



## **Contracts for Excellence Year One:**

### Grading the NYS Education Department

December 20, 2007



The first in-depth look at the State Education Department's oversight of the 2007 Contracts for Excellence.

## TABLE OF CONTENTS

	<u>Page #</u>
<b>1. Summary of Major Findings and Recommendations</b>	<b>1</b>
<b>2. Introduction</b>	<b>3</b>
<b>3. Major Findings and Key Recommendations</b>	<b>4</b>
<b>4. Oversight of Contracts for Excellence</b>	<b>9</b>
<b>5. Delivering Programs to Students with the Greatest Education Needs</b>	<b>16</b>
➤ <b>Targeting to Needy Students</b>	
➤ <b>Designing Programs around the Specific Needs of Students     (English Language Learners, Students with Disabilities and     Students in Low Performing Schools)</b>	
<b>7. Public Participation</b>	<b>22</b>
<b>8. Transparency &amp; Full Disclosure</b>	<b>24</b>
<b>9. The Missing Section: The One with the Details (Options, Expenditures &amp; Metrics)</b>	<b>28</b>
<b>10. Appendices</b>	
<b>A. Examples Contract for Excellence Programs</b>	
<b>B. Examples of Districts that Provided Detailed Descriptions of Student Need     and Clear Descriptions of Educational Strategies to Meet those Needs</b>	
<b>C. Districts Responding to FOIL Request</b>	
<b>D. Districts that Solicited Public Comment</b>	
<b>E. Performance Objectives (Definitions and Forms)</b>	
<b>F. Alphabet Soup of Terms: A Glossary Should be Provided with     the Contracts</b>	

## SUMMARY OF MAJOR FINDINGS AND RECOMMENDATIONS

### IMPLEMENTATION OF EDUCATIONAL REFORMS

The Contracts for Excellence have produced a wide variety of new programs in school districts across the state focused on effective educational strategies that have long been advocated by parent and community organizations.

### CONTRACT OVERSIGHT AND APPROVAL

**Finding:** The State Education Department took an assertive posture by requiring school districts, most notably New York City, to reallocate funds in their 2007 Contracts for Excellence.

**Recommendation:** The Board of Regents should adopt regulations spelling out specific standards for Contract review and approval including specific submission and approval timelines.

### TARGETING TO NEEDY STUDENTS

**Finding:** The State Education Department required that at least 75% of funds were targeted to schools with the highest concentrations of high need students and that all low performing schools receive a proportional share of total Contract funds.

**Recommendation:** The Board of Regents should define in writing the rules for targeting funds and programs to students with the greatest educational needs. Without such a recommendation, it is impossible for the public to verify that funds are indeed targeted to need.

### MEETING THE NEEDS OF ENGLISH LANGUAGE LEARNERS

**Finding:** Very few districts articulated in their Contracts specific programs to meet the needs of English language learners despite the fact that over 200,000 English language learners are in our schools. These students are at greater risk of dropping out than other student populations.

**Recommendation:** The Board of Regents and the State Education Department should specifically require school districts to demonstrate how the programs they are implementing are meeting the needs of English language learners and other high need students, including students in low performing schools and students with disabilities.

### PUBLIC PARTICIPATION

**Finding:** The Commissioner and the State Education Department did not enforce the public participation requirements of the Contract for Excellence; 89% of school districts did not comply.

**Recommendation:** No Contracts for Excellence should be approved in 2008 without full compliance with the public participation requirements.

## **TRANSPARENCY AND FULL DISCLOSURE**

**Finding:** The State Education Department, and most school districts, fell considerably short of full disclosure. The section of the Contract (titled *Options, Expenditures & Metrics*) that provides transparency on specific programs and costs on a school-by-school basis was not fully completed by all districts and has yet to be made available to the general public.

**Recommendation:** All 2007 Contract documents--both submitted and approved--should be made publicly available and there should be full disclosure of all submitted and approved documents in the future. The detailed *Options, Expenditures & Metrics* section should be enhanced and should be a central requirement of the Contracts for Excellence. No 2008 Contracts should be approved without every section completed.

## **STUDENT PERFORMANCE OBJECTIVES**

**Finding:** The State Education Department placed a great deal of emphasis on establishing performance objectives and has laid out a plan to assess student improvement and utilize this information in reviewing next year's Contracts.

**Recommendation:** Performance objectives as written are very difficult to understand; this information should be made available in a format the public can readily understand.

## INTRODUCTION

This is an evaluation of the performance of the New York State Education Department in the submission, review and approval of the 2007 Contracts for Excellence. It does not attempt to evaluate the quality of Contracts for Excellence implemented in individual school districts. It is the State Education Department's responsibility to ensure that school districts create good quality Contracts for Excellence that result in effective use of new state education aid to produce significant improvements in educational quality. By focusing on the role of the State Education Department, we hope, through this report, to directly impact the regulations governing the Contracts for Excellence and the oversight performed by the Board of Regents, the Commissioner of Education and the State Education Department.

This evaluation is not an academic study rather it seeks to provide a parent's eye view of the Contracts for Excellence. Since the Contracts for Excellence are designed to provide transparency and publicly available information, they should be readily understandable to the general public. A parent should be able to take a copy of his or her school district's Contract for Excellence into a school building and see the educational programs described in the Contract. Furthermore, a parent should be able to understand, through reading submitted and approved Contract for Excellence documents:

- The educational needs of children within a school district—particularly those with the greatest educational needs;
- The specific programs designed to meet these needs;
- The exact funding targeted to these specific programs on a school-by-school basis;
- The specific new educational resources (like additional teachers, additional hours of student instruction, size of class size reductions, etc.) paid for with this funding; and
- The performance outcomes anticipated as a result.

In addition, parents and the general public should readily be able to understand the critical oversight role of the State Education Department including what changes, if any, the State Education Department required the local school districts make to their Contracts for Excellence and why changes either were or were not required.

Throughout advocating for a massive increase in state aid for local education and a fair division of the school aid pie, the Alliance for Quality Education, along with our partner Organization the Campaign for Fiscal Equity, found ourselves consistently challenged as to whether or not we also supported accountability tied to this funding. We consistently said we were among the strongest advocates of accountability. Now as the funding has begun to flow and the first year of accountability has been implemented, this report provides clarity as to what we have always meant, and what the new school reform legislation enacted in 2007 requires, in terms of accountability. We hope this document will provide valuable and practical insights into what has worked well and what has fallen short in the first year of State Education Department's administration of the Contracts for Excellence. We hope our findings and recommendations will provide a basis for improving the Contracts for 2008-09 and beyond.

## MAJOR FINDINGS & RECOMMENDATIONS

### Implementation of Educational Reforms

There have been many new educational programs implemented across the state in the first year of the Contracts for Excellence. These new programs fall within a menu of five education strategies. Some examples of programs being implemented are highlighted below:

**Class size reduction:** Binghamton is reducing class sizes from 23 to 19 in elementary schools.

**Teacher and principal quality initiatives:** Geneva is using a portion of their funds for staff development in literacy and differentiation of instruction.

**Expansion of half-day pre-kindergarten and kindergarten to full day:** In the White Plains City School District they will expand their Pre-K program (currently half day) to offer a full day to students most in need.

**High school and middle school restructuring:** Yonkers is adding a new bilingual component to their International Baccalaureate High School. The focus will be to increase instructional opportunities and college preparatory curriculum for bilingual students.

**Time on task:** Rochester is offering extended day and summer school programs to over 7,000 students who are performing below grade level

### Contract Oversight, Approval and Monitoring

#### Findings

- The willingness of the State Education Department to assert its authority over local school districts is an essential criterion for the success of the Contracts for Excellence as an accountability tool. The State Education Department did require districts to make changes to their Contracts in areas that did not comply with the purposes of the Contracts for Excellence.
- The most publicized example is the City of New York, which was required to shift \$45 million in Contract funding to schools with greater student need and was required to make another \$13 million in changes to bring its Contract into compliance. In addition, Rochester, Syracuse, Yonkers and some other districts were required to shift the allocation of funds within their Contracts.
- Despite covering 60% of all Contract funds in the state and 69% of schools receiving Contract funds, New York City's Contract included no citywide identification of student need and no real citywide strategy to address need.
- Negotiations with New York City were ongoing up until days before all Contracts in the state were approved. The delay by New York City in complying with the requirements of the Contract for Excellence was a, if not the, major contributing factor in the delay of the approval of all Contracts in the state.

### **Recommendations**

- For 2008, the Board of Regents and the State Education Department must clearly articulate standards for contract review and approval including specific timelines.
- Districts whose Contracts meet the required standards within the specified timeframes should be approved and those that do not should be held up until satisfactorily meeting standards. Making such information public will add to educational accountability.
- According to the State Education Department, they will be able to conduct monitoring reviews of between 16% and 23% of all Contract for Excellence schools (128 schools in NYC, 6 in each of the other Big 5 districts, and 2 to 4 in all other districts). The Board of Regents should adopt a standard statewide procedure for the parent complaint process, which is spelled out in the law, in order to ensure that this process aids in the monitoring of Contract implementation by districts and to guarantee the rights of parents under the law.

## **Delivering Educational Programs to the Students with the Greatest Educational Needs**

### *Targeting to Needy Students*

#### **Findings**

- The State Education Department placed a great deal of emphasis on requiring districts to target funds to schools with high concentrations of high need students fulfilling a fundamental purpose of the Contract for Excellence.
- They established a guideline that districts must spend at least 75% of funds in the 50% of schools where students have the greatest educational needs. The State Education Department also required that all low performing schools get a share of total new state funds in proportion to the student population of the school.
- These guidelines were verbal, not written and were not part of regulations.

#### **Recommendations**

- The Board of Regents should define in regulation specific rules for targeting to student need so that school districts, parents and the general public have a clear understanding of expectations and standards regarding targeting to needy students.
- The regulations regarding targeting to needy students need to account for the great diversity in school districts ranging from New York City with close to 1500 schools and over one million students to districts like Hannibal with only three schools and less than 1700 students.
- Once the Board of Regents has defined targeting requirements, districts should be required within their Contracts to provide proof that they are meeting these requirements.

## *Designing Programs around the Specific Needs of Students*

### **Findings**

Contracts should specifically require districts to show how educational programs are built around the needs of high need students. There was not an adequate emphasis on requiring school districts to demonstrate that reforms are designed around the specific needs of all groups of high need students. While this does not mean that school districts are not designing programs around the specific needs of students, the only information we have is what is contained in the Contracts.

