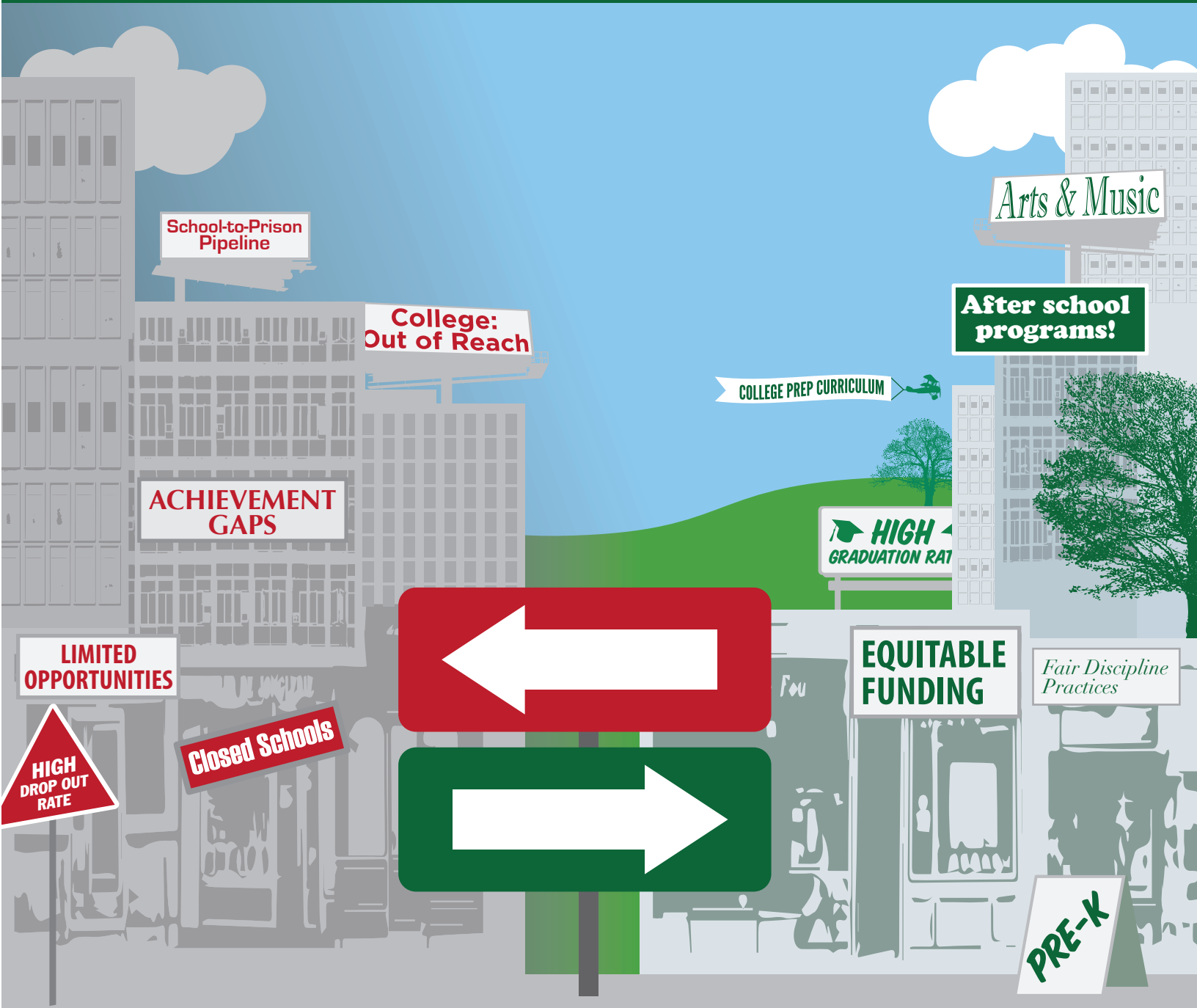


# ARE WE THERE YET?

## College & Career Readiness Report Card



# College & Career Readiness Report Card

## Is NYS Moving in the Right Direction?

	Moving in Right Direction?	Comments	Recommendations
Providing Quality Pre-K	+	<p><b>Progress</b></p> <ul style="list-style-type: none"> <li>NYS has half-day pre-K program serving 42% of all four-year-olds.</li> <li>The full-day program was created in the enacted budget will provide access to another 5,000 or 2% of four-year-olds</li> <li>The state has not cut funding for the UPK program over the last few years.</li> </ul> <p><b>Concerns</b></p> <ul style="list-style-type: none"> <li>The funding provided for the expansion of pre-K is not part of the UPK grant, thereby raising concerns about its sustainability.</li> </ul>	<ol style="list-style-type: none"> <li>Quality Full-day pre-K should be universally available, especially for high need districts and students.</li> <li>NYS should invest in creating a system of quality assurance and supports for all pre-K programs.</li> <li>Full-day grant awards should be made permanent by folding into UPK grants.</li> </ol>
Creating Community Schools	+	<p><b>Progress</b></p> <ul style="list-style-type: none"> <li>NYS is beginning to invest in the creation of community schools, which are schools that provide a combination of social, emotional, health and extra academic support services for students and their families.</li> <li>The 2013-14 budget provides \$15 million for the creation of community schools.</li> <li>The program lays a foundation on which to build for the future.</li> </ul> <p><b>Concerns</b></p> <ul style="list-style-type: none"> <li>Few schools will be able to access the funding because the grant is small.</li> </ul>	<ol style="list-style-type: none"> <li>The state should expand the program of community schools.</li> <li>The state should ensure students have access to guidance counselors, social workers, and school psychologists who have been reduced in many school districts leaving many issues students face unattended.</li> </ol>



<p><b>Providing Quality Teaching Initiatives</b></p>	<p><b>INCOMPLETE</b></p>	<p><b>Progress</b></p> <ul style="list-style-type: none"> <li>• New teacher evaluation system is rigorous and includes improvement plans.</li> <li>• The State Education Department is in the process of implementing career ladders, induction and mentoring programs. In addition, the state has created a new Master Teacher program.</li> </ul> <p><b>Concerns</b></p> <ul style="list-style-type: none"> <li>• Reliability of using high stakes student tests to evaluate teachers;</li> <li>• Use of high stakes tests has been shown to promote teaching to the tests or other efforts to “game” the system and even fraud</li> <li>• Evaluation will provide limited improvement in the quality of teaching unless there is more emphasis on ongoing teacher support, training and mentoring which the state has yet to prioritize.</li> <li>• The mentoring, induction, and career ladder programs are currently small.</li> </ul>	<ol style="list-style-type: none"> <li>1. State initiatives to improve the quality of teaching should focus more on support and collaboration.</li> <li>2. Teacher mentor and induction programs and career ladders being implemented by the State Education Department, along with the state’s new Master Teacher program, may provide models that can be expanded.</li> <li>3. The evaluation system should be monitored and revised as necessary to address issues that arise.</li> <li>4. Adequate funding should be provided for professional development and for the substantial time administrators and master teachers must spend in implementing this program.</li> </ol>
<p><b>Expanding Learning Time</b></p>	<p>—</p>	<p><b>Progress</b></p> <ul style="list-style-type: none"> <li>• The 2013-14 Enacted Budget includes \$20 million for a competitive grant for Extended Learning Time.</li> </ul> <p><b>Concerns</b></p> <ul style="list-style-type: none"> <li>• This \$20 million grant on ELT will affect about 13,000 students of the 2.7 million in NYS or <b>one half of one percent of students.</b></li> <li>• The last few years of funding reductions caused the elimination of several programs that extend learning time: <ul style="list-style-type: none"> <li>· 31% of schools cut summer school</li> <li>· 34% cut extra-curricular activities</li> </ul> </li> </ul>	<ol style="list-style-type: none"> <li>1. The state should provide adequate state aid to maintain existing programs that expand time in school, school based activities and quality after school programs.</li> <li>2. Expanding learning time programs should be extended to provide these services to all students who need them.</li> </ol>
<p><b>Providing Challenging and Engaging Curriculum</b></p>	<p>—</p>	<p><b>Progress</b></p> <ul style="list-style-type: none"> <li>• NYS adopted the Common Core standards in 2011. The Common Core aims at raising the bar so that students are college and career ready.</li> </ul> <p><b>Concerns</b></p> <ul style="list-style-type: none"> <li>• Since 2011, the State has made significant cuts to the quality of the curriculum: <ul style="list-style-type: none"> <li>· 17% of schools have made cuts to honors or Advance Placement Courses</li> <li>· 20% have made cuts to arts and music</li> <li>· 18% to Career and Technical Education</li> </ul> </li> <li>• The State has not taken the responsibility to give access to high quality curriculum to all students.</li> <li>• Common Core is not well understood by the public and is producing some backlash. New York is one of only two states implementing high-stakes tests based on the Common Core this year. There is considerable concern that districts and educators have had inadequate time and resources to fully prepare.</li> </ul>	<ol style="list-style-type: none"> <li>1. NYS has to ensure that all students have access to a high quality curriculum no matter where they live. There is tremendous contrast in curriculum quality.</li> <li>2. Significant investment is needed to maintain and improve curriculum breadth and quality.</li> <li>3. For the Common Core to succeed there needs to be resources for professional development, curriculum materials and additional testing costs.</li> <li>4. NYS should proceed with Common Core implementation on pace but should seek a waiver from US DOE to delay any high stakes consequences due to the associated tests for one year.</li> </ol>

<p><b>Creating a Positive School Climate &amp; Reducing Suspensions</b></p>	<p>—</p>	<p><b>Concerns</b></p> <ul style="list-style-type: none"> <li>• In NYS, 5% of students are suspended each year. But in some districts suspension rates are 20% or higher.</li> <li>• State policies support ineffective punitive approaches to student behavior which is reflected in school districts' Codes of Conduct, despite strong evidence that student supports and restorative justice policies significantly reduce suspensions, improve school safety and student behavior and, increase student achievement.</li> </ul>	<ol style="list-style-type: none"> <li>1. New York State should change those laws and regulations which mandate or encourage excessive use of suspensions particularly for non-violent offenses.</li> <li>2. The state should provide a model Code of Conduct to focus on progressive discipline and restorative justice designed to keep students in schools and solve behavioral issues, in place of punitive approaches.</li> <li>3. NYS should identify resources to implement restorative justice programs and to provide adequate student supports including guidance counselors and social workers.</li> </ol>
<p><b>Investing in Equity</b></p>	<p>—</p>	<p><b>Concerns</b></p> <ul style="list-style-type: none"> <li>• NYS has an \$8,601 per pupil gap in expenditures between wealthy and poor school districts on average. In many cases it exceeds \$15,000.</li> <li>• The funding gap translates into significant gap in educational opportunities.</li> <li>• The funding gap correlates with a gap in graduation rates. There is a 29% graduation gap between high need and low need districts. The opportunity and graduation gap based on race is also dramatic with white students having a 28% higher graduation rate than Black and Latino students.</li> </ul>	<ol style="list-style-type: none"> <li>1. State should recommit to Campaign for Fiscal Equity funding and fully phase-in within four years.</li> <li>2. NYS should make improvements to the foundation aid formula and reinstitute its use, restore the Gap Elimination Adjustment cuts, and stop using extra formulas that manipulate state school aid in inequitable ways. School aid distribution should be based on student and school district need.</li> <li>3. Funding should be tied to implementation of effective programs including those outlined in this report card.</li> </ol>

This report was prepared by Marina Marcou-O'Malley, Policy Director of the Alliance for Quality Education.

We would like to thank the members of Policy Advisory team for offering feedback and comments on this report. Specifically, we would like to thank Dr. Edward Fergus-Arcia, Assistant Professor of Educational Leadership, New York University; Dr. Carol Burris, Principal of South Side High school Rockville Centre School District; Dr. Patrick Michel, Executive Director, Hamilton Fulton Montgomery BOCES; Dr. Michael Hogan, Associate Dean of Education, Long Island University; Kim Sweet, Executive Director Advocates for Children; Dr. Joe Bishop, National Opportunity to Learn Policy Director; Doug Israel, Director of Policy and Research, Center for Arts Education; and David Sciarra, Executive Director, Education Law Center/ Campaign for Fiscal Equity.

