



**Board of Regents and State Education Department (SED) Actions**

**New York's Public Education System  
July 22, 2012**

To ensure statewide reach, the Regents Reform Agenda is built around high-impact reforms and focuses on the instructional core of quality interactions between students and teachers to better ensure all students graduate high school College and Career Ready. The Reform Agenda recognizes we must provide the essential tools and support needed to drive student achievement in a public education system of highly effective schools through focused efforts in the following four areas:

- World-class curricula and aligned assessments
- A robust data system
- Rigorous teacher and principal evaluation system
- Coordinated and aligned interventions and supports for our lowest-performing schools.

**Education Funding, Distribution, and Costs**

In response to the *Campaign for Fiscal Equity* decision, in which the State's highest court found that New York's education finance system had not adequately funded a Constitutionally guaranteed "sound basic education," the 2007 State Budget laid out an historic \$5.5 billion increase to be phased-in over 4 years through a progressive, predictable and transparent Foundation Aid formula. These historic increases have been largely eviscerated as a result of reductions in recent budget cycles resulting from the fiscal crisis.

In light of fiscal constraints, many school districts across the State are at risk of fiscal and/or educational insolvency due to being unable to meet their financial obligations and, consequently, having to eliminate critical academic programs and personnel. The challenges of enacting the system-wide reform needed to improve teaching and learning in the context of a severe fiscal decline are considerable. However, our future global economic competitiveness requires, and the Reform Agenda that is underway is designed to better ensure, that our state's educational system graduates high school students who can enter college or begin their careers with the capacity for critical thinking and high-level skills.

In addition to the general statewide fiscal challenges faced by school districts throughout the state, average spending per pupil varies widely by individual district due to, among other factors, district need and fiscal capacity. When adjusted for regional costs and pupil needs, New York's High-Need districts spend significantly less per pupil than Low-Need districts.<sup>1</sup> High-Need districts were generally disproportionately affected when Foundation Aid was frozen following the onset of the fiscal crisis since they traditionally rely most heavily on state funding and have more limited capacity to raise additional revenue through levy increases.

<sup>1</sup> See Appendix for graphical representation.



### **Regents State Aid Proposal**

As a response to the challenge of graduating all students College and Career Ready in the context of the fiscal challenges described above, the 2012-13 Board of Regents State Aid Proposal focused on the critical issue of equity and was guided by the principle of directing new resources in ways that protect educational opportunities for students in the highest need districts. Specifically, the Regents Proposal recommended that 73% of planned education increases (\$805 million) be directed through a simplified and newly transparent funding formula to high-need school districts with limited abilities to raise revenues under the newly implemented property tax cap. The Regents also recommended a \$53 million increase for early childhood education programs.

Further action is necessary to address the challenges school districts will face with the implementation of a property tax cap on local revenue sources, and a cap on future state general support for public schools. The Regents have proposed new models of providing higher quality educational opportunities through more cost-effective and efficient service delivery to better address these ongoing challenges, and taken regulatory and proposed legislative actions to reduce the burden of mandates on school district budgets.

### **Regional High Schools**

Many school districts, particularly small, rural districts, are threatened by a decline in educational opportunities and programs for their students. The Regents have proposed legislation (S.7486 – Flanagan) to provide districts the opportunity to work together to establish a regional secondary school to leverage resources to improve educational programming and services for these students, such as by providing advanced course work, opportunities in science, technology, engineering and mathematics programs and enhanced course electives that are critical to success in a global economy.

This model will provide students with greater access to programs and services that prepare them for success in college and careers and competition in our global economy.

### **BOCES as Regional Leaders**

There are 37 BOCES in New York, each comprised of component districts from a particular region of the state (other than the Big 5 school districts, which are ineligible to participate in BOCES). BOCES are governed by a board of education that appoints a District Superintendent approved by the Commissioner of Education, and provide effective and efficient delivery of educational and shared support services.



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Given the importance of finding efficiencies in service delivery in these challenging fiscal times, the role of BOCES as providers of shared services has become even more critical, and the Department submitted to the Legislature a proposal that would provide greater tools for BOCES to serve as regional leaders. The proposal would expand the authority of BOCES to provide a broader range of services to entities including charter schools and state agencies that operate schools.

### **Mandate Relief**

With fiscal pressures on school boards rising, and with limited tools to control the rate of growth of certain costs, the Regents and the Department have focused intensely on mandate relief. In 2011, the Department made more than 40 mandate relief recommendations to the Governor's mandate relief redesign team.