- School districts placed the greatest emphasis on students in low performing schools;
- In many cases districts articulated plans to increase programming targeted towards students with disabilities;
- Very few districts articulated specific programs designed to meet the needs of English Language Learners.

### **Recommendation**

- The Board of Regents and State Education Department should specifically require school districts to demonstrate how the programs they are implementing are designed around key student sub-groups including: students in low performing schools, students with disabilities and English language learners.

## **Public Participation**

### **Findings**

- The Commissioner and the State Education Department did not enforce the public participation requirements of the law.
- Eighty-nine percent (89%) of school districts did not comply with the requirement to solicit public comment.

### **Recommendations**

- The Commissioner of Education should refuse to review or approve any Contracts for districts that do not comply with the public participation requirements.
- The Board of Regents should adopt detailed regulations spelling out public participation procedures, specific timelines, requirements for public availability of Contract documents, and adequate advance notification for public participation procedures. These regulations should account for the difference in budget timelines and procedures between the Big 5 districts and all other school districts.

## Transparency & Full Disclosure

### Findings

- A parent or member of the general public should be able to take a copy of their district's Contract for Excellence into a school and tell what programs have been implemented at what cost and what new educational resources (teachers, classrooms, additional hours of instruction, etc.) are being supplied as a result. The Contracts that have been made public by the State Education Department do not meet this basic standard of transparency.
- The most informative section of the Contract for Excellence, the *Options, Expenditures & Metrics* section, which specifies newly implemented educational resources on a school-by-school basis, has not been made available to the general public by the State Education Department. Without this section, the public cannot understand exactly how Contract funds are expended.
- The State Education Department fell considerably short of full disclosure regarding the changes it required local school districts to make to their Contracts. While SED did publicize reallocations of funds that it required under the New York City Contract they did not publicize the same information for other districts. Since only final approved Contract documents, not submissions, were made available by the SED, there is no way for the public to ascertain specific reallocations.
- Contracts do tell you how much money is going to individual schools within the five broad educational strategies, but this provides only minimal detail.
- Only 45% of school districts made their Contracts available on district web sites.

### Recommendations

- Copies of the 2007 *Options, Expenditures and Metrics* submissions should be released immediately and posted on the web. For future years, no Contract should be approved without this and all other sections fully completed.
- Both the State Education Department and all local school districts should be required to make all Contract documents publicly available. This includes all submitted documents, as well as approved documents. Without both it is impossible for members of the public to determine if their school district was required to make any changes to the submitted contract. Without full disclosure the public also cannot adequately assess the oversight role of SED. All documents should be posted on the web by both the districts and the State Education Department.
- The format designed by the State Education Department would provide considerable transparency, if a fully completed *Options, Expenditures & Metrics* were mandatory for all districts and made publicly available. If this were done, another section titled *Options & Expenditures* could be eliminated.
- Districts should be required to include, within the *Options, Expenditures & Metrics* a brief written description on a school-by-school basis of what education reforms are being implemented and how those reforms serve the needs of the targeted students.

## Performance Objectives

### Findings

- The State Education Department placed a great deal of emphasis on requiring districts to identify objectives for student improvement. Performance objectives are very important and the intention of the State Education Department appears to be to treat them as such.
- In monitoring the Contracts, the State Education Department plans to specifically assess progress on the performance objectives. According to this plan, “attainment or lack of attainment of these targets will be assessed in monitoring and influence how future Contract funds may be used.”
- The performance objectives that the State Education Department solicited from districts were based on closing the gap in the *Performance Index*. This measurement is very complicated to explain or understand.

### Recommendation

- Performance objectives should be stated in terms that allow administrators, teachers, parents, students and the general public to readily understand what progress their district expects to make and what successes they have.

# **OVERSIGHT OF CONTRACTS FOR EXCELLENCE BY BOARD OF REGENTS, COMMISSIONER OF EDUCATION, AND STATE EDUCATION DEPARTMENT**

## **Enforcing Children’s Constitutional Right to a Quality Education**

The Board of Regents, the Commissioner of Education and the State Education Department have the key role in enforcing children’s constitutional right to an education. The Contract for Excellence was established to empower the state to bring about reforms in local school districts

Article XI of the New York State Constitution, the Education article states:

*The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated.*

In the Campaign for Fiscal Equity lawsuit, the Court of Appeals—New York’s highest court—found that the State of New York was violating the rights of students under Article XI to a “sound, basic education” and a “meaningful high school education.” The Contracts for Excellence were created as part of a resolution of the CFE lawsuit. The court rulings in the CFE lawsuit clearly reiterate that the ultimate responsibility for educating our public school students rests with the state. Local school districts were created by the state in order to fulfill the state’s obligation to educate the children. The Contracts for Excellence provide the State Education Department, under the supervision of the Board of Regents, with oversight and enforcement powers needed to ensure that the state is indeed fulfilling its constitutional obligations to the schoolchildren. The willingness and the capacity of the State Education Department to assert its authority, through these Contracts, over local school districts is a necessity or the Contracts will be paperwork with no teeth.

## **State Education Department is an Independent Department, Not Part of the Executive Branch**

The New York State Constitution establishes the Board of Regents as the governing entity for the New York State Education Department. The Regents are appointed by the state legislature and once in office have autonomy to govern the State Education Department. The Commissioner of Education is appointed by and reports to the Board of Regents. In turn, the Commissioner has direct authority over the day-to-day operations of the State Education Department. Unlike other administrative agencies in Albany, the State Education Department is independent of the Governor’s control. The Governor can influence, but not direct the State Education Department. Operating within the parameters of state education law, the Board of Regents enacts regulations that govern the major decision-making parameters of the State Education Department. Once the legislation authorizing the Contracts for Excellence was enacted, it was necessary for the Board of Regents to enact regulations regarding implementation of the Contracts in order for the State Education Department to fulfill its oversight function. To further clarify these regulations, the State Education Department issued a series of *Guidance* documents. These documents provided much more detail on the types of programs that were allowable under the Contracts for Excellence.

For access to the State Education Departments Contract for Excellence documents go to [www.emsc.nysed.gov/mgtserv/C4E/home.shtml](http://www.emsc.nysed.gov/mgtserv/C4E/home.shtml)

### **Demanding Task with a Tight Timeline and Stretched Resources**

The State Education Department was required to operate under a very tight timeline. The legislation authorizing the Contracts for Excellence became law April 1, 2007. This left only five months before the beginning of the school year for the State Education Department to design a new system for Contract for Excellence school districts to submit their Contract proposals, review these Contracts, require revisions to Contracts and give final Contract approval. The State Education Department staff members put in many long hours over the months between Contract submission and Contract approval, including many evening hours. The capacity of the State Education Department was severely stretched by the task of creating the system of the Contracts for Excellence and seeing to its successful implementation. In the 2007 state budget an additional 77 staff lines for accountability were allocated to the State Education Department. Hiring for these positions is still underway.

### **The Basic Rules of the Road: Legislation, Regulation and Guidance**

The Contracts for Excellence are governed by three essential sets of documents: the legislation enacted into law in April 2007, regulations adopted by the Board of Regents further defining the specifics of this legislation, and guidance documents issued by the Senior Deputy Commissioner of Education Johanna Duncan-Poitier.

The law requires a school district to complete Contracts for Excellence if it receives a foundation aid increase of at least ten percent or \$15 million and has at least one school that the state has classified as low performing. The Contracts regulate the expenditure of all new foundation aid in these districts except for an allotment for inflation and any new payouts to charter schools. The Contracts require that this funding be spent on education reforms from the following menu: class size reduction, teacher and principal quality initiatives, time on task, expansion of pre-kindergarten and kindergarten programs to full day, and restructuring of high schools and middle schools. In addition, districts can spend up to 15% of their Contract funds on experimental programs if these programs are supported by research.

The law requires that Contract programs "*predominately benefit students with the greatest educational need including, but not limited to, those students with limited English proficiency, students in poverty and students with disabilities.*" In addition, the Regents regulations require that Contracts "*predominately benefit*" students in schools that the state has classified as low performing (schools identified as requiring academic progress, schools in need of improvement, schools in corrective action, or schools under restructuring review).

The guidance documents provide considerably more detail about the standards that the State Education Department set out to govern the Contracts for Excellence. Each of the menu items established under law is a broad category. The guidance document issued April 9, 2007 specifies for each menu item a set of options from which districts can choose.

<b>Class Size Reduction</b>	<b>Time on Task</b>	<b>Teacher &amp; Principal Quality</b>	<b>Pre-K &amp; Kindergarten</b>	<b>MS &amp; HS Restructuring</b>
Providing additional teachers & classrooms	Lengthened school day	Programs to recruit & retain highly qualified teachers	Full-Day Pre-K	Provide challenging academic content & learning opportunities
Placement of more than one teacher in a class (outside NYC this is only allowed when no space for more classrooms is available)	Lengthened school day	Professional mentoring for beginning teachers & principals	Full-Day Kindergarten	Provide explicit literacy instruction for adolescents or infuse literacy instruction across content areas
	Systematic instructional time	Incentive programs to get teachers and principals to transfer to low performing schools		Provide expanded rigorous curriculum and instructional practices to facilitate attainment of the NYS Learning Standards
	Individualized tutoring	Instructional coaches for teachers		Intensive academic intervention programs for students who are at risk of not meeting State educational standards
		Leadership coaches for principals		Expand opportunities for students to participate in career and technical education programs
				Expand Advanced Placement programs
				Implement International Baccalaureate curriculum
				Establish early college high schools
				Use distance education to expand access to rigorous academic instruction or the pursuit of career-related learning opportunities
				Adjusting grade bands
				Creating smaller learning communities
				Creating schools within schools
				Creating magnet schools
				Implementing support programs for newcomer students
				Developing middle to high school transition programs
				Responsiveness-to-intervention approaches to match the needs of students who are struggling

For each of these programs, the guidance document requires that the district "report at the school level" very specific information including academic performance goals, costs and the specific educational resources to be added as a result of the new funding. The Contracts are supposed to specify changes in educational resources such as: the number of new teachers; the number of new classrooms; existing and new class sizes, current and new length of school day, week or year; number of new tutoring sessions and number of new students tutored; number of teachers and principals receiving incentives to transfer schools and the size of the incentives. This is exactly the information that parents and the general public need in order to walk into a school with a copy of the Contract and know what new programs to expect. Unfortunately, this

information, which was to be included on a school-by-school basis in the section of the Contract titled *Options, Expenditures and Metrics* has not been made available to the general public. A few districts, including New York City, did not fully complete this section. As a result, the public has been deprived access to this information. The *Options, Expenditures and Metrics* section was designed to improve educational quality and provide critical public information. It was also designed to comply with key provisions of the law requiring "full-disclosure of the use of funds" and "reporting school-based expenditures." (Section 211-d subdivisions 8 and 9).

