



Campaign for Fiscal Equity, Inc.

SOUND BASIC EDUCATION TASK FORCE
Ensuring Educational Opportunity for All

PART III.

A CONSTITUTIONAL SYSTEM
OF EDUCATIONAL ACCOUNTABILITY

April 22, 2004

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EXECUTIVE SUMMARY

In recent years, New York, like most other states, has adopted a set of challenging educational standards that are geared to preparing all students to be capable citizens and to compete in the global marketplace. The state has also implemented extensive Regents testing programs to measure student progress toward meeting the standards. These assessments are used to hold school districts, superintendents, principals, and students accountable for meeting specific outcome goals and to apply a range of sanctions if they do not.

The Court of Appeals' decision in *CFE v. State* makes clear that all students cannot realistically be expected to obtain a sound basic education in accordance with state graduation standards unless sufficient resources have been provided to all schools. If the state does not provide adequate funding, it is both unreasonable and unfair to hold school officials and students accountable for meeting the state's ambitious achievement goals.

Adequate funding is, however, a necessary but not a sufficient condition for improved student learning. As the Court of Appeals also held, current funding and school management structures must be reformed to ensure that sufficient resources such as qualified teachers, appropriate class sizes, instructional materials, and adequate facilities are actually available in each school in accordance with the needs of students. Moreover, these resources must be used in ways that will actually provide all students a genuine opportunity for a sound basic education.

Thus, a comprehensive accountability system that meets the constitutional requirements articulated by the Court of Appeals must include not only accurate outcome measures and decisive consequences but also assurances of adequate funding and methods for fairly distributing and effectively using appropriate resources to meet student needs. Accordingly, we propose a new constitutional accountability for the State of New York consisting of the following five basic components, all of which are necessary and cannot effectively be implemented separately.

1. ADEQUATE SYSTEMIC FUNDING

Adequate annual levels of funding that guarantee minimum essential resources, as determined through periodic objective costing-out studies, must be assured in a stable, predictable manner. The current state education finance system, which consists of approximately 50 diverse formulas and grants in aid, should be replaced by a foundation system that consolidates most state funding into a single block grant, and that appropriates these grants through multiyear legislative funding commitments. The legislature must also provide sufficient funds for the State Education Department (SED) to carry out its accountability functions effectively.

2. COMPREHENSIVE PLANNING AND DISTRIBUTION OF SUFFICIENT RESOURCES TO EACH SCHOOL

The myriad of current categorical funding restrictions and reporting mandates should be replaced by a requirement for a single comprehensive “sound basic education” plan that each school district should develop with substantial input from administrators, teachers, parents, and the public at large. Plans of New York City and other districts with large numbers of students who are not currently meeting Regents standards would be subject to review and approval by the SED through a peer review process. Their plans would be required to demonstrate specifically how the district’s funds will be used in defined priority areas to meet the goals of providing all students with the opportunity for a sound basic education and closing existing achievement gaps.

The plan should cover a four-year period, but it should be updated annually to allow for necessary interim adjustments. It should set forth specific output benchmarks and describe methodologies for determining how funds will be allocated to schools in the district to meet student needs. SED should appoint a Sound Basic Education Implementation Task Force, with diverse community representation, to advise the Regents on appropriate regulations and guidelines to implement the new accountability system.

3. EFFECTIVE USE OF RESOURCES

Comprehensive planning at the district level must be accompanied by comprehensive planning at the school level. School-level planning promotes effective resource use by accounting for local conditions and student needs, and by focusing on building school-based instructional capacity. School-level planning should provide feedback on resource adequacy and specific implementation issues. It should also promote the development of local priorities in areas like art education and civic participation to supplement the core subjects emphasized in the Regents testing program. Local plans should be developed with significant input from teachers, parents and the entire school community.

Effective use of resources will also require the identification of existing statutory, regulatory, and contractual impediments to providing a sound basic education, and concerted efforts to negotiate new ways to promote policy initiatives while recognizing employee job protection needs in the changed constitutional context. In addition, the State Education Department's current information systems need to be updated and expanded to enable such functions as individual student tracking and effective coordination of resource allocations.

4. PROPER ASSESSMENT OF OUTCOMES

The Regents' current system of student testing should be maintained, but improved by (a) undertaking a thorough independent review of the validity and reliability of all the Regents examinations; and (2) encouraging districts and schools to utilize portfolios in a supplementary manner to assess organizational, communication, social responsibility, and other civic participation skills.

5. APPROPRIATE CONSEQUENCES FOR POOR PERFORMANCE

Decisive sanctions should be applied promptly at all levels of responsibility to ensure the availability of adequate resources and to eliminate fiscal abuse and professional incompetence. But once any necessary sanctions have been applied, the additional "consequences" for low performance should include renewed efforts to ensure that

adequate resources to meet student needs are available and are being used effectively. Specifically, where schools are persistently low-performing, SED should send a highly qualified state assistance team to conduct a thorough school improvement review, designate a “distinguished educator” to work at the school for the next year or two, and develop and ensure the implementation of an effective school turnaround plan.

An independent Accountability Review Panel should be established. The governor should designate two of the members of his Commission on Education Reform to serve on the panel, two members should be designated by the plaintiffs in *CFE v. State of New York*, and three should be appointed by the Regents. The panel should (a) identify major statutory, regulatory, or contractual provisions that need to be reconsidered in order to meet constitutional objectives; (b) retain professional auditors to conduct periodic operational efficiency audits of New York City and other school districts; and (c) report annually to the governor and the legislature on the implementation of the new constitutional accountability system.

INTRODUCTION

In order to cure widespread constitutional deficiencies, the New York Court of Appeals, in its 2003 decision in *CFE v. State of New York*, ordered the state to (1) determine the actual cost of providing a sound basic education; (2) reform the current funding and management structures to ensure that all schools have the resources they need to provide a constitutionally adequate education; and (3) develop "a new . . . system of accountability to measure whether the reforms actually provide the opportunity for a sound basic education."¹

The court's seemingly simple order has profound implications. It requires a new approach to school finance that looks not only at how much money is made available but also at how the money is spent and whether increased funding actually results in improved student performance.² It essentially calls for a "next generation accountability" approach that includes testing, sanctions, and other traditional accountability concepts but incorporates them into "a broader reform strategy designed to alter the conditions of teaching and learning that affect student performance."³

In recent years, New York State, like most other states, has adopted a set of challenging educational standards that are geared to preparing all students to be capable citizens and to compete in the global marketplace. The state has also implemented extensive Regents testing programs to measure student progress toward meeting the standards. These assessments are then used to hold school districts, superintendents, principals, and students accountable for

¹ *CFE v. State of New York*, 100 N.Y. 2d at 128.

² The broad implications of this approach are discussed in W. Norton Grubb and Luis Huerta, "Straw into Gold, Resources into Results: Spinning Out the Implications of the 'New' School Finance," *PACE Working Paper Series* 01-1, April 2001.

³The term "next generation accountability" was formulated by the Education Commission of the States. In a project designed to help education policymakers improve their accountability systems, ECS describes next-generation accountability models as improvement-focused systems whose purpose is to improve teaching and learning; include all levels of the education system – state, district, school and classroom; and hold adults in the system accountable for student performance. See, e.g., Education Commission of the States, *Designing and Implementing Standards-Based Accountability Systems*, March 1998; Michael Cohen. "Emerging Issues in the Design of Next Generation Accountability Models." *ECS Briefing Paper*, May 2002.

meeting specific outcome goals. Under the federal No Child Left Behind Act of 2001, an extensive series of sanctions is imposed on schools and school districts that fail to meet these achievement targets.

The court's order, consistent with a comprehensive "next generation" approach to accountability, makes clear that the output measures demanded by the current state and federal accountability schemes cannot realistically be achieved unless requisite educational inputs have been put into place. First and foremost among the necessary educational inputs is, of course, adequate funding—requiring, according to the *New York Adequacy Study* and CFE's building aid analysis, increased statewide appropriations of \$9.5 billion per year. If the state does not provide adequate funding, it is both unreasonable and unfair to hold school officials and students accountable for meeting the state's ambitious achievement goals.

Adequate funding is, however, a necessary but not a sufficient condition for improved student learning. As the Court of Appeals clearly held, current funding and school management structures must be reformed in a manner that will ensure that sufficient resources are actually available in every school. Thus, the state not only must ensure that sufficient funds are appropriated for public education purposes, but it also must see that the resources that money can buy, such as qualified teachers, appropriate class sizes, instructional materials, and adequate facilities, are actually available in each school in accordance with the needs of students.

Moreover, these resources must not only be made available, but they must be used in ways that will provide all students a genuine opportunity to obtain a meaningful education. All educators and parents know that an effective school not only has an acceptable number of certified teachers, up-to-date textbooks and adequate facilities; it also is an institution in which administrators, teachers, and parents have the skills, knowledge, and opportunity to create an environment for teaching and learning that results in a sustained educational achievement.

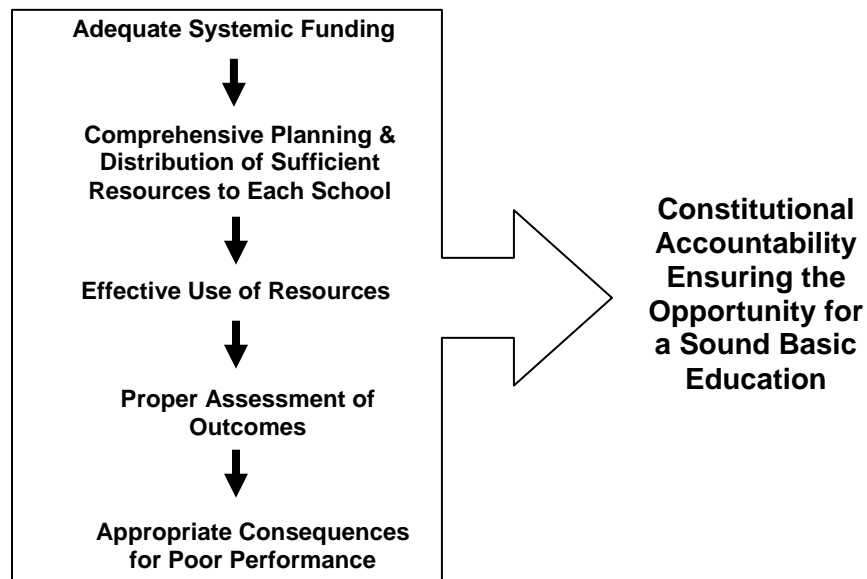
In sum, then, a comprehensive accountability system that meets the constitutional requirements articulated by the Court of Appeals must consist of the following five basic components:

1. Adequate systemic funding
2. Comprehensive planning and distribution of sufficient resources to every school
3. Effective use of resources
4. Proper assessment of outcomes
5. Appropriate consequences for poor performance

New York State's current accountability system focuses almost exclusively on the last two of the five components of a comprehensive accountability system. We believe that an appropriate accountability system that meets the Court of Appeals' requirements, and holds all stakeholders accountable for student performance, must comprehensively include all five of these concepts, each of which is necessary and cannot effectively be implemented separately .

