leading non-profit organization working to protect and promote the constitutional right to a sound basic education —defined as a meaningful high school education -- for every public school child in the State of New York. CFE was founded in 1993 by a coalition of concerned parents and education advocates who filed the landmark case *CFE v. State of New York*, which established this right. To make this right a reality, CFE works to ensure that the neediest students in low performing schools make academic progress, graduate high school and become active civic participants who can compete in the global economy. CFE works to educate and engage the public and policy makers to ensure that the historic school budget increases, accountability reform and meaningful public participation that resulted from the landmark CFE court decision and law reform are fully implemented.

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The **Alliance for Quality Education (AQE)** is a New York State community-based organization fighting for high-quality public education. AQE played a major leadership role in fighting and securing fair funding for public schools, which led to the historic four-year funding increase enacted in 2007. AQE has always advocated for accountability to ensure that the increased funding reaches schools and students who need it the most. AQE was instrumental in the creation of the new accountability measures, the Contract for Excellence, enacted into law in 2007. AQE continues to be one of New York State's most vocal advocates for accountability in public education as well as for full and fair school funding.

**Billy Easton**, Executive Director

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## OVERVIEW

### *Campaign for Fiscal Equity v. State of New York:* **The Constitutional Right to the Opportunity for a Sound Basic Education for Every Public School Student in New York State**

Since 1993, the Campaign for Fiscal Equity, Inc. (CFE) has worked to ensure that every child in the State of New York receives his/her constitutional right to the opportunity for a **sound basic education**.<sup>1</sup> In two landmark rulings, the New York Court of Appeals, the highest court in the state, agreed with CFE, declaring that such an opportunity means that students are entitled to a meaningful high school education that prepares them for competitive employment and productive citizenship. CFE, along with the Alliance for Quality Education (AQE), has led the effort to secure these constitutional rights through litigation, advocacy, and policy development -- with the input and active support of parents and communities across New York State.

In April 2007, the New York State Legislature and the Governor passed historic education legislation to provide a multi-year, massive infusion of new school funding; the creation of a clear cut system of accountability that will focus on putting into practice key educational strategies; and a fair and simple funding formula, known as **Foundation Aid**, to distribute school aid to districts based on the needs of students, not politicians. The new Foundation Aid formula replaces the old **operating aid** category of school funding made up of over 30 separate aid formulas. There is now a single Foundation Aid formula that determines the lion's share of state aid a district will receive to pay for its school programs.

The legislation provided for the first down payment on a four-year commitment to provide adequate resources to districts across the state. For the 2007-08 school year, that meant a \$1.76 billion statewide increase in total education funding. \$712 million of that

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<sup>1</sup> Throughout the text of this guide, various terms appear in bold the first time they are used. Definitions for these terms can be found at the end of the Handbook in **Appendix C--Explanation of Education Terms**.

increase was earmarked for New York City, including \$469 million in Foundation Aid. In 2008-09, year two, there was a \$1.75 billion statewide increase in total education funding, \$1.2 billion in Foundation Aid. New York City received an increase of \$644 million in total state education aid, \$622 million in Foundation Aid. By the 2010-11 school year, annual statewide school aid will increase by \$7 billion, with \$3.2 billion for New York City, including \$2.35 billion in new Foundation Aid.

In order to make certain that these new monies are being spent wisely to improve teaching and learning for students with the greatest needs, the legislation establishes a new accountability system. The law originally required that 55 high-needs districts, including New York City, complete an annual **Contract for Excellence** (Contract), a plan that lays out how each district will spend its new Foundation Aid. In April 2008, the legislation was modified so that only 39 districts must complete a Contract, and some changes were made in the amount of funds available for Contract use outside New York City. The rules for New York City were not changed. The **New York State Commissioner of Education** (Commissioner) must approve a district's Contract before the plan can be put into action.

The school districts that are required to complete a Contract are selected for two reasons. First, as of April 1<sup>st</sup> of the base year (2006-07) at least one school in the district has been identified by the state as:

- in **corrective action**, or
- in **restructuring status**, or
- a **School Requiring Academic Progress (SRAP)** - (year two or more), or
- a **School In Need of Improvement (SINI)** - (year two).

Second, the district received an increase in Foundation Aid of \$15 million or at least 10% compared to the previous year, whichever is less, or, as in the case of Yonkers, received a supplemental educational improvement plan grant. Additionally, any district that filed a 2007-08 Contract and receives a cumulative increase for 2007-08 and 2008-09 of 20% or \$27.5 million must complete a Contract if the district has at least one school in a status listed above. For New York City, both the Department of Education as well as each New York City **Community School District** (CSD) must prepare a Contract. The CSD Contracts must be integrated into the larger citywide Contract.