An additional requirement under the law that was not met in the first year requires Contracts for Excellence to report on per pupil expenditures for all funding sources--federal, state and local

*The contract for excellence shall state, for all funding sources, whether federal, state or local, the instructional expenditures per pupil, the special education expenditures per pupil, and the total expenditures per pupil, projected for the current year and actually incurred in the base year.*

This requirement will allow the State Education Department to gain a fuller understanding of the entire educational priorities of a school district.

#### ***Key Issues Not Addressed by the Regulations***

The State Education Department solicited comments on the regulations and received numerous comments from education advocates, parent organizations, school districts, the teachers unions, and others. However, these comments appeared to have little or no impact on the actual regulations. The emergency regulations were re-adopted four times with no significant changes. A major reason for the lack of any significant changes is that the State Education Department staff that would be responsible for crafting proposed regulations was too busy with designing the Contract format and reviewing submitted Contracts.

#### **Several key issues were not addressed in regulation and need to be:**

**Public Participation** The lack of regulations on public participation directly contributed to the failure to comply with the law, by the vast majority of school districts when it came to soliciting public comment. Regulations must specify timelines and guidelines for each step of public participation including requirements for adequate public notice and full disclosure of relevant documents and information.

**Parent Complaint Process** The governor and the legislature created a parent complaint process through which parents can file formal grievances regarding the implementation of the Contracts for Excellence; these complaints can be appealed up the governance structure of the local school district and ultimately to the Commissioner of Education. The Regents should adopt a standard procedure for this parent complaint process. Since the State Education Department only has the resources to monitor between 16% and 23% of all Contract for Excellence schools, this complaint process will provide a significant tool to assist in monitoring Contract implementation. The complaint process enacted into New York State law was modeled after an effective grievance process already in existence under California law.

**Full Disclosure** The Board of Regents should adopt regulations requiring all Contracts to include on a school-by-school basis the expenditures, specific programs, and the new educational resources (additional classrooms, additional teachers, additional hours of instruction, etc.) with adequate detail.

**Targeting** The law states district's Contract for Excellence programs must "*predominately benefit students with the greatest educational needs including, but not limited to, those students with limited English proficiency, students in poverty and students with disabilities.*" The Board of Regents added a regulation that says Contract programs must, "*predominately benefit those students in schools identified as requiring academic progress, or in need or improvement, or in corrective action, or restructuring.*" However, the Board of Regents did not adopt regulations to define exactly what standard districts must meet to comply with the requirements to target funding and programs to the students with the greatest educational needs.

The State Education Department used the 75-50 guideline that required districts to spend 75% of resources on the 50% of schools with the greatest need. While this guideline was effective, it was never defined in writing. Regulations defining the rules for targeting to high need students need to be adopted for next year. Under law school districts are required "*to affirm*" in their Contracts that programs funded under the Contracts are targeted to serve the "*students with the greatest educational needs.*" This affirmation did not occur in 2007 Contracts; it will be very difficult to comply with this essential portion of the law without a written regulation on the rules for targeting to student need.

**Designing Programs around the Specific Needs of High Need Students** In addition to targeting funding to high needs schools it is essential that educational programs are designed around the specific needs of students who are performing below grade level, students with disabilities, and English language learners. The Board of Regents should adopt regulations to ensure that this occurs.

**Submission and Approval Timeline** The State Board of Regents should define a clear and definitive timeline for Contract submissions and approvals. This timeline should align with the local budget decision-making procedures allowing for the differences in the procedures for the Big 5 and other school districts. Contracts that are properly submitted and ready for approval should be approved in accordance with this timeline. No district's Contract approval should be delayed because another district is not submitting full information or is not agreeing to make changes required by SED.

There was no regulatory timeline defined for Contract submissions or approvals. While districts were required by the State Education Department to submit their Contract applications by July 15, 2007, some of these submissions were incomplete. Due to the fact that the State Education Department was devising a new system and learning as they went, they did request districts submit additional information as the process unfolded. However, there was other information that was required from the beginning that some districts never fully submitted—such as the Student Needs section and the Options, Expenditures and Metrics section.

In a June 21 guidance document, the State Education Department committed to "review and approve" Contracts for Excellence by August 15, 2007. However, Contract approvals were delayed until November 2007. Before this date, many districts' contracts were ready for approval, but negotiations over others, most notably New York City, were still ongoing. As a result of these negotiations, approvals were delayed for districts that the State Education Department had determined had already met all of the Contract requirements until every districts Contract was ready for approval.

A November 29 report from the State Education Department to the Board of Regents describes, with less than complete detail, the fact that some district Contracts were ready for approval but were held up while others were still being negotiated.

*In July 2007, all 55 Contracts for Excellence were submitted to the Department and were reviewed by the target date of August 15<sup>th</sup>. At that time, Department staff advised most Districts that they were on the right path, however, a number of districts' proposed contracts required additional development and refinement (particularly those from the larger school districts). Between August 15<sup>th</sup> and November 16<sup>th</sup>, the Department worked extensively with the Contract districts to revise and refine their proposals so that they would meet both the statutory requirements and the regulatory requirements the Regents had established.*

Most districts show no change in their Contracts between August 15, when they were told, "they were on the right path" and November 16 when Contracts were approved.

**Requiring Districts to Make Changes to Their Contracts** The State Education Department placed a great deal of emphasis on targeting funds to high need schools, as a result, SED did require some districts to make changes to their Contracts for Excellence. New York City was required to shift \$45 million in funds into higher need schools and to shift \$13 million from assessments (tests) into allowable programs due to the intervention of the State Education Department. The State Education Department has not publicized information on which districts, in addition to New York City, were required to make such reallocations. However, we have been informed that Rochester, Syracuse, Yonkers and some other districts were required to make reallocations. By only making portions of approved Contracts publicly available and not making submitted Contracts available to the general public it make impossible for the public to perform their own before and after analysis to identify such reallocations. Accountability involves public knowledge. Public information allows the public to understand what actual priorities are being enforced by the State Education Department. If parents are advocating for specific programs to be included within Contracts, but then are left in the dark as to what was finally proposed, and how that proposal changes as a result of state oversight, then they are poorly informed about their options for how to advocate more effectively.

### **Monitoring**

Monitoring of the Contracts for Excellence is the next critical phase for the 2007 Contracts. The State Education Department has formulated a plan to monitor all Contract for Excellence districts to ensure that Contract funds are used "in accordance with their approved plans" and "to ensure that allocated funds support allowable programs that predominately benefit students with

the greatest educational needs, including: limited English proficient students, students in poverty and students with disabilities." This plan, contained in a November 21 memo to the Regents, will include reviews of 128 schools in New York City, six schools in each of the remaining Big 4 Cities and two to four schools in each of the other 50 districts that completed Contracts. Schools are to be randomly selected. The reviews will take place between March and May 2008 and will include a site visit. Forty-one staff from the Department's Office of School Improvement and Community Services (21 in New York City) and 20 for the rest of the state are responsible for coordinating and conducting these reviews with assistance on fiscal reviews from the Office of School Operations and Management Services. Monitoring is to include assessments of the following:

- solicitation of public comment on the Contract;
- fidelity of implementation with the approved Contract;
- tracking of the receipt and spending of funds;
- appropriate targeting of funds to schools and students;
- improved student results based on Contract performance targets;
- the implementation of a parent complaint process as required by the law.

### ***Role of Parents and the Public in Monitoring***

One of the greatest challenges faced by the State Education Department in Contract for Excellence oversight is its staffing level. While the Department is in the process of hiring additional staff to be devoted to Contract oversight, the governor and the legislature enacted in law a requirement that Contract for Excellence districts establish a complaint process through which parents can file formal complaints regarding the implementation of a district's Contract for Excellence. These complaints may be filed with the building principal or the district superintendent and appealed to the superintendent, the school board (the Chancellor of Schools in New York City) and the New York State Commissioner of Education. The complaint process provisions in this law were modeled after a similar law in California. The California complaint process has been an effective tool parents have utilized to secure fundamental improvements in schools. The complaint process allows parents to function as eyes and ears for the State Education Department. Out of 1,547 schools that are subject to the Contract for Excellence somewhere between 252 and 352 will be reviewed under the Department's monitoring. This leaves between 1200 and 1300 schools, as much as 84% of all Contract schools, for which the State Education Department will not have the capacity to perform monitoring reviews. Parents are in these schools everyday. The parent complaint process provides a ready mechanism for parents to report problems in these schools to the state. The Board of Regents and/or the State Education Department should create a standard procedure for all school districts to adopt in order to create an effective parent complaint process that serves as a tool to aid in monitoring Contract implementation. To maximize the effectiveness of the complaint process it is essential that the *Options, Expenditures & Metrics* section of the Contracts is completed by all districts and is made publicly available.

## **DELIVERING EDUCATIONAL PROGRAMS TO THE STUDENTS WITH THE GREATEST EDUCATIONAL NEEDS**

There are two key components to targeting:

- **Targeting to Needy Students**
- **Designing Programs around the Specific Needs of Students**

### **Findings and Recommendations**

#### *Targeting to Needy Students*

##### **Findings**

- The State Education Department placed a great deal of emphasis on requiring districts to target funds to schools with high concentrations of high need students, fulfilling a fundamental purpose of the Contract for Excellence.
- They established a guideline that districts must spend at least 75% of funds in the 50% of schools where students have the greatest educational needs. The State Education Department also required that all low performing schools get a share of total new state funds in proportion to the student population of the school.
- These guidelines were verbal, not written and were not part of regulations.

##### **Recommendations**

- The Board of Regents should define in regulation specific rules for targeting to student need so that school districts, parents and the general public have a clear understanding of expectations and standards regarding targeting to needy students.
- The regulations regarding targeting to needy students need to account for the great diversity in school districts ranging from New York City with close to 1500 schools and over one million students to districts like Hannibal with only three schools and close to 1700 students.
- Once the Board of Regents has defined targeting requirements, districts should be required within their Contracts to provide proof that they are meeting these requirements.

#### *Designing Programs around the Specific Needs of Students*

##### **Findings**

Contracts should specifically require districts to show how educational programs are built around the needs of high need students. There was not an adequate emphasis on requiring school districts to demonstrate that reforms are designed around the specific needs of all groups of high need students. While this does not mean that school districts are not designing programs around the specific needs of students, the only information we have is what is contained in the Contracts.

