



Campaign for Fiscal Equity, Inc.

Summary of Plaintiffs' Position on Accountability

I. Independent Office of Educational Accountability

Plaintiffs categorically reject the need to establish a new Office of Educational Accountability, as proposed in the governor's plan. All of the monitoring, technical assistance, and auditing functions required under the accountability plan can and should be undertaken by the board of regents, the commissioner of education, and the state education department, which have the constitutional responsibility for these functions.

II. Adequate Funding

- A. The state education finance system must provide sufficient resources to provide all students in the state the opportunity for a sound basic education. The accountability requirements set forth below should take effect only after appropriate legislation has been enacted which funds the actual costs of providing a sound basic education. The legislation must guarantee that the full amount of funding will be provided through a phase-in mechanism over a maximum four year period
- B. The sufficiency of funding must be determined in the future through an objective assessment of the actual costs of providing a sound basic education that takes into account regional cost differences and the additional costs of educating students from economically disadvantaged backgrounds, students who are English language learners and students with disabilities. Such an assessment should be conducted by the regents or by consultants retained by the regents, at least every four years, and the state education finance system should be revised at least every four years in accordance with the findings of the costing-out assessment in order to ensure that resources meet current educational needs. Prior to initiating the assessment, the regents should develop and distribute a detailed description of the methodology they intend to use for the cost assessment and convene a public hearing to discuss the methodology.
- C. The state must provide the state education department sufficient resources to enable it to effectively carry out the enhanced accountability and capacity building activities that are required to ensure that all students are being provided the opportunity for a sound basic education.

III. Comprehensive Sound Basic Education Plan

- A. The chancellor shall develop a four-year comprehensive sound basic education plan, with annual updates, to improve student performance, to eliminate performance gaps, and to ensure the availability and effective use of resources at the school and the school district level. The first such plan should be developed no later than April 30, 2005.
- B. The chancellor's plan should include improved procedures for school-based budgeting and reporting, comprehensive regional and school-based plans that implement district-wide priorities, as well as supplementary regional and school-based goals and programs that are not inconsistent with district-wide policies and programs.
- C. The regents should issue regulations which ensure (i) that information about the planning process is widely disseminated and (ii) that there is public engagement of parents, teachers, administrators, and other interested groups and individuals in the planning process. Such public engagement should take place before the chancellor issues both the district-wide and the school-based comprehensive plans.
- D. The state must adopt appropriate statutes and regulations to supersede and/or streamline all planning, programmatic reporting, and application requirements set forth in current laws and regulations applicable to all school districts and consolidate all such requirements to the maximum extent possible into the requirements for a single comprehensive sound basic education plan.
- E. The district-wide comprehensive sound basic education plan should provide a clear analysis of the school system's needs relating to improving teaching and learning, a coherent set of strategies for building instructional capacity and meeting those needs, and a resource allocation plan which will ensure that in accordance with the phase-in of additional funding to the district, each school has the resources to provide an opportunity for a sound basic education to all of its students.
- F. The comprehensive sound basic education plan should, among other things, demonstrate how the district will address needs in the following sound basic education priority areas to improve student performance and eliminate performance gaps:
 - (1) the quality of teaching and instructional leadership;
 - (2) appropriate class sizes;
 - (3) adequacy of school facilities;
 - (4) pre-kindergarten and early childhood education services;
 - (5) services for at-risk students, students with disabilities and English language learners;

- (6) instrumentalities of learning, including, but not limited to textbooks, libraries, laboratories, and computers;
 - (7) parental involvement; and
 - (8) a safe, orderly learning environment.
- G. The teacher quality part of the plan should, at a minimum, address the following issues: (a) competitive pay scales for teachers; (b) teacher recruitment; (c) teacher retention; (d) effective distribution of teachers to all schools; and (e) improvements in the quality of teaching in the classroom. The plan should also set forth annual goals for reducing class sizes and for increasing building capacity to reduce overcrowding and permit reductions in class sizes.
- H. The comprehensive sound basic education plan and annual updates should set forth measurable annual and long-term benchmarks and indicators for assessing the implementation and the outcomes of specific educational initiatives undertaken in the sound basic education priority areas and for measuring the progress of all students in meeting achievement goals, including but not limited to, achievement in regard to the regents learning standards and lowering dropout rates.
- I. The commissioner should review the comprehensive sound basic education plan to ensure that it addresses appropriately each of the sound basic education priority areas, and that it meets the requirements set forth above. The commissioner should complete his review within 60 days of receipt of the comprehensive sound basic education plan. If the commissioner determines that the plan does not comply with these requirements, he should require the chancellor to revise specific deficiencies in the plan to meet the applicable requirements.