We would like to thank Dr. Kevin Welner, Director of the National Education Policy Center for reviewing this report and providing us with his thoughtful suggestions.

## College & Career Readiness Report Card

Is NYS Moving in the Right Direction?

<b>Providing Quality Pre-K</b>	<b>+</b>
<b>Creating Community Schools</b>	<b>+</b>
<b>Providing Quality Teaching Initiatives</b>	<b>INCOMPLETE</b>
<b>Expanding Learning Time</b>	<b>-</b>
<b>Providing Challenging and Engaging Curriculum</b>	<b>-</b>
<b>Creating a Positive School Climate &amp; Reducing Suspensions</b>	<b>-</b>
<b>Investing in Equity</b>	<b>-</b>



[www.aqeny.org](http://www.aqeny.org)

## Expert Voices ...

“Populations living in vulnerable conditions require a formula of interventions and school systems that are protective and functioning effectively. The AQE report provides the calculations necessary for this formula to work.”

Dr. Edward Fergus-Arcia, Assistant Professor of Educational Leadership, New York University

“Every student in New York State deserves access to the best and most enriched curriculum their school has to offer. New York State, in partnership with the community, should provide the funding for the academic supports needed to ensure that each child can be successful and ready for the challenge.”

Dr. Carol Burris, Principal South Side High School, Rockville Centre School District

“We need to do better. The recommendations of the *Are We There Yet?* report may ruffle some traditionalist feathers, but that is because they emphasize the best interests of the students. Based on international best practices, AQE’s report card shows the path to student success. The state should not ignore these recommendations if it truly wants to ensure students are college and career ready.”

Dr. Patrick Michel, HFM BOCES District Superintendent and CEO

“Momentum is building in the State of New York for change that will improve the educational outcomes of all children, including those who are often left behind. This report card provides a concise and clear overview of many of the most pressing issues of education policy that are key to making positive change.”

Kim Sweet, JD Executive Director of Advocates for Children

“As we seek to improve the college and career readiness of our students it is imperative that all of our public schools provide equal access to a rich and engaging curriculum that includes the arts, foreign language, physical education and advanced coursework in a wide range of subject areas. Keeping students motivated, engaged and on track to graduation should be a top priority of our state's education leaders and decision-makers.”

Doug Israel, Director of Policy and Research, Center for Arts Education

“It’s time for New York to take a hard look at how it treats all students in this state. Ranked #43 in education funding equity, New York is well behind the rest of the nation in closing the opportunity gap between high need and low need schools. A system built on equity provides all students with high quality curriculum and access to quality pre-K. In New Jersey, the opportunity gap is getting smaller because we invest in equity. NYS ought to do the same.”

David Sciarra, Executive Director, New Jersey Education Law Center/ Campaign for Fiscal Equity

“This report card is a way of holding the legislature accountable for meeting the needs of New York’s most vulnerable youth. The progress to date is at best modest. This is the state’s responsibility and must be the state’s highest priority. If the state fails to provide students with the opportunities that AQE’s report card outlines, many of these children will be dependent on state services for generations and few will maximize their potential. This will not only be a tragedy for these children, but New York will never be able to solve its budget problems or be attractive for economic development.”

Michael P. Hogan Ph.D. Associate Dean, College of Education Information and Technology

“AQE’s report card thoughtfully rates the state’s commitment to equity for all children from pre-K to college based on proven measures needed for systems change. It also offers clear solutions based on research and practice for positioning New York to be a national leader for educating the world’s most diverse, vibrant and talented students.”

Joseph Bishop, Ph.D. Policy Director, National Opportunity to Learn Campaign



# Table of Contents

Providing Quality Pre-Kindergarten	6
Creating Community Schools	9
Investing in Quality Teaching Initiatives	13
Expanding Learning Time	18
Providing Access to Challenging and Engaging Curriculum	21
Creating a Positive School Climate and Reducing Suspensions	29
Investing in Equity	34

# Providing Quality Pre-Kindergarten

## The Research Says...

High-quality prekindergarten (pre-K) programs prepare children for kindergarten and beyond. Decades of research illustrate that quality full-day pre-K provides young children with the necessary tools to succeed in schools. The evidence of research shows that a student who attends high-quality pre-K is:

1. More likely to be successful in school
2. More likely to go to college
3. More likely to get a higher paying job
4. Less likely to be incarcerated
5. More likely to lead a happier adult life<sup>1</sup>

Research shows that high-quality prekindergarten has a lasting and substantial effect on a student's learning. High-quality programs include elements such as:<sup>2</sup>

- Small class sizes and ratios – 20 or fewer children, with two adults.
- Well trained, adequately compensated and qualified teachers.
- Strong links to social and health services.
- Attention to families' needs, including wrap-around child care.
- Adequate and appropriate supplies and materials.
- Appropriate and sufficient indoor and outdoor space.
- A mix of child-initiated and teacher directed activities with substantial time for individualized and small-group interactions.

These high-quality pre-K programs ensure that children are ready for Kindergarten and ready for a successful academic path<sup>3</sup>. Such programs have been operating for decades

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<sup>1</sup> Highscope Perry Preschool Study <http://www.highscope.org/Content.asp?ContentId=282>

Groginsky, S, Christian, S. and McConnell, "Early Childhood Initiatives in the States: Translating Research into Policy," State Legislative Report – Vol. 23, No-14, June 1998. Available at [www.ncsl.org/issues-research/...report-early-childhood-initiati.aspx](http://www.ncsl.org/issues-research/...report-early-childhood-initiati.aspx)  
Hull, Jim, "Starting out Right: Pre-K and Kindergarten." Center for Public Education, November 2011. Available at [www.centerforpubliceducation.org](http://www.centerforpubliceducation.org).

Karoly, L.A. and Bigelow, J.H., have published several studies on the costs and benefits of public preschool programs, which document the long-term gains for children who have access to high-quality programs. See, for example "Early Childhood Interventions, Proven Results, Future Promise" and "The Costs and Benefits of Universal Preschool in California," both published in 2005. Available at [www.rand.org](http://www.rand.org)

The National Institute for Early Education Research has also published a range of multi-state studies on the short-term and long-term benefits of public Prekindergarten, as well as analysis of the costs and benefits of state Pre-K programs which can be found at [www.nieer.org](http://www.nieer.org).

<sup>2</sup> NEPC. (2012). Research-Based Option for Education Policymaking: Preschool Education.

<http://nepc.colorado.edu/publication/options>

<sup>3</sup> Barnett, S. (2011). *Investing in Effective Early Childhood Education: Getting New York back on a Path to Success*. Rutgers University Graduate School of Education National Institute of Early Education Research.

across the nation. In states where investment in these programs has been adequate, the achievement gap has decreased. One such example is New Jersey, where the state adequately funds high-quality pre-K in high need districts. In those districts, known as the Abbott districts,<sup>4</sup> as a result of pre-K, students have closed the readiness gap by 40% and made gains in literacy and math. In these school districts prior to increased funding and availability of high-quality pre-K programs, students were starting Kindergarten without having the necessary skills, facing a large school readiness gap. Grade retention was cut by one-third for children who started preschool at age four and cut in half for those who started preschool at age three.<sup>5</sup>

Quality pre-K is a proven strategy that has been extensively tested through decades of research and implementation. The positive effects of pre-K are maximized when programs are full-day, have certified teachers, offer wrap around services, and have a continuous improvement system.

### What New York State is doing...

New York State, under the leadership of the Assembly Speaker Sheldon Silver, established a state-funded half-day pre-K program in 1997 that offered two-and-one-half hours of instruction to eligible four-year-olds. The program expanded in 2007 after then-Governor Spitzer and the legislature added substantial funding to the education system and the Universal Prekindergarten Program. Currently, 42% of the state's four-year-olds are served in UPK. The program is rated by the National Institute for Early Education Research as number nine (out of 50 states) in providing access to four-year-olds and as meeting seven (7) out of ten (10) benchmarks for quality. The state is 21<sup>st</sup> in state spending per enrolled child in pre-K.<sup>6</sup>

The last state budget (for the 2013-14 SY) included, for the first time, funding for full-day pre-K. After years of stagnation, NYS will provide \$25 million that will fund either expansion of the half-day slots, conversion of half-day to full-day slots, or creation of new full-day slots. This funding is in the form of a competitive grant, with preference given to school districts with high concentrations of students in poverty and low local resource capacity.

**NYS is taking a step in the right direction.** This new funding opportunity builds on the stable foundation of the half-day UPK program to offer access to a full-day program. Even though this funding will only affect about 2% of four-years-olds in the state, it creates the first state-funded full-day pre-K program in NYS.

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<sup>4</sup> Abbott is the name of the lawsuit (Abbott Vs. Burke) which resulted in the New Jersey courts ordering adequate school aid and pre-K funding for high need districts in New Jersey. The Abbott case is comparable to New York's Campaign for Fiscal Equity (CFE), except unlike CFE, funding for Abbot has been implemented in New Jersey.

<sup>5</sup> Frede, E., Jung, K., Barnett, W. S., & Figueras, A. (2009). *The APPLES Blossom: Abbott Preschool Program Longitudinal Effects Study (APPLES) preliminary results through 2nd grade*. New Brunswick, NJ: National Institute for Early Education Research.

<sup>6</sup> National Institute for Early Education Research. (2012). State of Preschool 2011 <http://www.nieer.org/publications/2011-state-profiles>

## Recommendations

1. Quality full-day pre-K should be universally available, especially for high need districts and students.
2. NYS should invest in creating a system of quality assurance and supports for all pre-K programs.
3. Full-day grant awards should be made permanent by folding into UPK grants.

New York State should invest in expanding the full-day pre-K program to all four-year-olds, starting first with those in high need school districts. At the same time, NYS should set quality standards and provide supports to ensure that all pre-K programs across the state are high quality, as well as the resources and supports to continue to improve their programs. The research on this point is very clear: pre-K can be enormously beneficial, but these benefits are correlated with the quality of the programs.

Now that full-day pre-K has been piloted in New York State, it should be universally implemented. Doing so requires not only adequate funding for half-day programs, but adequate funding for full-day programs.

## Creating Community Schools

### The research says...

Research shows that communities and students benefit when their schools are hubs for services that meet their needs. Community Schools, also known as wrap-around schools, align academic, social and health services; provide youth development; and engage all stakeholders in a community.<sup>7</sup> Community schools offer comprehensive services in order to ensure that students' physical, health, social, and emotional needs are met as a foundation for their readiness to learn.<sup>8</sup>

One of the primary causes of low achievement in schools is poverty. Research has shown that poverty is a significant challenge to learning.<sup>9</sup> Children who live in poverty may face challenges such as malnourishment, unattended health and dental issues, unmet social and emotional needs, or even lack of a regular place to sleep.

Community Schools cannot address all of the poverty-related opportunity gaps faced by New York's children. But, they offer one sensible approach to filling some of those gaps. These schools serve more than just the direct academic needs of a community's children. They also serve as "opportunity hubs" for entire neighborhoods—bringing together a range of agencies, services and providers to address the specific needs and interests of students, families and local residents. The most effective Community Schools are community institutions remaining open into the night and on weekends, so that students, parents and neighbors can access basic health care; English or citizenship classes; tutoring and other academic supports; internships, community service opportunities and much more. The types of supports offered at Community Schools vary depending on the needs of the neighborhood and the capacity of the school district and the local government to coordinate services.

Some models of Community Schools involve engaging a wide range of partners in a process of building a collective vision for both the educational program and a strong community. The most effective Community Schools rely on a sense of community ownership by parents, students, educators and service providers over the purpose and activities of the school, leading to their genuine engagement in running the school.

