



## **Contracts for Excellence Year Two: Will Accountability Be Enforced?**

July 28, 2008



An examination of the enforcement of public participation and public disclosure in Contract for Excellence School Districts in New York State.

The Alliance for Quality Education is a New York State community-based organization fighting for high-quality public education. AQE played a major leadership role in fighting and securing fair funding for public schools, which led to the historic four-year funding increase enacted in 2007. AQE has always advocated for accountability to ensure that the increased funding reaches schools and students that need it the most. AQE was instrumental in the creation of the new accountability measures, the Contract For Excellence, enacted into law in 2007. AQE continues to be one of New York State's most vocal advocates for accountability in public education.

This report was written by Amreen Vora, an Intern of the Alliance for Quality Education, Marina Marcou-O'Malley and Sumaya Saati, Policy Analysts of AQE and Nikki Jones, AQE's Communications Coordinator. Amreen Vora and Nikki Jones provided support in data collection and communication with districts. Charts and figures were created by Marina Marcou-O'Malley and Amreen Vora.

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## **Key Findings and Recommendations**

In this report, AQE is not assessing the content of any school district's Contract for Excellence, nor are we endorsing any district's proposed educational programming. This report evaluates whether or not districts have provided the public the necessary information on their programs and have provided required opportunities for public comment and involvement. If the public's fundamental right to information and participation is not enforced, then there is little room for confidence that other provisions of the Contract will be enforced. Determining whether or not districts have provided adequate information and opportunities for public input is much simpler than the more challenging task facing State Education Department of assessing the quality of educational programming proposed by districts.

### **Most Districts Fall Short on Public Disclosure and Public Participation**

These findings are based upon thorough tracking of every Contract for Excellence district by monitoring district web sites, repeatedly calling districts, and through written communication.<sup>1</sup>

- Only 8 school districts held a public hearing and provided adequate detail on Contract programs including allocations by schools and programs.
- 14 school districts held or scheduled a public hearing and solicited public comment, but did not provide adequate detail on Contract programs and/or allocations by school and program.<sup>2</sup>
- 3 School districts provided some public information but have not held or scheduled a public hearing.
- 6 School districts held a public hearing, but did not provide any information to the public regarding the content of their Contract.
- 8 School districts provided no information regarding their Contract for Excellence and have not held or scheduled a public hearing.<sup>3</sup>

Later in this report we detail some specific examples illustrating ways that a few districts provided adequate information to inform the public of their Contract for Excellence plans and solicit public input.

### **Priority Recommendations**

- SED should allow districts that have complied with the requirements for public disclosure and public participation to proceed to the review process. SED should not hold up these district's Contracts while other districts take steps to come into compliance.

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<sup>1</sup> These findings are based upon publicly available information provided by school districts as of July 21, 2008.

<sup>2</sup> See Footnote 3.

<sup>3</sup> This number includes a few districts which asserted that they held a hearing—however, because they lacked disclosure prior to the event—they simply held public meetings.

- SED should not review Contracts of districts that have not provided adequate public information regarding their contract programs and allocations, and/or have not adequately solicited public input; these districts should be required to do so before their Contracts are reviewed.

The State Education Department has informed us that they intend to take enforcement steps similar to those of our *Priority Recommendations*; the degree to which this happens may determine whether the Contracts will have the potential to fulfill the promise of enhanced accountability.

### **Additional Findings and Recommendations**

- The proportion of districts that to date have not met Regents requirements regarding public disclosure and public participation indicates problems with SED oversight as well as with districts.
- The State Education Department has had most of the past year to prepare for the 2008-2009 Contracts for Excellence, yet they only posted on-line templates for Contracts during July 2008. As a result of delays last year, the Contracts were not ready until the third month of the school year, it seems likely that similar delays may occur this year; public input and disclosure should not be sacrificed as a result.
- Despite shortcomings of SED, regulations on public disclosure and public participation have been in place for months. They are clear and readily available through the SED website and through SED communications with school districts. SED has also produced a volume of useful materials and information regarding Contract for Excellence programs and preparation. There is no reason that Districts should not have been able to adequately inform the public on the Contract for Excellence, several did so.
- Performance indicators are among the most important feature of any accountability system. Most districts included no performance indicators in the information they made publicly available. For the most part, the performance indicators used are vague or difficult to understand and are not specifically tied to educational reforms that are implemented. SED needs to provide significantly more leadership to school districts regarding the design of effective performance indicators. Providing meaningful performance indicators is one of the most complex challenges facing education reform efforts.
- School districts are not required to report out to the public on actual performance outcomes resulting from last year's Contract for Excellence. This should be required under Regents regulations.