- School districts placed the greatest emphasis on students in low performing schools;
- In many cases districts articulated plans to increase programming targeted towards students with disabilities;

- Very few districts articulated specific programs designed to meet the needs of English Language Learners.

### **Recommendation**

- The Board of Regents and State Education Department should specifically require school districts to demonstrate how the programs they are implementing are designed around key student sub-groups including: students in low performing schools, students with disabilities and English language learners.

### **Targeting to Needy Students**

The legislation states that programs funded under the Contract for Excellence must:

*“Predominately benefit students with the greatest educational needs including, but not limited to, those students with limited English proficiency, students in poverty and students with disabilities.”*

The Board of Regents adopted regulations that said that Contract for Excellence programs must also:

*“Predominately benefit those students in schools identified as requiring academic progress, or in need or improvement, or in corrective action, or restructuring.”*

One of the significant challenges that exist in determining how districts are targeting funding and programs to the students with the greatest educational need is the tremendous diversity that exists between districts that are required to complete Contracts for Excellence. New York City has close to 1,500 schools with over one million students; the other Big 5 school districts (Buffalo, Rochester, Syracuse and Yonkers) all have at least 30 schools with over 21,000 students. At the other end of the spectrum districts like Alexander, Fallsburg and Unadilla Valley have less than 1,100 students and as few as 2 schools. Due to the great diversity in the types of school districts, it does not work to create a one-size fits all approach to targeting by school districts.

The State Education Department used two filters to determine whether districts are adequately serving the highest need students with their Contract for Excellence programs:

- the 75-50 rule;
- a requirement that low performing schools get their proportionate share Contract for Excellence funds.

### ***75-50 Rule***

The 75-50 rule was applied more firmly to the Big 5 districts than to others. The 75-50 rule is that districts must target 75% of the new funds at the 50% of schools with the greatest need. In order to calculate need, the following factors were used for each school:

1. number of students in poverty (as measured by students on Free or Reduced Price Lunch);
2. number of students with disabilities;
3. number of English language learners;

4. number of students that are not meeting grade level on state tests or, for high schools, number of students that are not graduating.

In each school, one need unit was assigned for each of the following: the number of students in poverty, number of students with disabilities and number of students who are English language learners. If a student were an English language learner who is living in poverty and has a disability, then the school would be calculated to have three need units for that student. In addition, the percentage of students either scoring below grade level (Levels 1 and 2) on grade 3 to 8 exams was multiplied times the enrollment in the school to assign the number of need units for student performance. For high schools, the percentage of students not graduating was multiplied by enrollment.

***For example:***

If a school had 100 students, it could have as many as 400 need units, calculated as follows.

	# of Students	Method of Calculation	Need Units
# on Free or Reduced Price Lunch	60	1 need unit each	60
# English Language Learners	20	1 need unit each	20
# with Disabilities	25	1 need unit each	25
% scoring at level 1 or 2 (or % not graduating)	65	65% x 100 total enrollment	65
<b>Total</b>	<b>100</b>		<b>170</b>

Schools were then ranked from highest need to lowest need with the 25% of schools having the greatest need classified as being in Quadrant #1, the 25% with the second greatest need being in Quadrant #2, the next 25% in Quadrant #3 and the 25% with the lowest number of need units being in Quadrant #4. Districts were then required to show whether or not 75% of the funds were targeted to Quadrants #1 and #2.

***Proportional Share for Low Performing Schools***

In addition, districts were required to ensure that every low performing school (in schools identified as requiring academic progress, or in need of improvement, or in corrective action, or restructuring) received a share of the total Contract for Excellence funds that was at least equivalent to the schools proportion of total students within the school district.

***For Example:***

Total District Enrollment	10,000
Enrollment in PS 1	200
Proportion of total students in district that are enrolled at PS 1	2%
District Total Contract for Excellence Funds	\$10 million
Minimum Allotment for PS 1 (2% x \$10 million)	\$200,000

## **Impact of Targeting Rules**

In New York City, the initial application of the 75-50 rule resulted in \$6 million being shifted from the lower need schools to the higher need schools. An additional \$40 million was required to be moved to higher need schools as a result of the proportional share rule.

According to officials at the State Education Department, Yonkers, Rochester and Syracuse were also required to move money into higher need schools due to the proportional share rule. Additional districts were required to redistribute portions of the Contract for Excellence funds to higher needs schools, however, we have been unable to identify which districts, which schools or how much funds due to the lack of transparency.

## **Designing Programs around the Specific Needs of Students**

Targeting funds to schools with high concentrations of high need students is extremely important, but it does not guarantee that those programs are designed around the specific educational needs of those students. Students with low academic achievement, students with disabilities and students with limited English proficiency all have specific educational needs that can, and should, be differentiated from other students.

In our evaluation, our objective was to identify whether districts explicitly described programs designed to serve these three populations of students. The fact that many districts did not spell out specific plans to meet the needs of these populations does not mean that the programming provided under their Contracts is not designed around these student needs. However, it does demonstrate the need for the State Education Department to specifically require that districts explain how they are creating programs designed around the needs of each of these sub-groups of students. Furthermore, while we identify some programs that specific districts included in their Contracts, we are not endorsing these specific programs or evaluating program quality. Doing so would be beyond the purview of this report. Rather we are providing examples of the types of descriptive information the State Education Department should require of all districts.

### **Students with Low Academic Achievement**

Generally, the Contracts clearly target programs around the educational needs of students with low academic achievement.

### **Some Examples (Excerpted from Approved Contracts)**

*Dunkirk: At the High School, we struggle with a high dropout rate. We have worked with Erie 2 Chautauqua Cattaraugus BOCES to develop a new alternative education program that we hope will be housed within our district. We have also taken steps to reorganize our guidance department to provide better services. We have added a new counselor who will work with the incoming ninth graders in what we have called our "Freshman Success Program." We have also added a business teacher who will teach the freshman computer skills as well as life skills such as balancing checkbooks. Also included in the program will be a social worker, an AIS teacher for English Language Arts and a school resource officer. We plan to employ a full-*

*time attendance clerk to make contact with the homes to get our chronically absent children to school.*

*Elmira Behavioral Specialist: Diven Elementary is the only SINI Elementary School in the District. They also have the highest number of behavioral referrals and the highest mobility rate in the primary schools in the past two years. Providing a safe, consistent and student-centered learning environment at Diven is a top priority for the District. To this end, the District has created the position of Behavior Intervention Specialist.*

*Reading Teachers: Reading teachers are a critical component of a school-wide system for identifying students who need intensive reading interventions, providing intervention services and monitoring student progress. Elementary reading teachers provide reading intervention services to at-risk students and students with intensive reading needs on a daily basis. In many of our classrooms the number of students in need of intensive interventions may exceed 40-50%.*

*Syracuse: The Advancement Via Individual Determination (AVID) program will provide struggling students with tutorials as well as teach students organization skills through the use of Cornell note taking and binders to organize materials for each subject.*

### **Students with Disabilities**

We identified 19 districts that described specific plans for how they are serving students with disabilities.

### **Some Examples (Excerpted from Approved Contracts)**

*Norwich: The district also proposes the addition of a Special Education Alternative Learning teacher. The teacher's assignment will be to work with Students with Disabilities who are at risk of dropping out.*

*South Colonie: A study of this recurring problem led to a district determination that the entire Special Education Program in the South Colonie Central School District was in need of change. A Comprehensive Education Plan was developed and implemented at Colonie Central High School. A Regents Lab was created to improve achievement of Students with Disabilities on the Comprehensive English Regents Examination*

*UFSD-Tarrytowns: An analysis of special education student data concluded that low proficiency rates for special education students were related to a lack of sufficient capacity to provide appropriate instructional accommodations in the general education program. An additional special education teacher will permit an expansion of our existing co-teaching model. These efforts will be integrated with our existing teacher-coaching initiative for grades K-8 in*

*ELA and Math to further develop teacher capacity to use research-based strategies in providing data-driven, differentiated instruction designed to meet the needs of diverse learners.*

*Central Square CSD: To address the need area of Time on Task, the district will increase the special education support provided at the elementary level. Special education teaching positions, as well as Speech and Occupational Therapy positions, will be funded through the Contract for Excellence to individualize the supplemental support provided to students with disabilities.*

*Watervliet: The Special Education program will be expanded to include three new classes with lowered student to teacher ratio and expanded District based interventions including new hires in the Speech(2), Social Work(2) and School Psychology(1) areas. The response to intervention model will be implemented on the k-12 level. A Special Education "Summer Academy" will also be implemented starting in July of 2007.*

### **English Language Learners**

We identified only 10 districts that described specific plans for how they are serving students with limited English proficiency/English language learners.

### **Some Examples (Excerpted from Approved Contracts)**

*Haverstraw-Stony Point: Another program that will focus specifically on ELL students will be the Criterion Online Writing Evaluation Program that we piloted this year. The Criterion Program allows students to write and analyze their essays online in a lab. Formative, immediate feedback is provided to the students for areas that need improvement and then an online tutorial instructions them on how to improve their writing. This program will be available for students at hour 3 middle schools, Fieldstone Secondary School and North Rockland High School.*

*2 FTE Two-Way Bilingual Program Teachers at Park School and Brookside School  
During the past two school years the District has begun a Two-Way Bilingual Program beginning with our pre-kindergarten and kindergarten programs. The Two-Way Bilingual Program has proven to be very effective in the teaching of a second language to English speaking students while at the same time being particularly effective in enhancing the instruction for English language learners, and in particular our Spanish speaking English language learners. The additional two full time Two-Way Bilingual Program teachers will enable the District to expand our Two-Way Bilingual Program both horizontally & vertically into grade 3.*

*Yonkers: Rigor and Restructuring Initiative - New Bi-Lingual component in existing International Baccalaureate High School. This program was designed in response to district need with regard to equity and access for bilingual students. The focus of this initiative will be to increase the graduation rate as well as instructional opportunities and college preparatory curriculum for bilingual students.*

*Sixty bilingual students in grades 9-10 will be invited to attend Yonkers High School. This initiative of recruiting bilingual students will offer them equity and access to the rigorous IB program. The end result is that bilingual students will be given more choice and opportunities and, at the same time, enrich the existing IB program. These students will bring with them cultural diversity and Spanish language skills that they will share with the IB community.*

## **PUBLIC PARTICIPATION**

### **Findings:**

1. The Commissioner of Education failed to enforce the public participation requirements of the Contracts for Excellence law, these requirements increase for 2008.
2. Only six school districts out of 55 provided documentation of soliciting public comment regarding the Contract for Excellence despite a clear requirement in law.