The proposal we set forth in the pages that follow will incorporate and build on the state's existing System of Accountability for Student Success (SASS) but will also consider in detail the funding needs, planning mechanisms to assure the effective delivery of instructional resources to each school, and methods to ensure that those plans are implemented properly and actually foster educational improvement in each school (see **Figure 3.1**).

Figure 3.1 COMPONENTS OF A CONSTITUTIONAL ACCOUNTABILITY SYSTEM



The absence of adequate funding in the past has rendered calls for increased accountability in New York City and other high need school districts throughout the state hollow and often disingenuous. The prospect of adequate funding in accordance with the Court of Appeals' order changes the entire accountability equation in these districts: once funding is assured, it will become fully realistic to expect much higher levels of student performance, and it will become entirely appropriate to hold teachers, administrators and school officials—as well as parents and students—responsible for meeting specified achievement goals.

With adequate levels of funding, the need for sufficient resources in every school and for effective management of resources at both the district and the school levels take on new significance. The main mechanisms we will propose to assist officials in accomplishing these tasks, and to hold them accountable for ultimate student learning outcomes, are comprehensive planning and implementation processes and enhanced information, reporting, and public monitoring procedures. The availability of adequate systemic funding, provided largely through a single foundation block grant, will provide an opportunity for New York City and other high need districts to reconsider instructional approaches, establish priorities, and mobilize broad-based staff and public support for renewed efforts to improve student achievement dramatically. Where these efforts fail to result in acceptable student performance, we will propose strong methods to remedy the deficiencies and turn failing schools into successful learning environments.

It is important that comprehensive planning consider the needs of all schools in New York City and other high need districts. As the evidence at the CFE trial clearly indicated, the problems of resource shortfalls, and the educational deficiencies they create are, systemic issues and unless accountability mechanisms are put into place on a systemic basis, pouring resources and focusing attention on a subset of schools today will merely result in shifting the problems to other schools tomorrow.⁴ School improvement efforts must be coupled with

⁴The recent report of the New York State Commission on Education Reform ("the Zarb Commission") proposes that "resources . . . to remediate academic deficiencies" and "initiatives for improvement " be made available only in a subset of "poorly performing schools." See New York State Commission on Education Reform, *Final Report* (March 29, 2004), pp 34-35. This position falls far short of the Court of Appeals' mandate for the assurance of adequate resources and an effective system of accountability for "every school in New York City." *CFE v. State* 100 N.Y. 2d at 128 (emphasis added).

efforts to build additional district capacity to support continued reform; if this is neglected, sustained progress at the school level will be impossible.

In any large bureaucratic system, effective deployment of resources and improved instructional capacity requires extensive managerial authority and administrative discretion. But public education, especially in large urban areas, necessarily operates in a political environment where many incentives other than bottom line outcomes and economic efficiency come into play. This means that employee needs for job security and professional integrity must be respected and that parental needs for information about and input into their children's educational welfare must be accommodated. Finding mechanisms that will effectively balance these managerial, professional, and parental needs is key to the success of the educational enterprise and of any accountability system. Transparency of the planning and implementation process and serious engagement of teachers and parents in the enterprise are key aspects that balance. Although ultimately management is responsible for the decisions and their implementation, all of the relevant stakeholders must be committed to the basic policy directions if challenging achievement goals are to be met.

A CONSTITUTIONAL SYSTEM OF EDUCATIONAL ACCOUNTABILITY

1. ADEQUATE SYSTEMIC FUNDING

The Court of Appeals' order mandated that the state ascertain "the *actual cost* of providing a sound basic education. ..."⁵ The recently released final report of the *New York Adequacy Study*⁶ directly responded to that mandate. Based on the professional judgment deliberations of ten panels of distinguished educators from New York City and other urban, suburban, and rural districts throughout the state, the study specified with precision the *actual* cost of providing requisite resources, in accordance with student need, for every school in New York City and for every school throughout the state. The study's findings provided several alternative actual cost options, ranging, on a statewide basis, from \$6.6 billion to \$9 billion in current 2004 dollars, to be phased in over a four-year period. New York City would receive approximately 62 percent of these amounts. Since these are the only actual cost data that have been made available to the governor and the legislature,⁷ we assume that constitutional

⁵ *CFE v. State of New York* 100 N.Y. 2d at 128 (emphasis added). The Court of Appeals' order technically applies only to New York City. However, consistent with the position of the governor, the legislative leaders, the Regents and the Zarb Commission that the remedy in *CFE v. State of New York* should be implemented on a statewide basis, all of CFE's proposals have adopted a statewide implementation perspective.

⁶ See American Institutes for Research and Management Analysis and Planning, Inc., *The New York Adequacy Study: Determining the Cost of Providing All Students in New York an Adequate Education Final Report* (March 2004). This extensive 15-month study was sponsored by CFE, the New York State School Boards Association (NYSSBA), and 28 other statewide organizations that constituted the Council on Costing Out. It was conducted on an independent basis by the American Institutes for Research (AIR) and Management Analysis and Planning, Inc. (MAP). Based on the middle range of the recommendations of the AIR/MAP study, trended forward to current dollar needs, and its own analysis of amortized capital construction requirements (which were not covered by the AIR/ MAP study), CFE has called for a total current dollar increase of \$9.5 billion in statewide spending, to be phased-in over a four-year period.

⁷The Regents and the Zarb Commission have issued funding proposals calling for increased statewide phased-in appropriations of approximately \$11 billion and \$2.5 billion to \$5.6 billion, respectively. Both of these studies were based on a so-called "successful schools" methodology that calculates the cost of an adequate education based on a number of abstract definitional and statistical assumptions, *none of which relate to the actual costs of providing the opportunity for a sound basic education to students in New York City or other high need districts throughout the state*. Moreover, the school districts identified in these studies as being successful were, by and large, affluent suburban districts, with proportions of minority and English Language Learner populations well below the state average. This is another reason that these studies do not reflect the *actual* needs of students in New York City and other high need districts throughout the state. See New York State Education Department, *Regents Proposal on State Aid for 2004-05* (January 2004). New York State Commission on Education Reform, *Final*

compliance will require funding increases for school operations within the range recommended by the *New York Adequacy Study*.

Without adequate funding, comprehensive accountability cannot be realized. Without the guarantee of sufficient resources, schools and students can have no reasonable chance for success. The state, therefore, must meet its constitutional responsibility to provide adequate funding on a continuing basis. In order to assure that adequate education funding be guaranteed on a permanent basis, a statute should be enacted that (a) revises the state education funding system to provide current needs for adequate funding including, at least, the essential resource areas identified in *CFE v. State of New York*,⁸ (b) requires an independent costing-out study be undertaken at least every four years that covers, at minimum, these same resource areas, and (c) requires revision of the education funding system to provide current needs for adequate funding based on that study.

In addition to ensuring an adequate level of education funding, state aid allocations to New York City and other local school districts must be provided to the maximum extent feasible through predictable, multiyear foundation block grants that permit stable, long-term planning and give districts the necessary flexibility, within constitutionally appropriate parameters, to deliver resources to schools in accordance with their students' needs. The Regents, the Zarb Commission, and CFE have all called for such a foundation funding approach,⁹ and it is clear that foundation funding is one of the "reforms to the current system of

Report (March 29, 2004) (hereafter referred to as the "Zarb Commission Report"); Standard and Poor's, *Resource Adequacy Study for the New York State Commission on Education Reform* (March 2004).

⁸Justice DeGrasse's order, affirmed by the Court of Appeals, specified the following essential resources: sufficient numbers of qualified teachers, administrators, and other personnel; appropriate class sizes; adequate, safe, and accessible school buildings; sufficient and up to date instrumentalities of learning, including laboratories, libraries, and technology; suitable curricula including programs providing more time on task for at-risk students; and adequate resources for ELL and special education students. See *Campaign for Fiscal Equity v. State*, 187 Misc.2d 1, 114 (N.Y. Co. 2001).

⁹Part I of this report, "An Adequate Foundation for All: A Preliminary Proposal for Reforming the State's System for Providing Operating Aid to Local School Districts," sets forth in detail such a predictable foundation funding system.

financing school funding”¹⁰ that should be instituted to achieve compliance with the Court of Appeals’ mandate.

The final funding factor required for a constitutional accountability system is an assurance of sufficient resources for the State Education Department (SED) that will enable it to properly carry out its regulatory, monitoring, information, and capacity-building responsibilities. In recent years, SED’s budget has been substantially reduced, resulting in significant cutbacks in personnel assigned to support the existing state accountability system. For example, SED’s office that has prime responsibility for monitoring Title I and low-performing schools has been reduced from a staff of over 90 professionals in 1991 to under 30 professionals in 2004 located in New York City. SED will require additional staffing and additional funding in order to carry out effectively its responsibilities under a new, constitutional accountability system.

2. COMPREHENSIVE PLANNING AND DISTRIBUTION OF SUFFICIENT RESOURCES TO EACH SCHOOL

The Court of Appeals explicitly anticipated that “reforms to the current system of financing school funding and managing schools”¹¹ would be necessary in order to meet its mandate that *every school* have the resources necessary to provide the opportunity for a sound basic education. The critical task here is to “align funding with need.”¹² Ascertaining particular school-level needs and enhancing instructional capacity in the classroom are functions that can only be done at the local school district level. This is why the existing state education finance system, which appropriates money through approximately 50 separate formulas and categorical grants that reflect only gross state-level priorities, impedes meaningful accountability. Providing state aid primarily through a single foundation grant would allow New York City and other districts to establish educational priorities, ascertain specific school-level needs, and distribute funds accordingly.

¹⁰ *CFE v. State of New York*, 100 N.Y.2d at 128.

¹¹ *Ibid.*

¹² *CFE v. State of New York*, 187 Misc. 2d at 83.

Although a foundation funding system would relieve school districts of most of their current obligations to adhere to specific categorical expenditure requirements, there are important statewide legal and policy requirements that must be met. In addition, the legislature and the public are, of course, entitled to know how districts will use their expanded discretion to meet student needs. The best way to ensure both appropriate managerial discretion and meaningful accountability is through a transparent, comprehensive planning process. We propose, therefore, that the myriad of current categorical funding restrictions and reporting mandates be replaced with a requirement for a single comprehensive plan that each school district should develop with substantial input from administrators, teachers, parents, and the public at large, and that would be subject to review by the State Education Department.