- Only three districts provided translations of their public notice. One additional district provided a translation of its Contract. This is a significant shortcoming as English language learners are at the greatest risk for school dropout.

## **The First Steps of Accountability: Public Disclosure and Input**

### **Contract for Excellence: New Accountability for School Districts**

Over the past 15 years, as a result of the historic Campaign for Fiscal Equity lawsuit, there has been a steady demand for New York State to significantly increase its investment in public schools and to prioritize raising educational quality for high-needs students. The public demand around the Campaign for Fiscal Equity (CFE) was never focused solely on dollars; school district accountability has always been a central aspect of the CFE demand. New accountability measures in the form of the Contracts for Excellence were enacted into law in 2007-08. The Contracts for Excellence are contracts between the State Education Department and local school districts that require investment of new funds in proven educational strategies. To be an effective tool for public accountability, a Contract for Excellence should be a document that a parent or a taxpayer can take into a school and know what new programs and classroom resources they should expect to see, how many new state dollars have been invested in these programs and resources, and what educational benefits are expected as a result. While the direction promoted by the Board of Regents and the State Education Department (SED), through regulations and guidance materials seems to be generally on track, this has not translated into a clear, meaningful or effective process for parents and the public in most school districts.

### **Key Components of Accountability: Full Disclosure and Public Input**

The New York State Board of Regents adopted strong and clear regulations that require school districts to provide parents and the public with full and accessible information on their plans for using their Contract for Excellence dollars. The basic information that districts are required to provide parents and community members includes:

- an explanation of what programs will be created with Contract funds;
- how much money will be invested in each of these programs, including how much money will be invested on a school-by-school basis;
- which students are targeted to benefit under new programs; and
- what improvements in educational outcomes are expected in result.

Under the Regents rules, school districts must provide this information in a timely fashion so that parents and the public can be adequately informed in order to provide meaningful input on the Contract at the public hearings that districts are required to hold before submitting their proposed Contract to the State Education Department (SED). Without this basic level of detail it is extremely difficult for parents and local community members to make an assessment of their district's Contract for Excellence or to provide meaningful input. This report shows that while some districts have provided adequate detail to the public to facilitate meaningful input on the Contract for Excellence, most districts have not. Without full disclosure, it is very difficult, if not impossible, to have

meaningful accountability. The report also examines steps districts have taken to secure public input. The Board of Regents requires a formal public hearing in each district (one per borough in New York City) and requires districts to solicit written public comment. Before SED even reviews the specific educational reforms proposed under a district's Contract for Excellence, they must ensure that districts have properly informed their local public on the content of the Contract and have provided the necessary opportunities for public participation.

### **Will Accountability be Enforced?**

Fundamental to the concept of accountability is enforcement. If there is no enforcement of the Contract for Excellence regulations, then it is unlikely that the Contracts will be meaningful tools for accountability. The first step in determining whether a district's Contract is in compliance with Regents regulations, is determining whether or not the district has adequately:

- informed the public; and
- appropriately solicited public input.

If school districts have not taken these two steps, their Contracts should not be eligible for review or approval—otherwise public disclosure and participation will not be taken seriously which will undermine accountability. Last year, the standards for public participation were minimal—requiring that districts release their Contract and solicit written public comment—yet only 11% of Contract districts solicited public input;<sup>4</sup> despite this fact, SED approved every Contract. Last year's shortcoming might be understood as part of the growing pains of implementing a brand new accountability system in its first year, but a repeat of this shortcoming risks establishing the lack of full disclosure and adequate public input as a standard operating procedure.

On the other hand, those districts that have substantially complied with requirements for public disclosure and participation should be rewarded by having their Contracts proceed to review by SED. Last year, no Contracts were approved until every Contract was ready for approval. If districts that have fulfilled the requirements for public disclosure and participation are treated the same as those who have not, it creates no incentive for districts to readily follow the Regents requirements. If such a practice becomes policy, then it undermines accountability.