In addition, the Board of Regents has acted on multiple regulatory changes to provide school districts with mandate relief, including:

- Repealed school facility report cards and school bus idling reports
- Provided flexibility with bus driver safety training
- Repealed requirements for vision screenings for hyperopia
- Provided additional certification flexibility with regard to assignment of teachers in school districts and BOCES to provide for more cost-effective operations.

In addition, Regents mandate relief proposals were contained in omnibus legislation (Chapter 97) passed and signed in 2011, including:

- Providing for biennial (instead of annual) preschool census
- School bus planning based on actual ridership and regional transportation pilot projects
- Claims auditing flexibility
- Shared superintendents for small school districts.

One of the Regents legislative priorities in 2012 was a proposal to provide further and more systemic mandate relief. The Regents proposal (S.6688 – Flanagan/A.10290 – Nolan) included, among others, provisions to:

- Allow school districts to “piggyback” on federal General Services Administration contracts and allow school districts to take advantage of “best value” in contracts
- Shorten the statute of limitations to request a special education due process hearings
- Align committee on special education membership with federal IDEA requirements
- Eliminate duplicative special education aging out reporting requirements
- Eliminate duplicate fingerprinting requirements for school bus drivers



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- Exempt school districts from Smart Growth regulations
- Replace Conservation day mandate with language supporting Earth day academic instruction

While some of the Regents proposals were adopted in stand-alone legislation, more complete and comprehensive legislative mandate relief is needed to help school districts manage rising costs in a challenging fiscal environment where approximate 90 percent of their revenue sources are now statutorily capped.

### **High-Need and Low-Wealth School Communities**

New York's educational system is complex and cannot be adequately described by focusing on one or two snapshots of data. Among the numerous factors that contribute to the challenge of preparing students for college and career are the often times unique circumstances facing High-Need, Low-Wealth communities. As was mentioned above, these school districts were disproportionately affected by the Foundation Aid freeze and must now operate under a fiscal paradigm where revenues are constrained by caps and that local and state level.

In addition to the fiscal challenges faced by High-Need, Low-Wealth school communities, they are often also charged with educating students with greatest needs, including students with disabilities and English language learners, which may often require resource-intensive services.

Beyond the recommendations regarding equitable resource distribution discussed above, the Regents have supported and proposed actions to better ensure that students in High-Need, Low-Wealth communities have equal opportunities to graduate from high school College and Career Ready.

### **Early Childhood Education**

Research consistently indicates that early childhood education promotes long-term student achievement and success. The availability of quality early childhood programs has long been a priority of the Regents. In 2005, the Board of Regents adopted a policy on Early Education for Student Achievement in a Global Community, recognizing that quality early childhood educational experiences benefit students in terms of achievement in later grades, and, conversely, that students who fall behind in the early grades have great difficulty catching up to their peers. Two components of the Board's policy included:

- Lowering the compulsory school age from six to five
- Supporting full-day kindergarten



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The Department's successful 2010 Race to the Top application was one of a few in the nation that addressed the Early Childhood Invitational Priority. As part of the application, the Department invested \$4 million to implement the state's quality rating and improvement system, known as QualityStarsNY, in early childhood settings feeding into the state's Persistently Lowest Achieving schools. This investment is currently underway and it is expected that over 450 programs in regions throughout the state will be recruited to participate.

In addition, the Department was a major contributor to development of the state's Race to the Top – Early Learning Challenge grant application, which would have:

- Created a roadmap for statewide implementation of QualityStarsNY
- Provided for enhanced professional development of early childhood educators
- Integrated data systems from “cradle to career” to provide for data-driven instruction
- Aligned early learning standards

Although New York was not awarded a grant, the development process identified areas of improvement to better ensure that achievement gaps in early years can be addressed and minimized.

### **Early College High School Programs**

Early College High Schools (ECHS) are innovative partnerships designed to increase student attainment of postsecondary degrees, especially among underrepresented student populations. The Regents have submitted legislation (S.5647 – Flanagan/A.9312 – Nolan) to provide continued resources to ECHS programs through Tuition Assistance Program (TAP) funds to ensure the long-term sustainability of this innovative strategy to increase high school graduation and postsecondary degree completion rates among underrepresented students and help students gain a head start on college and graduate on time.