The National Coalition for Community Schools ([www.communityschools.org](http://www.communityschools.org)) provides support to districts and states in developing Community Schools programs. NCCS also

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<sup>7</sup> Coalition of Community Schools: Community Schools Research Brief 2009

<sup>8</sup> A+ NYC(2012) Comprehensive Services <http://aplusnyc.org/wraparound-services/>  
Broader, Bolder Approach to Education: Comprehensive Strategies (2013) <http://www.boldapproach.org/comprehensive-strategies>

<sup>9</sup> Berliner, D.C. (2009). *Poverty and potential: out-of-school factors and school success*. Boulder, CO: National Education Policy Center. <http://nepc.colorado.edu/publication/poverty-and-potential>

Carter, P. L. & Welner, K. G. (eds) (2013). *Closing the Opportunity Gap: What America Must Do to Give All Children an Even Chance*. New York: Oxford University Press.

conducts and compiles research on the impact of Community Schools. That research has consistently shown that Community Schools contribute to increased student academic performance, lower drop-out rates, higher attendance rates, fewer behavior problems and greater parent engagement than in schools not organized as Community Schools.<sup>10</sup>

*Community schools, done right, have many benefits:*

- Increased attendance and decreased drop-out rates.
- Improved behavior and youth development: students in such schools showed higher sense of self-esteem, increased college and career aspirations, and increased respect of others' property and self.
- Improved academic performance, especially in math.
- Greater engagement in learning.
- Increased physical, emotional and mental health.
- Meaningful family engagement.<sup>11</sup>

Under the leadership of President Obama, the Department of Education initiated a competitive process to award funds to *Promise Neighborhoods* around the nation.

“The vision of the program is that all children and youth growing up in Promise Neighborhoods have access to great schools and strong systems of family and community support that will prepare them to attain an excellent education and successfully transition to college and a career. The purpose of Promise Neighborhoods is to significantly improve the educational and developmental outcomes of children and youth in our most distressed communities, and to transform those communities by—

1. Identifying and increasing the capacity of eligible entities that are focused on achieving results for children and youth throughout an entire neighborhood;
2. Building a complete continuum of cradle-to-career solutions of both educational programs and family and community supports, with great schools at the center;
3. Integrating programs and breaking down agency “silos” so that solutions are implemented effectively and efficiently across agencies;
4. Developing the local infrastructure of systems and resources needed to sustain and scale-up proven, effective solutions across the broader region beyond the initial neighborhood; and
5. Learning about the overall impact of the Promise Neighborhoods program and about the relationship between particular strategies in Promise Neighborhoods and student outcomes, including through a rigorous evaluation of the program.”<sup>12</sup>

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<sup>10</sup> Community Schools – *Results That Turn Around Failing Schools: Test Scores, Attendance, Graduation and College-Going Rates*. National Coalition for Community Schools, May 2010. Available at:

[http://www.communityschools.org/assets/1/AssetManager/Turning\\_Around\\_Schools\\_CS\\_Results2.pdf](http://www.communityschools.org/assets/1/AssetManager/Turning_Around_Schools_CS_Results2.pdf)

<sup>11</sup> Community Schools <http://www.communityschools.org/assets/1/AssetManager/Indicators%20of%20Capacity%20-%20Results%20Framework.pdf>

<sup>12</sup> <http://www2.ed.gov/programs/promiseneighborhoods/index.html#description>

## What New York State is doing...

The *New NY Education Commission* (thus forth, the Commission), which was established in 2012 by Governor Cuomo, recommended that NYS create a system of comprehensive supports in schools in order to address the various needs that exist in our communities. The Commission stated that NYS “has the opportunity to become a national leader in providing targeted, integrated services that address children’s academic, social, health, nutrition, security, and family needs as part of a comprehensive strategy that leverages collective impact to increase achievement and provide New Yorkers with the tools for lifelong success.”<sup>13</sup>

The NYS Enacted Budget for 2013-14 included \$15 million for the creation of community schools. Following the Commission’s recommendation to build on “home-grown models” of community schools such as the Children’s Aid Society, the Harlem Children’s Zone and Say Yes to Education, the State Education Department (SED) was charged in the enacted budget legislation to create a Request for Proposals to disperse grants to school districts interested in creating community schools in their areas. This new program will fund schools with up to \$500,000 annually to bring comprehensive services to selected schools.

**Even though NYS is taking a step in the right direction with this program, which is innovative and has been proven successful, it is a small initiative.** If funded at a level of \$500,000 per school, only 30 schools out of 4,510 schools in the state would have access to this funding. The \$15 million allocated in this year’s budget will only have minimal impact, but it begins to lay the foundation for further expansion in coming years.

## Recommendations

1. The state should expand the program of community schools.
2. The state should ensure students have access to guidance counselors, social workers, and school psychologists who have been reduced in many school districts leaving many issues that students face unattended.

NYS should expand the pilot program of community schools to give large numbers of high need students access to the educational benefits of this program. Priority should be given to the state’s 223 priority schools (schools that are among the bottom 5% of achievement statewide) and other schools with high concentrations of high need students. In order to maximize the success of these programs, community engagement in the planning and management of these schools should be required.

In addition, NYS should invest in guidance counselors, social workers, and school psychologists. Over the recent budget cuts, 130 school psychologists were eliminated. Statewide, there are only 3,300 school psychologists working with almost 3 million

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<sup>13</sup> New NY Education Reform Commission Preliminary Recommendations (2013) *Putting Students First: Education Action Plan*  
<http://www.governor.ny.gov/assets/documents/education-reform-commission-report.pdf>

students. There is no data showing the distribution of school psychologists by school district or student need. In addition, school counselors have an average of 450 students assigned to them, and in many schools the ratio is larger. A significant investment is required to ensure that students who need social, emotional, health and mental health supports, as well as other services for their families, have them to be ready to learn.



## Investing in Quality Teaching Initiatives

Over the last few years there has been a growing emphasis on rating how teachers perform. The Race to the Top competition and other federal and state initiatives have pushed states to rapidly design and implement teacher evaluation systems linked to test scores. The teacher evaluation systems put a lot of emphasis on the individual performance of teachers, while research shows that it is more productive to focus on building the capacity of teachers as a profession and as a cadre of highly skilled professionals within a school<sup>14</sup> by emphasizing collaboration and high quality training and supports. Whatever the strengths and weaknesses of these controversial policies, not enough attention has been given to putting in place the supports necessary to improve teaching.

### The Research Says...

Quality teaching is one of the most important school-level factors affecting students' learning. The research is clear on this issue. Well prepared teachers with deep content knowledge who receive support and mentorship when they first start teaching are more effective and tend to practice their profession for a longer time.<sup>15</sup>

Research supports various ways of ensuring that school leaders and teachers, especially novice teachers, receive the support and development necessary to enhance student learning. Some of these programs are listed below.

**Career ladders** systematically identify experienced and highly skilled teachers and give them increased responsibility and vital leadership roles. Career ladders have been found to help motivate and retain effective teachers by providing a career pathway and rationale for achieving new levels of expertise.<sup>16</sup> Career ladders allow new teachers to be mentored and supported by more experienced peers.<sup>17</sup> The Arizona Career Ladder Program, a 26-year-old plan, has shown lower dropout rates, higher graduation rates and higher achievement for students in the districts that participated in the program.<sup>18</sup>

“We need to concentrate on moving the entire profession forward instead of obsessing about the extremes in the field by celebrating the stars and dismissing the duds..”

Michael Fullan & Andy Hargreaves, *Reviving Teaching With 'Professional Capital*

**Comprehensive induction** programs support new teachers in their first *3 years* of teaching and are intentionally designed to foster relationships, collaboration and trust among

<sup>14</sup> Fullan, M. & Hargreaves, A. (2012). *Professional Capital: Transforming Teaching in Every School*. Teachers College Press

<sup>15</sup> Fullan, M. & Hargreaves, A. (2012). Reviving Teaching With 'Professional Capital,' *Education Week*, June.

<sup>16</sup> Howard Ebmeier & Ann Weaver Hart (1992). The Effects of a Career Ladder Program on School Organizational Process.

*EDUCATIONAL EVALUATION AND POLICY ANALYSIS*, September 21, 1992 vol. 14 no. 3 261-281

<sup>17</sup> Same as above

<sup>18</sup> Dowling, J., Murphy, S.E., & Wang, B. (2007).

<http://careerladders.cceaprofessional.wikispaces.net/file/view/career-ladder-brief.original.pdf>

teachers.<sup>19</sup> Too often, induction programs only provide mentors for first-year teachers. Research shows programs that are longer than a year include time for collaborative planning and ongoing professional development, support individual teachers and help build schools as learning communities.<sup>20</sup>

“Analysis of a randomized controlled study of teacher induction programs found student achievement gains in math and reading were significantly greater when a teacher received two years of comprehensive induction support when compared to teachers who received less-intensive supports.”<sup>21</sup>

**Professional development** that meets the specific needs of teachers, on a school-by-school basis, can increase teaching effectiveness. High quality professional development is multi-faceted. It trains teachers how to use a curriculum and supports individual teachers in growing and developing their instructional skills. Good professional development helps strengthen teachers’ capacity to promote critical thinking and creativity in their students. It includes structures to hold teachers accountable to each other and to their students. It also includes collaborative planning time<sup>22</sup> in order to ensure that all teachers, including special education teachers and support staff, are “on the same page” in how they deliver the curriculum.<sup>23</sup> In order to deliver comprehensive and supportive professional development, schools should have *internal capacity* to provide hands-on support—mentoring, demonstration classes, study groups—to teachers, and *external supports* to ensure that teachers in each building are able to talk with and learn from peers in other buildings through teacher centers or district-coordinated opportunities.<sup>24</sup>

**The Peer Assistance and Review (PAR) program** was first implemented in Toledo, Ohio 25 years ago. The program includes assigning a novice teacher to a consulting teacher who teaches the same grade and subject.<sup>25</sup> The PAR board monitors the growth and development of teachers, both novices and experienced who seem to be struggling.<sup>26</sup> The PAR program has been successfully implemented in a small number of school districts nationwide. In Montgomery County, Maryland, the program was implemented as part of the overall teacher evaluation system called Professional Growth System. PAR’s main goal is to help new teachers succeed, therefore it increases teacher retention. Also, this “process of selective retention can lead to a stronger teaching force and promote an organizational culture focused on sound teaching practice.”<sup>27</sup> Feedback from teachers is that “the program

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<sup>19</sup> Harry K. Wong. (2004). Induction Programs that Keep New Teachers Teaching and Improving. *NASSP Bulletin*, Vol. 88 No. 638 March.

<sup>20</sup> National Association of State Boards of Education. (2012). *Teacher Induction: Improving State Systems for Supporting New Teachers* [http://www.nasbe.org/wp-content/uploads/DG\\_Teacher\\_Induction\\_March\\_2012.pdf](http://www.nasbe.org/wp-content/uploads/DG_Teacher_Induction_March_2012.pdf)

<sup>21</sup> National Association of State Boards of Education. (2012). *Teacher Induction: Improving State Systems for Supporting New Teachers* [http://www.nasbe.org/wp-content/uploads/DG\\_Teacher\\_Induction\\_March\\_2012.pdf](http://www.nasbe.org/wp-content/uploads/DG_Teacher_Induction_March_2012.pdf)

<sup>22</sup> Walker, T. (2013). *No More “Sit and Get:” Rebooting the Teacher professional development.*

<http://neatoday.org/2013/04/29/no-more-sit-and-get-getting-serious-about-effective-professional-development/>

<sup>23</sup> <http://www.mass2020.org/node/154>

<sup>24</sup> Seven Standards of Professional Development <http://www.eschoolnews.com/2012/02/18/seven-standards-for-effective-professional-development/2/>

<sup>25</sup> <https://www.neafoundation.org/content/assets/2012/11/Peer%20Assistance%20and%20Review%20Issue%20Brief.pdf>

<sup>26</sup> Winerip, M. 2011. “Helping Teachers Help Themselves,” *New York Times*(June 5).

<sup>27</sup> <http://www.gse.harvard.edu/~ngt/par/parinfo/>

professionalizes teaching by making teachers responsible for mentoring and evaluating their peers.”<sup>28</sup>

### What New York State is doing...

New York State has recently created the Annual Professional Performance and Review for both teachers and principals. This evaluation system is based on a variety of measures which include high stakes standardized tests. Teachers are evaluated on students’ performance on these state tests and on observations of instruction and other professional responsibilities. The system defines four levels of competency: highly effective, effective, developing, and ineffective. When a teacher is evaluated as ineffective or developing, she/he is given an improvement plan. Eventually, if the evaluation rating does not improve, teachers lose their jobs. The APPR system is new and untested. It was created based on federal Race to the Top requirements. Similar evaluation systems created in other states have already raised questions about their validity. With 97% to 98% of teachers rated as effective in these new systems, according to Grover J. Whitehurst, director of the Brown Center on Education Policy at the Brookings Institution told *The New York Times* that the rating systems are “flawed,” as “it would be an unusual profession that at least 5 percent are not deemed ineffective.” According to the same *New York Times* analysis, even “advocates of education reform concede that such rosy numbers, after many millions of dollars developing the new systems and thousands of hours of training, are worrisome.” “It is too soon to say that we’re where we started and it’s all been for nothing,” said Sandi Jacobs, vice president of the National Council on Teacher Quality. “But there are some alarm bells going off.”