### **Are Contracts Ready for Review?**

AQE is not equipped to provide a full evaluation of the content of individual school district's Contracts for Excellence; this is the job of the State Education Department. However, there are key criteria that must be met in terms of information disclosure and public participation before a Contract should even be reviewed. To be a useful accountability document, a Contract for Excellence must provide an understandable explanation of the educational programs being implemented, clarity on the investment by

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<sup>4</sup> *Contracts for Excellence Year One: Grading the State Education Department*, Alliance for Quality Education, December 20, 2007, <http://aqeny.org/action-information.php>

school and program, and the expected educational impacts. To provide the opportunity for meaningful public participation, districts must make this information available to the public and must inform the public of their right to participate in public hearings and provide public comment.

### **Allocations by School and Program**

The Regents require that school districts inform the public regarding allocations by school and program area. This information should be provided in a very straightforward manner. It should inform the public as to how much Contract money is going into each school and into each program. Many districts provide both, some provide one or the other, and some do neither. The value of this information depends in part on the level of descriptive detail provided regarding Contract programs. If a district simply shows how much funding is designated for each of the six broad menu items<sup>5</sup> with no detail on the specific programs, this provides little insight into how funds will actually be spent.

### **Description of Contract Programs**

The Regents regulations require that the public notification regarding the Contract for Excellence includes, “a general description of the contract for excellence” as well as “a detailed description of proposed allocations . . . by program area, including details concerning proposed program additions and/or enhancements.” There is a wide range of how much information districts have supplied regarding the actual programs they intend to implement. The standard should be that somebody can read the description of programs and be able to understand what programs are being implemented. In addition, as the regulations state, there should be adequate detail regarding “program additions and/or enhancements.” Those districts with Contracts that we believe are ready for review, have met this standard.

Some districts provide enough detail that a person reading their proposal can understand the basic purpose of the educational programs they intend to implement, what types of activities will be included, and how much additional staff or other identifiable program resources will be devoted to these programs. Other districts provide such minimal detail in describing actual programs that they provide little or no insight into the reforms they are implementing and provide no details on how many additional staff will be devoted to specific educational purposes. Without adequate detail there is no way for the public to make an informed assessment of the proposed programs. A number of districts have provided concise, yet detailed descriptions of their plans including specific information on new staffing by school and program demonstrating that it is reasonable to expect as much. The Regents should accept nothing less. Districts that appear to have met this standard are Dunkirk, Elmira, Mexico, Middletown, Odessa-Montour, Syracuse, Wappingers Falls, and Yonkers.

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<sup>5</sup> These items are: Class size reduction, teacher and principal quality initiatives, student time on task, middle school and high school restructuring, programs for English language learners, and full-day kindergarten or pre-kindergarten.



### **Performance Indicators**

This entire area is one of the weak points of the Contracts in general. Only 11 districts provided any performance indicators and several of these simply stated that they expected 10 percent improvement in student proficiency on NYS examinations—a standard that SED accepted from many districts last year. SED has used the *Performance Index*, a standard established under No Child Left Behind, as a preferred means of setting performance expectations. The *Performance Index* is a very convoluted calculus to measure overall student progress within a school or district that is barely intelligible to anyone. Neither the 10% increase in performance nor the *Performance Index* provides adequate insight into the connection between proposed educational reforms and anticipated student progress. Both are generic and not tied to specific educational initiatives in a meaningful way. Performance indicators are one of the most important aspects of accountability and educational reform. The priority need is for the State Education Department to provide more leadership to districts regarding goal setting and measurements for improving student performance. The legislation adopted in 2007 requires the Board of Regents and the State Education Department to develop an “enhanced accountability system” that incorporates measures beyond test scores into evaluating performance. The SED urgently needs to provide leadership in helping districts define meaningful and understandable performance indicators that can be tied to specific educational programs.

Currently, districts are not required under regulations to report out to the local public on the performance outcomes that resulted from last year's Contract for Excellence programs. The Regents need to adopt regulations to remedy this significant shortcoming.

Some of the districts cited above that provided adequate detail in terms of program descriptions and dollar allocations did not include performance indicators. Such performance indicators must be required to be incorporated before Contracts could ready for approval.

### **Translation**

Providing translated public notices is a requirement in the regulations, but only three school districts have provided translations of their public hearing notices to the public (one additional district provided translation of their proposed Contract for Excellence). The Regents regulations state that, “A school district shall also provide translations of the notice into the languages other than English that are most commonly spoken in the school district.” A good representation of how this may be done is Dunkirk School Districts translation of its public notice into Spanish. Translating a public notice allows the school district to be more inclusive of the public. Soliciting input from such populations is important for school districts as English Language Learners are at greater risk of drop out than any other student population. Steps must be taken by SED to address this shortcoming.