A. District-Level Sound Basic Education Plans

Each school district in the state should be required to prepare a comprehensive sound basic education (SBE) plan in which it sets forth its instructional priorities and explains how it intends to distribute funds to each of its local schools in accordance with those priorities and student needs. New York City and other districts with large numbers of students who are not currently meeting Regents standards should be required to demonstrate specifically how the district's increased funding, together with existing funds, will be brought to bear on the constitutional goal of providing all students with the opportunity of a sound basic education, and on improving achievement for all students and closing any achievement gaps. The plan should cover a four-year period, but it should be updated annually to allow for necessary interim adjustments. The four-year planning period would correspond to the recommended four-year phase-in period for increased educational funding under the *New York Adequacy Study*, thus assuring maximum stability and predictability. The district plans should set specific year-by-year outcome goals and benchmarks of student progress, as well as specific year-by-year input targets that benchmark districts' progress toward full resource adequacy by the end of the four-year funding phase-in.

The single, comprehensive SBE plan would merge all of the fiscal and education planning requirements of the Regents Learning Standards, the federal No Child Left Behind

Act, and compliance assurances for *CFE v. State*, and it would replace current burdensome requirements for school districts to file dozens of uncoordinated plans and reports each year.¹³ Focusing on a single major annual planning process will sharpen a school district's planning mechanisms, permit meaningful stakeholder input and public participation, and provide a highly transparent core accountability mechanism. The single SBE plan will allow the public, the media, and the state to understand a district's instructional priorities and commitments and to monitor directly the extent to which its instructional goals are met.

Last year, pursuant to a legislative mandate, SED undertook a complete review of all plans and reports currently required of school districts in New York. It concluded that currently school districts are required to file over 125 separate plans and reports with federal and state authorities (see **Table 3.1**).

¹³ Some specific federal requirements would continue to require specific planning protocols, but these can be incorporated as appendices to the comprehensive plan, as is being done in Maryland, with the approval of the federal authorities. See Maryland State Department of Education. *Bridge to Excellence in Public Schools Act: Final Guidance on Developing the Five-Year Comprehensive Master Plan* (Annapolis: MD), March 25, 2003, pp. 13-14.

Table 3.1 THE NUMBER OF PLANS, APPLICATIONS AND REPORTS REQUIRED ANNUALLY OF NEW YORK STATE SCHOOL DISTRICTS BY CONTENT AREA¹⁴

Content Area	Number
Adult and Continuing Education	5
BOCES	23
Career and Technical Education	7
Educational Data	7
Pupil Health, Safety & Support	12
School Improvement	32
School Libraries	1
Special Education	8
Teaching	4
Technology	4
School Facilities	7
Child Nutrition	3
State and Federal Aid	12
Total	125

These extensive planning and reporting requirements are clearly duplicative and burdensome both for school districts and for SED staff. The SED task force report reached the obvious conclusion that “Current requirements do little to promote coordinated continuous school improvement, close the student achievement gap or assure the public that they are getting the most out of school resources.”¹⁵ Accordingly, the commissioner and the Regents have recommended to the legislature that “[A]ll existing school district planning and reporting requirements be replaced with ... a new comprehensive, streamlined system aligned with the expectations inherent in a result-oriented, standards-based education system.”¹⁶ The logic of SED’s recommendation for a simple, comprehensive reporting system is compelling, and its adoption would provide the basis for the type of systematic planning process that is necessary for comprehensive accountability.

¹⁴ New York State Education Department, *Proposal for Planning and Reporting by New York State School Districts for the Strategic Use of Resources for School Improvement* (Albany: August 14, 2003), p. 4.

¹⁵ Ibid.

¹⁶ Ibid., p. 1.

In addition to describing resource distribution to schools, the comprehensive plan must be designed to be a tool for sound school-improvement planning and cost-effective spending decisions. Using student outcome and other data, the plan should focus on how the allocation and use of resources affects school conditions, academic performance, and outcomes, and it should articulate clear instructional priorities for improving student learning and closing any achievement gaps. It should also utilize goals and strategies that ensure that all schools have sufficient resources and are able to use them effectively to build adequate professional and instructional capacity in every school.

Although school districts will need to devote substantial time and energy to developing and implementing such a comprehensive plan, substituting one coherent planning effort for 125 disjointed current obligations should actually result in a reduction in the time and resources that districts currently devote to planning and reporting activities. A preliminary analysis by BearingPoint Inc. estimates that, statewide, completing this paperwork currently occupies the time of the equivalent of over 1,100 full-time employees. These requirements are especially burdensome for small school districts where this work may fall on the superintendent, taking him or her away from more fruitful work.

In recent years, SED has piloted a comprehensive district educational planning (CDEP) process that consolidates many of the plans that school districts must submit to the state. Currently, however, there is no requirement that districts actually do so, except in New York City, where the city school district, as well as each community school district and each school are required by the chancellor to develop a comprehensive education plan.¹⁷ Since all school districts would benefit from a streamlining of current planning and reporting requirements, and parents and taxpayers in all districts are entitled to a clear blueprint of the districts' fiscal and educational plans, we believe that the basic comprehensive sound basic education planning requirement should apply to all districts in the state. Additional planning requirements, state

¹⁷ 8 NYCRR § 100.11. According to the 2002 biennial review, 71% of school districts reported that they engaged in some degree of comprehensive planning. See New York State Education Department, *2002 Biennial Review of Shared Decision Making (C 100.11)*, <http://www.emsc.nysed.gov/rscs/SchoolSupportServices/SharedDecisionMaking/2002biennialreviewREPORT.htm#Collaborative%20Planning%20and%20Comprehensive%20Planning>

assistance, and annual scrutiny should, however, apply to New York City and other districts whose students are currently not meeting state standards.

1. *Priority Planning for High-Need and Low-Performing Districts*

The sound basic education plans in districts with schools whose students are currently not meeting standards should include specific strategies and benchmarks for improving instructional capacity, focusing on the high priority areas identified by the Court of Appeals and other essential areas.¹⁸ In New York City, the chancellor should prepare a citywide plan, and each of the ten regional superintendents should prepare plans aligned with the priorities set out by the chancellor. Presumably these priority areas would include

1. Improvement in quality of teaching and instructional leadership
2. Class size reduction
3. Elimination of overcrowding and improved school facilities
4. Enhancement of pre-K and early childhood education services
5. Expanded services for at-risk students at all levels
6. Expanded services for students with disabilities and English language learners
7. Upgrading essential instrumentalities of learning, including laboratories, libraries, and technology.¹⁹

Within each of these priority areas, districts would retain broad discretion to develop specific strategies for improving instructional capacity. For example, the improvement of the quality of teaching could be accomplished through a variety of new and existing teacher recruitment and retention strategies, a range of teacher mentoring programs, and/or an array of professional development initiatives. Districts would have substantially more discretion and flexibility to design these programs and initiatives than they do at present. At the same time,

¹⁸ These areas would be identified by an Implementation Task Force, formed by SED, as described in section 2.C. below.

¹⁹ *The New York Adequacy Study* provides a prototype educational model that can guide districts in the effective allocation of resources to provide the opportunity for a sound basic education for all of their students. As the authors of the study recommended, however, ultimately districts should retain the discretion to use resources in the way that best meets actual local needs and priorities.

however, they would be required to spell out in a clear, focused, transparent manner the policies designed to meet each priority requirement and the methods that would be implemented to accomplish them.

The districts' plans should delineate both long-term and specific year-by-year outcome goals and benchmarks of student progress in terms of test scores and graduation rates, as well as specific year-by-year input targets (such as teacher retention rates) that benchmark districts' progress toward full resource adequacy by the end of the four-year funding phase-in. Input measures should include a district-wide staffing analysis, including a comparison of staffing in Title I versus non-Title I schools. Districts should also be encouraged to include qualitative outcome measures, in addition to test data and other statistical indicators

Annual updates should report on the extent to which the previous year's resource adequacy targets and student outcome goals have been met. They should thoroughly describe any problems that have arisen in meeting the previous year's goals and should include evidence to document implementation efforts undertaken. Updates should also document any continuing resource inadequacies.

Multiyear comprehensive planning will promote the effective implementation of large-scale reforms like class-size reduction. Teacher recruitment and facilities expansion plans can be carefully coordinated with a phase-in of class-size reductions. Similarly, expansion of pre-kindergarten programs through the articulation of target recruitment goals and facilities benchmarks can also be effectively accomplished through a multiyear comprehensive planning process.

Adequate funding combined with comprehensive multiyear planning can substantially improve the quality of teaching and truly provide the opportunity for a sound basic education mandated by the Court of Appeals. Many sound educational policies, like mentoring for all new teachers, reductions in class sizes in the elementary grades, and academic intervention services for all students not meeting state standards, are, in fact, mandated by existing state laws and regulations. However, these requirements are not consistently and systematically implemented, and the current accountability system has no means of reporting or acting upon

violations in these areas. Adequate funding and comprehensive planning will ensure that these initiatives and other creative policies devised by local school boards and administrators will actually be put into effect. Implementation of these reforms on a consistent, systemic basis will dramatically change the working conditions and the learning environment in many schools that are currently low performing and may induce many more highly qualified teachers to enter and remain in the teacher corps of New York City and other high-needs districts.

2. *Allocation of Funds to Schools*

Once basic instructional priorities and strategies have been set, each district plan should describe its methodologies for determining how funds will be allocated to schools within the district. The plans will - ensure that each school has sufficient resources to carry out its instructional objectives and to meet basic student needs. Districts should also maintain a central reserve fund to meet demonstrable, urgent needs of schools.

The plans should set specific annual resource adequacy targets and benchmarks in essential resource areas, including teacher qualifications, class sizes, school facilities, and academic intervention services. Resource adequacy must be assessed relative to the needs of students in each school and must be achieved in every school at the end of the funding phase-in period.

In order to ensure that the Court of Appeals' mandate for adequate resources at *every school* is met, an efficient system of school-based budgeting and reporting will need to be established in New York City and other large districts whose students are not meeting the Regents Learning Standards. Currently, Education Law § 2590-r specifically requires the City of New York to establish "a comprehensive process of school-based budgeting and expenditure reporting." New York City has apparently made substantial progress in setting up technological and organizational systems to meet these requirements. Following the Children's First restructuring initiative, nearly all allocations from the Department of Education now go directly to schools. At the school level, the principals are primarily responsible for their school's budget, and they are required to consult with their school leadership team. Most of each school's funding must be spent according to contractual requirements, Department of Education requirements, and chancellor's priorities. The remaining discretionary funds vary

from school to school. School-level spending decisions include the number and types of administrative and support personnel, after-school and professional development activities, supplementary course offerings, and supplies and materials.²⁰

Adequate funding and comprehensive district planning presumably will permit a greater amount of discretionary spending to take place in most schools, either in broad district-defined priority areas or in priority areas established by the local school communities. We recommend that an Implementation Task Force²¹ established by the State Education Department, review the current school based budgeting procedures and practices in New York City and recommend whether any changes should be made in that system and the extent to which similar school-based budgeting requirements should be extended to the Big Four urban districts and other large districts in the state whose students are currently not meeting state standards.