**The new evaluation system is in its first year of implementation in NYS and it is too early to conclude whether or not it will be effective.** There are reasons to be concerned that the use of standardized tests in evaluations may encourage further teaching to the test. Some researchers have found that high-stakes testing creates pressure for teachers to increasingly focus their students on test preparation.<sup>29</sup> Other research has found that teaching becomes more like a “drill and practice.”<sup>30</sup>

Specifically, research shows that:

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<sup>28</sup> <http://www.gse.harvard.edu/~ngt/par/parinfo/>

<sup>29</sup> Moon, T. R., Brighton, C.M., Jarvis, J.M., & Hall, C.J. (2007). State standardized testing programs: Their effects on teachers and students (RMO7228). Storrs, CT: National Research Center on the Gifted and Talented, University of Connecticut.

<http://www.gifted.uconn.edu/nrcgt/moonbrja.html>

<http://www.epi.org/publication/bp278/>

<sup>30</sup> <http://www.epi.org/publication/bp278/> and

[http://www.aera.net/Portals/38/docs/News\\_Media/AERABriefings/Hill%20Brief%20-%20Teacher%20Eval%202011/GettingTeacherEvaluationRightBackgroundPaper%281%29.pdf](http://www.aera.net/Portals/38/docs/News_Media/AERABriefings/Hill%20Brief%20-%20Teacher%20Eval%202011/GettingTeacherEvaluationRightBackgroundPaper%281%29.pdf) and

[http://www.washingtonpost.com/blogs/answer-sheet/post/5-reasons-parents-should-oppose-evaluating-teachers-on-test-scores/2011/06/05/AGTppaJH\\_blog.html#pagebreak](http://www.washingtonpost.com/blogs/answer-sheet/post/5-reasons-parents-should-oppose-evaluating-teachers-on-test-scores/2011/06/05/AGTppaJH_blog.html#pagebreak)

[http://www.washingtonpost.com/blogs/answer-sheet/post/5-reasons-parents-should-oppose-evaluating-teachers-on-test-scores/2011/06/05/AGTppaJH\\_blog.html#pagebreak](http://www.washingtonpost.com/blogs/answer-sheet/post/5-reasons-parents-should-oppose-evaluating-teachers-on-test-scores/2011/06/05/AGTppaJH_blog.html#pagebreak)

1. Teachers and students feel a tremendous amount of pressure associated with high-stakes testing to produce high student test scores.
2. The pressure felt by teachers associated with high-stakes testing results in a drill and practice type of curriculum and instruction.
3. There appears to be a consistent increase in test preparation activities in the period immediately preceding the administration of a test, ending abruptly following the test.
4. Teachers generally perceive a top-down filtering of test-related pressure, beginning with central office administrators down to the classroom level.
5. There is a clear feeling among most teachers that the focus on minimum standards and basic skills has diminished both the richness and depth of the curriculum and professional autonomy over curricular and instructional decisions.
6. The pressure felt by high-stakes testing is greater in disadvantaged schools and results in more drill and practice instruction.
7. There is a firm belief among teachers in both low-stakes and high-stakes testing environments that the pressure to improve student scores is steadily increasing.<sup>31</sup>

In reporting on the recent Atlanta test cheating scandal, the *New York Times* found that the “linking of teachers’ employment, and sometimes their pay, to test scores has also been blamed for sporadic incidents of cheating. [The result was] 35 Atlanta educators, including the former superintendent, were indicted in what prosecutors called a widespread scheme of doctoring students’ answers.”<sup>32</sup> This emphasis on high-stakes testing, the lack of time and resources for collaborative planning time and targeted professional development, and the implementation of the Common Core standards at a time when school districts are forced to make more cuts have created a climate of increased pressure in schools.

New York State, following the recommendation of the Education Reform Commission, has also created a Master Teacher<sup>33</sup> program. The program will provide a stipend to science and mathematics teachers that are ranked highly effective and have at least four years of experience. The Master Teachers are expected to engage in peer mentoring, attend professional development workshops, and create intensive content-oriented development opportunities throughout the school year. Initially, 250 teachers from the Mid-Hudson, North Country, Central NY, and Western NY will be selected. In the spring of 2014, more teachers will be selected from the remaining regions of the state.

In addition, when NYS won the Race to the Top grant, it committed to creating career ladders, mentoring and induction programs. The model induction grant award has been given to three high need school districts (Albany, Buffalo, and Wyandanch). Guidelines and criteria for a model induction program are publicly available by SED. In addition, NYS has created Mentoring Standards and just issued an RFP for a Mentor Teacher Internship

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<sup>31</sup> Moon, T. R., Brighton, C.M., Jarvis, J.M., & Hall, C.J. (2007). State standardized testing programs: Their effects on teachers and students (RMO7228). Storrs, CT: National Research Center on the Gifted and Talented, University of Connecticut.

<sup>32</sup> NY Times March 2013, *Curious Grade for Teachers* <http://www.nytimes.com/2013/03/31/education/curious-grade-for-teachers-nearly-all-pass.html?pagewanted=all>

<sup>33</sup> <http://www.governor.ny.gov/press/05202013-20-nys-master-teacher-program>

program. The last state budget included the creation of a “bar exam” for teachers seeking certification, coupled with a more rigorous student-teaching experience.

**While initiatives in teacher mentoring, induction and career ladder programs are encouraging developments, they are small. New York State has not focused on putting effective collaborative approaches of this type into widespread use.**

## Recommendations

1. State initiatives to improve the quality of teaching should focus more on support and collaboration.
2. Teacher mentor and induction programs and career ladders being implemented by the State Education Department, along with the state’s new Master Teacher program, may provide models that can be expanded.
3. The evaluation system should be monitored and revised as necessary to address issues that arise.
4. Adequate funding should be provided for professional development and for the substantial time administrators and master teachers must spend in implementing this program.

New York State initiatives to improve the quality of teaching should focus on supports and collaboration. The Master Teacher program, the mentoring programs, the induction program, and career ladders being implemented and piloted respectively by the State Education Department may provide models that can be expanded. The state must provide the necessary resources for school districts to implement programs such as Mentoring, Peer Assistance and Review and Induction programs. The Annual Professional Performance Review system should be monitored and revised as necessary to address issues that arise. Importantly, adequate funding for mentoring, induction, peer assistance and collaborative planning time needs to be made available to school districts to implement these programs.

## Expanding Learning Time

### The research says...

Expanded Learning Time (ELT) is a strategy that involves adding time to the school day and/or days to the school year, adding enriching activities within the normal school day, or having after-school and summer enrichment programs aligned with children's needs and interests as well as thoughtfully planned and implemented curricula. Many advocates for extended learning time have argued that a school year of only 180 days is "leftover" from the time when children helped their families working in the fields during harvest time. Research has shown that there is significant learning loss over the summer, which affects low income and at-risk students more than their middle and high income counterparts<sup>34</sup>.

The most effectively implemented extended learning time program requires a well thought-out day, one that provides challenging curriculum and enrichment opportunities for all students, but particularly for at-risk students who often have fewer opportunities to be exposed to arts, music, or enrichment courses. Expanded learning time can take different forms:

1. **After-school programs** providing tutoring, student support classes, challenging electives, exposure to theater, music, art, and extracurricular activities aligned with the regular school day curriculum.<sup>35</sup>
2. **Longer school days** during which students have opportunities to engage with a variety of different materials and courses as part of the school district curriculum. This particular type allows teachers to have time to collaborate and plan together. Keeping schools open for a longer school day may also mean that students have the opportunity to engage with sports, arts, and intensive learning as part of the continuous day.<sup>36</sup>
3. **Longer school year** during which students continue to go to school over the summer months. Keep students in school over the summer months- having a shorter break- decreases the likelihood of summer learning loss.<sup>37</sup>
4. **Summer schools** which provide the opportunity for enrichment, tutoring, or other activities that would also prevent summer learning loss.<sup>38</sup>

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<sup>34</sup> Patall, E.A., H. Cooper, and A.B. Allen. 2010. "Extending the School Day or School Year: A Systematic Review of Research (1985–2009)," *Review of Educational Research* 80, no. 3:401–436.

<sup>35</sup> Aronson, J., J. Zimmerman, and L. Carlos. 1998. *Improving Student Achievement by Extending School: Is It Just a Matter of Time?* San Francisco: WestEd.

Bodilly, S., and M. Beckett. 2005. *Making Out-of-School Time Matter: Evidence for an Action Agenda*. Santa Monica, CA: RAND Corporation.

**ECONorthwest and the Chalkboard Project**. 2008. *A Review of Research on Extended Learning Time in K–12 Schools*. Eugene, OR.

<sup>36</sup> <http://www.fordfoundation.org/issues/educational-opportunity-and-scholarship/more-and-better-learning-time/the-school-day-reimagined>

<sup>37</sup> <http://ecap.crc.illinois.edu/eearchive/digests/2003/cooper03.html>

<sup>38</sup> <http://ecap.crc.illinois.edu/eearchive/digests/2003/cooper03.html>

Different schools and communities require different types of expanded learning time in order to meet the needs of their students. The *New NY Education Reform Commission* report states that there is evidence that the different forms of expanded learning time (described before) are successful in helping increase student achievement,<sup>39</sup> which in turn leads to higher student engagement and graduation rates and increased adult earnings.<sup>40</sup> Expanded learning time, whichever way it is implemented, carries a significant cost per pupil. As an example, the Commission uses the cost of the Mass2020 expanded learning time program, which carries a cost of \$1,300 per student.<sup>41</sup>

### What New York State is doing...

**As a result of New York State's current school finance policies schools have made significant cuts to expanded learning opportunities for students across the state. School districts were forced to cut** programs such as after-school, summer school, enrichment opportunities, and other programs that extend learning time. Thirty-four percent (34%) of school districts have reduced extra-curricular activities,<sup>42</sup> which often are programs that extend learning time and 31% have reduced or eliminated summer school.<sup>43</sup>

The 2013-14 state budget included \$20 million in new competitive grant funding for extended learning time. Governor Cuomo stated in his State of the State address (2013) that if school districts choose extended learning time, "the state would pay 100% of the additional cost to give them the incentive to actually do it." The \$20 million that is included in the enacted budget for 2013-14 in the form of a competitive grant will only affect one-half of one percent of all students in the state--or 13,333 students out of 2.7 million statewide. If the state were to provide extended learning time for all students, the cost using the \$1,500 per pupil amount stated in the budget would be an additional \$3.4 billion in education funding. Of course, not all students will want or need these opportunities, but \$20 million is greatly inadequate.

### Recommendations

1. The state should provide adequate state aid to maintain existing programs that expand time in school, school based activities and quality after-school programs.
2. Expanded learning time programs should be extended to provide these services to all students who need them.