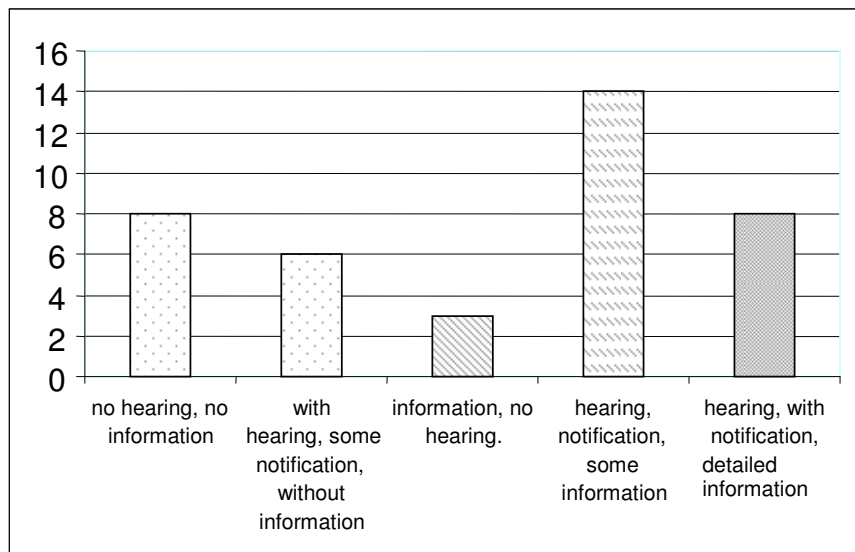
## Additional Findings and Trends

### **Many Districts Fall Short on Public Disclosure and Public Participation**

Districts fell into one of five categories based on what information they provided and the extent to which they enacted the public hearing process, as stated above:

- Only 8 school districts held a public hearing and provided adequate detail on Contract programs and on allocations by schools and programs;
- 14 school districts held or scheduled a public hearing and solicited public comment, but did not provide adequate detail on Contract programs and/or allocations by school and program;
- 3 School districts provided public information have not held or scheduled a public hearing;
- 6 School districts held a public hearing but did not provide information to the public regarding the content of their Contract;
- 8 School districts provided no information regarding their Contract for Excellence and have not held or scheduled a public hearing<sup>6</sup>.

**Figure 1.**



While we have highlighted the above criteria as most essential the findings below show that there are a number of other ways in which many districts have not followed the requirements under the Regents regulations.

### **Public Hearing and Process**

- **8 out of 39** districts had not scheduled a public hearing or released any information.

<sup>6</sup> This number includes a few districts which asserted that they held a hearing—however, because they lacked disclosure prior to the event, they simply held public meetings.

- **28 out of 39** school districts scheduled a held a public hearing.
- **14 out of 39** districts notified the media about their public hearing through a press release.
- **23 out of 39** districts publicized their public hearing in a way that the regulations defined as reasonable, such as online or in a newsletter.
- **14 out of 39** districts described how the public could participate in the public hearing.
- **15 out of 39** provided notice of 30-day written comment period.
- **3 out of 39** districts translated their public hearing notice into one other language (one additional district translated their Contract for Excellence proposal).
- **14 out of 39** districts indicated how or where to obtain a copy of their Contract for Excellence in their notice.

### **Contract for Excellence Content**

- **18 out of 39** school districts provided some descriptive information on their Contract for Excellence.
- **2 out of 39** districts had budget allocations only by school.
- **10 out of 39** had budget allocations only by program.
- **12 out of 39** districts had budget allocations by school and by program.
- **3 out of 39** districts had allocations by affected student populations (ELL, Poverty, Disabilities, Low Academic Achievement.)
- **11 out of 39** school districts specified student performance targets.

### **General Trends**

Additionally, we identified common shortcomings in following Regents regulations.