### **Recommendations:**

1. The Commissioner of Education should refuse to review or approve any Contract for Excellence for any school district that fails to comply with the law and regulations regarding public participation.
2. The Board of Regents should adopt detailed regulations spelling out public participation procedures, specific timelines, requirements for public availability of Contract documents, and adequate advance notification for public participation procedures. They should also account for the difference in budget timelines and procedures between the Big 5 districts and all other school districts.

The law clearly states that, "For the two thousand seven—two thousand eight school year, school districts shall solicit public comment on their contracts for excellence." In response to our FOIL requests, a total of six out of the 55 school districts required to complete Contracts for Excellence provided documentation regarding the solicitation of formal public comment in accordance with the law (see appendix D). For solicitation of comments to be considered in compliance, it had to explicitly request comment on the districts Contract for Excellence. It was not enough to hold a regular school budget hearing with no specific announcement about the Contract for Excellence.

The Commissioner approved the Contracts for Excellence regardless of whether or not districts solicited public comment. The law recognizes the participation of parents and the public in formulating Contracts for Excellence as valuable to improving public education.

New York City was one of the few districts that solicited public comment, but they only provided a few days notice before their public hearing, which was not adequate time to provide the public a meaningful opportunity to attend the hearing and provide their comments.

To date, the State Board of Regents has not enacted any regulations addressing the additional procedures for public participation in 2008. Regulations specifying public participation requirements should include:

- specific timelines for each step in the process;
- requirements for to make all Contract documents publicly available in a straightforward and understandable format; and
- adequate advance notification for each public participation opportunity.

The public participation calendar should be correlated with the calendar for local school budgets as the major education spending decisions are made as part of the budget process. These regulations should also account for the difference in budget timelines and procedures between the Big 5 districts and all other school districts.

In 2008-09, the opportunities for parent and public participation expand considerably.

Law specifies the following steps:

- Districts must develop their Contracts through a public process in consultation with parents, teachers, administrators and distinguished educators;
- Districts must hold a public hearing, and New York City must hold a hearing in each borough, before submitting their Contracts to the State Education Department;
- in New York City each Community Education Council must hold a public meeting for review and comment on their community school district's Contract for Excellence;
- the Commissioner of Education must review and consider the public testimony on the Contracts prior to making a decision to approve or reject submitted Contracts;
- each school district must establish a procedure for parents to file complaints with the school district regarding the implementation of the Contract for Excellence—such complaints are subject to appeal to district superintendent (or NYC Chancellor), school boards and ultimately the Commissioner of Education.

## TRANSPARENCY & FULL DISCLOSURE

### Findings

- A parent or member of the general public should be able to take a copy of their district's Contract for Excellence into a school and tell what programs have been implemented, at what cost, and what new educational resources (teachers, classrooms, additional hours of instruction, etc.) are being supplied as a result. The Contracts that have been made public by the State Education Department do not meet this basic standard of transparency.
- The most informative section of the Contract for Excellence, the *Options, Expenditures & Metrics* section, which specifies newly implemented educational resources on a school-by-school basis, has not been made available to the general public by the State Education Department. Without this section, the public cannot understand exactly how Contract funds are expended.
- The State Education Department fell considerably short of full disclosure regarding the changes it required local school districts to make to their Contracts. While SED did publicize reallocations of funds that it required under the New York City Contract they did not publicize the same information for other districts. Since only final approved Contract documents, not submissions, were made available by the SED, there is no way for the public to ascertain specific reallocations.
- Contracts do tell you how much money is going to individual schools within the five broad educational strategies, but this provides only minimal detail.
- Only 45% of school districts made their Contracts available on district web sites.

### Recommendations

- Copies of the 2007 *Options, Expenditures and Metrics* submissions should be released immediately and posted on the web. For future years, no Contract should be approved without this and all other sections fully completed.
- Both the State Education Department and all local school districts should be required to make all Contract documents publicly available. This includes all submitted documents, as well as approved documents. Without both, it is impossible for members of the public to determine if their school district was required to make any changes to the submitted contract. All documents should be posted on the web by both the districts and the State Education Department.
- The format designed by the Education Department would provide considerable transparency, if the *Options, Expenditures & Metrics* were mandatory for all districts and made publicly available. If this were done, another section titled *Options & Expenditures* could be eliminated.
- Districts should be required to include, within the *Options, Expenditures & Metrics* a brief written description on a school-by-school basis of what education reforms are being implemented and how those reforms serve the needs of the targeted students.

## **Were the Contracts publicly available?**

“Contracts for Excellence are designed to promote greater transparency and to improve school and student performance by linking new investments to proven practices and programs”, according to the Governor’s office, November 19 press release for the approval of the contracts. The Governor's statement clearly reflects the legislative intent to utilize the Contracts for Excellence to create a transparent process for education reform. Furthermore, the Contracts for Excellence law states, “*school districts subject to provisions of this section shall publicly report the expenditure of total foundation aid in the form and manner prescribed by the commissioner which shall ensure full disclosure of the use of such funds.*” Full disclosure is the standard set in law.

Without full public access to all Contract documents, there is a lack of transparency. The public should have a clear understanding of what is happening in the school districts. In some cases, school districts made transparency a priority and provided the contract on their district websites. The majority of the districts took advantage of the State Education Department’s lax stance on making the contracts readily available to the public. As of November 15, approximately 20 districts had their contracts available on their website and only 34 out of the 55 contract for excellence districts responded to our FOIL request (see Appendix C). After three months of waiting, the State Education Department itself has yet to fulfill our FOIL request that it supply all Contract submissions. It is important not only that complete approved Contracts are made available, but that all Contract submissions are made available as well.

## **Are the contracts easy to understand?**

The contracts should provide information about the student need, strategies to address that need, the division of funding between schools and broad program areas, specific programs, expenditures, reforms and educational resources by school and projected performance outcomes.

The contracts that were provided through our FOIL request arrived in many different formats and there was huge variation in the details that school districts provided us. Forty percent of the districts did not even respond to our FOIL request. A few districts provided only their basic district summary, which provides us with the base year expenditure and projected allocation by school. The contracts that were the easiest to understand provided detailed written descriptions of their achievement issues and contract plan, including all the numerical data: district summary, school summaries, performance targets, metrics for specific program categories, etc.

The approved contracts are available in a universal format, but in some cases, the approved contracts provided less information than what was provided through our FOIL request. Some of

the districts provided a detailed explanation of all the programs they planned to implement and many other provided achievement targets and metrics for selected programs (i.e. # of classrooms per targeted grade, % of students benefiting from target populations, average class size/targeted grade) in a document titled, *Options, Expenditures and Metrics*. This document is the most detailed portion of the contract. The State Education Department neglected to provide this information with the approved contracts. If SED provided this document and required districts to provide a descriptive paragraph of student achievement and strategies to address that need on a school-by-school basis, the contract would be more clear, detailed and easy to understand. **(A separate section of this report on pages 28-30 focuses on the *Options, Expenditures & Metrics* documents and includes excerpts from submitted school district Contracts).**

### **What are the sections of the Contracts?**

The **approved** contracts were posted on the web in a universal format and included the following sections:

- 1) Student Achievement Need and Overall Strategy
- 2) District Level Allocations by Program
- 3) Allocations by Program, Option and School
- 4) School Level Allocations by Program

### **Findings and Recommendations**

#### **Findings:**

- Student Achievement Need and Overall Strategy
  - a. This section of the contract provides and overall picture of the student need for the entire district.
  - b. This section can be used to determine if the programs that the district chose to implement are addressing the student needs and district challenges that were identified in the contract.
  - c. There was huge variety in the district responses to this section.
- District Level Allocations by Program
  - a. This document is titled, *Option Totals*, and can be used to determine the broad program that a school will implement (i.e. Time on Task), the number of schools that will implement that broad program and the options within the broad program area (i.e. lengthened school day). You can also determine the total monies that will be spent on that option and the average cost for each school to implement that option.
- Allocations by Program, Option and School
  - a. This document is titled, *Options and Expenditures*, and provides the final amount of contract monies the district received, the name of the schools in the district, the school performance level (i.e. In Need of Improvement – Year 2), the amount of money allocated to individual schools, the broad program area where money will be spent (i.e. Time on Task), the option(s) under that broad program area where the school will spend the money (i.e. lengthened school day), the amount of

money that will be spent on that option, the total amount of money the school will spend on programming and the total amount of C4E dollars left over.

- School Level Allocations by Program
  - a. This document is titled, *Fiscal Summary*, and provides the final contract dollars that the district received, a list of the schools in the district that received contract funds, how much money will be spent in the 5 broad program categories (i.e. Time on Task), and the total amount of C4E dollars left over.

### **Recommendations:**

- Student Achievement Need and Overall Strategy
  - a. SED should provide more detailed questioning in order to receive consistently thorough responses.
  - b. SED should provide an example of a thorough and clearly written response as a model for districts.
  - c. In addition to providing this information on a district-wide basis, the contract should provide the student need and strategy to address this need on a school-by-school basis.
- District Level Allocations by Program
  - a. A key should be included with this section because most parents and community members are not familiar with the terminology used in the contracts.
  - b. There should be a glossary that explains the broad program areas (i.e. Time on Task) and the provide examples of programs that can be implemented in that broad program area.
- Allocations by Program, Option and School
  - a. The school districts were required to submit additional information to SED, in a document titled, *Options, Expenditures and Metrics (metrics)*. The *metrics* is by far the most detailed section of the contract, but it was not made available to the public. This document included all of the information from the *Options and Expenditures* section, but provided more clarity because baseline data and improvement targets were provided for each school.
  - b. This section of the contract could be replaced with the *metrics* section, which includes all of the information from this section, plus additional details. The transparency of this document would also increase tremendously if a written narrative of student need and strategy were identified for each school that will receive C4E dollars.

## **THE MISSING SECTION: THE ONE WITH THE DETAILS *OPTIONS, EXPENDITURES & METRICS***

The law requires that school districts *affirm* in writing that they are meeting the requirement to target funds and programs to students with the greatest educational needs. The law also requires, that Contract programs, “predominantly benefit students with the greatest educational need including, but not limited to, those students with limited English proficiency, students in poverty and students with disabilities.”

The State Education Department (SED) designed a document, titled, *Options, Expenditures and Metrics* (the *Metrics*), in which school districts were supposed to specify newly implemented educational resources and include the type of information required in law on a school-by-school basis.