The law also requires the state to develop a new way to measure how well a district is doing in steadily improving each student's progress toward meeting state standards. The

“**growth model**” looks at a student’s progress over time as well as other factors like high school graduation rates and the number of graduates who go on to attend college. This allows students to be measured on more than “high stakes” testing as in the current system. By the 2008-09 school year, the law requires the Commissioner to establish an interim system utilizing existing state assessments and sets the goal of completing the new system by the beginning of the 2010-11 school year.

Additionally, the law creates a Distinguished Educators Program that identifies educators with proven track records in educating all children to high standards and assigns the educators to help low-performing districts better educate their students.

Finally, answering the CFE and AQE call for parent and stakeholder involvement, the law requires districts to seek public input through consultation in the development of the proposed Contracts, a 30-day public comment period and hearings on the proposed Contracts, and establishes clear complaint procedures.

CFE and AQE have developed this “Know Your Rights” handbook so that parents, concerned community members, and stakeholders across the five boroughs can understand and monitor district spending to ensure that it leads to improved student performance.

### **MAKING THE RIGHT A REALITY: THE CONTRACT FOR EXCELLENCE**

Following the passage of a law, the legislature requires the state agency in charge to issue **regulations**. These regulations are legal instructions on how to put into place, or implement, the law. In this case, the **New York State Education Department** (SED) has that responsibility. The **New York State Board of Regents** (Regents), the governing body appointed by the legislature to direct the state’s education policy and oversee SED, must approve these regulations. By law, all regulations must be available for public comment before they receive final sign off from the Regents.

In 2007-08, SED issued emergency regulations for this law that were subsequently modified, in response to public input, over the course of the school year. At their July 2008 meeting the Regents formally adopted the revised emergency regulations making them permanent.

For the 2007-08 school year New York City was required to prepare a plan to distribute \$258 million in Contract funds; for the 2008-09 school year, \$386 million is subject to Contract distribution.

The Contract must show how the increased Foundation Aid—less inflation and charter school tuition—will be spent. The breakdown by school year is shown in the following chart:

<b>Contracts for Excellence Funds for New York City</b>	<b>SY 2007-08</b>	<b>SY 2008-09</b>
Total Increase in State Aid to NYC	\$ 710,000,000	\$ 643,333,542
Increase classified as Foundation Aid	\$ 469,752,980	\$ 622,002,562
Less: 3% for Inflation	(\$ 151,900,449)	(\$ 166,226,074)
Less: Charter School Base Tuition	(\$ 60,000,000)	(\$ 70,000,000)
<b>Amount Subject to the Contracts for Excellence</b>	<b>\$ 257,852,531</b>	<b>\$385,776,488</b>

Once the Contract is submitted to SED, the Commissioner decides whether to approve the Contract. SED will make all approved Contracts available on their website ([www.nysed.gov](http://www.nysed.gov)) so the public can review and monitor the implementation of the Contracts.

**What is in a Contract for Excellence?**

The Contract must specifically explain how the amount of new Foundation Aid covered by the Contract will be spent to support *new or expanded* research-proven programs and activities in six specific categories:

- Reducing class size;
- Increasing student time on task;
- Improving teacher and principal quality;
- Re-structuring middle and high schools;
- Establishing full-day pre-kindergarten for four year olds and full day kindergarten for five year olds outside of New York City;
- Model programs for students with Limited English Proficiency (LEPs)<sup>2</sup>(often commonly referred to as English language learners or ELLs).

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<sup>2</sup> Contract money for 2007-08 could be allocated in five categories, this sixth category for LEPs was added in 2008.

The Contract must specify how these choices will be used to benefit student achievement, and include, as necessary, any high quality professional development needed to ensure successful implementation of a program.

There are a number of rules that New York City must follow when spending the new money. First, at least 75% of the annual Contract amount must benefit students with the greatest educational needs. The regulations define this group as those students who are enrolled in schools that are ranked in the top 50% of need (from greatest to least) on measures of poverty, disability, Limited English Proficiency (LEP), and low school performance as measured against total enrollment. The district must also provide that schools in improvement status receive a portion of the Contract funds based on their share of total district need. Second, the new money must be spent on new or expanded programs, and not replace existing program funding. Third, the district must show per pupil spending from all funding sources (local, state, and federal). Fourth, New York City must report all spending on a school-by-school basis.