- **Many districts did not provide details regarding the programs even though regulations require “detailed descriptions of proposed allocations . . . by program area, including details concerning proposed program additions and/or enhancements.”**
- **Most districts did not provide adequate information on their Contract for Excellence public hearing and its proceedings in their public notice.**
- **Almost all districts failed to include information on allocations by specific student populations in their contract and notice.**
- **In what some districts presented as their Contract for Excellence description they provided information on the Contract for Excellence law and regulations rather than providing a narrative on their district’s Contract.**
- **Some districts solicited written public comment, but did not schedule or hold an actual public hearing on the contract.**

- **Some districts combined their hearings on the Contract for Excellence into other forums;** often a school board meeting, budget meeting, or board of trustees meeting served as a ‘forum’ for the Contract for Excellence. Some districts provided specific public notice that they were holding a public hearing on their Contract for Excellence immediately following their school board meeting which is reasonable. Three districts had a discussion on the school board agenda, without advance notification that it was a public hearing. Such discussions do not qualify as public hearings.

### Examples from Contracts For Excellence

This section includes examples of the different parts of the Contract for Excellence that districts made available to the public prior to their public hearing. These examples show that several districts were able to provide adequate and informative detail in a simple and fairly brief format in a manner that complied with the most essential standards established under Regents regulations. Without such detail how can parents, taxpayers, or policy makers know what specific educational reforms are being implemented with historic new investments? And, how can there be meaningful accountability?

There are eight districts that provided the public with information at the level of detail and clarity that facilitates meaningful participation. These districts include Elmira School District, Syracuse, Middletown, Yonkers, Dunkirk, Odessa-Montour, Wappingers Falls, and Mexico.

Like many districts, Elmira School District provided a table of proposed allocations by program area and by school:

Contract for Excellence - Comparison by Program Area				
Schools	Class School Size Reduction	Teacher Principal Quality Initiative	MS/HS Restructure	Total
Broadway Elementary	\$164,356	\$26,000	\$0	\$190,356
Broadway Middle	\$0	\$0	\$190,463	\$190,463
Diven	\$472,802	\$26,000	\$0	\$498,802
Alternative High	\$0	\$0	\$147,500	\$147,500
EFA	\$65,000	\$0	\$110,345	\$175,345
Davis Middle	\$0	\$0	\$249,859	\$249,859
Fassett	\$116,055	\$26,000	\$0	\$142,055
Hendy	\$272,678	\$26,000	\$0	\$298,678
Coburn	\$331,448	\$26,000	\$0	\$357,448
Pine City	\$260,957	\$26,000	\$0	\$286,957
Riverside	\$307,304	\$26,000	\$0	\$333,304
Southside	\$0	\$0	\$121,860	\$121,860
Beecher	\$352,787	\$26,000	\$0	\$378,787
<b>Total</b>	<b>\$2,343,387</b>	<b>\$208,000</b>	<b>\$820,027</b>	<b>\$3,371,414</b>

**Districts that only provide the allocation chart without adequate descriptive detail in their Contract should not be reviewed.** By itself this table is only minimally informative as it does not actually spell out any program details on how funds will be spent, which the Regents regulations require. However, Elmira provides a clear description of each program along with the chart as part of a simple four-page newsletter that serves as their notice of public hearing. The detailed description of these programs allows the public to understand what the school district is planning on doing with the Contract funding and fulfills the Regents regulatory requirement for program detail. Had this description been absent from the Contract, the public would not have been able to know what is proposed to be implemented in each school. Below is the description of Elmira's class size reduction plan which in combination with the above chart provides reasonable insight into Elmira's actual plans.

**Class Size Reduction:**

The Elmira City School District is committed to maintaining small class sizes in its elementary schools. The district will continue to support staffing during 2008-09 using C4E dollars. Providing favorable class sizes allows instructional staff to facilitate teaching and learning in a meaningful and engaging way, fosters positive relationships in the classroom and provides opportunities for individualized instruction to support all students.

Small class sizes are designed to improve student achievement through support for the following research-based best practices:

- Direct, implicit instruction across all core curriculum areas;
- Support for implementation of 90-minute literacy blocks in all kindergarten classes;
- Teacher time for implementing research-based, prescriptive intervention for struggling students;
- Additional teacher time for differentiating instruction to meet the needs of all students;
- Additional time for implementing needs-based flexible grouping.

In order to achieve these goals, the district reviewed projected class sizes in kindergarten through grade 5 as well as student achievement data for each of the district's eight elementary schools. As a result of the analysis, the district developed a plan that will use C4E funds to reduce class sizes across the eight elementary schools. The early grade class size reduction plan will not reduce the teaching staff at the upper grades to increase the staffing in kindergarten through grade 5. In addition, the district will support a full-time health teacher to reduce existing class size at the high schools and provide an opportunity for acceleration. The district has partnered with Corning Community College to offer college-level health courses for upperclassmen.