IV. Effective Use of Resources

- A. The comprehensive sound basic education plan should demonstrate how resources will be effectively utilized. It should also identify all statutory, regulatory, and contractual provisions that may present serious barriers to successful implementation of the plan, together with recommendations from the chancellor, and his detailed summary of suggestions from parents, teachers, administrators, and other interested groups and individuals who participated in the public engagement process, on how such barriers should be modified or eliminated.
- B. The commissioner should develop an effective capacity building and accountability database system. The system should include, but not be limited to: (a) developing a system to track student performance based on assessments that review progress over time and is suitable for use in creating a value added accountability system which will track each student's performance based on

assessments that review progress over time; (b) consolidating all existing student databases into a single automated system that collects and stores demographic, programmatic and performance data on all pre-kindergarten to grade 12 students in public schools statewide; (c) consolidating all information regarding the yearly progress of schools in meeting state performance standards into a single automated database; (d) consolidating all data regarding teacher qualifications into a single automated database; (e) consolidating all financial reporting aspects of the state aid system which are under the state education department's control into a single system accessible at the school, district and state levels; (f) creating an online collaborative system that provides professional development and dissemination of best practices. The accountability database system should be consistent with all applicable state and federal confidentiality requirements.

V. Assessment of Student Performance

The board of regents should appoint an independent panel of distinguished psychometricians to review all regents examinations and assessments used for graduation purposes, and to make recommendations to the regents and the commissioner on the validity, reliability, and scoring of these examinations and assessments, on the alignment of the examinations and assessments with state learning standards, and on ways to assure that scoring is as consistent and understandable to practitioners as is practicable. The panel should file its report to the regents before the date on which the regents establish the passing score on regents examinations for the 2006-2007 school year.

VI. Consequences for Sustained Poor Performance

- A. The existing accountability requirements under the federal No Child Left Behind Act and the Regents' System of Accountability for Student Success (SASS) should remain in effect. The proposals below are intended to supplement, and be integrated with those requirements.
- B. The school improvement plans or corrective action plans required to be developed by schools that have failed to make adequate yearly progress in accordance with the requirements of §100.2 (p) (6) of the commissioner's regulations should identify the reasons why the school has not met its annual improvement targets or performance goals established by the commissioner and should set forth specific plans and actions for meeting its annual improvement targets or performance goals, with timelines. If additional resources, or any changes in existing statutes, regulations or contractual provisions, are necessary to meet such goals, the plan should identify the specific resources that are lacking or the specific provisions needing such changes.

- C. The school improvement or corrective action plans should be developed by the chancellor, with the public engagement of parents, teachers, and administrators from the school.
- D. If, pursuant to the provisions of § 100.2 (p) (6) of the commissioner's regulations, the commissioner has determined that the school is still not meeting its annual improvement targets or performance goals, and the commissioner has ordered that the school be restructured, the commissioner should designate a state academic intervention team to assist in the development of a restructuring plan.
- E. The state academic intervention team should be headed by a distinguished educator, and shall include persons experienced in instructional leadership, curriculum and assessment, professional development, educational management, and/or education finance. The team should conduct a thorough school improvement review and propose to the chancellor recommendations that will ensure that the school, as restructured, will promptly meet annual improvement targets or alternative performance goals approved by the commissioner. The restructuring recommendations should assess the adequacy of the school's existing resources and identify any barriers that are impeding the school's ability to meet annual improvement targets or performance goals. The state assistance team should conduct its review in conjunction with representatives of the chancellor, and parents, teachers, and administrators at the school.
- F. As part of its school improvement review, the state assistance team should review the performance of the current staff, and recommend to the chancellor the transfer or dismissal of any administrators, teachers, or other staff members, who are not able to meet the needs of the school's students. This review should be undertaken in a manner that is consistent with applicable collective bargaining agreements.
- G. The chancellor should promptly develop and implement a restructuring plan which responds to the recommendations of the state assistance team. The state assistance team and regional school support centers established by the commissioner should provide technical assistance and support to the district and to the school in the implementation of the plan. The distinguished educator heading the team shall also report at least twice a year, to the commissioner and to the chancellor, on the school's progress in implementing the restructuring plan. These reports should, as required, recommend changes or improvement in the plan or its implementation.

VII. Annual Sound Basic Education Report By the Regents

The regents should prepare and submit to the governor not later than December 1, 2005, and every year thereafter, a report on the extent to which all students in the state are receiving the opportunity for a sound basic education. The report should include, but not be limited to (a) a review and assessment of the state education finance system; and (b) a review and assessment of the sound basic education accountability system, including (i) a report on student performance in the preceding school year on required state assessments, and (ii) the identification of any major statutory, regulatory and/or contractual provisions that create impediments to an effective accountability system and recommendations for repeal or modification of such provisions. The department should conduct a public hearing on the proposed report and shall include a summary of the input received at such hearing in the final report. Within 60 days of submission of the report, the legislature, acting through appropriate committees and the participation of representatives of the governor, should convene and conduct a public hearing on the report.