### **Reducing class size**

#### ***What are the new class size requirements?***

New York City was required to create a five-year plan to reduce class size. For the 2007-08 school year, the city had to show progress in reducing average class size for all grades from pre-kindergarten through 12<sup>th</sup> grade. Beginning with the 2008-09 school year, the plan must meet the class size reduction targets for pre-K through 12<sup>th</sup> grade as prescribed by the Commissioner based on recommendations of an expert panel. (This panel has not yet been convened.) Further, the city must show how the class size reduction plan relates to the Department of Education's five-year capital plan.

#### ***How can New York City reduce class size?***

The Department of Education must prioritize reducing class size in low performing or overcrowded schools particularly those designated as SINI, SRAP, corrective action, or under restructuring. As a basis for measuring progress, New York City must provide baseline data on the number of classes, average class size, and number of teachers for each targeted grade level. Beginning with 2008-09 through 2011-12, the City must a) establish annual class size reduction goals that move toward the targets established by the

Commissioner; b) make measurable progress in each school year to achieve those targets; and, c) not exceed those targets by 2011-12.

New York City can achieve class size targets in a number of ways. First, the DOE can create or construct new classrooms or buildings. Second, the district can assign more than one teacher to a classroom to reduce student-teacher ratio. Third, the Commissioner can approve alternate methods to reduce student-teacher ratio. CFE and AQE believe that every effort must be made to create new individual classes in separate classrooms since it is the method proven most effective by research.

### **Increasing student time on task**

#### ***How can New York City provide more time on task?***

For kindergarten through 12<sup>th</sup> grade, more “time on task” means providing students with additional instructional time in core subject areas like math, English, science, and social studies to improve students’ content knowledge and help them meet the **New York State Learning Standards** (Learning Standards). Expansion of time in core subject areas can also include new or expanded programs in visual arts, music, dance, or theatre as well as additional programming in career and technical education.

The district can increase time on task for students by lengthening the school day or year, making scheduling changes, and providing intensive tutoring. Reforms in each of these areas must meet certain regulatory rules.

- *Lengthened school day:* At the middle and high school levels, a longer school day can include after-school programs, and must focus on content areas and graduation requirements. Student support services such as guidance, counseling, parent outreach, and instruction of study skills must also be provided with the lengthened day.
- *Lengthened school year:* This can include summer school for selected students. All additional time must offer instruction, tutoring, and/or other academic enrichment and a district must also provide student support services.
- *Scheduling changes:* A district can create extended blocks of time in core subject areas to give students additional opportunities to improve their content knowledge. Additionally, extended block time must offer research-based core instructional programming and must include either a response-to-intervention program or individualized intensive academic intervention.
- *Individualized tutoring:* This is primarily for students who are at-risk of not meeting Learning Standards. Tutoring must emphasize Learning Standards in core subject areas and graduation requirements. Tutoring will enhance, not take

the place of, the general curriculum and can be provided by a certified teacher, paraprofessional, or other qualified individual as approved by the superintendent.

In all cases, student support services may include, but are not limited to guidance, counseling, attendance, parent outreach, behavioral support, or study skills instruction.

### **Improving teacher and principal quality**

#### ***How can New York City improve the quality of its teachers and principals?***

A district must show that all teachers and principals have appropriate certification and that teachers in all core academic subjects are “**highly qualified**” according to federal **No Child Left Behind** (NCLB) standards.

The district can improve quality through:

- Putting in place new and improved methods to recruit and retain certified and highly qualified teachers and principals;
- Forming professional mentoring programs for new teachers and principals;
- Mentoring to improve the performance of other teachers and principals as consistent with the union contract;
- Creating incentives to encourage highly qualified teachers to work in low-performing schools (this incentive cannot be used to increase salaries across the school or district) and must be developed in accordance with collective bargaining agreements;
- Providing highly qualified and certified instructional coaches for teachers for support in content areas and/or teaching methods;
- Providing certified, individualized school leadership coaching for principals to become more effective instructional leaders and assist learning across the curriculum.

### **Restructuring middle and high schools**

#### ***How can New York City restructure schools with the new infusion of dollars?***

Restructuring only applies to middle schools and high schools. New York City can create new instructional programs that provide challenging academic content and learning opportunities or proven, academically-appropriate intervention programs to help at-risk students meet Learning Standards. The district can also re-organize a school with programs such as schools within schools, ninth-grade academies, or creation of teacher teams to meet the varying needs of students. New York City’s restructuring can include

development or expansion for programs in the visual arts, music, dance, theater, career and technical education.