Middletown provided a detailed description of the programs they plan to implement along with the amount of Contract funding the district allocates to each. The example below describes the programs implemented under the Time on Task menu item.

New Programs for 08-09  
Time On Task -- \$1,065,000

1. DISTRICT EVALUATOR FOR NEW STUDENTS -- \$80,000  
District-wide program -- \$11,429 per building -- affecting all student populations.

District-wide Program – as we are expecting a dramatic number of new students coming into the school district without academic folders or information, the Middletown School District is attempting to assure that students are placed in their proper ability groups (within the classroom) from day one. Assessments in literacy, math, special education, and/or English Language learner issues will be conducted by a full time school psychologist prior to enter in the classroom. This will allow for proper academic placements immediately upon entrance into the classroom, assuring differentiated instruction and effective time on task.

2. AFTER SCHOOL ACADEMIC INTERVENTION SERVICES (AIS) – \$265,000 District Wide Program – 2 primary buildings (\$37,500 each to Chorley and Truman Moon) and \$190,000 for the 3 secondary (\$63,333 each to Middletown High School, Twin Towers and Monhagen middle schools) – affecting all student populations that are not performing proficiently on State Examinations.

Expansion of the Intermediate (grades 2-5) after school AIS Program that will make the after school AIS program district-wide (grades K-12). These after school AIS programs are designed to provide extra time to students who have, or are not currently anticipated to perform proficiently (1s and 2s on ELA or Math, or below 65 on specific Regents) on State Exams.

### 3. INCREASE DIRECT INSTRUCTION TO TARGETED STUDENTS THROUGHOUT THE DISTRICT

- 4 Secondary ELL teachers – (1) at Monhagen middle School (\$80,000) and (3) at the high school who work specifically with students identified for ESL/Bilingual services (\$240,000)
- 2 high school AIS teachers to work with students of all populations who are at-risk of non-proficiency at the high school – 1 science (\$80,000) and 1 social studies (\$80,000)
- 2 Elementary reading intervention teachers – 1 at Maple Hill (\$80,000) and 1 at Mechanicstown (\$80,000) to work with students of all populations who are at-risk of non-proficiency on the State ELA examination.
- 1 Elementary math AIS teacher who does math intervention work (during the day) with all populations of students who are at risk of non-proficiency on the State Math examination (\$80,000)

Yonkers school district included a description of the way they are implementing full day Pre-kindergarten and Kindergarten new programs and the money allocated in the following manner:

## 5. Full Day Prekindergarten and Kindergarten

### A. Full-Day Prekindergarten

**Description:** A full day prekindergarten program is an instructional program for four year old children operated in accordance with 8NYCRR 151-1 and 8NYCRR 100.3.

### B. Full-Day Kindergarten

**Description:** A full day kindergarten program is an instructional program for five year old children operated in accordance with 8NYCRR 175.5 and 8NYCRR 100.3.

Expansion of the Pre-kindergarten program.

a. Three new Pre-kindergarten classrooms at Montessori 11, School 16, School 30 including three teachers, aides and related instructional materials - **\$466,757**

b. Four new Pre-kindergarten classrooms Community School 10 including four teachers, aides and related instructional materials - **\$623,732**

These Contract excerpts have a level of detail that a parent could take into a school and know what they should be able to expect to see in terms of new programs and additional staff and what the cost of these programs are.

The purpose of including these examples is not to judge the quality of the programs proposed, rather it is to demonstrate that in a simple, straightforward manner, that is understandable to the public and policymakers, districts can provide adequate detail to inform the public how funds are being expended, what programs are being created, and what new educational resources a parent could expect to see in a given school and program.

### **District Improvement Plans: The Lost Accountability Tool**

The same 2007 legislation that created the Contracts for Excellence called for a District Improvement Plan. The District Improvement Plan seems to have been entirely ignored by SED. This plan is similar in design to the Contract for Excellence in several ways. Districts are required to prepare such a plan if they have at least one school categorized as under performing based upon state standards. While the Contract for Excellence governs new state dollars, the District Improvement Plan is designed to govern existing funds. Under the District Improvement Plans, school districts must "consider redirecting resources" to the same menu of programs outlined in the Contract for Excellence. If they choose not to redirect resources they need to provide written explanation to the Commissioner of Education who has the ability to determine whether or not the local district's decision is acceptable. In preparing a District Improvement Plan, districts must hold a public hearing and the Commissioner must consider the testimony presented at this hearing in evaluating the district's plan.