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<sup>39</sup> New NY Education Reform Commission Preliminary Recommendations (2013) *Putting Students First: Education Action Plan* <http://www.governor.ny.gov/assets/documents/education-reform-commission-report.pdf>

<sup>40</sup> New York State After-schoolNetwork. Expanded Learning Opportunities Factsheet <http://nysan.org/content/document/detail/3679/>

<sup>41</sup> New NY Education Reform Commission Preliminary Recommendations (2013) *Putting Students First: Education Action Plan* <http://www.governor.ny.gov/assets/documents/education-reform-commission-report.pdf>

<sup>42</sup> **New York State Council of School Superintendents.** (2012). Can't Get There from Here

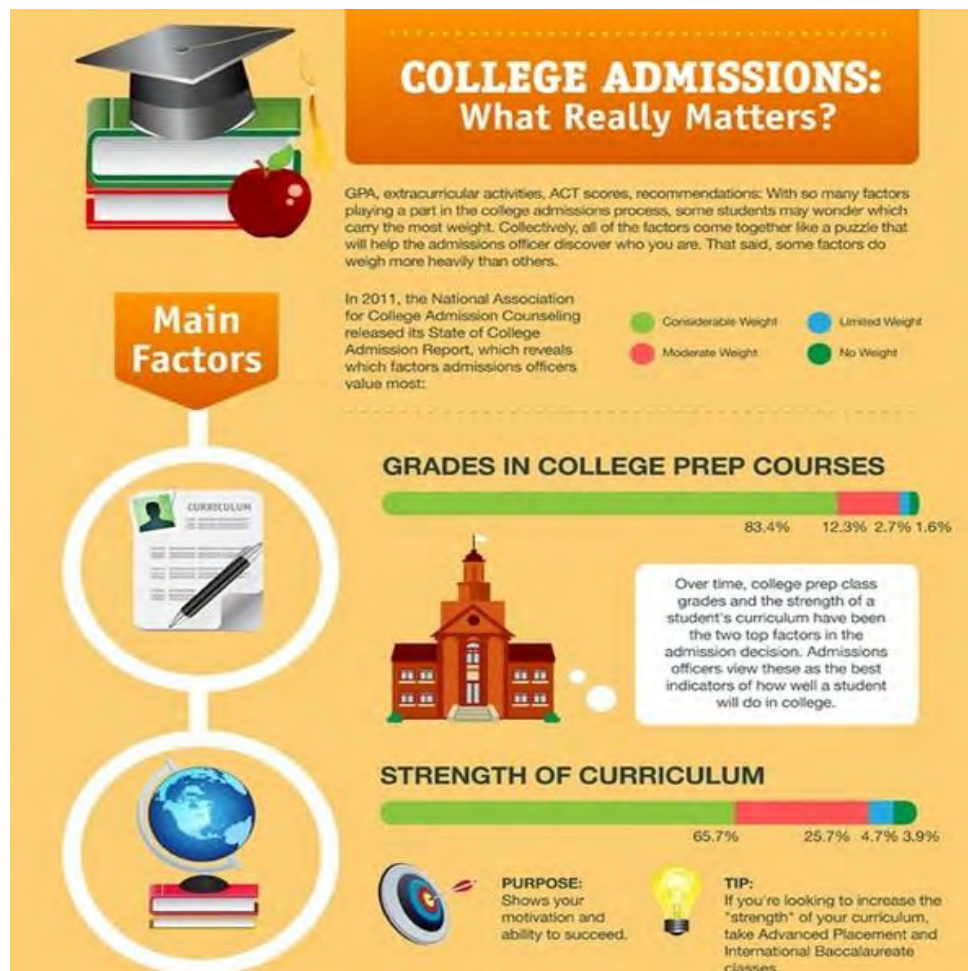
<sup>43</sup> **New York State School Boards Association** (2012). The New Reality for Schools: The first Budgets under the Tax Cap

New York State should provide adequate state aid to maintain existing programs that expand learning opportunities in school, either through an expanded day and year or through high quality after-school programs. Expanded learning time programs should be made available to all students that need them. The state should provide the resources for extended learning time to school districts.



# Providing Access to Challenging and Engaging Curriculum

Ensuring access to a challenging and engaging curriculum is a core responsibility of our public school system. The recently adopted Common Core Standards describe the set of expectations for what students should learn and be able to do in English Language Arts and Literacy, and Mathematics. The Common Core Standards are intended to shift the educational focus to higher level skills such as critical thinking and problem solving. The Common Core has the potential to provide a roadmap to college and career readiness for students. The standards are meant to be accompanied by a model curriculum, model lessons and other instructional material, as well as new tests.<sup>44</sup>



Infographic kindly provided by <http://www.onlinecollegecourses.com/2012/05/10/college-admissions-what-matters/>

<sup>44</sup> <http://www.engageny.org/resource/new-york-state-p-12-common-core-learning-standards>

However, how they are implemented is of tremendous importance to whether they succeed or fail. **“The actual effect of the CCSS [Common Core State Standards], however, will depend much less on the standards themselves than on how they are used. Two factors are particularly crucial. The first is whether states invest in the necessary curricular and instructional resources and supports, and the second concerns the nature and use of CCSS assessments developed by the two national testing consortia.”**<sup>45</sup> In order for the Common Core to succeed, schools must have the capacity to provide their students with the well-rounded education that parents expect and children deserve. This capacity relates both to preparedness and to resources.

Around the country there has been considerable push back on the Common Core from parents, teachers, administrators, academics, and state lawmakers among others. Criticism and concerns range from advocates of states’ rights who feel it represents federal overreach, to opponents of all forms of standardized testing. Even among supporters of the Common Core there is considerable concern that implementation of the Common Core tests is occurring too quickly, without adequate time to understand the standards, provide the necessary training for teachers and school leaders, and to give students the opportunity to receive instruction based on the new standards before they have to take the tests. In April, the American Federation of Teachers President Randi Weingarten gave a high-profile speech in New York City supporting the Common Core, but calling for a delay in consequences associated with new tests based on the new standards, warning that “the tests are evaluating skills and content these students haven’t yet been taught.” Responding to the public feedback and demand, Secretary Duncan announced that states can apply for a one-year waiver in the use of the new test scores for teacher evaluation.<sup>46</sup> In doing so, Secretary Duncan said, “this effort will only succeed if all parties – and especially teachers and principals — have the time, resources and support needed to make the journey from the often inadequate standards of the past to the ambitious standards of tomorrow.”<sup>47</sup>

“Yet many educators, and a number of state chiefs, have said: let’s hold off on the consequences for teachers and principals while they come up to speed...  
...The unavoidable truth is that raising standards and improving systems is hard work, requiring collaboration and trust at all levels...”

Arne Duncan US Secretary of Education, June 2013

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<sup>45</sup> NEPC. (2012). Research-Based Option for Education Policymaking: *Common Core State Standards*.  
<http://nepc.colorado.edu/publication/options>

<sup>46</sup> <http://www2.ed.gov/policy/elsec/guid/secletter/130618.html>

<sup>47</sup> <http://www.ed.gov/blog/2013/06/new-flexibility-for-states-implementing-fast-moving-reforms-laying-out-our-thinking/>

## The Research Says...

Research says that high educational standards must be accompanied by high quality and challenging curriculum, as well as strong supports for teachers and students, in order for those students to have the opportunity to succeed and excel. Advanced Placement courses, International Baccalaureate programs, honors or college level courses, foreign languages, career and technical education, arts and music instruction, and even participation in sports, ensure that students stay engaged in school, graduate, and are well prepared for college and careers.

### *High level course offerings*

Research shows that access to and participation in higher level courses increase students' chances of getting into college.<sup>48</sup> Advanced Placement and International Baccalaureate courses help students make a positive impression with their college applications, help students earn college credit while still in high school, and save them time and money when they go to college.<sup>49</sup> During the admissions process, many selective colleges across the country reward students for having taken such courses.<sup>50</sup> It has been well documented that AP and International Baccalaureate program courses prepare students for success in college and in life.<sup>51</sup> In addition, taking challenging courses in high school,<sup>52</sup> especially in mathematics, trumps test scores when it comes to college completion.<sup>53</sup> Schools that de-track, ridding themselves of low-level courses that serve as academic dead-ends for children, are able to universally accelerate their students.<sup>54</sup>

	VERBAL	MATH
4+ years arts	534	540
4 years	543	541
3 years	514	516
2 years	508	517
1 year	501	515
1/2 year or less	485	502
Average for All SAT Test Takers	508	520

Source: 2005 College-Bound Seniors: Total Group Profile Report, The College Board, 2005, Table 3-3; SAT Scores of Students Who Study the Arts: What We Can and Cannot Conclude about the Association, Kathryn Vaughn and Ellen Winner (Fall 2000).

<sup>48</sup> <http://admitoneblog.org/2009/09/the-real-importance-of-advanced-placement-classes-2/>

<sup>49</sup> <http://professionals.collegeboard.com/testing/ap>

<sup>50</sup> Geiser s. & Santelices V. (2004). The Role of Advanced Placement and Honors Courses and in College Admissions. *University of California Berkeley*.

<sup>51</sup> Same as above

<sup>52</sup> <http://www.onlinecollegecourses.com/2012/05/10/college-admissions-what-matters/>

<sup>53</sup> Adelman, C. (1999). *Answers in the tool box: Academic intensity, attendance patterns and bachelor's degree attainment*. Washington, DC: U.S. Department of Education, Office of Educational Research. Retrieved from <http://www.eric.ed.gov/PDFS/ED431363.pdf>

<sup>54</sup> Burris, C. C., Welner, K. G., & Bezoza, J. W. (2009). *Universal Access to a Quality Education: Research and Recommendations for the Elimination of Curricular Stratification*. Boulder, CO: National Education Policy Center.

### Arts and Music Instruction

Research shows that participation in the arts (music, dance, theater and visual arts) can help student achievement in a variety of important academic and social areas and prepare them for success in college and careers.<sup>55</sup>

Learning in and through the arts has been shown to improve cognitive abilities that are crucial to student development and learning and are related to success in other subject areas. These skills include reasoning, intuition, perception, imagination, inventiveness, creativity, problem-solving skills and expression<sup>56</sup>—all skills that employers are increasingly looking for in their employees.

The arts also promote social skills development including self-confidence, self-control, conflict resolution, collaboration, empathy and cultural awareness, and have demonstrated positive impacts on

A May 2005 Harris Poll on the attitudes of Americans toward arts education, commissioned by Americans for the Arts, revealed strong public support. Among the findings:

**93%** agree the arts are vital to providing a well-rounded education for children, a 2% increase over 2001.

**86%** agree an arts education encourages and assists in the improvement of a child's attitudes toward school.

**83%** believe that arts education helps teach children to communicate effectively with adults and peers.

**79%** agree incorporating the arts into education is the first step in adding back what's missing in public education today.

**54%** rated the importance of arts education a "ten" on a scale of one to ten.

**79%** believe that it's important enough for them to get personally involved in increasing the amount and quality of arts education.

CRITICAL EVIDENCE page 5

<sup>55</sup> <http://www.nasaa-arts.org/Research/Key-Topics/Arts-Education/critical-evidence.pdf>

<sup>56</sup> Same as above

traditional academic subjects and skills as well.

Instruction in drama has been found to foster literacy skills. By acting out their favorite stories, young children are able to enhance understanding, reading comprehension, and narrative creation skills.<sup>57</sup> Musical training has been correlated with improved mathematical abilities, for example, rhythm emphasizes proportion, patterns and ratios expressed as mathematical relations.<sup>58</sup>

While the arts show benefits for all students, studies show that access to arts education in school offers distinct benefits to economically disadvantaged youth and to students at risk of dropping out.<sup>59</sup> According to a multicity U.S. Department of Justice study, arts programming not only increased academic performance of those students involved in the project, but also decreased juvenile delinquency and drug use, increased self-esteem, and led to more positive interactions with peers and adults.<sup>60</sup>

Lastly, engaging and participating in the arts keeps students in school since it provides the motivation for some students to go to school each day and stay on track to graduation. In several national studies over the past decade, many students at risk of dropping out cite participation in the arts as their reason for staying in school.<sup>61</sup> And, a comprehensive study of arts education and graduation rates at over 200 New York City public high schools showed that schools with most well-developed arts offerings had the highest graduation rates.<sup>62</sup>

### *Career and Technical Education*

If carefully designed to avoid becoming a low-track dumping ground for disadvantaged students, Career and Technical Education (CTE) programs can be part of a well-rounded program that provides students with challenging academic preparation combined with work-based skills and knowledge.<sup>63</sup> A balanced mix of CTE and academic courses can help in keeping students in school because it offers them a variety of experiences that allows them to choose a successful career path.