### **Establishing full-day pre-kindergarten for four year olds and full-day kindergarten for five years olds outside of New York City**

#### ***How can New York City improve pre-kindergarten?***

The city can use new Contract funding to create full-day pre-kindergarten programs for four year olds. Working with community-based organizations, these full-day programs can also include additional hours to meet the needs of families. As part of pre-kindergarten expansion, New York City can also create programs to integrate students with disabilities into the classroom. The law and regulations allow for the creation of full-day kindergarten programs for five-year olds outside New York City. The city has mandated full-day Kindergarten since the early 1980s.

### **Developing or expanding model programs for students with Limited English Proficiency (LEP)**

#### ***How can New York City expand or replicate effective programs for LEP students?***

According to the Regents regulations, model LEP programs are innovative programs, services, and support that include a variety of effective practices, and are designed to improve academic achievement and student performance across the content areas. All model programs must help LEP students, from kindergarten to 12<sup>th</sup> grade, attain the Learning Standards and must be designed to benefit all LEP students, especially those with disabilities or who live in poverty. The district must also provide high quality professional development for LEP teachers.

Allowable LEP model programs are limited to one of several categories depending on the needs of the student.

1. Model programs, depending on student need, can:
  - Address needs of students with interrupted formal education in a student's native language and will focus on literacy and numeracy as well as content areas;
  - Provide targeted programs, with specific vocabulary instruction and academic support, for students who have lived in the U.S. for seven years or longer who are below grade level in reading, writing, or other content areas; and,
  - Provide support services, included tutoring, to help students transition smoothly from LEP or bilingual programs into mainstream classrooms.

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- 2. Native language support that:
  - Provides high-quality universal pre-K that incorporates both English and a student’s native language and necessary professional development for teachers;
  - Offers dual language programs where literacy and content are taught in two languages to promote bilingualism;
  - Offers co-teaching or consultant teaching that will support integrating students with disabilities into bilingual programs;
  - Makes written materials, including library resources, available to both students and parents in their native language in both school and community settings; and,
  - Provides additional bilingual support, as necessary, in the major content areas for students with disabilities in schools without other program support.
- 3. New immigrant programs that provide transitional activities that address the social, emotional, and language issues of newly arrived LEP students.
- 4. Recruitment and retention of bilingual general education and special education teachers, ESL teachers, bilingual teachers for students with speech and language disabilities, and bilingual pupil personnel staff, with the following guidelines:
  - Development of a career ladder and identification of state and federal grant funds for bilingual teacher aides;
  - Accurate and timely district support for the teacher credentialing process that includes information on temporary certificates including bilingual internships and interim certification;
  - Focused and comprehensive professional development for teachers, assistants, and aides; and,
  - Necessary training and support for certified mentors and supervisors.
- 5. Parental involvement programs and materials must include:
  - Communication in both English and languages spoken in the community;
  - Promotion of adult English classes and family literacy;
  - Making “unstated rules and behavioral expectations” clear, for example that parents must attend specific meetings or conferences; and,
  - Encouraging power-sharing relationships between parents and school officials, for example creating parent advocacy groups or shared decision making opportunities.

**Can New York City spend new money in areas other than these six categories?**

The law allows districts to spend up to 15% of the new increase in Contract funding on experimental programs, but only if they can demonstrate that these programs are effective strategies that improve student achievement. Like other Contract districts, New York City must outline these programs in a plan submitted to the Commissioner for

approval. The plan must show how the experimental program will be effective and what measures will be used to evaluate the program. Furthermore, the district must partner with a college, university, or other organization with extensive capacity and research experience.

New York City is permitted to use up to \$30 million or 25%, whichever is less, of the increase in Foundation Aid to pay for the maintenance of existing programs and activities that are included in the Contract menu provided that they predominately serve this needy group of students and schools.

## **USING OUR DOLLARS WISELY: ACCOUNTABILITY AND REPORTING**

### **What are my rights as a parent or guardian to comment on my district's Contract?**

CFE and AQE fought to ensure that parental voices and concerns would be an integral part of the process. The recently passed legislation guarantees that your voice will be heard.

For the 2007-08 school year, SED's emergency regulations required that all school districts solicit public comment on their Contracts. Beginning with the 2008-09 school year, and for all following years, a district must develop its Contract through a public process that requires consultation with parents and those in **parental relation**, teachers, and administrators, and must include at least one public hearing.

Once the proposed Contract is developed, New York City must hold public hearings in each borough on the proposed citywide Contract. Each of New York City's 32 **Community School Districts (CSD)** must create a Contract that is consistent with the citywide Contract and the community superintendent must submit the local CSD Contract to the **Community Education Council (CEC)** for review at a public hearing.