The comprehensive sound basic education plan should also outline district strategies for assisting schools that are not meeting instructional objectives and performance targets, and identify a sufficient cadre of administrators, staff developers, master teachers, and other personnel to perform these functions. Annual updates should report on the extent to which the previous year's resource allocation, instructional improvement, and student achievement goals were met, and specific steps that are being taken to remedy any implementation difficulties that were encountered. Updates should also document any specific problems of resource deficiency and steps that are being taken to deal with them.²²

²⁰ New York City has also piloted a promising school-based budgeting initiative, "performance driven budgeting (PDB)," beginning in 1997. Performance driven budgeting emphasizes school-based budgeting focused on improving classroom instruction with decisions made at the school level by all constituencies and supported by the school district. The findings of an evaluation of the first four years of the initiative indicates that academic outcomes in the PDB schools improved relative to schools that did not use PDB. See New York University Institute for Education and Social Policy, *Final Report: Evaluation of the Performance Driven Budgeting Initiative of the New York City Board of Education* (February 2002).

²¹ The composition and responsibilities of the SBE Implementation Task Force are discussed in a section 2.C of this proposal.

²² The comprehensive sound basic education planning approach recommended here is similar to the district master planning requirements recently adopted by the State of Maryland. In 2002, Maryland's governor and legislature passed the *Bridge to Excellence in Public Schools Act*, which restructured Maryland's public school finance system and increased state aid to public schools by 40%, phased in over six years (FY 2003 - FY 2008). The law also collapsed some 50 out of 68 categorical streams into one foundation grant. As part of these reforms, all

B. Public Engagement

To be effective, comprehensive planning must be a transparent process that provides meaningful opportunities for broad public input from the range of stakeholders with an interest in educational improvement. Existing laws and regulations contain a number of mechanisms for parent, teacher, and community involvement in educational planning, but, with a few notable exceptions, these public participation requirements generally are honored more in form than in substance. Comprehensive SBE planning will provide an important vehicle for reinvigorating teacher, parent, and public participation in educational planning, especially in large urban districts.

The need for expanded and improved public engagement is most acute in New York City. Despite efforts by the mayor and the chancellor to sponsor public engagement forums at the beginning of the Children First initiative, and the establishment of parent support offices and parent coordinators in every school, centralization of virtually all major policy-making authority and the elimination of the Board of Education and the community school boards have detrimentally affected the flow of parent, teacher, and community input into educational policy-making process. The chancellor is currently instituting new initiatives like the establishment of Community Education Councils to try to respond to these needs. The development of citywide and regional sound basic education plans will provide an important additional opportunity to establish meaningful, regular channels for serious consideration of parent, teacher, and community views and perspectives.

Therefore, we recommend that the Implementation Task Force, discussed in the next subsection, develop specific guidelines regarding parental, teacher, and community input into the SBE planning process. For New York City, these procedures should require both initial

school districts in the state are now required to develop a five-year comprehensive master plan that integrates state, federal, and local funding initiatives and focuses instructional efforts on improving achievement for all students and eliminating achievement gaps between subgroups of students. The *Bridge to Excellence Act* also requires broad-based community and parental involvement in planning and implementation; gives the local government responsibilities for reviewing the master plan; and creates state level responsibilities that include the initial review of each school system's master plan, ongoing monitoring of each plan's implementation, and evaluation of the effect of increased state aid for education on student and school performance in each local school system.

public engagement forums to gauge community sentiment on basic priorities as well as opportunities for follow-up hearings on drafts of plans. In addition, draft plans should be posted on the New York City Department of Education's website during a public comment period;²³ and the final plan should be accompanied by a detailed discussion of community comments. Final plans should be made available to the public via the internet, as well. Although, ultimately, the sound basic education plan must reflect the priorities and decisions of the mayor, the chancellor, and the Panel for Education Policy, to be effective these plans must be cognizant of parent, teacher, and community concerns and obtain the understanding and support of these stakeholders.

The extent to which similar practices need to be formally adopted in other parts of the state will depend upon a number of factors, including both governance structures and current school board practices. A number of school districts already have formal or informal district-level shared decision-making committees, which vary in their effectiveness. The roles, membership, and functions of these committees, as well as other possible procedures for promoting public engagement, should also be considered by the Implementation Task Force, especially in regard to high-needs districts whose students are currently not meeting state standards.

Comprehensive SBE planning may also encourage new public engagement initiatives that go beyond existing practices and requirements. In Charlotte-Mecklenburg, NC, and other cities, civic and business groups have aided school improvement efforts by organizing annual education summit meetings and promoting community engagement in educational planning. At these meetings, participants try to build a consensus on a set of clear and specific improvement goals for the school system as a whole, while assessing the system's progress in meeting prior year's goals. The follow-up commitment of business and civic leaders to the implementation of the plan over a multiyear period has proved an important component of ultimate educational success in these cities. The SBE planning process might provide an occasion for New York

²³ An example of an internet-based public comment system is the United States Environmental Protection Agency's (EPA's) EDocket program. Through its EDocket website, the EPA posts proposed rules and regulations, deadlines for public comments and posts the comments as well. The EDocket website can be found at <http://cascade.epa.gov>.

civic and business groups to take a leadership role in providing similar input and support for the renewal of public education in this state.

C. SED Review and Approval

All of the comprehensive sound basic education plans developed by New York City and other districts whose students are not meeting standards should be reviewed and approved by the State Education Department. SED and/or BOCES superintendents should review plans of other districts periodically. The SED reviews of districts whose students are not meeting standards should be thorough, but not invasive; rigorous, but not rigid. They need simultaneously to enforce legal requirements, yet respect district prerogatives. The best way to achieve these diverse ends, we believe, is to adopt the peer review approach currently being used in Maryland.²⁴ There, a six-person external team made up of educators, parents, and community members, nominated by local superintendents from around the state and chosen by the Maryland State Department of Education (MSDE), examines each plan. MSDE staff provides evaluation rubrics, training, facilitation, and quality controls. A “local point of contact”—the team leader for the master plan at local level—participates as an observer. After a site visit, a written report with recommendations is developed with MSDE staff and sent to the state superintendent.

The Regents and the State Education Department should also be responsible for developing basic guidelines and regulations for the new accountability system. To do so, we recommend that SED appoint a Sound Basic Education Implementation Task Force, composed of high-level SED officials, as well as school finance experts, school board members, administrators, teachers, parents, business and community leaders, and education advocates. The task force should advise the commissioner and the Regents regarding accountability regulations on issues like instructional priorities, adequacy assessments, requirements for school-based budgeting, and public engagement procedures. They should also propose

²⁴The Zarb Commission has proposed placing accountability oversight authority in a new Office of Educational Accountability (The New York Commission on Education Reform, *Final Report* (March 29, 2004), p. 18). Separating out educational assistance from enforcement monitoring responsibilities in this way would appear to be inconsistent with the state oversight role we envision for the comprehensive planning process, and we note that

templates, suggested formats, and guidelines for districts to consider in developing their SBE plans.

3. EFFECTIVE USE OF RESOURCES

Each school district's (and, in New York City, each region's) SBE plan will establish basic priorities, set the instructional directions for improving student performance and closing any achievement gaps, and determine how resources will be distributed among the schools in the district to achieve these ends. The actual implementation of the plan's objectives will, however, depend on a variety of conditions, actions, and developments, some foreseen and some unforeseen, that will occur throughout the district and in particular schools. Additional requirements for the proper implementation of the district plan and effective use of resources include (a) school-level comprehensive educational planning and engagement; (b) removal of statutory, regulatory, and contractual impediments to providing a sound basic education; and (c) improving current state and local information systems.

A. School-Level Sound Basic Education Plans

To ensure that district and school planning are aligned, comprehensive planning at the district level must be accompanied by comprehensive planning at the school level. School-level planning should, to the greatest extent possible, engage the entire school community in creating an environment for teaching and learning that promotes student success.

The basic priorities, instructional strategies, and accountability benchmarks set forth in the district SBE plans (and, in New York City, the regional plans) need to be further developed and implemented through the preparation of SBE plans by each school in the system. School-level planning promotes effective resource use by accounting for local conditions and student needs, and by focusing on building school-based instructional capacity. Each school should, therefore, develop a four-year strategic plan for providing all of its students with the opportunity for a sound basic education, improve achievement for all students, and close any

Maryland has continued to place all of the state's accountability responsibilities in its state education department under its comprehensive planning model.

achievement gaps. The school-based plan should be consistent with the priorities and instructional initiatives set out in the district (and regional) plan. The plan should also allow the principal, working with input from a representative school leadership team that includes teachers and parents, the appropriate discretion to make policy and curricular choices consistent with the district-wide priorities, and to develop and implement supplementary goals and school-based priorities.

School-based planning will also provide an important vehicle for feedback and input to the district for consideration in its ongoing district-wide comprehensive planning activities. One especially important area for such school-based input is the development of local district and school-based educational goals to supplement those set forth in the Regents Learning Standards. The Regents Learning Standards set forth minimum statewide education goals and requirements in basic academic areas describing what students are expected to know and be able to do by the end of grades 4, 8, and upon graduation from high school. Additional academic and citizenship goals in areas like social responsibility, organizational and communication skills, and civic participation should also be formulated, based on the educational values and priorities of each local community. Local planning will also allow schools and districts to emphasize and assess student progress in art, music, and physical education, which are not the subject of Regents testing. The SBE planning process will allow districts to articulate and pursue local priorities in these and other areas and ensure that instructional initiatives and accountability criteria are expanded beyond the academic program areas targeted by state and federal testing requirements.

Another important function of school-level planning in a constitutional accountability system is to identify the extent to which adequate resources to implement the plan are actually available at the school, as required by the Court of Appeals' order. A school-based budgeting system is of obvious importance in this regard, but it also needs to be supplemented by a school-based adequacy assessment process that will help ensure continuing compliance with constitutional adequacy requirements. One method for undertaking such a school-based adequacy assessment was developed by the Demonstration School Project, piloted by CFE, and the League of Women Voters, in 14 schools— seven in New York City and seven throughout the rest of the state in 2002 and 2003. In each of the demonstration schools, a school-based

team that included parents, teachers, and administrators and also key community members, using specific rubrics developed for the project, analyzed the status of the school’s educational resources, in terms of numbers of qualified teachers, adequacy of facilities, ability to provide appropriate academic intervention services to all eligible at-risk students, and so on. Such school-based findings would not, of course, be considered conclusive proof of resource inadequacies. They would, however, provide important information for district officials and state-level monitors to consider in reviewing adequacy needs.