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<sup>57</sup> Same as above

<sup>58</sup> Vaughn, Kathryn (2002). "Music and Mathematics: Modest Support for the Oft-Claimed Relationship." In R. Deasy (Ed.), *Critical Links: Learning in the Arts and Student Achievement and Social Development*, Washington, DC: AEP

<sup>59</sup> Nancy H. Barry, Jack A. Taylor, and Kimberly C. Walls (1990). *The Role of the Fine and Performing Arts in High School Dropout Prevention*. Tallahassee, FL: Florida State University, Center for Music Research.

<sup>60</sup> Heather J. Clawson and Kathleen Coolbaug (2001). "National Evaluation of the YouthARTS Development Project." *Juvenile Justice Bulletin*, U.S. Department of Justice, The Office of Juvenile Justice and Delinquency Prevention.

<sup>61</sup> Same as 57

<sup>62</sup> Israel, D. (2009). *Staying in School: Arts Education and New York City High School Graduation Rates*. New York City: The Center for Arts Education.

<sup>63</sup> <http://aplusnyc.org/career-and-technical-education/>  
<http://www2.ed.gov/about/offices/list/ovae/pi/cte/transforming-career-technical-education-summary.pdf>

CTE has been successful with some at-risk students because it enhances qualities such as motivation, personal and social competence, comprehension of job and industry, career planning, knowledge and skills related to particular types of work, and overall work ethic.<sup>64</sup>

CTE is beneficial not only to students, but to employers, schools and the community as well. Employers are able to recruit skilled students as future employees, develop good relationships between work site mentors and students, and aid in the curriculum development process. Schools are able to expand their curriculum and learning environment, offer access to new technologies and career pathways, and promote student and staff interaction with the community. **However, it is important that CTE program are not used to segregate or track students from economically disadvantaged backgrounds into less demanding educational opportunities.**

### What New York State is doing...

NYS adopted the Common Core standards for English Language Arts and Literacy and Math in 2011. Implementation of the standards and assessments has begun this year. NYS is one of two states that have begun testing on the new standards. All the other states that adopted the standards will begin testing on the new standards in 2014.<sup>65</sup> Much concern exists around the rapid implementation. By the time SED posted new Common Core aligned instructional materials, most school districts had already purchased their instructional materials for the year.<sup>66</sup> SED has publicly stated that they expect test scores to drop by 30 points this year.<sup>67</sup> However, lower test scores have consequences. Students may be held back, school performance designations may be affected, schools may be closed and teacher and principal evaluations will be impacted.

**"Every student in New York State deserves access to the best and most enriched curriculum their school has to offer. New York State, in partnership with the community, should provide the**

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<sup>64</sup> Deluca, S., S. Plank, and A. Estacion. 2006. *Does Career and Technical Education Affect College Enrollment?* St. Paul, MN: National Research Center for Career and Technical Education, University of Minnesota.

Department of Education. 2004. *National Assessment of Vocational Education: Final Report to Congress*. Washington, DC: Department of Education, Office of the Under Secretary, Policy and Program Studies Service.

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<sup>65</sup> Layton, Lindsey. Turmoil Swirling around Common Core education Standards. *The Washington Post*, April 29, 2013

<sup>66</sup> School Administrators Association of New York State letter to State Assembly June 4, 2013

<sup>67</sup> SAANYS letter to Assembly June 4, 2013

**funding for the academic supports needed to ensure that each child can be successful and ready for the challenge."**

**Dr. Carol Burris, Principal South Side High School, Rockville  
Centre School District**

At the same time that NYS has raised the standards through implementing the Common Core, state policies have produced significant cuts to the quality of the curriculum in schools across the state. In the last four years, state education budgets have resulted in the loss of many good educators and programs. Over 35,000 educators and other education professionals were cut from New York's schools. These cuts translate into cuts to the quality of curriculum.

- Honors and Advanced Placement courses have been cut by 17%
- Art and music classes have been reduced by 16% and 20%, respectively<sup>68</sup>
- 22% of tutoring programs and other types of extra help for students during the school year have been reduced<sup>69</sup>

In addition, schools have made cuts to high school electives, Career and Technical Education, foreign languages and more. Unfortunately, students who are most in need are seeing their educational opportunities diminish the most as 48% of superintendents surveyed are expecting that they will not be able to offer supplementary help to students who need it.<sup>70</sup>

There are also clear gaps in college readiness between school districts—that often correlate to race, income, and ethnicity of students—with many schools that receive low measures on college readiness lacking the programming and course offerings that wealthier school districts are able to provide to their students. This year, following the recommendations of the *New NY Education Commission*, the Governor and the legislature allocated \$4 million for Early College High Schools. Last year, the competitive grants promoted by the Governor emphasized challenging high school curricula including college level and Advanced Placement courses, strong math and science course work, and Career & Technical education. All of these initiatives raise the quality of curriculum, but given the resources available, they do so for only a very small number of students.

**NYS has been moving in the wrong direction.**

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<sup>68</sup> Alliance for Quality Education. *Confronting the Opportunity Gap*  
[http://www.aqeny.org/ny/wp-content/uploads/2013/03/AQE\\_2013\\_Confronting-the-Opportunity-Gap.pdf](http://www.aqeny.org/ny/wp-content/uploads/2013/03/AQE_2013_Confronting-the-Opportunity-Gap.pdf)

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<sup>70</sup> NYS Council of School Superintendents. (2012). You can't get there from here: Budgeting challenges for new directions in state policy to help schools raise achievement.

## Recommendations

1. NYS has to ensure that all students have access to a high quality curriculum no matter where they live. There is tremendous contrast in curriculum quality across the state.
2. Significant investment is needed to maintain and improve curriculum breadth and quality.
3. For the Common Core to succeed there needs to be resources for professional development, curriculum materials and additional testing costs.
4. NYS should proceed with Common Core implementation on pace but should seek a waiver from US DOE to delay any high-stakes consequences due to the associated tests for one year.

NYS has to ensure that all students have access to challenging and engaging curriculum regardless of where they live or their family's income. Across the state, there is enormous disparity in curriculum quality and course offerings. The state must make significant investment to maintain and improve curriculum breadth and quality, provide districts with resources to successfully implement the Common Core standards, and to purchase appropriate curriculum materials.



## Creating a Positive School Climate and Reducing Suspensions

There is a growing debate across the country about the appropriate approaches to school discipline. Traditionally the focus has been on punitive responses to student misbehavior, such as detention, suspensions, and expulsions. For the past 25 years there has been an increasing use of zero-tolerance policies, which mandate punitive discipline. However, in recent years there has been growing push back on punitive discipline in general and zero-tolerance specifically. There is now a significant body of research showing that these approaches are ineffective at improving student behavior, creating school climates where students feel less safe, undermining academic achievement, and contributing to student drop out. In New York, as around the country, students of color are suspended and expelled at disproportionate, and often dramatically high, rates. “The increased reliance on more severe consequences in response to student disruption has also resulted in an increase of referrals to the juvenile justice system for infractions that were once handled in school.”<sup>71</sup> Most suspensions do not involve either weapons or violence. Suspensions are handed out for a wide range of issues including skipping class, tardiness, forged notes for missing school, insubordination, dress code violations, smoking, drinking, disruptive behavior, as well as more serious fighting and weapons possession.

Fortunately, there are alternatives. Increasingly school districts across the country are implementing progressive codes of conduct that spell out consequences for different levels of misbehavior. This approach is designed to ensure that consequences are equivalent to behavioral issues. Such policies limit the subjectivity of disciplinary responses and create consistency of disciplinary practices across schools and school districts. In May this year, the Buffalo schools adopted such a Code of Conduct. The new Code of Conduct was enacted after two years of community demand for reform following a tragic incident where a high school freshman was shot and killed on his way home from school following a suspension for wandering the hallways. The Advancement Project, a national civil rights organization that specializes in school discipline policies, described the new Buffalo code as “one of the most progressive in the country, and serves as a model for the entire nation.” Progressive disciplinary policies are part of a package of reforms that have shown promise and are producing positive results around the country. Other key elements of these reforms include positive behavioral supports for students and restorative justice practices that promote problem solving and understanding. Research shows these reforms can reduce violence and suspensions, improve school climate and raise academic outcomes.

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<sup>71</sup> Skiba, Russell et al., Are Zero Tolerance Policies Effective in the Schools?, American Psychological Association Zero Tolerance Task Force, 2006

One of the keys to addressing the underlying causes of violent incidents is creating a positive school climate, one that goes beyond sharing information. A positive school climate is nurturing and caring, where administrators, teachers, and students are part of a culture of respect.<sup>72</sup> While these reforms are focused on addressing the normal range of student behaviors in school, creating a positive school climate can also aid in preventing the most violent of assaults. A 2008 report issued jointly by the U.S. Secret Service and the U.S. Department of Education found that when school climate allows students to feel safe sharing information, deadly actions such as school shootings can be prevented.<sup>73</sup>

### The research says...

Research has shown that punitive, zero-tolerance approaches to discipline do not prevent or reduce misbehavior. In fact, suspensions lead to higher rates of misbehavior and further suspensions for students who are suspended.<sup>74</sup> Rather than making schools feel safer, schools with high rates of suspensions and expulsions get lower less satisfactory ratings on school climate.<sup>75</sup> Perhaps most disturbing, these policies actually have negative impacts on learning.<sup>76</sup> Research indicates that academic achievement is negatively affected by suspensions, expulsions and arrests.<sup>77</sup>

Research has shown that punitive, zero-tolerance approaches to discipline do not prevent or reduce misbehavior, but actually have negative impacts on learning.<sup>78</sup> Students who are suspended three or more times by 10<sup>th</sup> grade are five times more likely to drop out compared to students with fewer or no suspensions.<sup>79</sup> Almost half of the students who have multiple suspensions have contact with the justice system, whereas only 2% of students with no suspensions.<sup>80</sup> As an alternative, restorative justice and positive behavioral systems in schools allow teachers and leaders to emphasize relationship building over punishment. These policies nurture school and community-based programs that improve student outcomes, support positive behaviors and opportunities, engage in social and emotional learning, and reduce youth interaction with the criminal justice system and

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<sup>72</sup> <http://www.edu.gov.on.ca/eng/parents/climate.html>

<sup>73</sup> U.S. Secret Service and U.S. Department of Education. (2008). Prior Knowledge of Potential School-Based Violence: Information

Students Learn May Prevent a Targeted Attack.

<sup>74</sup> Bowditch, 1993; Costenbader & Markson, 1998; Raffaele-Mendez, 2003; Tobin, Sugai, & Colvin, 1996 as cited in Russell Skiba et al., "Are Zero Tolerance Policies Effective in the Schools?," American Psychological Association Zero Tolerance Task Force, 2006

<sup>75</sup> Bickel & Qualls, 1980) as cited in Russell Skiba et al., "Are Zero Tolerance Policies Effective in the Schools?," American Psychological Association Zero Tolerance Task Force, 2006.

<sup>76</sup> Russell Skiba et al., "Are Zero Tolerance Policies Effective in the Schools?," American Psychological Association Zero Tolerance Task Force, 2006.

<sup>77</sup> J. E. Davis & Jordan, 1994; Raffaele-Mendez, 2003; Skiba & Rausch, 2006 as cited in Russell Skiba et al., "Are Zero Tolerance Policies Effective in the Schools?," American Psychological Association Zero Tolerance Task Force, 2006

<sup>78</sup> Russell Skiba et al., "Are Zero Tolerance Policies Effective in the Schools?," American Psychological Association Zero Tolerance Task Force, 2006.

<sup>79</sup> New York State Leadership Summit on School-Justice Partnerships: Keeping Kids in School and Out of Court(2013). Discussion Points to Force a New York State School-Justice Action Plan.

<sup>80</sup> New York City School-Justice Partnership Task Force. (2013). Keeping in kids in school and Out of Court: Report and Recommendations.

young adult recidivism, all while keeping students in school and addressing the underlying causes of misbehavior.