The *Metrics* provides the most detail on the Contracts, but not all districts, most notably New York City, submitted a complete *Metrics* section. Even for districts that did submit the *Metrics* to SED, this information has yet to be made publicly available. The format of the *Metrics* section as designed by SED would provide considerable transparency, but all districts must complete and submit all sections of the Contract.

The *Metrics* provides information, such as the following, on a school-by school basis: (see pages 29 and 30 for *Metrics* examples):

- % of funds benefiting target populations
- % of students benefiting from target populations
- Existing average class size
- New average class size
- Number of new teachers

In its report to Board of Regents, dated November 29, 2007, the State Education Department writes, "in order to increase time on task, Contract for Excellence funds will enable roughly 1/4 of Buffalo's schools to lengthen their school days by 1 hour from 6 1/2 to 7 1/2 hours of instruction per day." This information is exactly the type of information that the parents and the public want to know for all Contract districts, for specific schools and programs. However, this is the exact type of information that is contained in the *Metrics* section and has therefore not been made available to the public.

Without this information from all school districts, it is very difficult to determine exactly how the Contracts impact education in individual schools. The lack of this information also, limits the capacity of parents and community members to access the current academic resources available in the school districts and determine in the future if school districts have made real progress toward providing a better education for their schoolchildren with the additional resources provided by the Contract for Excellence funds.

## Looking Forward

All school districts, including New York City should be required to fully complete all sections of the Contract with full disclosure of information required in the *Metrics* section that details programs, costs and educational resources on a school-by-school basis. Districts should also be required to include a brief written description on a school-by-school basis of what education reforms are being implemented and how these reforms serve the needs of the targeted students. This description integrated with the *Metrics* section would provide a detailed picture of how Contract funding is being utilized in an easy to understand format.

## Reducing Redundancy in the Contract for Excellence Paperwork

SED also created a document, titled, *Options and Expenditures*, which was made public on the SED website, but provides limited information in comparison to the, *Metrics* document. The *Metrics* includes all of the information that is provided in the *Options and Expenditures* document. The *Options and Expenditures* should be replaced with the *Metrics*, to provide more clarity and understanding for parents and community members, and more accountability for school districts and SED.

If SED replaces the *Options and Expenditures*, with the *Metrics* and improves on the document by adding information on student need and strategy to address that need on a school-by-school basis, we eliminate the need for the *Options and Expenditures* section and as a result, the Contracts will be more useful and provide greater transparency.

### Examples

The ‘Options, Expenditures, and Metrics’ document is by far the most detailed section of the contract. It includes all of the information available on the ‘Options and Expenditures’ (Allocations by Program, Option and School) document, plus baseline data and improvement targets for each school. The following are excerpted examples:

## HANNIBAL CSD

### FAIRLEY SCHOOL

Performance: **In Good Standing** Allocated Amount: \$329,266

<b>Class Size Reduction</b>	<b>Baseline Target</b>	
Additional Classroom \$287,783		
# of instructional staff per targeted grade	30	35
% of funds benefiting target populations	0	100
% of students benefiting from target populations	0	100
Average class size/targeted grade	19	17
# of classrooms per targeted grade	25	30
District-Wide Initiative \$41,483		
No Metric Defined	0	100%

School Expenditure: \$329,266

**Buffalo City SD**

SUPERINTENDENT James Williams

Submit Status: **Certified and Submitted**Final Contract Amount: **\$11,241,293,717****Buffalo Elem Sch of Technology**Performance: **Restructuring – Year 1** Allocated Amount: \$1,383,581

<b>Class Size Reduction</b>	<b>Baseline Target</b>	
Additional Teacher		
# of instructional staff per targeted grade	3	12
% of funds benefiting target populations	100	100
% of students benefiting from target populations	100	100
Average student: teacher ratio in targeted grades(s)	20:1	20:1
# of classrooms per targeted grade	3	12
Continuing Existing Programs		
District-Wide Initiative \$41,483		
No Metric Defined	35	65
<b>Teacher and Principal Quality Initiative</b>	<b>Baseline Target</b>	
Instructional Coaches for Teachers		
Hours/days of teacher coaching provided	0	6.5hours/5 day
% of students benefiting from target populations	0	100
# of teacher coaches	0	1
% of funds benefiting target populations	0	100
# of teachers served	0	60
School Leadership Coaches for Principals		
Hours/days of individualized principal coaching provided	0	1 day
% of students benefiting from target populations	0	100
# of principal coaches	0	3
% of funds benefiting target populations	0	100
# of principals served	0	16
<b>Time on Task</b>	<b>Baseline Target</b>	
Lengthened School Day		
# of students receiving support services	0	100
% of students benefiting from target populations	100	100
Length of school day or week	6.5	7.5
% of funds benefiting target populations	100	100

## APPENDIX A

### Examples of Contract for Excellence Programs

While we can not evaluate the quality of programs that school districts are implementing, there are number of programs that appear to be quality programs. Below are excerpts from school district contracts:

#### Hyde Park

- *The plan focuses on students with disabilities. We are creating a study skills program at the high school. Students will receive instruction in study skills, organizational skills and research. The program will address student needs in all academic areas, with a focus on ELA. Funds will be used to hire one teacher. Outcome: greater achievement in ELA, measured by the Regents exam.*
- *The prevention of students placed out of district is a concern. A self-contained program for students with behavioral needs will be created at the high school. A student to teacher ratio of 8:1:1 will provide social and behavioral supports needed so students will experience greater success. Funds will be used to staff the 8:1:1 with a teacher and a teaching assistant. Outcome: fewer recommendations for out of district placements, greater access to general education and greater achievement in ELA and math.*

#### Rochester

- *The district will be offering the On Campus Intervention Program (OCIP), in a number of schools in an effort to reduce suspensions by referring students to an academic and counseling program to help address their educational, social and emotional needs. The goal is to assist students by addressing these needs on an individual basis when students have difficulty functioning in the regular classroom, thereby minimizing disruptive behavior, avoiding suspensions and providing the necessary support to enable students to return to the regular classroom as soon as possible.*

#### Syracuse

- *To improve the math instruction, a new math textbook/program was adopted in June 2007 for implementation in September 2007. The selection of the textbook/program was done on online with each teacher having the opportunity to participate in the selection ensuring ownership of the results.*
- *The Advancement Via Individual Determination (AVID) program will provide struggling students with tutorials as well as teach students organization skills through the use of Cornell note taking and binders to organize materials for each subject.*

## **Schenectady**

- *Reopening an old elementary school as a new Early Childhood Education Center with three hundred Pre-Kindergarten, Kindergarten and Readiness First Grade students. It will be literacy focused and will engage a variety of school personnel, community agencies, and parents in the early intervention with four, five, and six year old children. We expect to help these students attain appropriate grade level literacy skills before they enter first grade and have any potential learning problems diagnosed for each child. We will develop an Individual Learning Plan for every child based on this information.*
- *Assigning a veteran master elementary teacher to each elementary school to act as Instructional Coaches and mentors. The focus will be on improving both instructional skills and student management skills of our teaching staff and promote the consistent use of our district's differentiated instructional model and PBIS principles in every classroom in the building. In this way, we will improve the learning environment in each building and provide necessary support and training to our teaching staff.*

## **Buffalo**

- *The Buffalo Public School District has in place a 3 Year Academic Achievement Plan that addresses the literacy and mathematics needs of our students. The plan includes a block of time designated for literacy, and another for mathematics.*
- *Class Size Reduction - The expected result of this intervention is the strengthened ability to meet individual student needs. Appropriately certified and highly qualified teachers will have students in classes with numbers designed to provide much needed differentiated instruction. Class sizes in these schools will be:*
  - *20 students per teacher in Pre Kindergarten to Grade 3*
  - *25 students per teacher in Grade 4-12*
  - *10 students per teacher during intensive intervention instruction*

## **Binghamton**

- *The improvement of literacy beginning in Pre-K for all students, raising expectations for all students, especially those in poverty, minorities, and SWDs and providing appropriate intervention from elementary through high school are the key components of the district's strategy under C4E.*
- *The addition of literacy specialists at elementary addresses the literacy needs before students reach the secondary level.*
- *The addition of curriculum enrichment specialists at the elementary and middle levels will help improve instruction and raise expectations.*

## **Brentwood**

- *Scholastic's Read 180 will be expanded and Read About will be implemented. These two initiatives will allow teachers to differentiate instruction, continuously assess academic progress and will provide leveled reading materials to all students.*
- *Additionally, innovative after school programs will be introduced in order to narrow the gaps between our ELL population and our Special Education students.*
- *Professional development efforts will focus on increasing teachers' understanding of differentiated instruction.*

## **Dunkirk**

- *At the High School, we struggle with a high dropout rate. We have worked with Erie 2 Chautauqua Cattaraugus BOCES to develop a new alternative education program that we hope will be housed within our district. We have also taken steps to reorganize our guidance department to provide better services. We have added a new counselor who will work with the incoming ninth graders in what we have called our "Freshman Success Program."*
- *We have also added a business teacher who will teach the freshman computer skills as well as life skills such as balancing checkbooks. Also included in the program*
- *will be a social worker, an AIS teacher for English Language Arts and a school resource officer. We plan to employ a full time attendance clerk to make contact with the homes to get our chronically absent children to school.*

## **Alexander**

- *Using C4E monies, we will hire two reading specialists. One will be placed specifically at grade three and the other will work at all three grade levels at our middle school; grades 6, 7 and 8.*
- *At the third grade, this reading specialist will provide small group and individualized instruction. This reading specialist will also become part of a team that will begin to identify kindergarten students having difficulties with basic reading skills. The specialist will assist classroom teachers in addressing the needs, developing corrective strategies and follow-up assessments.*
- *The individual hired to work at the middle school will be given the title of Academic Intervention Literacy Specialist. This person will work exclusively with the most deficient readers in our middle school. Those students having scored at level one or two of the state reading exams. He/She will work in small group and*

*individualized instruction for approximately one half of the time. The other half of his/her time will be spent working with middle school teachers on instructional strategies that can be implemented in the content areas.*