To build capacity for school-based planning, teams from schools identified as not meeting performance targets, and other schools that request it, should be provided with technical assistance and professional development from the district and/or from BOCES and regional resource centers. Appropriate assistance may include briefings on relevant school and district staffing and budget policies; tutorials from knowledgeable school or district staff on best instructional practices; and coaching in facilitation and consensus building for key members of school-based teams.

The school-level plan should be developed through a school-wide planning process involving a representative leadership team, including parents, teachers, and community representatives—presumably an expanded version of the current shared decision-making teams.²⁵ A dynamic, school-based planning process can energize not only the school-based team, but also the entire school community into discussing, formulating, and taking responsibility for implementing the sound basic education plan. In many schools today,

²⁵ Commissioner’s Regulation section 100.11 requires a plan for participation of teachers and parents with administrators and school board members in school-based planning and shared decision-making (SDM). The policy has been applied with uneven results around the state. The regulation specified the make-up of the districts’ SDM teams and their selection process, but it was vague on what issues should be handled by the teams and the process they should use for doing so. Accordingly, in some schools SDM teams have broad responsibilities for setting budget priorities and developing instructional strategies, while in other districts SDM teams deal with no serious educational issues at all. Districts and schools also vary widely in the commitment of all parties, but especially the leadership, to the SDM process.

In New York City, under the chancellor’s school leadership team plan, the two main responsibilities of school leadership teams are “the creation of the school’s Comprehensive Educational Plan (CEP), including annual goals and objectives and the development of a school-based budget and staffing plan aligned with the CEP,” Board of Education of the City of New York, *The Chancellor’s Plan for School Leadership Teams* (November 1998). As in the rest of the state, implementation of SLTs has been uneven. While most schools have SLTs, the teams vary widely in their willingness and capacity to fulfill their responsibilities.

comprehensive educational planning is a *pro forma* process, occurring in a resource-deficient environment, which inspires little hope of significant improvement and stimulates minimal commitment by the school community. A planning process that is based on an assurance of adequate resources would be a strikingly different enterprise. Effective involvement of school-based leadership teams and promotion of school-wide public engagement will, however, require dedicated resources for facilitators, training, and other specific areas of technical assistance.²⁶

B. Removal of Statutory, Regulatory, and Contractual Impediments to Achieving Constitutional Compliance

Adequate funding, provided in a stable and predictable manner, together with a well-conceived comprehensive planning process, can result in dramatic, demonstrable improvements in student achievement in all schools in New York City and other high needs districts. For the full potential of these reforms to be realized, however, any statutory, regulatory, and contractual provisions that stand in the way of effective use of resources and the adoption of new policy initiatives at both the district and the school level will need to be reconsidered. The legislature, the Regents, school districts, and administrator and teacher unions will need to review and revise many existing policies, procedures, and work rules in light of the demands of constitutional compliance, as well as in light of the dramatic changes in conditions and possibilities that will result from the new flow of adequate funding, and new planning and reporting approaches. The SBE planning process provides an appropriate mechanism for doing so.²⁷

²⁶ The Demonstration School Project undertaken by CFE and the League of Women Voters galvanized the local school planning groups, after they had completed their resource inventories, to reconsider their comprehensive school plans and determine what educational initiatives they would put in place if they were to receive adequate resources, and how each constituent group within the school should be held accountable for specific actions to help meet the objectives of their revised plans. Participating schools reported a new school-wide commitment to meeting the needs of all students and more meaningful engagement and significant accountability commitments from parents and teachers.

²⁷ We also believe that the federal No Child Left Behind Act contains a number of provisions that will impede effective implementation of the reforms needed to comply with state constitutional requirements. For example, federal requirements that students in low-performing schools be permitted to transfer to other schools in the district, regardless of the impact of such transfers on overcrowding and class size limitations in the receiving schools, are counterproductive as applied to New York City and other urban districts in New York State. Repeal of impediments to reform contained in federal laws and regulations is, of course, beyond the scope of the present proposal. CFE will, however, be developing strategies to promote reform of the NCLB after the forthcoming presidential elections.

As part of the basic planning process, therefore, each district SBE plan and each school-based plan should forthrightly identify all statutory, regulatory, and contractual provisions that may present serious barriers to successful implementation of the plan. Identification of such impediments will not, of course, automatically result in their elimination. But it will focus the attention of the stakeholders and the general public on these impediments and prompt legislative or regulatory revisions or result in new agreements that will overcome these impediments.

Faced with the challenge to provide inspired leadership and competent teaching in failing schools, New York City education officials and local union chapters have in recent years negotiated flexible new staffing approaches that recognize employee job protection needs. Two specific examples of such innovations were the agreement by the New York City Department of Education and the Council of Supervisors and Administrators to modify principal tenure and the agreement between the Department and the United Federation of Teachers to adopt streamlined “school based option” staffing procedures that, among other things, have facilitated the restructuring of low performing schools.

We do not presume in this proposal to set forth a list of statutory, regulatory, or contractual impediments or to propose specific mechanisms for dealing with them. Rather, we recommend that a prime component of the SBE planning process, at both the district and school levels, involve the identification of statutory, regulatory and contractual provisions that need to be reconsidered. Spotlighting these issues through the planning process may promote immediate dialogue to overcome these barriers or may highlight major issues that need to be considered by the appropriate legislative, executive, or judicial authorities.

Each year the Accountability Review Panel (see section 5.C below) should review issues that have arisen in the development and implementation of district and school plans, including significant provisions in statutes, regulations, and contracts that appear to be inconsistent with the requirements of the new constitutional accountability system. The panel

should hold hearings to obtain public input on these issues. Based on its review and hearings, the Accountability Review Panel should file an annual report to the Regents, the governor, and the legislature that identifies any major statutory, regulatory, and contractual provisions that appear to be creating specific impediments to providing all students the opportunity for a sound basic education.

C. Improved Information Systems

The New York State Education Department has one of the most extensive fiscal reporting and education accountability databases in the nation. State law requires SED to produce an annual report to the governor and the legislature that profiles school districts according to key demographic and achievement measures including “enrollment trends; indicators of student achievement in reading, writing, mathematics, science, and vocational courses; graduation, college attendance and employment rates; ... [and] information concerning teacher and administrator preparation, turnover, in-service education and performance.”²⁸ SED also coordinates and publishes local school district data on student performance on various Regents examinations in the elementary, middle, and high school grades, maintains a basic educational data system, and publishes studies, analyses, and findings on a range of fiscal and educational topics.

Nevertheless, in the accelerating world of computerized data processing and data dissemination, SED is having difficulty keeping pace with rapidly increasing basic data needs. The main problem is that SED’s current information processing and accountability databases involve multiple, disparate systems that require manual review of data. For example, each year, in order to review compliance with the highly qualified teacher requirements under the federal legislation No Child Left Behind (NCLB), SED must review 230,000 paper teacher forms, plus 60,000 electronic forms received from New York City, and re-type each paper form into a computer database for analysis. SED has developed an accountability database to determine Adequate Yearly Progress (AYP) under NCLB. The database converts over 700 data files into

²⁸ N.Y. Educ. Law sec. 215a. The report is known as the “655 report” because the original legislative requirement to compile this information was set forth in sec 655 of the Laws of 1987. The annual 655 reports were submitted into evidence at the trial in *CFE v. State* and both the trial court and the Court of Appeals relied upon them extensively in their findings.

an Access Database against which multiple queries and reports are generated and reviewed manually to determine which schools are making acceptable AYP.

SED student-level data collection systems currently lack statewide unique student identifiers that would allow districts and SED to follow all students longitudinally, confirm the enrollment of students changing districts, and track students' progress over time. With a unique student identifier system, SED could establish a "value-added" accountability tracking system, which allows educators and school officials to follow the progress of individual students and ultimately to understand what factors contribute to students' success or failure. SED is working toward adding the information systems needed to support this important accountability feature.

SED is aware of the limitations of its present data systems and is attempting to remedy many of these deficiencies. Based on a BearingPoint Inc. analysis of SED's information processing needs, we estimate that \$30-60 million is required to update the current accountability systems fully. (See BearingPoint's analysis in **Table 3.2.**) Although some of the funding for this work has been identified, BearingPoint estimates that an additional \$20-50 million dollars is needed to complete the task. We recommend that this work be funded immediately.

Table 3.2. ANALYSIS OF SED TECHNOLOGY REQUIREMENTS TO IMPLEMENT NCLB AND CFE v. STATE

Required System	Purpose		Potential Cost (\$ millions)*
	As-Is	To-Be	
Statewide Education Accountability System (SEAS)	<p>The student-level data collected through STEP and LEAP increases the capacity to do data analysis. However, the lack of statewide unique student identifiers limits the ability to perform longitudinal analyses. It is impossible to follow all students longitudinally to determine to what degree performance at the elementary level predicts performance at the middle or high school levels. It is impossible to track an individual student's performance from district to district; consequently, it cannot be determined whether reported transfer students have actually enrolled in another district and whether students transferred to General Equivalency Diploma (GED) programs have earned their diplomas. Also, there is no way to ensure (except through audits) that districts include records for all enrolled students.</p> <p>All BOCES Regional Information Centers (RICs) in New York State are developing a statewide model data warehousing project using e-Scholar to collect student demographic and achievement data from some school districts.</p>	<p>Consolidate BEDS, LEAP, STEP, and the RICs statewide data warehousing effort into a single statewide education accountability system to combine reporting of school report cards and enrollment, while supporting value-added analysis capabilities at the school, district and state level. Redundant data currently entered through these individual systems will be consolidated into one automated process coordinated through the RICs. When fully implemented, the SEAS eventually will provide a comprehensive system that will collect and store demographic, programmatic and performance data on all pre-kindergarten (Pre-K) to grade 12 students in public schools statewide and all students in State-approved general education development programs statewide.</p>	\$10
Accountability Database	<p>Accountability data are gathered in multiple, disparate systems and reviewed manually to determine which schools have made AYP and what the consequences should be. Today, there are over 700 data files that are converted into an Access Database against which multiple queries and reports are generated to determine AYP.</p>	<p>Create statewide database to comply with NCLB to report on AYP progress in a consistent, automated manner and required actions by school and district. This system should be integrated with the Student Education Accountability System.</p>	\$4
Highly Qualified Teachers Database	<p>Each Nov/Dec, more than 230,000 teacher forms are submitted to NYSED that are processed manually by a temporary team of data entry assistants, in addition to the electronic submission of some 60,000 teacher forms from NYC. Each paper submitted form must be retyped into the existing Access Database for analysis against NCLB highly qualified teacher mandates.</p>	<p>Replace scanned forms with on-line data entry system to enable compliance with NCLB highly qualified teacher requirement and address teacher quality and class size components of a Sound Basic education. May be integrated with Statewide Student Education Accountability System to help the state monitor the impact of highly qualified teachers on student achievement.</p>	\$6
State Aid Management System	<p>The State Aid processes are supported today by many separate processes, each utilizing their own micro-level database, paper forms, and filing systems. Significant coordination and duplicate data handling/verification among different SED departments is required to process State Aid. A project was started in the Fall of 2003 to modernize and simplify the State Aid process, but due to State budget constraints, the project timeline was stretched from 18 months to 4 years.</p>	<p>Continue SAMS implementation to consolidate multiple, outdated and confusing financial reporting systems into one easily comprehensible system that is accessible at the school, district and state level. Restore original implementation schedule to implement system in two years instead of four. Provide funding for full incorporation of all state aid ancillary systems such as the BOCES aid claim review, payment and accounting, transportation modules.</p>	\$5
Virtual Learning Space (VLS)	<p>The VLS offers resources that classroom teachers can use to support preK-12 standards-based instruction, such as sample tasks and learning experiences, with an emphasis on mathematics and English language arts, particularly early literacy. Other teaching resources, including those from the State Library, Public Broadcasting Services, and Archives, are also available.</p>	<p>Create on-line collaborative learning community that provides professional development and dissemination of best practices. The VLS will cost-effectively help districts to build teacher capacity and create a network of technical assistance. The VLS can also provide on-line learning opportunities for students, reducing inequities in access to learning resources.</p>	\$5-30
Total			\$30-60