Research shows that as school climate improves student learning increases.<sup>81</sup> In districts where zero-tolerance practices were phased out in favor of restorative justice practices along with social, emotional and mental health supports, discipline actions, including out-of-school suspensions, were reduced by as much as 50%,<sup>82</sup> drop-out rates decreased,<sup>83</sup> and graduation rates increased by as much as 24%.<sup>84</sup>

**“...we are losing too many kids from schools to a life in the criminal justice system.”**

**Former NYS Chief Judge Judith S. Kaye**

### What New York State is doing...

Pushing students out of the classroom and school building, especially for non-violent incidents, provides no academic or other benefit for students. State laws and regulations mandate and encourage use of punitive and exclusionary discipline and do nothing to encourage more effective positive and supportive strategies. Some of the issues that need to be addressed in law or regulation include:

- The laws and regulations do not set out an overarching philosophy to guide districts in crafting codes of conducts. Such a philosophy should promote positive approaches and supportive interventions such as restorative justice that have a proven track record of improving student behavior and educational outcomes.
- The laws and regulations do not require use of progressive discipline policies to ensure that consequences for misbehavior are clear for students, parents, teachers, support staff and administrators, that they are consistently enforced within schools and across districts, and that the consequence equals the infraction.
- The laws and regulations do not require alternatives to suspension, such as restorative justice and referrals to support staff.
- There are a number of parts of law and regulations which rely on vague or subjective language. For instance the law mandates that students be suspended if they “repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher’s authority over the classroom.”<sup>85</sup> State

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<sup>81</sup> Osher, D. (2011). The Connection between School Climate, the Conditions of Learning, and School Improvement. School Climate Technical Assistance Symposium.

<sup>82</sup> Schiff, M. & Bazemore, G. (2012). “Whose kids are these?” Juvenile Justice and Education Partnerships using Restorative Justice to end the “School-to-Prison Pipeline.” Published in *Keeping Kids in School and Out of Court*.

<sup>83</sup> International Institute of Restorative Justice Practices (2009). Findings from Schools Implementing Restorative Practices.

<sup>84</sup> Teske, S.C, Huff, B. & Graves, C. (2012). Collaborative Role of Courts in Promoting Outcomes for Students: the Relationship between Arrests, Graduation Rates, and School Safety. Published in *Keeping Kids in School and Out of Court*.

<sup>85</sup> N.Y. Educ. Law §2801(l)

Education Commissioner's Regulations defines "substantially disruptive" as having been removed from classroom four or more times in one semester.<sup>86</sup> There is no differentiation offered based on the reason students are removed from the classroom. The law allows students to be suspended for up to five days for being "insubordinate" or for conduct that "endangers the safety, morals or welfare of others."<sup>87</sup> These are broad definitions subject to considerable differentiation in interpretation and application.

- The law has zero-tolerance policies requiring the mandatory suspension of students who commit certain acts. Students may be automatically be suspended for minor misbehaviors. Districts do not have adequate flexibility in defining what behaviors warrant a suspension.
- The law does not specify timelines for due process protections. There are no timelines directing districts to provide notice and hold hearings in a timely fashion.
- The law does not contain clear guidance about when school officials should handle incidents with school-based responses instead of involving law enforcement. School officials do not have adequate discretion to determine when to refer or not refer students to law enforcement.

These issues are receiving a growing amount of attention statewide due to the work of parent and youth led advocacy organizations and the NYS Permanent Judicial Commission on Justice for Children which is under the leadership of former Chief Justice Judith Kaye. The Kaye Commission recently held a statewide summit titled *New York State Leadership Summit on School-Justice Partnerships: Keeping Kids in School and Out of Court*, and is planning to host a series of regional summits. A collection of reports was produced and distributed at the Summit which includes work by experts (academics, advocates, policy makers, judicial leaders, social workers, etc) on the strategies necessary to ensure that students are not pushed out of school and into the justice system.

In addition, the Board of Regents has convened the Safe Schools Task Force on which the Alliance for Quality Education serves. The charge of the task force is to work together to create schools that are safe, secure and academically rigorous and will include a review of state regulations relevant to discipline.

Reducing suspension is correlated with increased academic achievement. Such a punitive approach to discipline has disproportionately affected students of color, who experience higher rates of suspension and incarceration than their white peers. In New York City, for example, Black and Hispanic students represent for 70% of the student population, but represent 90% of the students suspended.<sup>88</sup> Similar disparities are found across the state. Ultimately, punitive school discipline policies have contributed to statewide graduation

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<sup>86</sup> N.Y. Comp. Codes R. & Regs. 100.2(l)(2)(ii)(o)

<sup>87</sup> N.Y. Educ. Law §3214(3)(a)

<sup>88</sup> <http://www.dignityinschools.org/blog/nyc-students-educators-mayoral-candidates-and-elected-officials-demand-end-racial-disparities-s>

rates of 58% for African-American and Latino students.<sup>89</sup> An investment in programs that improve student success and reduce the overuse of suspensions will undoubtedly lead to positive outcomes for all students but will be particularly beneficial to African American and Latino students given the disparate impacts of suspension and other forms of exclusionary discipline.

**New York State is moving in the wrong direction by not providing schools with the leadership and resources necessary to keep students in school by ending unnecessary punitive practices that disproportionately affect students of color.**

## Recommendations

1. New York State should change those laws and regulations which mandate or encourage excessive use of suspensions particularly for non-violent offenses.
2. The state should provide a model Code of Conduct to focus on progressive discipline and restorative justice designed to keep students in schools and solve behavioral issues, in place of punitive approaches.
3. NYS should identify resources to implement restorative justice programs and to provide adequate student supports including guidance counselors and social workers.

The state should promote and require the use of positive alternatives to suspensions and should provide a model Code of Conduct to focus on progressive discipline and restorative justice practices designed to keep students in schools. The state should revise those laws and regulations, which are based on vague and subjective phrases such as “disruptive” and “insubordination,” in order to avoid removal of students from class for minor misbehaviors. Without clear definitions of incidents and appropriate discipline actions and supports that address the root causes of misbehavior, as well as time limits for such discipline, students may be put out of class needlessly or indefinitely. The state should follow the lead of school districts such as Buffalo, which has implemented a progressive code of conduct that defines incidents and their appropriate consequences. In addition, the state should provide resources to pilot restorative justice programs and for other student supports including guidance counselors and school social workers.

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<sup>89</sup> Graduation Rates for 2012 <http://www.p12.nysed.gov/irs/pressRelease/20130617/home.html>

## Investing in Equity

**Students growing up in richer families have better grades and higher standardized test scores, on average, than poorer students; they also have higher rates of participation in extracurricular activities and school leadership positions, higher graduation rates and higher rates of college enrollment and completion.**

Sean F. Reardon, professor of education and sociology at Stanford University,  
*No Rich Child Left Behind*, New York Times April 28, 2013

### What the Research and the Courts say...

Money matters. As asserted in lawsuits across the country, without adequate resources, schools cannot educate students. In New York State, wealthy school districts with rich curricula often spend up to \$15,000 more per student to offer a variety of Advanced Placement courses, the International Baccalaureate program, more than one language, a wide array of arts and music courses and much more. These school districts have graduation rates close to 100% and college admissions rates close to 95%.<sup>90</sup>

There are only six states across the nation which have had no court case ruling on school funding issues. Of the remaining 44, 26 had a ruling in favor of the plaintiffs who sued the states for lack of adequate and equitable funding.<sup>91</sup> And even where the plaintiffs lost, the courts often found solid evidence of insufficient funding – finding for the state only because the constitutional standards were set very low.

In most states, including New York, school financing policies serve to widen the opportunity gap. “[M]ost states allocate more state and local resources to low-poverty (higher-wealth) districts and schools than schools serving high concentrations of student poverty and need.”<sup>92</sup> Meanwhile the student need in school districts is growing. Across the country, the number of districts with low levels of student poverty decreased by 19%

In 29 of the 30 cases in which state courts have considered the issue, the courts have ruled that “money matters.” One North Carolina judge concluded, “only a fool would find that money does not matter in education.”

Access Quality Education  
Network

<sup>90</sup> <https://reportcards.nysed.gov/counties.php?year=2012>

<sup>91</sup> [http://www.schoolfunding.info/states/state\\_by\\_state.php3](http://www.schoolfunding.info/states/state_by_state.php3)

<sup>92</sup> Bruce Baker, David Sciarra and Danielle Farrie, *Is School Funding Fair? A National Report Card*, Education Law Center and Rutgers Graduate School of Education, June 2012

between 2007 and 2009 while the number of districts with high concentrations of student poverty increased by 40%.<sup>93</sup>

The figure *Enrichment Expenditures on Children*, illustrates that family income affects a child's exposure to opportunities which contribute to academic success. Between 1972 and 2006 top income earners increased their expenditures on enrichment activities for their children by over \$5,000 while low income families increased theirs by less than \$500. These enrichment activities correlate with greater educational success and underscore the need for schools serving high concentrations of high need students to have greater resources in order to level the playing field.

“Schools in poor communities spend less per pupil—and often many thousands of dollars less per pupil—than schools in nearby affluent communities, meaning poor schools can’t compete for the best teaching and principal talent in a local labor market and can’t implement the high-end technology and rigorous academic and enrichment programs needed to enhance student performance.”

The Equity and Excellence Commission, A report to the U.S. Secretary of Education, *For Each and Every Child- A Strategy for Education Equity and Excellence*, Washington, D.C., February 20, 2013

Unfortunately, few states are leveling the playing field. According to a national report card on school funding fairness only five states scores an A or B, while 15 score D or F (New York gets a D) on fairness of distribution relative to poverty. “[M]ost states allocate more state and local resources to low-poverty (higher-wealth) districts and schools than schools serving high concentrations of student poverty and need. . . resulting in a lack of effective teachers, course offerings, student supports and other resources essential for a meaningful opportunity to learn for students in the nation’s high-poverty districts and schools.”<sup>94</sup> The Equity & Excellence Commission chartered by Congress and appointed by the U.S. Secretary of Education conducted a comprehensive review of equity and excellence in education. In a report released earlier this year they found: “Schools in poor communities spend less per pupil—and often many thousands of dollars less per pupil—than schools in nearby affluent communities, meaning poor schools can’t compete for the best teaching and principal talent in a local labor market and can’t implement the high-end technology

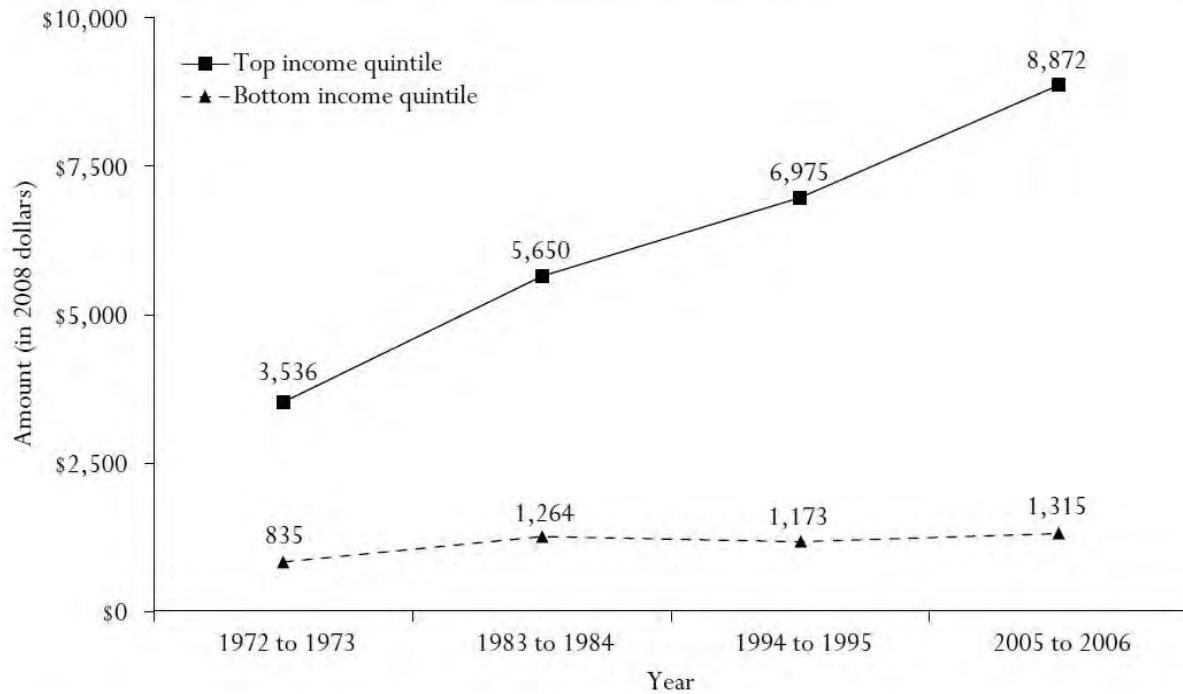
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<sup>93</sup> Bruce Baker, David Sciarra and Danielle Farrie, *Is School Funding Fair? A National Report Card*, Education Law Center and Rutgers Graduate School of Education, June 2012

<sup>94</sup> Bruce Baker, David Sciarra and Danielle Farrie, *Is School Funding Fair? A National Report Card*, Education Law Center and Rutgers Graduate School of Education, June 2012

and rigorous academic and enrichment programs needed to enhance student performance.”