Several districts that are not required to complete a Contract for Excellence, but have tremendous needs to improve educational quality are required by law to complete a District Improvement Plan. For the past two years, SED apparently has done nothing to implement this requirement. As far as we can ascertain, it has never been the subject of discussion at a meeting of the Regents and no regulations have been adopted. Districts that are required to complete these plans inform us that they know nothing about them. Our organization has repeatedly raised this issue with Regents, the Commissioner, and SED but still nothing has been done.

#### **Excerpt from 2007 Education Article VI Budget Bill (S2107C/A4307C)**

A SCHOOL DISTRICT THAT HAS BEEN IDENTIFIED AS REQUIRING ACADEMIC PROGRESS, AS DEFINED BY 100.2(P)(7) OF THE COMMISSIONER'S REGULATIONS, OR INCLUDES ONE OR MORE SCHOOLS UNDER REGISTRATION REVIEW, IN NEED OF IMPROVEMENT, IN CORRECTIVE ACTION OR RESTRUCTURING STATUS SHALL BE REQUIRED TO SUBMIT A DISTRICT IMPROVEMENT PLAN TO THE COMMISSIONER FOR APPROVAL. IN FORMULATING THE DISTRICT IMPROVEMENT PLAN, THE DISTRICT SHALL CONSIDER REDIRECTING RESOURCES TO PROGRAMS AND ACTIVITIES INCLUDED IN THE MENU OF OPTIONS UNDER SUBDIVISION THREE OF SECTION TWO HUNDRED ELEVEN-D OF THIS PART IN THE SCHOOLS SO

IDENTIFIED. IF SUCH OPTIONS ARE NOT ADOPTED IN THE DISTRICT IMPROVEMENT PLAN, THE SCHOOL DISTRICT SHALL PROVIDE THE COMMISSIONER WITH AN EXPLANATION OF SUCH DECISION WHICH SHALL BE CONSIDERED BY THE COMMISSIONER IN DETERMINING WHETHER TO APPROVE SUCH PLAN. THE TRUSTEES OR BOARD OF EDUCATION SHALL HOLD A PUBLIC HEARING BEFORE ADOPTION OF THE DISTRICT IMPROVEMENT PLAN AND A TRANSCRIPT OF THE TESTIMONY AT SUCH HEARING SHALL BE SUBMITTED TO THE COMMISSIONER FOR REVIEW WITH THE DISTRICT IMPROVEMENT PLAN.

## **Conclusion**

The Contracts for Excellence are the only way to ensure accountability for new state aid. The Contracts are so important because they tie funding to programs in schools with large concentrations of students in poverty, students with disabilities, and English Language Learners. Additionally, the Contracts provide for transparency of funding and public participation by parents in a decision making process which impacts their children.

The core principles behind the Contracts for Excellence are raising students' educational outcomes, promoting transparency, encouraging sound educational investments, and ensuring the process includes parents and community input. Districts that properly informed the public should not be punished, and districts that provided inadequate information should not be allowed to lower the bar.

The actions of the Commissioner of Education this year in determining whether to review the Contracts for Excellence of school districts that have not provided the public with necessary information and have not provided adequate opportunities for public participation will play a fundamental role in determining whether or not the Contracts for Excellence provide meaningful accountability. If the regulations for public participation are not enforced how can we ensure that our children's educational needs will be met?



## **Background on Contracts for Excellence**

The Contracts for Excellence were enacted into law in April of 2007 to improve the educational outcomes of high-needs students. Districts that received a foundation aid increase of 10% that have at least one school classified as under performing under state or federal accountability status are required to submit a Contract for Excellence. Districts are required to prioritize funding to the one or more of the following items: time on task, class size reduction, teacher and principal quality initiatives, middle school and high school restructuring, Pre-k and kindergarten expansion, programs targeting English language learners, and experimental programs.

This report follows an earlier report released December 20, 2007 entitled *Contracts for Excellence Year One: Grading the NYS Education Department* which found that only 11% of required districts complied with the 2007-08 regulations regarding the solicitation of public input. The regulations at that time required districts only to present their Contract to the public and solicit comments prior to submission to SED. This year, districts are required to expand the public participation process by publicly disclosing information on the Contracts and holding public hearings as well providing for a 30-day public comment period. This approach gives parents and community members detailed information, avenues to participate, and insight into the process to improve transparency, accountability, and ultimately educational quality.