The regulations specifically require New York City to engage in a three part public process to elicit feedback on the City's proposed Contract:

1. A public comment period.
  - There must be a 30-day comment period for written public comment;
  - The city must provide reasonable notice of the comment period to the public generally, and specifically to all parents, those in parental relation, teachers, administrators, and appointed distinguished educators. The notice must include:

- A general description of the Contract;
  - A detailed description of the Contract;
  - A detailed description of proposed allocations on a school level, by program area (including all program additions and enhancements), by student achievement targets, and by affected students populations (including LEPs, ELLS, and students in poverty, with disabilities, and with low academic achievement);
  - Information on where to obtain a copy of the Contract;
  - A description of how to submit written comments including correct addresses and deadlines.
- Notice may be provided in a number of ways including listings on the district website, postings in schools and district offices, notices in newspapers and through direct mailings and distributions. New York City must provide translations of the notice in English as well as the most commonly spoken languages in the community.
2. Public hearings.
- There must be at least one held in each borough.
  - The city must provide reasonable public notice of each hearing and the notice must include:
    - A general description of the Contract;
    - A detailed description of the proposed allocations by school level, program area, student achievement targets, and affected student populations;
    - An explanation of the public hearing process including procedures for participating and submitting comments on the Contract.
  - Notice of the hearings must be well advertised, following the regulations for the public comment period; and,
    - The notice of time and place must be given at least one week in advance to the news media and must be posted in visible, designated public locations at least 72 hours before the hearing. Additional hearings must also receive reasonable public notice.
  - All public hearings must provide a chance for any interested party to give oral or written comments.
3. Public comment record and assessment.
- The DOE must compile, and make available on request, a record of all written and oral comments presented at public hearings on the Contract;
  - Within 12 days after the end of the public comment period or the final public hearing (whichever ends last), the DOE must prepare an assessment of any oral or written comments;
  - The assessment must include a summary, by subject matter, of comments received and the school district's response to each of the substantive

comments including explanations for why changes were or were not made in the Contract; and

- The assessment must be posted on the DOE website.

Once the district has posted all appropriate materials on its website and has completed the full public process, it must submit the finalized proposed Contract to the Commissioner for approval. Additionally, the city must submit to the Commissioner the transcripts of comments from all public hearings. The city's final proposed Contract must be posted on the DOE's website within 48 hours of submission to the Commissioner.

### **What if I have evidence that the city isn't fulfilling its Contract for Excellence?**

By law, school districts must follow complaint procedures as established by SED so that parents or those in parental relation can file complaints regarding the implementation of their district's Contract. If a district fails to properly or fully implement its Contract, parents have the right to question why the plan wasn't followed.

In New York City, complaints are first filed with the building principal and can be appealed to the community superintendent. Or, the complaint can be filed directly with the community superintendent. An appeal of the superintendent's decision can be made to the Chancellor.

Additionally, New York City must develop a complaint form that specifies where complaints can be filed along with the appropriate filing deadlines and specific instructions on how to file the complaint. The complaint form should be available on the DOE website as well as in schools and district offices. The form must be available in English and the other most commonly spoken languages in the community. Filing a complaint on the specified form is NOT mandatory. The city must accept other filed complaints as long as they substantially comply with the complaint procedures.

Once a complaint is filed, the district needs to make reasonable attempts to address and resolve the complaint in a timely manner. Either the building principal, community district superintendent, or the Chancellor, must notify the person filing the complaint of the determination within 30 days from when the complaint was received. This written notice must also explain how to appeal the decision.

If the parent decides to appeal to the next level, each subsequent appeal must also receive a written response within 30 days. If the district does not respond to the parent within 35 days, the parent can automatically file an appeal to the next level.

### **How will I know how the city has spent its new Contract money?**

By law, the school district must publicly account for its Contract expenses. It must report on how it spent the money in the Contract by individual program or activity and in total. So for each school and for district-wide programs, the district must show:

- Contract expenditures in the base year (the base year is the prior year; for 2008-09 the base year is 2007-08);
- Budgeted Contract expenditures for the current year;
- Actual Contract expenditures for the current year.

Additionally, in New York City, the City Comptroller will conduct an audit. The audit must show that the increase in school aid has added to, and not replaced, school funding for the base year.

### **What are other key provisions of the Education Law that I should know?**

#### *A New Accountability System*

By law, the Board of Regents must create an improved state accountability system. This new growth model system will provide a more accurate and fair measure of school and student progress toward success as compared with the traditional “snap shot” measures of student testing in a single year. A temporary new system should be in place by the start of the 2008-09 school year with an expanded growth model fully in place by the 2010-11 school year.