*System costs include: defining business requirements, project management, system design, development, implementation, maintenance, professional development, and change management. Cost estimates based on SED interviews, BearingPoint knowledge of other state technology efforts, and our implementation work for SAM

Updating of SED’s current accountability information systems is a critical prerequisite for an efficient accountability system. In addition, to comply fully with the requirements of the Court of Appeals’ order, the information collection and reporting systems of school districts and SED must be expanded to cover information related to the five components of a comprehensive information system. Specific attention should focus on the distribution of resources through the district SBE plans and the effective use of resources at the school level. Professors Anthony Cresswell and Sharon Dawes of the Center for Technology in Government at SUNY/Albany described the importance of these additional information needs in detail in a paper they delivered at the 2004 Symposium of SED’s Education Finance Research Consortium:

Prior to the CFE decision, the main state-level educational policy and financing issues revolved around the school aid formula. . . . By contrast, the decisions implied by CFE pertain directly to the ways in which school financing impacts both student achievement and school performance. If a financing system is to meet the criteria implied in CFE, it must therefore deal in some way with the relationships among:

- Definition, measurement, and evaluation of student achievement, school performance, and long-term educational outcomes;
- State level financing policy decisions and allocation schemes,
- Local funding levels and allocation schemes
- Decisions and practices that determine the educational content and methods used in schools, and
- How the allocation and use of resources impact academic achievement, performance and outcomes.²⁹

In sum, Cresswell and Dawes conclude that currently New York collects substantial information about inputs (“what resources and decisions go into the system”) and outputs (“achievement, graduation rates, etc.”), but none about the critical areas of *process* (“what goes on in the school environment to use those resources”) and *outcomes* (“post schooling results in

²⁹ Anthony M. Cresswell and Sharon S. Dawes, “The Information Dimension of Education Financing Decisions: Data Needs, Systems, and Strategies.” Paper prepared for the Education Finance Research Consortium’s Symposium on Education Finance and Organization Structure in New York State Schools, March 5, 2004, Albany, NY, pp. 2-3.

terms of individual and community benefits”).³⁰ They call upon the state to develop a more comprehensive planning process in order to move toward what they call “enterprise information strategies” that make better use of information to support instruction. A table summarizing their analysis of the gaps in the present system is reproduced in **Table 3.3** that follows.

Table 3.3 Cresswell and Dawes’s Analysis of Selected NYS K-12 Information Systems by Focus of Attention

SYSTEM AND PURPOSE	MAIN FOCUS OF ATTENTION				
	STATUS	INPUTS	PROCESS	OUTPUTS	OUTCOMES
LEAP – Local Education Agency Program (reports elementary and intermediate school student demographics and assessment test results for grades 4,5,8 in math and language arts)	Operational	X		X	
STEP – System for Tracking Educational Performance (reports high school student demographics and Regents test results for grades 9-12)	Operational	X		X	
BEDS – Basic Educational Data System (reports information about school districts including student enrollment and characteristics, professional staff, and certain resources such as libraries and computers)	Operational	X			
Data consolidation and regional data warehouses to reduce the number of separate student-oriented reporting requirements and to make reported data more readily available to users	Under Development	X		X	
State Aid Reports – Various reports that document the sources and amounts of revenue available to each school district in the state	Operational	X			

Source: Anthony M. Cresswell and Sharon S. Dawes, “The Information Dimension of Education Financing Decisions: Data Needs, Systems, and Strategies.” Paper prepared for the Education Finance Research Consortium’s Symposium on Education Finance and Organization Structure in New York State Schools, March 5, 2004, Albany, NY, p. 4.

³⁰ Ibid., p. 2.

We agree, and we recommend, therefore, that the Implementation Task Force, perhaps with the assistance of the Education Finance Research Consortium, develop specific recommendations on how current information systems at both the district and the state level should be improved, expanded, and integrated to support and monitor the comprehensive accountability system required by the Court of Appeals' order. We also recommend that, in accordance with the recommendations of Cresswell and Dawes, while these improvements are being made, a short-term sampling strategy be developed for using existing systems to assess districts' implementation of the CFE reforms and to provide data for educators and researchers working to make connections between the use of funding and students' educational outcomes.³¹

With these systems in place, school districts and schools will more effectively be able to track the specific effects that policy initiatives contained in their plans have on student performance. In addition, SED could better identify and disseminate best practices in order to help build district and school leadership and instructional capacity. SED would also be capable of expanding its annual reporting to the legislature on district plans and progress, and evaluate the effect of increased state aid on student and school performance in each district.

4. PROPER ASSESSMENT OF OUTCOMES

As part of the standards-based reforms that they adopted in 1996, the Regents implemented an extensive system of student assessments. The assessment system was further revised in 2003 to conform to the specific requirements of the federal No Child Left Behind Act. We accept the thrust of the state's present student testing program as an integral part of our proposed comprehensive accountability system for two basic reasons. First, we agree that student assessments are essential to any valid accountability system, and, second, we recognize that federal law mandates many of the specific requirements of the state's testing program. Despite our disagreement with some features of the existing system, we must accept it as an unalterable mandate for present purposes. We believe, however, that the Court of Appeals' order requires some specific modifications and additions to the present assessment approach.

³¹ Ibid., p. 13.

The Regents Learning Standards describe the knowledge and the skills students should acquire at the end of grade 4 and 8, and by high school graduation in order to be prepared for the demands of higher education and the workforce. The state has developed a set of examinations aligned with the standards to assess students' progress toward meeting the standards. To ensure that all students are learning the skills that will prepare them for Regents study in high school, currently students in fourth and eighth grade, and, effective in 2005-06, students from third to eighth grade must take exams in English Language Arts and mathematics. To graduate from high school, all students (starting with the Class of 2003), except students with disabilities who are eligible to graduate by passing Regents Competency Tests, must score at least 55 on Regents exams in five subjects: English Language Arts, Mathematics, Global Studies, Science, and U.S. History and Government or pass an approved alternative to these exams.

Comprehensive assessments that ensure that all students are, in fact, learning the content established in the standards are a critical element of any comprehensive accountability scheme. If, pursuant to the reforms required by the Court of Appeals' order, all schools are actually being provided an adequate level of resources, and all students are being provided the opportunity for a sound basic education, extensive student testing, including "high stakes" graduation testing, is reasonable and appropriate. Over the past year, problems have arisen in regard to test development and standard setting on the physics and Math A exams, which the Regents and the Commissioner of Education have acknowledged and taken steps to correct. Given the centrality of the assessment program for the state's accountability system and the high stakes involved for millions of students, we think more broad-based improvements must be made in the test development and validation process.

Specifically, the state needs to undertake a thoroughgoing independent review of the validity and reliability of *all* of the Regents examinations in order to ensure that the assessments, which provide the core information that fuels the entire accountability system, are accurate and fair. This review should confirm that all of the Regents tests fairly assess the full range of knowledge and skills required by the Learning Standards, and that current passing scores on all of the Regents exit tests are fully validated. Several years ago, the Regents had convened a technical advisory group of independent national testing experts. It is our

understanding that although this group provided helpful suggestions to SED about aspects of particular examinations, they did not complete a comprehensive validity review. This group—or a similar group of outside experts—should promptly be convened to complete this task.

In addition, although standardized tests should continue to be the fundamental core of the state’s assessment system, we think that there is also an important, supplemental role in the accountability assessment system for portfolios and other alternative assessments. Specifically, we recommend use of alternative assessments at the local level to assess skills for civic participation.

The Court of Appeals has repeatedly held that preparing students to function productively and capably as civic participants is the major purpose of a “sound basic education” under Article XI of the state constitution.³² Presumably, students who have mastered the Regents Learning Standards have learned all or most of the academic knowledge and skills they need to be capable citizens, and the output measures reflected in Regents tests will reflect these specific competencies. There is, however, another dimension to civic participation that cannot readily be assessed through standard examinations, namely organizational, social responsibility, and other civic participation skills. These skills should be conveyed through a positive school culture and through specific experiences such as service learning, student government, and other curricular and extracurricular activities. SED, therefore, should issue guidelines for schools to use in assessing these qualitative skills through portfolios or other alternative assessments. Requiring students to pass a school-based civic participation assessment prior to graduation would encourage schools to emphasize, consistent with their community’s own values and priorities, these important constitutionally required skills.