Under state education law and regulations school districts are required to hold a Contract for Excellence public hearing and solicit public comment over a 30-day period. The public hearing and the comment period must be preceded by a public notice. The public notice is actually a disclosure document which includes a detailed listing (or where to find such a list) of how the Contract money is allocated by school and program, a description of the proposed programs, and expected educational outcomes. Without this information, parents cannot be informed participants in the public process under New York State law.

Throughout the 14 years of public debate on finding a statewide resolution to the Campaign for Fiscal Equity, the demand for increased funding was always coupled with the expectation of added accountability. Now that increased funding is in place, some districts have worked to make the Contracts for Excellence succeed, while a few have actively sought to resist any additional accountability. During the public debate on new school funding school districts generally recognized that funding would be tied to accountability, to resist the Contract for Excellence at this stage suggests that now that school districts have been awarded additional funding, they no longer feel any obligation to be held accountable for these funds.

## **Methodology**

AQE analyzed how districts implemented public participation and disclosure requirements of the State Education Department's regulations on the Contracts for Excellence. We requested copies of each district's public hearing notice and public advertisements on the Contract; we requested materials which were presented at those hearings, we closely monitored district's websites, and located information which was available to the public prior to the hearings.

We looked to see whether the district had set a public hearing date, how their public hearing notice was distributed, and all supplemental materials. We then evaluated what information was provided about the Contract in the public notices and whether or not it met the public disclosure standards required by the Board of Regents.

### **Method of Collecting School District Information**

In order to guarantee that each school district's information was represented, we contacted each district multiple times via telephone and through written communications in addition to locating publicly available documents. Consequently, each school district's information is represented based on their willingness to disclose information that is required to be publicly available and necessary to submit to SED. AQE made a good-faith effort to gather information for each district through direct contact and online research. Each school district's information on their Contract for Excellence public hearing was then compared to SED's regulations. Any information made available after July 21, 2008 is not included in this report.

Appendix I. Contract for Excellence Districts 2008-2009

1. Albany
2. Amsterdam
3. Arlington
4. Binghamton
5. Buffalo
6. Copiague
7. Dunkirk
8. Elmira
9. Fulton
10. Geneva
11. Gloversville
12. Greece
13. Hannibal
14. Hyde Park
15. Massena
16. Mexico
17. Middletown
18. Monticello
19. Newburgh
20. Northeastern
21. Norwich
22. New York City
23. Odessa-Montour
24. Ossining
25. Oswego
26. Port Jervis
27. Rochester
28. Schenectady
29. South Colonie
30. Spencer Van ET
31. Haverstraw-Stony-Point
32. Syracuse
33. Utica
34. Valley-Montgomery
35. Wappingers
36. Watervliet
37. Watertown
38. White Plains
39. Yonkers

Appendix II. Excerpt of Regulations:

(b) Notice of Public Hearing. Each school district shall provide reasonable notice to the public of each public hearing, in accordance with the following:

(1) The notice of public hearing shall include, at a minimum:

(i) a general description of the contract for excellence;

(ii) a detailed description of proposed allocations:

(a) on a school level;

(b) by program area, including details concerning proposed program additions and/or enhancements;

(c) by student achievement performance targets; and

(d) by affected student population groupings, including, but not limited to:

(1) students with limited English proficiency and students who are English language learners;

(2) students in poverty;

(3) students with disabilities; and

(4) students with low academic achievement;

(iii) information on where to obtain a copy of the proposed contract for excellence; and

(iv) a description of the public hearing process, including the procedures for participation and submission of comments.

(2) Methods of providing notice of public hearing(s) may include, but are not limited to, posting the notice on a school district website, posting the notice in schools and school district offices in conspicuous locations, publishing the notice in local newspapers or other local publications, and/or including the notice in school district mailings and distributions. A school district shall also provide translations of the notice into the languages other than English that are most commonly spoken in the school district.

(3) In addition to providing notice of public hearing(s) pursuant to subclauses (1) and (2) of this clause, each school district shall ensure that:

(i) public notice of the time and place of a public hearing scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such hearing; and;

(ii) public notice of the time and place of every other public hearing shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.