As part of implementing this new system by July 1, 2008, the Regents must establish targets for school-level and district improvement that not only take into account state test scores, but also graduation rates, student retention rates, and college attendance and completion rates.

There will be consequences for districts failing to show adequate improvement. The Regents will also expand and improve the **Schools Under Registration Review** (SURR) process that affects the state’s lowest performing schools. The new process will identify up to 5% of schools in New York State as SURR. The Regents will provide

increased support and interventions for SURR, SINI, corrective action or restructuring schools.

The Regents will establish a Distinguished Educator Program that identifies proven educational leaders who have demonstrated their ability to improve student performance for all students in challenging school environments. These distinguished educators will assist and advise low-performing school districts to improve student achievement. The Commissioner will also appoint distinguished educators to assist districts that have failed to make the **adequate yearly progress** (AYP) required by the state for four or more years. All school districts must accept the appointment.

### *New Ways to Understand and Evaluate Our Schools*

By July 1, 2008, districts must prepare progress reports for all students to be sent to parents and those in parental relation. These progress reports will include information on the child's performance on state assessments over multiple years of testing and will explain how to obtain more information about their child's progress in school. The Commissioner will also develop new materials that make state assessments and the Learning Standards easier to understand for teachers and the general public.

The Commissioner will develop a school leadership report card as well as separate school progress report cards. The leadership report card will help boards of education and the public evaluate the performance of school leaders including superintendents and principals. Additionally, the publicly available report cards will show a school's progress in achieving standards of excellence that include parent involvement, teacher quality, curriculum, and accountability measures.

The Regents will explore creating a new, comprehensive pre-kindergarten through college data system that tracks a student's performance as he/she moves through the system. By collecting data in this new way, testing can be used as a tool to improve teaching and student performance.

The Commissioner is required to ensure that teacher certification and appointments meet all applicable laws and rules. The new law requires the Commissioner to review and develop new ways to certify teachers.

## **LOOKING TOWARD THE FUTURE: NEXT STEPS**

Along with thousands of parents and stakeholders, CFE and AQE have worked to secure better funding for students with the greatest needs. Now that the money is flowing to our schools, we must continue to work together to ensure that every Contract dollar that comes to New York City is fairly spent according to the Regents' regulations and the new Education Law. The Regents have outlined a detailed public accountability process that New York City must follow.

Now we must do our part, by providing our schools and the district with constructive comments on the proposed Contract for Excellence and its plans for our schools. We must attend the public hearings and make our voices heard at the city and state levels through the comment and approval processes. Finally, we must monitor the implementation to ensure that the money is spent according to the Contract and that these investments lead to academic excellence.

Informed parents in communities across New York City - who actively exercise the rights provided in the 2007-08 New York State Education Budget and Reform Law and its amendments - are essential to turn Campaign for Fiscal Equity law into Contract For Excellence reality in our schools.

**APPENDIX A**

**SCHOOL DISTRICTS (OUTSIDE OF NYC) THAT HAD TO FILE  
CONTRACTS FOR EXCELLENCE FOR 2007-08 SCHOOL YEAR**

ALBANY	MASSENA
ALEXANDER	MIDDLETOWN
AMSTERDAM	MONTICELLO
ARLINGTON	NEWBURGH
AUBURN	NORTHEASTERN CLINTON
BINGHAMTON	NORWICH
BRENTWOOD	OSSINING
BUFFALO	OSWEGO
CAIRO-DURHAM	PORT CHESTER
CAMDEN	PORT JERVIS
CARTHAGE	ROCHESTER
CENTRAL SQUARE	RUSH-HENRIETTA
CLYDE-SAVANNAH	S. GLENS FALLS
COPIAGUE	SCHENECTADY
DUNKIRK	SOUTH COLONIE
E. IRONDEQUOIT	SPENCER-VAN ETTEN
ELMIRA	SPENCERPORT
FALLSBURGH	SYRACUSE
FULTON	TARRYTOWN
GENEVA	UNADILLA VALLEY
GREECE	UTICA
HANNIBAL	VALLEY-MONTGOMERY
HAVERSTRAW-STONY POINT	WAPPINGERS
HYDE PARK	WATERTOWN
JAMESTOWN	WATERVLIET
LANCASTER	WESTBURY
LANSINGBURGH	WHITE PLAINS
	YONKERS

Source: New York State Education Department  
<http://emsc32.nysed.gov/C4E-4-9-07-guidance.mht> 4/11/2007