5. APPROPRIATE CONSEQUENCES FOR POOR PERFORMANCE

New York State’s current accountability system, primarily driven by punitive features of the federal No Child Left Behind Law, contains many means for sanctioning schools and

³² *Campaign for Fiscal Equity, Inc. v. State ("CFE I")*, 86 N.Y.2d 307,316 (1995); *Campaign for Fiscal Equity, Inc. v. State ("CFE II")* 100 N.Y.2d 893, 905 (2003).

students that are performing poorly by various standardized measures, but it currently contains no methods for assuring that districts and schools have adequate resources and it provides limited assistance to help poorly performing schools improve. As former Commissioner of Education Tom Sobol recently noted, the current state accountability system is built on the “shaky assumption” that “ teachers already have the skills and knowledge they need to make ... a program work [but] for some perverse reason teachers decline to use those skills and knowledge now but can be made to do so by a rigorous accountability system.”³³

Certainly, consequences for poor performance must, of necessity, involve the use of sanctions: it is important to identify and eliminate any and all abuse and incompetence that hinder attainment of the critical goal of providing meaningful educational opportunities to all students. But once any necessary sanctions have been applied, the additional “consequences” for low performance must include renewed efforts to ensure that adequate resources to meet student needs have been made available and are being used effectively to establish a positive teaching and learning environment.

Aside from its inability to ensure adequate resources, the major shortcoming of the state’s current accountability system is its failure to provide consistent, effective ameliorative action as an immediate consequence of sustained failure. The current system lacks cohesion and consistency in its responses to the problems of low-performing schools. After describing briefly the current accountability system, we will recommend a number of significant reforms both for applying more decisive sanctions, where necessary, and for consistently ensuring more effective use of resources.

³³Thomas Sobol, “More Money Isn’t Enough,” *Newsday*, April 4, 2004. Duke University professor Helen Ladd elaborates on the same point as follows: “[School] systems work best when they are designed to be constructive and positive rather than punitive. Even if fear of being sanctioned served as a motivating force for higher student achievement in low-performing schools in the short run, it would be hard to sustain such improvement over time given that good teachers and school principals have better options other than to teach in such schools. Instead, school accountability systems are better used to provide positive incentives for greater student achievement and to identify problems in particular schools [sic] that those problems can be addressed in a positive and constructive manner.” See Helen F. Ladd, “Policy Brief on Accountability.” Paper prepared for the Education Finance Research Consortium’s Symposium on Education Finance and Organization Structure in New York State Schools, March 5, 2004, p. 3.

A. Current Approaches

1. The System of Accountability for Student Success (SASS)

New York's System of Accountability for Student Success (SASS) was originally enacted by the Regents in 2000 and revised to conform to requirements of the federal No Child Left Behind Act in 2003. Each year, SASS sets performance targets for each public school that participates in state assessments. This target aims to allow a school to "compete against itself" in improving the scores that its students achieve on the various Regents tests. Schools are judged both on the basis of the percentage of students scoring at the basic level on state tests and also on the numbers of students achieving at proficient or advanced on those same tests. If a school consistently fails to meet the state standard, the SED requires the local district to create a Local Assistance Plan (LAP) to provide assistance to that school. In addition, an Effective Annual Measurable Objective (AMO) is also used to measure acceptable progress under NCLB and failure to make Adequate Yearly Progress results in additional sanctions under the federal law (see below).

2. The Schools Under Registration Review (SURR) Process

The Schools Under Registration Review (SURR) process is the primary method by which New York currently holds "failing" schools accountable for educational performance. Through this mechanism, SED identifies for registration review a number of the state's lowest-performing schools and then tries to help those schools and the districts that operate them to implement strategies for improving the academic performance of their students. There are currently 66 SURR schools; 46 are in New York City.

Once identified as SURR, a school must develop a Comprehensive Education Plan, in consultation with school staff, parents, community members, and SED. The district must also develop a Corrective Action Plan to support the school. To assist in implementing its plan, each SURR school is provided with some extra resources and assistance.³⁴

³⁴ In the late '90s, about half of the SURR schools in New York City, which were incorporated into the "Chancellor's District," received substantial additional funding and resources, including a 15% salary supplement to compensate teachers at these schools for extended hours of service. Preliminary findings from this experiment

The school then has up to three full school years to make acceptable progress in improving its academic performance. SURR schools are assigned a SED liaison to oversee improvement efforts. Currently each SED liaison has a caseload of 4-5 schools and spends half of each week in the field working with these schools. If the school fails to move its test scores to an acceptable level, the commissioner will typically enter into an agreement with the school district for the school to be phased out and closed. As a last resort, the commissioner may recommend that the Regents revoke the school's registration.

Not all schools that fail to meet standards are placed on the SURR list. The schools placed "under registration review" are those that are *farthest* from meeting the state's performance standards and are deemed by the commissioner to be most in need of improvement. Many troubled schools whose student achievement is well below standards are not placed on the list and the commissioner may take into account whether SED has sufficient resources to assist schools in making his determination regarding which schools to identify. Moreover, the criterion for "success" in moving a school off the SURR list is that the school meet its own performance target(s), or meet minimum standard(s), and is judged by the commissioner to have made satisfactory progress, and not be farthest from state standards on any other criterion. Moving off the list, therefore, is not an assurance that the school is now truly providing all of its students with the opportunity for a sound basic education.

3. *Federal NCLB Requirements*

The federal No Child Left Behind Act of 2001 (NCLB) requires states by the 2005-06 school year to test students in grades 3-8 annually in reading and math. By 2007-08, students must also be tested in science three times before they finish high school. States set their own standards and choose their own tests. However, some students from each state will take a federally administered test to help the government compare state tests. Test results for states, districts, and individual schools must be broken down by race, income, gender, and other categories to help schools measure and close any achievement gaps.

indicated that significant, demonstrable gains resulted from this experience. See New York City Board of Education, Division of Assessment and Accountability, "Year Two Analyses of Performance of Extended Time and Non-Extended Time SURR Schools" (May 8, 2000).

Within the next ten years, all students are supposed to meet state proficiency requirements. With that goal in mind, schools must meet annual yearly progress targets both for the school as a whole and for demographic subgroups of students. Schools that fail to make adequate progress for two years in a row are designated “schools in need of improvement” and must create school improvement plans to address the needs of students not meeting standards. Title I schools that fail to make adequate progress for two years in a row must allow students to choose a different school. Title I schools failing for three years must also offer students extra educational services, which must be provided outside of the regular school day. School districts have to reserve up to 20 percent of an amount equivalent to their basic Title I grant to pay for this. Schools not making progress after four years must make staff, curricular, or other changes, and a fifth failing year leads to a total school overhaul.³⁵ Currently, 527 schools in New York State are listed as being in need of improvement under Title I.³⁶ Some SED officials estimate that this number will soon rise to 700-800 schools.

B. Recommendations for Decisive Sanctions and More Effective Use of Resources

1. *Decisive Sanctions*

A constitutional accountability system that ensures adequate resources for all schools and promotes comprehensive planning is likely to improve substantially the general conditions for teaching and learning and stimulate markedly improved performance by teachers and administrators. Consequently, once full funding has been phased in, there should be considerably fewer “schools in need of improvement” than the hundreds that currently exist in New York City and other high need districts. With fewer instances of failure, there will be less need to impose sanctions. Nevertheless, since abuse and incompetence will exist and will obstruct the attainment of performance goals, decisive steps should be taken to deal with these problems.

³⁵ NCLB has no mechanism for determining whether schools in need of improvement have sufficient resources and no requirement that states ensure sufficient resources.

³⁶ In addition, 188 schools that did not receive Title I funds did not meet progress targets and are listed under state rules as “requiring academic progress.”

Sanctions, where necessary, must be applied at every level of the accountability chain. Since the Court of Appeals has now determined that adequate funding for schools is a constitutional mandate, once the adequate level of funding for current needs has been determined, it is incumbent on the governor and the legislature to ensure that the appropriate level of funding is, in fact, provided each year. Any failures in that regard should be promptly addressed by appropriate judicial process.

The Commissioner of Education and the State Education Department would assume enhanced monitoring, technical assistance, and enforcement responsibilities under the proposed comprehensive accountability system. Assuming that they receive sufficient appropriations to carry out these functions effectively, the commissioner and his staff should be held accountable by the Regents, and ultimately by the governor and the legislature, for any major deficiencies in the performance of these functions.

Along with existing NCLB sanctions on school districts, school boards and their superintendents (or, in the case of New York City, the mayor and the chancellor) should be held accountable by the commissioner for the substance and process of their comprehensive planning, and by the commissioner and the voters for their performance in meeting the objectives they themselves have delineated in their plans. Comprehensive planning, explicit benchmarks, and enhanced information will place a clear focus on any major unjustifiable failures to achieve anticipated results. This will aid voters in determining whether school boards and/or mayors should stay in office and help school boards and mayors to decide whether superintendents and chancellors are living up to their job responsibilities.

The Accountability Review Panel should be given authority and funding to hire independent professional auditors to carry out periodic district operational capacity audits. These audits should assess the extent to which districts are effectively and efficiently spending their funds to improve instructional capacity and to meet the goals and benchmarks set forth in their SBE plans.

The assurance of adequate funding, the resulting improvement in working conditions, and new staff recruitment and retention initiatives should substantially improve the overall

caliber and commitment of teaching and supervisory staffs. The availability of a pool of qualified applicants for teaching and supervisory vacancies would allow New York City and other high need districts to develop rigorous performance evaluation systems and to grant tenure only to individuals of proven competence. In contrast, the Court of Appeals found that, in the present situation, “principals’ reviews tend to conceal teacher inadequacy because principals find it difficult to fire bad teachers and to hire better ones.”³⁷ Nevertheless, there will be instances of incompetent performance by administrators and teachers, and existing tenure laws and contractual provisions should be reconsidered and, where necessary, revised to ensure that staff members who cannot adequately meet children’s needs receive intensive professional support. Where that support does not lead promptly to improved performance, such individuals should be quickly removed from their positions.

2. *More Effective Use of Resources*

Comprehensive planning, with annual updates, at both the district and school levels should provide an early warning system for problems that any school in the system may be having in reaching its specified goals and benchmarks. Needed assistance should be provided promptly to any school that requires it, and not just to those schools “farthest from meeting standards,” as under the current SURR procedures, or only to the category of designated “low performing schools,” as under the Zarb Commission proposals.³⁸

Prime responsibility for providing direction, technical assistance, and monitoring of school-based plans should lie with the local school district (and, in New York City, the regions). The district also should be responsible for necessary capacity building, that is, for ensuring that each school has adequate resources and appropriate personnel and support for implementing the sound basic education plan that it has adopted. Where schools are not meeting performance targets, districts should have the primary responsibility for assessing and ensuring resource adequacy, building managerial and instructional capacity, and monitoring progress. SED would oversee these efforts. However, if a school is persistently low performing, the state has a constitutional responsibility to intervene actively in order to ensure

³⁷ *CFE v. State of New York*, 100 N.Y. 2d at 113.

³⁸ *Zarb Commission Report*, p.34-35.

that vigorous steps are taken promptly and all the affected students are provided the opportunity for a sound basic education.