### **Amsterdam**

- *At risk students identified for the GED program will have a work study component to help students make connections between school and work. Students will attend class for half day and work the other half day. This program would provide job embedded training and staff development opportunity to enhance student achievements. The program will provide student support services of guidance counseling, behavioral supports and study skills which will provide improved academic success, connections with school to work and the opportunity for a higher graduation rate and reduction of the drop out rate.*
- *Each school in the district will have mentors for the new professional staff members. A district mentor coordinator will ensure that mentors are matched up with a mentee. This will provide opportunities for teachers to learn from each other, align and integrate curriculum, provide job embedded training to increase student achievement of all students, but especially the target population.*
- *Before and after school programs at the K-12 level will be implemented in all district schools to target low performing students. Students who are identified due to poor academic performance (Level 1 & 2 on ELA/Math/Science/Social Studies) will be the*
- *focus. These students will include students with disabilities as well as English language learners. Extended day before and after school will give at risk students the opportunity for more individualized attention as well as the opportunity to work on Brain Based Research software programs to enhance learning.*

### **Fulton**

- *Restructuring for learning for targeted learners is a major direction in the district and at the high school level. As an outcome of the VESID review the 1) differentiation of instruction and 2) providing learning accommodations and supports for targeted learners will be improved through the restructuring of the role and assignments of 6 special education teachers. An increase of 1 English language learners, 1 mathematics and 1 English/social studies teachers will provide instruction in smaller class sizes and more instructional classes to instruct targeted learners.*

### **South Colonie**

- *A Regents Lab was created to improve achievement of Students With Disabilities on The Comprehensive English Regents Examination.*
- *Before and after school remedial reading programs offer additional support to*

*students identified as at-risk. Newly created Reader and Writer Workshops in our two Middle Schools will continue to provide necessary literacy support to these students as they move toward commencement.*

- *Our New Teacher Orientation ensures a common teaching methodology across all subjects and grade levels. A strong Peer Mentor Program affords new teachers the opportunity to work with seasoned veterans, who provide ongoing support throughout the probationary periods. Administrators and teachers will be trained in the Curriculum Mapping process, to ensure consistency and quality of instruction from Kindergarten to grade twelve.*

## APPENDIX B

### Examples of Districts that Provided Detailed Descriptions of Student Need and Clear Descriptions of Educational Strategies to Meet those Needs

#### WHITE PLAINS CITY SD

##### Student achievement need

The greatest challenge facing the White Plains School District is closing the achievement gap. Although we have made some gains over the last five years, the scores of our students with disabilities, our Limited English Proficient, African American and Hispanic students are far too low. White Plains High School is listed as a school requiring academic progress, year 2 because students with disabilities were not able to meet their ELA targets for two years in a row. All of our other schools are in good standing.

The charts below illustrate the gap.

Percent Achieving the Standard on the 2007 State Exams in Grades 3 through 8

Group	ELA		Math	
	# tested	% passing	# tested	% passing
Stdnts w Disab	315	22	311	31
General Education	2637	71	2688	78
African American	574	54	580	61
Asian	85	85	85	96
Hispanic	1300	54	1341	65
White	991	86	991	89
LEP	290	18	345	43

Percent of High School Students in the 2002 Cohort passing (at 65%)

Group	ELA		Math	
	# in group	% passing	# in group	% passing
Stdnts w Disab	58	36	58	48
General Ed.	454	83	454	90
African American	118	75	118	79
Asian	16		16	
Hispanic	194	67	194	79
White	183	91	183	94
LEP	37	24	37	62

The achievement of our disabled, LEP, African American and Hispanic students needs to be the focus of our greatest attention.

#### WHITE PLAINS CITY SD

##### Overall strategy

We will focus our efforts on the following groups of students: Students with disabilities, Limited English Proficient Students, African American Students and Hispanic Students.

Our overall strategy for the use of these funds will be to:

- reduce class size for targeted groups in grs 7-12

- provide additional time on task to students-at-risk in grs 3-12 and
- expand our PreK program (currently half day) to offer a full day experience to those students most in need.

We are focusing most of our efforts at the secondary level because the high school is listed as requiring academic progress, yr 2 and because previously we have focused Federal and local improvement funds on the elementary level.

High School Program: Funds in the amount of \$450,000 will be targeted to the high school, a school requiring academic progress, yr 2.

The following initiatives are listed under the class size reduction category (\$400,000) (Note the metrics reflect just 2 math teachers in grs 9-10 as an illustration)

- Establishment of an academy for 30 low achieving students entering gr 9. These students will be assigned to two sections with 15 students each. They will receive a double period in both ELA and math, and they will also receive extra mentoring support. This will be staffed with one additional ELA and one additional math teacher in gr 9. The addition of two teachers to gr 9 will also benefit target group students in the other sections where the average class size will be reduced by approximately 2 students.
- Addition of .6 special education teacher to address the ELA and math needs of the students with disabilities. These students did not make adequate yearly progress in the 2005-06 school year.
- Addition of a math teacher to reduce class size in grs 9-10 for classes with concentrations of target students.
- Addition of .4 social studies teacher to support the target group students in Global Studies.

The following is listed under the time-on-task program category (\$50,000): Funds will be used to provide extended day tutoring for at-risk high school students in the target groups. The funds will provide approximately 670 hours of small group tutoring.

Middle School Program: Funds in the amount of \$530,000 are to be used at the Middle School - \$350,000 for the grs 6-8 program and \$180,000 for the PreK program that is housed in the middle school building.

The following initiatives are listed under the class size reduction category (\$300,000) (Note the metrics reflect the 2 ESL teachers only.)

- Addition of .6 ESL teacher to staff a new program that will bring together beginning level LEP students for extra support in ELA and .4 ESL teacher to support the ELA needs of students exiting ESL to the regular program.
- Addition of an ESL science teacher to strengthen content area learning for LEP students. These two initiatives will reduce the average class size from 19 to 14 students per ESL class.
- Addition of a math teacher to offer more support to the target population.

The following is listed under the increased time-on-task program category (\$50,000):

Funds will be used to provide extended day tutoring for at-risk high school students in the target groups. The funds will provide approximately 670 hours of small group tutoring.

PreK Program (\$180,000): These funds will be used to establish a full day PreK program for a class of 22 students. This supplements our existing half day PreK program which will continue to serve 180 students.

Elementary schools: Each school will receive approximately \$27,119 to expand the extended day programs serving students in the target groups.

Anticipated Achievement Outcomes: The activities outlined above are designed to increase the ELA and math achievement of the targeted groups. It is anticipated that each of these groups will exceed their AMO targets for the 2007-08 school year by 10%. The PreK program will be evaluated based upon students' success in kindergarten.

## **SCHENECTADY CITY SD**

### **Student achievement need**

Schenectady City School District is considered a District in Need of Improvement for English-Language Arts based on the NYS English-Language Arts assessments for students in grades 3-8 and at the Regents level. We recently completed a Curriculum Audit for ELA and are finalizing an implementation plan as a result of the audit's recommendations.

The Schenectady City School District faces many of the challenges affecting the achievement level of students common to many urban settings. 72% of the students are considered economically disadvantaged. The student population has approximately 15% students with disabilities along the entire spectrum of handicapping conditions. The district is considered a District in Need of Improvement based on the English Language Arts test scores. The district has over four hundred students identified as LEP representing nearly 3.5% of the student population. In addition, there is a large community of Guyanese students who do not qualify for ESL services yet do not achieve at high levels in English Language Arts.

Math scores are also not improving quickly enough and the district is in danger of being identified as a DINI for mathematics. All three of the district's middle schools are in some stage of needing improvement with two ending a year of being identified as in Planning for Restructuring. The high school is in year four of being a School Requiring Academic Progress and the district graduation rate is under 65%.

The district experiences a high turnover rate amongst the teaching and administrative staff exacerbated by many recent retirements of veteran staff. Staff development activities are critically needed to integrate the basic district expectation of using differentiated instruction strategies in every district classroom.

## **SCHENECTADY CITY SD**

### Overall strategy

The district sees the state's commitment of additional resources as a great opportunity to address our challenges throughout the school system in several areas using a Pre-Kindergarten through Grade Twelve approach. Our goal is to address immediate student achievement concerns while avoiding future problems simultaneously.

There are six major initiatives through the Contract for Excellence:

Initiative 1: Reopening an old elementary school as a new Early Childhood Education Center with three hundred Pre-Kindergarten, Kindergarten and Readiness First Grade students. It will be literacy focused and will engage a variety of school personnel, community agencies, and parents in the early intervention with four, five, and six year old children. We expect to help these students attain appropriate grade level literacy skills before they enter first grade and have any potential learning problems diagnosed for each child. We will develop an Individual Learning Plan for every child based on this information.

Initiative 2: Additional staff to all three middle schools to reduce class sizes at the sixth grade level to a 20:1 student to teacher ratio. At the seventh and eighth grade levels, our goal is to keep teacher to student ratios below 24:1. Currently these classes run between twenty-six and thirty-two to one.

Initiative 3: Additional remedial reading and math teachers to all three middle schools. This new remedial staff will allow us to assign one intervention specialist in reading and one in mathematics at each three grade levels. This will assist our students in meeting or exceeding the NYS Learning Standards while rapidly improving our ELA and Math scores over the next few years.

Initiative 4: Assigning a veteran master elementary teacher to each elementary school to act as Instructional Coaches and mentors. The focus will be on improving both instructional skills and student management skills of our teaching staff and promote the consistent use of our district's differentiated instructional model and PBIS principles in every classroom in the building. In this way, we will improve the learning environment in each building and provide necessary support and training to our teaching staff.

Initiative 5: Extended school day program in all schools. This program will allow us to lengthen the school day for all children. We will target specific high needs children in problematic subgroups for this program. However, it will be available to all children based on their desire to remain in a structured learning environment for at least one hour before/after school. It will specifically focus on providing assistance to students in the

areas of ELA and Mathematics, and assisting students with their homework. Additional special education staff will accommodate the growing numbers of students with disabilities and to help us create programs appropriate to the specific needs of these children.

Initiative 6: A technology-based alternative learning program targeting failing eighth and ninth grade students at our middle and high schools. This program will provide students with an opportunity to recover credit lost due to previous course failures. These students will be permitted to accelerate their learning using an alternative instructional delivery system. It will utilize a web-based PLATO Learning Software program aligned with New York State Standards. The staff will serve as facilitators of learning rather than as direct instructors and will intervene and remediate as necessary to ensure students successfully recover their lost credit and accelerate their learning. The goal is to provide the students who have difficulty in a traditional educational setting and provide them with the tools and strategies needed so they can meet or exceed grade level expectations to of their cohort and graduate successfully

## **EAST IRONDEQUOIT CSD**

### **Student achievement need**

The performance of students as measured by NYS ELA and Math assessments and Regents exams has shown a generally flat profile over the past several years. There has been a modest improvement in scores for math with a slight decrease in student performance in grades 3-5 on the 2007 ELA. Students in the middle school (grades 6-8) have demonstrated a modest improvement during the past year for ELA; however, the results are consistently low when compared to districts in the county and similar schools. The middle school has been identified as a School in Need of Improvement-Year 1 based upon the results of the grade 8 ELA for our population of students with disabilities. The district had been sighted at the high school level for poor Math A exam results, however, gains in the past two years have been realized. The district was also sighted for the performance of students with disabilities in grade 8 for math. As a result Comprehensive Educational Plan and a Quality Improvement Process have been developed targeting the needs at the middle school level.