**APPENDIX B**

**SCHOOL DISTRICTS (OUTSIDE OF NYC) THAT MUST FILE  
CONTRACTS FOR EXCELLENCE FOR 2008-09 SCHOOL YEAR**

ALBANY	NEWBURGH
AMSTERDAM	NORTHEASTERN CLINTON
ARLINGTON	NORWICH
BINGHAMPTON	ODESSA MONTOUR
BUFFALO	OSSINGING
COPIAGUE	OSWEGO
DUNKIRK	PORT JERVIS
ELMIRA	ROCHESTER
FULTON	SCHENECTADY
GENEVA	SOUTH COLONIE
GLOVERSVILLE	SPENCER VAN ETEN
GREECE	SYRACUSE
HANNIBAL	UTICA
HAVERSTRAW-STONY POINT	VALLEY-MONTGOMERY
HYDE PARK	WAPPINGERS FALLS
MASSENA	WATERTOWN
MEXICO	WATERVLIET
MIDDLETOWN	WHITE PLAINS
MOTICELLO	YONKERS

Source: New York State Education Department  
[http://www.emsc.nysed.gov/mgtserv/documents/2008-09EDts\\_Final\\_revised.xls](http://www.emsc.nysed.gov/mgtserv/documents/2008-09EDts_Final_revised.xls)

**APPENDIX C****EXPLANATION OF EDUCATION TERMS**

State and federal education law can often look like a confusing bowl of alphabet soup. To help you sort through the definitions, we are including a glossary of key terms here.

**Adequate Yearly Progress (AYP):** This is a way to measure a school’s improvement. Under the No Child Left Behind (NCLB) Act, schools that receive federal funds must develop goals to bring all students to “academic proficiency” by the end of the 2013-14 school year.

**Building Aid:** A state funding formula which provides reimbursement for new school construction as well as for improvement or expansion of existing school facilities. Every district must create construction plans that must be sent to SED for approval. In New York City, the **School Construction Authority (SCA)** creates a five-year capital plan. The SCA was created by the State Legislature and is charged with designing, building, and renovating school buildings in all five boroughs.

**Community Education Council (CEC—sometimes referred to as CDEC):** New York City is divided into 32 Community School Districts (CSD). In 2002, legislation was enacted creating Community Education Councils for each CSD to replace the former Community School Boards. The CEC addresses elementary and middle school concerns within its CSD. Each CEC has 12 members who serve two year terms, including nine parents selected by the district's PA/PTAs, two members appointed by the Borough President, and one non-voting student member selected by the Community Superintendent. Additionally, there are two Citywide Education Councils that represent the interests of high school and special education parents. On the Citywide Council for Special Education, the two appointments are made by the Public Advocate. Each CEC holds monthly public meetings and is responsible for approving school zoning lines, holding hearings on the school capital plan, evaluating the Community Superintendent and providing input on school policy issues. Under the Education Law, CECs must review and hold a public meeting on their CSD Contract for Excellence.

**Contract Amount:** Refers to the new Foundation Aid money which must be spent in six key categories to improve teaching and learning:

- Reducing class size;
- Increasing student time on task;
- Improving teacher and principal quality;
- Re-structuring middle and high schools;
- Establishing full-day pre-kindergarten for four year olds; and full-day kindergarten for five year olds outside of New York City;

- Model programs for students with Limited English Proficiency (LEPs) – added for the 2008-09 school year.<sup>3</sup>

**Corrective Action Schools:** This is a category for second-year SINI (see below) that have not made adequate improvement. Districts with these schools must make at least one of the following changes: replace inadequate school staff, institute a new curriculum, reduce the management authority at the school, appoint an outside expert as a school advisor, extend the school day or year, or restructure the internal school organization. These schools receive additional funding to carry out the required reforms.

**Foundation Aid:** Also known as **Operating Aid**. Foundation Aid is money used to run school programs. Under the new law, the state determines the amount of Foundation Aid a district receives through a formula based on student need. This formula is based on the number of students in poverty, English Language Learners, and special education students. It is this money that is used for the Contract for Excellence. The Foundation Aid formula simplifies school funding by collapsing over 30 separate aid formulas into a single formula. This formula is fair and transparent because it prioritizes funding based upon student need and links school funding to the cost of successfully educating students.

**Growth Model:** A type of evaluation that measures the academic progress of a group of students or individual students over time, not merely by test scores. This model is sometimes called “value-added assessment.”

**Highly Qualified Teachers:** According to the NCLB Act, to be considered highly qualified, teachers must have: 1) a bachelor's degree; 2) full state certification or licensure; and 3) prove that they are competent in each subject they teach. NCLB requires schools to have highly qualified teachers in all core subject areas such as language arts, math, science and social studies.