In order to ensure students' constitutional rights, SED's intervention must be rapid, aggressive, and effective. Under the state's current accountability system, schools that have been designated as being in need of improvement because they have not met their specified annual yearly target goals must adopt school improvement plans. In the third year of designation as a school in need of improvement, the school must implement a corrective action plan. If, despite this corrective action, the school still is not meeting its annual progress targets, it is designated a "school in need of restructuring."

It is at this point that we recommend enhanced aggressive action by the state to ensure that substantial improvement is actually and promptly accomplished in the school. Specifically, we recommend that SED send a state assistance team conduct a thorough school improvement review, designate a "distinguished educator" to work at the school for the next year or two, and develop and ensure the implementation of an effective school turnaround plan, or other action (such as conversion to a charter school) permitted under NCLB.

Once a school has been designated as needing restructuring, SED should immediately send a state assistance team composed of monitors and educators who have received special training for this purpose to evaluate the situation.³⁹ One of the members of the team would be a "distinguished educator" selected from the ranks of the master teachers and exceptional school administrators who would volunteer to take a two-year leave from his or her present assignment in order to assist low-performing schools.⁴⁰ In New York City, the chancellor

³⁹ Similar state assistance teams undertake comprehensive assessments and evaluations of teachers and administrators in regard to low performing schools in North Carolina. See Ladd, "Policy Brief on Accountability," p. 7.

⁴⁰The program recommended here draws on Kentucky's Highly Skilled Educators Program, "an innovative approach to school level reform, providing direct, on-site assistance to schools. A member of the Kentucky Highly Skilled Educators cadre assists a school in strengthening its curriculum, instruction and assessment practices. In addition, this individual supported by members of a regional team, assists the school staff as they improve learning for all children and work toward exceeding the school's improvement goal" (see <http://www.education.ky.gov/KDE/Administrative+Resources/School+Improvement/Assistance+to+Schools/Highly+Skilled+Educators/default.htm>.)

would approve the specific school assignments of distinguished educators selected by the commissioner. Distinguished educators would be assigned to work intensively with one or two low performing schools for a one- or two-year period.

The state assistance team should review both the school's and the district's SBE plans to determine why the school has not meet its designated goals and benchmarks. As part of its review, the team should undertake an independent analysis of the adequacy of the resources that have been provided to the school. The team should have authority to review school practices and district practices affecting the school, as necessary.

On the basis of its review, the team should determine whether the principal has provided capable leadership or would be able to provide capable leadership if given adequate resources and supports. The team will then recommend to the district superintendent (or, in New York City, the chancellor) that the principal be retained or dismissed from his or her position. If the principal is dismissed, the distinguished educator will work with the district authorities and the teacher and parent representatives to select and appoint a new principal as quickly as possible. The distinguished educator, working with the new and/or existing principal and teacher and parent representatives, will review the performance of the current staff and recommend the transfer or dismissal of any teachers who are not able to meet the needs of the schools' students.⁴¹

Based on its review and its knowledge of practices that may have worked successfully in schools with similar demographic profiles, and drawing specialized expertise from the BOCES and regional support centers, the team should then initiate a school-based self-assessment process that will involve the entire school community in a serious process of self-review, including data analysis, reflection, dialogue, and improvement planning.⁴² Parents,

⁴¹ Adoption of this proposal would require changes in existing collective bargaining agreements, which, as indicated above, we believe should be negotiated by the relevant parties. Procedures should also be developed that would permit superintendents and, in New York City, the chancellor, working with supervisor and teacher representatives, greater flexibility to effectuate necessary personnel changes as part of the corrective action plan required for schools identified as in need of improvement for three years under NCLB.

⁴²Kentucky's scholastic audits are one useful model. In Kentucky, scholastic audits are performed by state, regional, and local district personnel. They provide schools with information on over 80 indicators related to

teachers, and other members of the school community should be provided with the information and supports necessary to enable their participation. This process may encourage some families to participate and help improve this school, rather than to exercise their option under NCLB to transfer to other schools. The self-review process should result in the formulation of a new school turnaround plan, which should be developed in conjunction with the district superintendent (or, in New York City, the regional superintendent). Once a turnaround plan is established, the distinguished educator, together with the principal and teacher and parent representatives should promptly select new teachers for the restructured entity in accordance with the needs of the students. To enhance the ability of the restructured school to retain and attract truly highly qualified teachers, we recommend that a substantial increase in compensation be provided for all professional personnel who have been chosen to work in a restructured school through this process.

The team should, in addition, assess the adequacy of the school's existing resources to implement their turnaround plan. If the team concludes that the school lacks sufficient resources, it should apply to the district for the specific resources required. The district should maintain a reserve fund specifically for this purpose. If the district is unwilling or unable to provide the necessary funding, the team should petition the state education commissioner.

The commissioner should have the ultimate authority to ensure that districts provide a sound basic education to all students. These powers should include the authority to validate school and district resource adequacy assessments and, then, if additional resources are required, to recommend they be allocated by the district or provided by a special appropriation from the legislature. In addition, the commissioner should have the authority to compel a school district to make necessary changes to its SBE plan. If the district fails over time to

school success. If a school is in the bottom third of all schools identified in need of assistance for two consecutive accountability cycles, the school district is also subject to an audit. Successful schools request and are granted scholastic reviews. Because Kentucky collects data on the same indicators for successful and low performing schools, it can disseminate best practices by comparing indicators where results vary most from the lowest-performing schools to successful schools. See, for example, Kentucky Department of Education, *The Scholastic Audit 2003: A Report on School Improvement in Kentucky* (Frankfort, KY: 2003). New York State's own educator-led School Quality Review Initiative, now performed for only a handful of schools each year, is another useful model. See New York State Education Department, *The School Quality Review Initiative Self-Review Guidebook*. (September 1999).

improve its persistently failing schools, the commissioner should also be statutorily empowered to assume partial or complete operating authority over the district's operations.

To ensure SED's capacity to carry out its regulatory, monitoring, information, and capacity-building responsibilities in a constitutional accountability system, the legislature must ensure that SED has sufficient funding. BearingPoint's analysis of SED's capacity concludes that SED's current staff is insufficient to carry out its current responsibilities and will require sufficient resources for additional personnel to implement comprehensive accountability. Most of this funding would be devoted to hiring a cadre of highly qualified and experienced educators to work intensively with the teachers and leadership teams and to focus on successful instructional strategies in persistently low-performing schools. The Sound Basic Education Implementation Task Force should review SED's current monitoring capacity and its enhanced responsibilities under this proposal and make specific recommendations on new staffing needs and additional appropriations.

C. Establishment of Accountability Review Panel

An independent Accountability Review Panel should be established. The governor should appoint two of the members of his Commission on Education Reform to serve on the panel, the plaintiffs in *CFE v. State of New York* should appoint two members, and three should be appointed by the Regents. The panel should (a) identify major statutory, regulatory, or contractual provisions that need to be reconsidered in order to meet constitutional objectives; (b) retain professional auditors to conduct periodic operational efficiency audits of New York City and other school districts; and (c) report annually to the governor and the legislature on the implementation of the new constitutional accountability system.

Table 3.4 Constitutional Accountability: An Overview

	ADEQUATE SYSTEMIC FUNDING	COMPREHENSIVE PLANNING & FAIR DISTRIBUTION OF RESOURCES TO EACH SCHOOL	EFFECTIVE USE OF RESOURCES	ASSESSING OUTCOMES PROPERLY	APPROPRIATE CONSEQUENCES FOR POOR PERFORMANCE
STATE ROLE	<ul style="list-style-type: none"> ▶ Ensure adequate legislative appropriation, as determined through periodic objective costing-out studies, distributed through a foundation block grant. 	<ul style="list-style-type: none"> ▶ Ensure SED’s capacity to review and approve low performing districts’ sound basic education plans and to support persistently low performing schools. 	<ul style="list-style-type: none"> ▶ Update and expand SED’s current information systems so they can provide functions such as individual student tracking and effective coordination of resources. ▶ Eliminate statutes and regulations that impede the achievement of instructional goals. ▶ Conduct operational capacity audits. 	<ul style="list-style-type: none"> ▶ Maintain existing Regents testing program, but conduct independent review of validity and reliability of all tests. 	<ul style="list-style-type: none"> ▶ Judicial review of any failures to provide adequate funding.
DISTRICT ROLE	<ul style="list-style-type: none"> ▶ Ensure appropriate distribution of resources to schools in accordance with student need. 	<ul style="list-style-type: none"> ▶ Develop policies for improving professional and instructional capacity. ▶ Develop, with substantial public input, a comprehensive 4-year SBE plan that will replace over 100 current plans and reports. ▶ Set forth specific plans and instructional strategies to close achievement gaps. ▶ Fairly distribute resources to all schools. ▶ Update plans annually. 	<ul style="list-style-type: none"> ▶ Specify annual resource adequacy targets and benchmarks in essential resource areas. ▶ Identify statutes, regulations, and contractual provisions that need modification to achieve instructional goals. Eliminate the impediments that are under district control. 	<ul style="list-style-type: none"> ▶ Administer Regents testing program ▶ Develop additional district-level civic participation goals. 	<ul style="list-style-type: none"> ▶ NCLB sanctions ▶ For persistently low-performing schools, SED will send a state assistance team to conduct a thorough school improvement review, designate a “distinguished educator” to work at the school, and ensure implementation of a school turnaround plan.
SCHOOL ROLE	<ul style="list-style-type: none"> ▶ Fairly distribute resources in accordance with student need. 	<ul style="list-style-type: none"> ▶ Develop a 4-year local strategic plan with school-based goals and strategies, consistent with district priorities to ensure a sound basic education for all students and close any achievement gaps. 	<ul style="list-style-type: none"> ▶ Implement policies for improving professional and instructional capacity. ▶ Provide detailed public accounting for how funding from all sources will be used. ▶ Provide feedback on resource adequacy and policy implementation for district plans. 	<ul style="list-style-type: none"> ▶ Administer Regents tests. ▶ Assess district- and school-level civic participation goals through portfolios and other alternative assessments 	<ul style="list-style-type: none"> ▶ NCLB sanctions ▶ Restructuring of school in accordance with turn-around plan

APPENDIX A. MEMBERS OF THE SBE TASK FORCE*

ACCOUNTABILITY TASK FORCE MEMBERS

Stephen Allinger	Office of Intergovernmental Affairs, New York City Board of Education,
Cecilia Blewer	Representative, Chancellor's Parent Advisory Council
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Joshua Chang	Director, New York City Partnership & Chamber of Commerce, Inc.
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Daniel Lowengard	Superintendent, Utica City School District
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Terri Thomson	Citigroup
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Jay Worona	General Counsel, New York State School Boards Association

* The individuals listed as members of the task force served in an advisory capacity. Their participation does not imply individual or organizational endorsement of this proposal.

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