The data over the past several years suggests a marked difference in the achievement level of the cohort of our black students, our English Language Learners and our students with disabilities, when compared to the general education population. The percentage of students meeting standards at any grade level suggest as much as a 40% difference between these sub-groups and the general education population. There is a low mastery rate for all groups.

Historically, there has been a lack of a consistent literacy instructional program within and between grade levels. Reading and writing have not permeated the instructional program but existed primarily as stand alone subject areas. There has existed a high

failure rate for students throughout the school year as documented on the ten-week reports. This high failure rate has continued during the summer school programs. In the areas of ELA and Math there has been limited systemic instructional support for students and inconsistent use of research-based interventions, teaching strategies and methodologies. There has been a lack of a cohesive and shared curriculum with few grade level benchmark assessments. Assessments have been primarily summative in design and purpose. Many of the students with disabilities have participated in instruction delivered in a separate location with few opportunities to be instructed in an integrated classroom setting. The population of English Language Learners is growing across the district and there is a need for a more focused instructional plan for these students.

Our district borders an urban district and as a result, we have an influx of students moving between programs. We have identified the need for the district to implement a quality entrance and transition plan for new entrants and their families.

In order to address our needs systemically, we need to implement quality instructional resources as well as to develop and implement consistent targeted professional development for all staff

#### Overall strategy

Over the past 2 years our district focus has been on student achievement with emphasis on literacy and numeracy. We have begun the process of thoughtfully creating, implanting and tying together plans, goals and activities at each building and across the district.

Through our curriculum review process, with ELA and Math entering the third year of a 5-year cycle, we have identified gaps in available resources for teachers and students and will work to fill these at all grade levels. We will continue our work in writing and implementing a comprehensive curriculum in the areas of ELA and Math. We have just begun the process of identifying common benchmark assessments that will be used in each subject area at each grade level. Beyond the development of these assessments we need to provide professional development to all staff centering on looking at student work and using the work to drive instruction in a focused manner. We will be developing a process for the use of student portfolios to monitor academic growth and success.

Each building will organize a literacy team comprised of reading and ELA teachers, core subject teachers, special area teachers and administrators. Such a structure was put in place at the primary buildings 5 years ago. These teams will serve to oversee building and district initiatives as they relate to literacy. Additionally, each building will be developing scheduled opportunities for staff to regularly meet to discuss student work and progress.

We will be providing professional development to all staff for consistent implementation of research based reading/writing strategies exemplified by Strategies that Work and Reading in the Content Areas. A focus for professional development in math will be inquiry learning and using vocabulary strategies. Additional professional development

will be offered on the topics of lesson design, differentiation and inclusive instruction. The schools will continue to look at maximizing the amount of time students are engaged in instruction. The middle school schedule has been modified to increase class blocks from 42 to 56 minutes. Additionally, all students at grade 6 will receive direct instruction in reading in addition to their ELA block. We continue to look at efficient and meaningful ways in which to support student learning which includes how Academic Intervention Services are provided. This year the district will hire its own ESOL teachers. This will allow for greater flexibility in assignments and how the expertise of these teachers is applied to meet student needs of a growing population. The district continues to be dedicated to expanding the opportunities for students to receive Wilson Reading as an alternative reading instruction. The district is hiring staff to provide this instruction and continues to secure training for teachers to expand its capacity.

We are investigating opportunities to provide students with additional support through before and after school tutoring programs and by making available library and computer rooms during the evening for students and parents.

The Quality Improvement Plan (QIP) developed at our middle school level has provided us with the opportunity to focus on careful monitoring of student academic growth. We have identified a process of ongoing monitoring of student achievement through common reading and writing tasks and math benchmark assessments. We have implemented common expectations for daily writing and math activities. We continue to ensure that more of our SWD population has consistent opportunities to be instructed in the general education setting with support from consultant teachers.

To address the needs of students who transfer into this district we are developing an entry plan to ensure that the most appropriate instruction is in place with necessary supports.

The Instructional Support Team process that has been used at the primary level for 3 years will be used at all levels.

## APPENDIX C

### Districts Responding to FOIL Request

The following is a list of the school districts that provided some or all of the documentation requested through our FOIL:

1. ALEXANDER CSD
2. AMSTERDAM CITY SD
3. BINGHAMTON CITY SD
4. CAIRO-DURHAM CSD
5. CAMDEN CSD
6. CLYDE-SAVANNAH CSD
7. COPIAGUE UFSD
8. DUNKIRK CITY SD
9. EAST IRONDEQUOIT CSD
10. FULTON CITY SD
11. GENEVA CITY SD
12. GREECE CSD
13. HANNIBAL CSD
14. HYDE PARK CSD
15. JAMESTOWN CITY SD
16. LANSINGBURGH CSD
17. MASSENA CSD
18. MIDDLETOWN CITY SD
19. MONTICELLO CSD
20. NEWBURGH CITY SD
21. NORTHEASTERN CLINTON CSD
22. OSSINING UFSD
23. PORT JERVIS CITY SD
24. ROCHESTER CITY SD
25. RUSH-HENRIETTA CSD
26. SCHENECTADY CITY SD
27. SPENCER-VAN ETTEN CSD
28. UFSD-TARRYTOWNS
29. UNADILLA VALLEY CSD
30. VALLEY CSD (MONTGOMERY)
31. WAPPINGERS CSD
32. WATERVLIET CITY SD
33. WESTBURY UFSD
34. NEW YORK CITY (did not FOIL, all C4E documents available on the web)

## **APPENDIX D**

### **Public Participation**

The following school districts sought public comment on their 2007-2008 Contract for Excellence:

- New York City
- Elmira City School District
- Fulton City School District
- Jamestown City School District
- Rush Henrietta City School District
- Valley City School District (Montgomery)

**APPENDIX E**  
**KEY ACCOUNTABILITY DEFINITIONS USED IN THE**  
**CONTRACTS FOR EXCELLENCE**

The following definitions are from a State Education Department document titled *UNDERSTANDING YOUR SCHOOL/DISTRICT REPORT CARD*. From reading these definitions it is easy to see why the performance objectives in the Contracts for Excellence are difficult to understand.

**Q.** *What is Adequate Yearly Progress (AYP)?*

**A.** Adequate Yearly Progress (AYP) indicates acceptable progress by a district/school toward the goal of proficiency for all students. To make AYP at the elementary and middle levels, districts/schools must test 95 percent of students enrolled on the day of testing in each accountability group with 40 or more students. To make AYP at the secondary level, districts/schools must test 95 percent of students identified as seniors in the reporting year in each accountability group with 40 or more students. In addition, the Performance Index (PI) of each accountability group with 30 or more students must equal or exceed its Effective Annual Measurable Objective (AMO) or the group must make Safe Harbor.

**Q.** *What is the Performance Index (PI)?*

**A.** Schools are assigned Performance Indices (PIs) ranging from 0 to 200, based on the performance of continuously enrolled tested students at the elementary and middle levels and cohort members at the secondary level on State tests. Student scores on the tests are converted to four achievement levels, from Level 1 (indicating no proficiency) to Level 4 (indicating advanced proficiency). Schools are given partial credit for students scoring at Level 2 and full credit for students scoring at Level 3 or Level 4. They receive no credit for students scoring at Level 1. Schools improve their PI by decreasing the percentage of students scoring at Level 1 and increasing the percentages scoring at Levels 3 and 4.

**Q.** *What is the Effective Annual Measurable Objective (AMO)?*

**A.** The Effective Annual Measurable Objective (AMO) is the PI value that each accountability group within a school or district is expected to achieve to make AYP. The Effective AMO will be increased in regular increments beginning in 2004–05.

**Contract for Excellence Achievement Targets: 2007-08 AYP Summary Form  
Attachment A**

**District:**

**School:**

<b>(Column 1) Accountability Criterion</b>	<b>(Column 2) Disaggregated Group</b>	<b>(Column 3) Percent Gap Reduction</b>

Please use the above table to identify the accountability criteria and disaggregated groups for which the school will use Contract for Excellence funds to close the achievement gap and the percent of the targeted gap reduction. In Column 1, the following accountability criteria may be entered: Grade 3-8 English language arts, Grade 3-8 mathematics, high school English language arts, high school mathematics, elementary-middle science, and graduation rate. In Column 2, the following disaggregated groups may be entered: All students, Asian, Black, Hispanic, Multicultural, Native American, White, Limited English proficient, low-income, and students with disabilities. In Column 3, enter the targeted percentage by which the school intends to close the gap between a Performance Index of 200 and the school’s Performance Index in 2006-07 for the specified accountability criterion and disaggregated group.

The identified accountability criteria and disaggregated groups should be focused on those for which the school has failed to make Adequate Yearly Progress in past years. The specified percent gap reduction should be a minimum of ten percent. Please add additional rows as needed if the school will target more than eight disaggregated groups.

If Contract for Excellence funds are not being targeted to help a school demonstrate gap reduction on an accountability criterion in 2007-08 (for example, implementation of all day pre-kindergarten programs or reduction of class sizes in grades K-2 will not have an immediate impact on AYP in 2007-08), please use the table on the following page to indicate the achievement targets for these funds.

Please prepare your achievement targets for your 2007-08 Contract for Excellence in an Excel format and submit it to the following E-mail address: [EMSCMGTS@MAIL.NYSED.GOV](mailto:EMSCMGTS@MAIL.NYSED.GOV).

## **APPENDIX F**

### **Alphabet Soup of Terms A Glossary Should Be Provided with the Contracts**

ELL  
LEP  
ELA  
SWD  
CTT  
AIS  
SINI  
SRAP  
SURR  
DINI  
CFI training  
ESOL  
PPS  
ASI  
ALT  
Feeder school  
SES  
SACI  
Number of Expenditures  
Final Allocation  
CSR  
TOT  
MS/HS R  
TPQI  
FK/P EXP  
Base year expenditure  
Total allocated  
Projected allocation