FIGURE 1.6 *Enrichment Expenditures on Children, 1972 to 2006*



Source: Authors' calculations based on Consumer Expenditure Surveys (U.S. Bureau of Labor Statistics, various years).

**Duncan and Murnane. (2011) Whither Opportunity?**

[https://www.russellsage.org/sites/all/files/Duncan\\_Murnane\\_Tables\\_Figures.pdf](https://www.russellsage.org/sites/all/files/Duncan_Murnane_Tables_Figures.pdf)

The impacts of educational inequity are devastating. A 2009 McKinsey report concluded that educational inequity in the United States creates the equivalent of a “permanent national recession.”<sup>95</sup> The findings of the Equity and Excellence Commission support the findings made throughout this report card:

*“Admittedly, many of these disadvantaged students enter school far behind their more advantaged peers. But instead of getting deadly serious about remedying that fact—by making sure such students are in high-quality early childhood and pre-K programs, attend schools staffed with teachers and leaders who have the skills and knowledge to help each student reach high standards, get after-school counseling or tutorial assistance or the eyeglasses they need to see the smart board—the current American system exacerbates the problem by*

<sup>95</sup> McKinsey and Company, *The Economic Impact of the Achievement Gap in America’s Schools* (April, 2009).



*giving these children less of everything that makes a difference in education. As a result, we take the extraordinary diversity—including linguistic backgrounds and familial relationships—that should be our strategic advantage in the international economy and squander it.”<sup>96</sup>*

### What New York State is doing...

“[T]he Education Article [of the NYS constitution] requires the opportunity for a sound high school education that should prepare students for higher education, or to compete in the employment market of high school graduates.”

-NYS Court of Appeals, *Campaign for Fiscal Equity v State of New York*

Here in New York State in the Campaign for Fiscal Equity landmark decision, the Court of Appeals, the state’s highest court, ruled that New York State was failing to fulfill its constitutional obligation to educate New York City students. The constitution requires the state “to offer all children the opportunity of a sound basic education.”<sup>97</sup> The Court defined a “sound basic education” as “the basic literacy, calculating, and verbal skills necessary to enable children to eventually function productively as civic participants capable of voting and serving on a jury.”<sup>98</sup> While the Court did not set a specific level of educational attainment as necessary to meeting the constitution standard, they did find that “the Education Article requires the opportunity for a sound high school education that should prepare students for higher education, or to compete in the employment market of high school graduates.”<sup>99</sup> The Court found that the state was underfunding New York City schools and ordered “[r]eforms to the current system of financing school funding and managing schools ... that every school in New York City would have the resources necessary for providing the opportunity for a sound basic education.”<sup>100</sup>

In 2007, the legislature and the governor decided to settle the lawsuit on a statewide basis, not solely for New York City, by committing to add \$5.5 billion in classroom operating aid. That funding predominately went to high need schools through a foundation formula that

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<sup>96</sup> The Equity and Excellence Commission, A Report to the U.S. Secretary of Education, *For Each and Every Child: A Strategy for Education Equity and Excellence*, 2/2/2013

<sup>97</sup> NYS Court of Appeals, *Campaign for Fiscal Equity v State of New York*, 86 NY2d 307, 316 [1995] [CFE I]

<sup>98</sup> NYS Court of Appeals, *Campaign for Fiscal Equity v State of New York*, 86 NY2d 307, 316 [1995] [CFE I]

<sup>99</sup> NYS Court of Appeals, *Campaign for Fiscal Equity v State of New York*, 100 NY2d 893, 919 [2003] [CFE II]

<sup>100</sup> NYS Court of Appeals, *Campaign for Fiscal Equity v State of New York*, 100 NY2d 893, 919 [2003] [CFE II]

provided more funding per pupil based on student poverty, students with disabilities, English language learners, local income and property wealth, rural population scarcity, and geographic cost differentiation. This funding was tied to successful educational programs for struggling schools, a program called Contracts for Excellence. The state provided this increased funding for only two years. While CFE was being funded, schools made important improvements by investing in literacy programs, college preparatory curricula, programs for English language learners, smaller class sizes, additional supports for struggling students, extended learning time, pre-kindergarten, professional development for teachers and more. Then, the state began to make substantial cuts, taking back, in essence, all of the investment. There were \$2.7 billion in cuts made by NYS in 2010-11 and 2011-12 which disproportionately hurt poor school districts.<sup>101</sup> Poor districts absorbed cuts that were three to four times larger per pupil than their wealthy counterparts.<sup>102</sup> Statewide 90% of school districts are receiving less operating aid today than they were 2008-09.<sup>103</sup> New York State undid its commitment to educational equity and to fulfilling its obligations under the Campaign for Fiscal Equity. According to the New York State Board of Regents, “Under the current State Aid cap, it is estimated that it would take at least five years to fully eliminate reductions attributable to the GEA and 15-20 years to fully phase in Foundation Aid.”<sup>104</sup> By contrast, many states “have sought to use the increased state-level contributions (often as a result of lengthy litigation) to mitigate inequity.”<sup>105</sup>

While CFE was being funded schools made important improvements by investing in literacy programs, college preparatory curricula, programs for English language learners, smaller class sizes, additional supports for struggling students, extended learning time, pre-kindergarten, professional development for teachers and more.

Even before these cuts New York State ranked poorly on equity of educational opportunity. Based on 2009 data, New York ranked 44<sup>th</sup> among states and the District of Columbia in the

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<sup>101</sup> Alliance for Quality Education. (2011). Back to Inequality: How Poor School Districts Pay The Price of the State Budget <http://www.ageny.org/back-to-inequality-how-students-in-poor-school-districts-pay-the-price/>

Alliance for Quality Education. (2011) No One Wins When our Children Lose. <http://www.ageny.org/ny/wp-content/uploads/2011/01/No-One-Wins-When-Our-Children-Lose1.pdf>

<sup>102</sup> Alliance for Quality Education. (2013). Confronting the Opportunity Gap [http://www.ageny.org/ny/wp-content/uploads/2013/03/AQE\\_2013\\_Confronting-the-Opportunity-Gap.pdf](http://www.ageny.org/ny/wp-content/uploads/2013/03/AQE_2013_Confronting-the-Opportunity-Gap.pdf)

<sup>103</sup> NYS Council of School Superintendents

<sup>104</sup> NYS Board of Regents, Regents 2013-14 Proposal on State Aid to School Districts, 12/6/2012

<sup>105</sup> The Equity and Excellence Commission, A Report to the U.S. Secretary of Education, *For Each and Every Child: A Strategy for Education Equity and Excellence*, 2/2/2013

fairness of funding distribution.<sup>106</sup> By contrast to New York neighboring New Jersey has maintained its court-ordered commitment to funding high need schools. New Jersey ranks 2<sup>nd</sup> in the nation in fairness of its funding distribution.<sup>107</sup> While New Jersey spends \$1.42 in districts in high poverty districts (over 30% poverty) for every \$1 spent in low poverty districts (less than 10% poverty), New York spends only 87 cents.<sup>108</sup>

Not one of the 33 schools we studied was able to meet [the requirement for expanded services for “at-risk” students], either by providing extra academic support during the school day, or through after-school, Saturday, or summer programs. Schools tended to provide some services in some subjects to some students, but were far short of meeting the state’s broad mandate that all “at-risk” students receive the full extent of the services they need – and some schools were able to provide none of these supports.

*Deficient Resources: An Analysis of Basic Educational Resources in High Needs Schools in Eight New York School Districts* by The Campaign for Educational Equity, December 2012

In NYS there is an \$8,601 gap in spending between wealthy and poor school districts.<sup>109</sup> That means that some school districts are able to offer a variety of AP courses, arts and music; whereas, other school districts have limited options for students or have to pool resources with other school districts in order to provide the basics. This has significant educational consequences for students. For instance, the valedictorian of a school district in Central NY was rejected by the state college to which she had applied because she did not have the necessary courses and programs in her high school career.<sup>110</sup>

**“...the schools serving high concentrations of low-income and students of color are at far greater risk of leaving their students unprepared for work and life in an era of global competition than are their white and middle-class peers.”**

The Equity and Excellence Commission, A report to the U.S. Secretary of Education, *For Each and Every Child- A Strategy for Education Equity and Excellence*, Washington, D.C., February 20, 2013

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<sup>106</sup> Bruce Baker, David Sciarra and Danielle Farrie, *Is School Funding Fair? A National Report Card*, Education Law Center and Rutgers Graduate School of Education, June 2012

<sup>107</sup> Bruce Baker, David Sciarra and Danielle Farrie, *Is School Funding Fair? A National Report Card*, Education Law Center and Rutgers Graduate School of Education, June 2012

<sup>108</sup> Bruce Baker, David Sciarra and Danielle Farrie, *Is School Funding Fair? A National Report Card*, Education Law Center and Rutgers Graduate School of Education, June 2012

<sup>109</sup> Alliance for Quality Education. (2013). Confronting the Opportunity Gap [http://www.aqeny.org/ny/wp-content/uploads/2013/03/AQE\\_2013\\_Confronting-the-Opportunity-Gap.pdf](http://www.aqeny.org/ny/wp-content/uploads/2013/03/AQE_2013_Confronting-the-Opportunity-Gap.pdf)

<sup>110</sup> Meaghan M. McDermott, *Rural students suffer under New York state aid losses*, Rochester Democrat & Chronicle, 12/18/2011

Another consequence of reduced state commitment to education is an increased burden for local communities. While 10 years ago the state covered 50% of the costs of educating students, now the state only covers 40% of the costs and local taxpayers cover 52%.<sup>111</sup> This makes New York one of 14 states where property taxes cover over 50% of local school funding. Meanwhile in 8 states, state school aid exceeds 60% of total education funding.<sup>112</sup> Overreliance on property taxes increases inequity as “people living in property-rich districts can fund their public schools more generously, and at lower tax rates, than can residents in lower-income areas.”<sup>113</sup> In New York State, the Board of Regents estimates that the state’s wealthiest districts can increase their school tax levy by almost 9 times as much per pupil as the poorest districts based upon allowable property tax increases.<sup>114</sup> Making matters substantially worse, STAR provides school districts with state aid on a reverse equity basis. On average wealthy districts receive \$1,823 per pupil while high need districts receive between \$650 and \$1,181 per pupil.<sup>115</sup>

## Recommendations

1. State should recommit to Campaign for Fiscal Equity funding and fully phase-in within four years.
2. NYS should make improvements to the foundation aid formula and reinstitute its use, restore the Gap Elimination Adjustment cuts, and stop using extra formulas that manipulate state school aid in inequitable ways. School aid distribution should be based on student and school district need.
3. Funding should be tied to implementation of effective programs including those outlined in this report card

Money matters, but it must be spent wisely.

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<sup>111</sup> NYS Board of Regents, Regents 2013-14 Proposal on State Aid to School Districts, 12/6/2012

<sup>112</sup> The Equity and Excellence Commission, A Report to the U.S. Secretary of Education, *For Each and Every Child: A Strategy for Education Equity and Excellence*, 2/2/2013

<sup>113</sup> The Equity and Excellence Commission, A Report to the U.S. Secretary of Education, *For Each and Every Child: A Strategy for Education Equity and Excellence*, 2/2/2013

<sup>114</sup> NYS Board of Regents, Regents 2013-14 Proposal on State Aid to School Districts, 12/6/2012

<sup>115</sup> NYS Board of Regents, Regents 2013-14 Proposal on State Aid to School Districts, 12/6/2012