**New York State Board of Regents:** The Regents are the governing educational policymakers in New York State. They appoint and oversee the New York State Commissioner of Education and are responsible for setting education policy in New York State from pre-kindergarten to graduate school. The 16 Regents are elected for five year terms by the State Legislature. Each of the state's 12 judicial districts is represented by one regent. Four of the Regents are elected to serve at-large, so they do not represent any particular district. The Regents select a chairperson to oversee their board. This officer is known as the Chancellor to the Board of Regents and is not to be confused with the New York City Schools Chancellor. The Regents serve without salary.

**New York State Commissioner of Education:** The Commissioner is chosen by the Regents and heads SED. The Commissioner is responsible for carrying out policy set by the Regents.

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<sup>3</sup> Contract money for 2007-08 could be allocated in five categories, this sixth category for LEPs was added in April 2008.

**New York City Community School Districts (CSD):** In New York City there are 32 Community School Districts that include public elementary and middle schools. Each district has a local superintendent and receives input from the district CEC. Each CSD is, ultimately, under the jurisdiction of the New York City Department of Education and the Chancellor, the head of the NYC schools as appointed by the mayor.

**New York State Learning Standards:** Created by the Regents, the Learning Standards represent the core of what all students should know, understand, and be able to do as a result of attending school. There are two parts to the Learning Standards:

- 1) content standards describe what students should know, understand and be able to do;
- 2) performance standards define levels of student achievement relating to content.

**New York State Education Department (SED):** SED is headed by the Commissioner and oversees all public and private education in New York from elementary school through graduate school. The Regents and SED are constitutionally responsible for setting education policy, standards, and rules-- and are legally required to make sure that the appropriate organizations or individuals carry out these regulations.

**No Child Left Behind Act (NCLB):** A federal law passed in 2001 that overhauled the existing law about public schools with specific emphasis on standards and increased accountability at the local and state levels. To learn more about this law see [www.ed.gov](http://www.ed.gov).

**Operating Aid:** Unrestricted aid to school districts for school programs. While this term refers to all the money used for this purpose, it is often used to refer to **Foundation Aid**.

**Parental Relation:** New York education law defines this term to include parents, guardians or others who have lawful care, custody, or control of a minor child.

**Regulations:** Legal instructions that show how a law is to be implemented. In New York, the appropriate state agency creates regulations once the Legislature passes a law. So, in the case of education law, SED takes that responsibility.

**Restructuring Schools:** Schools that have been chosen as needing corrective action but failed to make AYP are required to develop and implement a restructuring plan.

**Schools In Need of Improvement (SINI):** The term for any Title 1 school that does not make AYP for two consecutive years in the same subject and grade. According to the NCLB Act, these schools are required to offer public school choice, an opportunity for parents to transfer a child to a non-SINI school subject to space availability. These schools must also provide other supplemental educational services.

**Schools Requiring Academic Progress (SRAP):** Schools that do not receive Title 1 funds do not fall under the NCLB provision for SINI. Nonetheless, these schools still fall under regulations set by the Regents requiring AYP. Schools that fail to do so are designated as SRAP and are required to develop improvement plans in the area for which

they are identified. Unlike SINI, SRAP are not required to offer public school choice or supplemental educational services.

**Schools Under Registration Review (SURR):** Schools that have spent two years in corrective action without sufficient improvement are then placed under state management and reorganization. If a school’s reorganization is not successful, the school is supposed to be closed by the state.

**Sound Basic Education (SBE):** The highest court in the State of New York, the Court of Appeals, defined this to mean a “meaningful high school education” that prepares students for competitive employment and productive citizenship. The Court ruled that the “opportunity for a sound basic education” is the constitutional right for every public school child in the state.

**Title 1:** Is the common name used for the section of the federal education law that authorizes special funding to high-poverty area schools with students who are considered at-risk of not meeting Learning Standards.

**Resources:**

To learn more about state and federal education law, as well as New York’s schools, consider the following helpful websites.

Campaign for Fiscal Equity, Inc.: [www.cfequity.org](http://www.cfequity.org)

Alliance for Quality Education: [www.aqeny.org](http://www.aqeny.org)

The United States Department of Education: [www.ed.gov](http://www.ed.gov)

The New York State Education Department: [www.nysed.org](http://www.nysed.org)

The New York City Department of Education: [www.schools.nyc.gov](http://www.schools.nyc.gov)

Inside Schools: [www.insideschools.org](http://www.insideschools.org)

(A project of Advocates for Children to provide an independent guide to New York City Schools.)