Student performance demonstrates the value of ECHSs to students and reinforces the need and appropriate use of TAP funds to sustain these programs. Among the six CUNY ECHSs that had graduating classes in 2009, 45% of the graduates entered CUNY colleges with credits ranging up to 15 credits, with many students earning at least a full semester of college. At a time when college instructors and employers say that high school graduates are not prepared for college and the workforce, ECHS is a proven strategy to help close the gap and provide an opening into college entry for students who may have otherwise not been exposed to higher education opportunities.



### **Intervention in Underperforming Schools**

Despite accountability, oversight and monitoring, some students unfortunately attend schools that are chronically underperforming where, consequently, funding and other improvement initiatives have little or no effect on improving student outcomes. Since school governance is in many regards a local function carried out by boards of education elected by voters, there are certain limitations in the interventions that the Board of Regents can undertake in chronically underperforming schools.

To remedy this limitation, the Regents have recommended legislative action (S.6687 – Flanagan/A.8319 – Nolan) to authorize a system of targeted and progressive supports and interventions to strengthen and improve school district governance in chronically underperforming school districts.

While effective school boards support and enhance staff instructional capacity and subsequently increasing student achievement, ineffective school boards can negatively impact all levels of district performance and fiscal stability. When the actions of an ineffective board trickle into schools and classrooms, we know from research that the consequences can be devastating. Research tells us there is nothing more important to a student's academic career than having an effective teacher in a classroom in a school led by an effective principal. When actions of a board of education distract rather than enhance teaching and learning, students suffer the consequences.

### **Matching Skills to College and Careers for Economic Development**

The job market of today and the future increasingly demands some form of postsecondary education or advanced training, though both colleges and employers report that too often students are unprepared for college or careers. The ultimate goal of the Regents Reform Agenda is to ensure that students graduate high school with the skills to succeed in college and careers because the long-term success of the state and country depend on students receiving a world class education to compete in the 21<sup>st</sup> Century global economy.

In addition to all the proposals and initiatives described above focusing on College and Career Readiness, the Regents have also:

- **Explored Multiple Pathways to graduation that include Career and Technical Education (CTE):** A 2011 report entitled *Pathways to Prosperity: Meeting the Challenges of Preparing Americans for the 21<sup>st</sup> Century*, warned that our nation's education system is failing to prepare students for economic success, because, in part, "we have focused too exclusively on a few narrow pathways to success." The Regents



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continue to explore options to create pathways to graduation that include rigorous CTE options.

- **Recommended enactment of the Education Equity for DREAMers Act:** In New York, thousands of undocumented students receive education through the state's P-12 public school system but are unable to access higher education opportunities. The Regents have proposed legislation to give these undocumented students the opportunity to attend college by making state financial aid available to them. It makes economic sense to help these students become full participants in New York's economy and become part of a vibrant, well-educated workforce.
- **Explored Alternatives for high school equivalency:** With dramatic changes to the GED® underway that will nearly double the costs of the exam, the Department has proactively explored options for high school equivalency to help the approximately 2 million New Yorkers without a high school diploma or equivalent attain this important credential. The Department has worked with other states to explore and develop alternative pathways to high school equivalency and issued an RFI to take stock of products or programs that are or may become available.
- **Promoted expansion of access to library services:** Libraries provide critical teaching and learning resources and opportunities to support the Regents goal of ensuring that all students graduate high school ready for college and careers. Libraries provide crucial early literacy services, and over 1.6 million students participated in Summer Reading programs in 2011. Libraries also offer job training resources for adults, including GED preparation and English basic literacy skills. These services, among many others, make libraries a key component for the sustained success of New York's public education system.

### Instructional Data Systems

Many of the Department's investments in the P-20 Longitudinal Data System support improved teaching and learning and help inform College and Career Readiness. High-quality instructional data systems are a precise approach to improving student learning throughout the school year by providing a real-time gauge of student achievement so that educators can meet students where they are and can tailor instruction to meet their needs. To support data-driven instruction, the Department is collecting teacher-student data linkage information, which includes basic roster information, student enrollment, and courses taught.



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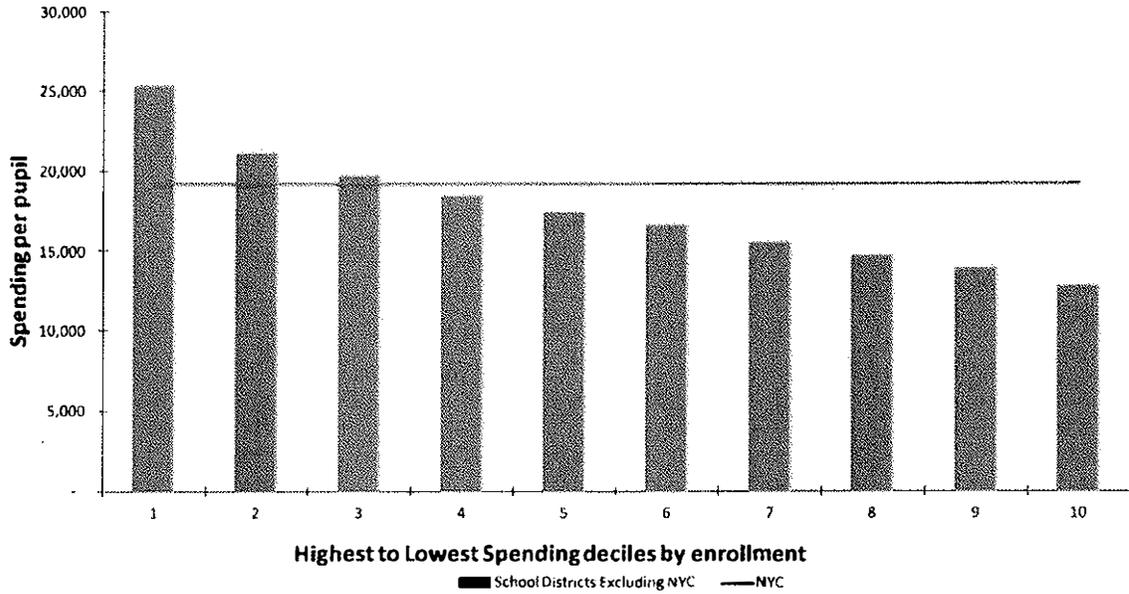
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Development of the Data System is ongoing. Among other actions related to the implementation of this major effort, the Regents have directed the Department to:

- **Create P-12 and higher education linkages:** Linking the P-12 and higher education data systems will provide for richer longitudinal analyses and allow for the identification of additional opportunities to improve educational programs and prepare students for college and careers.
- **Prepare “Where are they now?” Reports:** The Department will collect student enrollment and performance from SUNY and CUNY and use these data to evaluate College and Career Ready standards as a predictor of grades earned in key courses. This outcome information will be provided to high schools in the form of “Where are they now” Reports. These reports will, for the first time, provide high schools with comprehensive access to information on their graduates’ enrollment, persistence, and success in post-secondary education programs.
- **Integrate the P-20 System with other data systems:** The Department is collaborating with other state agencies to integrate data across systems, such as Early Intervention data (Department of Health), children and family data (Office of Children and Family Services), and workforce data (Department of Labor and Department of Tax and Finance). This integration is crucial to allow for complete longitudinal analyses and to inform early childhood instruction and the Department’s efforts to measure career outcomes for students. As part of its successful 2010 RTTT application, the Department committed \$4.5 million to P-20 Data System expansion. To complete this work, the Department continues to seek changes in state law to allow for collection of employment and wage data (SED departmental #15 was submitted, Legislation not yet introduced).

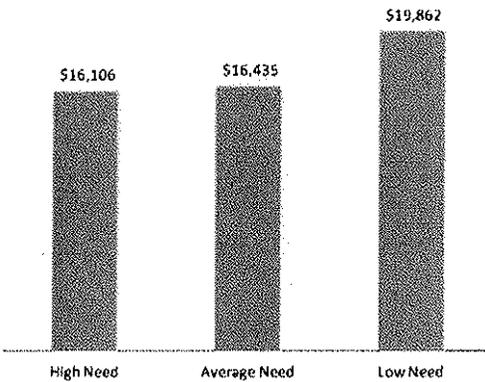


APPENDIX



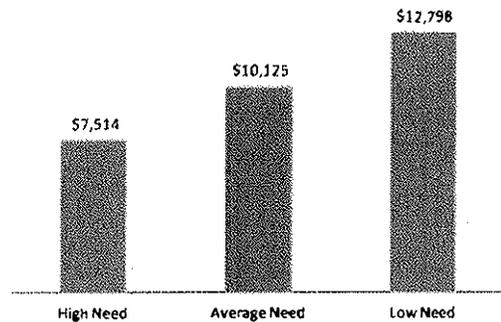
Unadjusted Census Spending Per Pupil

■ Census Spending Per Pupil



Spending Per Pupil Adjusted for Regional Cost and Pupil Needs

■ Spending Per Pupil Adjusted for Regional Cost and Pupil Needs



SED Analysis of Census Data, spending divided by Regional Cost Index and Pupil Needs Index