Policy Directions for K-12 Public Education in New York City

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New Yorkers will select a new mayor in November 2013, after a dozen years under the leadership of Mayor Michael Bloomberg. The forthcoming transition provides an opportunity to take stock of the city's well-being, the policy initiatives that have evolved over the past decade, and their impact. The election also serves as a time to re-examine and re-articulate what we value and how a 21st century city might serve those who live in its boroughs and neighborhoods. This paper describes the successes and challenges in New York City's K-12 public education system and lays out some policy directions which might lead to a more inclusive, better managed, and more successful system of preparing New York City's children and youth for fruitful and productive adult lives.[1]

To foreshadow these policy proposals, the past decade of school reform in New York City may be characterized as an effort to rely on customer choice and outcomes that are based on accountability to drive innovation and student success. Such policy initiatives – whose key elements are reflected in the stated desire to move from "a great school system" to "a system of great schools" (Heilemann 2005) – depend on the invisible hand of the market to foster innovation and sustain successful educational practices. There is, however, an alternative metaphor to the invisible hand: the *helping* hand. In this view, capacity-building is the primary policy instrument and government's key responsibility is to provide the resources and support that enable schools, school leaders, and teachers to meet the complex social and academic needs of the students they serve. The policy proposals that follow resonate more with the metaphor of the helping hand than the invisible hand and seek to build the capacity of New York City to educate its children and youth.

[1] Although it is increasingly common in education policy to consider a P-20 continuum, spanning formal education from preschool through the completion of college, this paper limits its purview to New York City's K-12 education system. As noted in a companion piece, however, early childhood education is also crucially important and access to high-quality programming is unevenly distributed across the city. A comprehensive picture of the human capital development system in New York City must acknowledge the need for policies to promote more equitable access to such programs. So too is making sure as many young people as possible complete a college education.

1. Preliminaries

New York City has the largest public school system in the country, operating 1,700 schools serving 1.1 million students across the city's five boroughs. (According to the 2006-2010 combined data from the American Community Survey, an additional 20 percent of the city's school-aged population is enrolled in private schools, with the highest concentration in Manhattan, where 29 percent of children aged 5 to 17 attend private schools). Two-thirds of the students in New York City public schools are eligible for a free or reduced-price lunch, a common indicator of economic disadvantage, while 30 percent are classified as poor using the federal poverty threshold (e.g., a family of four with two children under the age of 18 earning less than $23,000 per year). About 38 percent of New York City students are Latino, about 30 percent are non-Hispanic black, 16 percent are non-Hispanic white, and 12.5 percent are non-Hispanic Asian. More than half (56 percent) reside in a household headed by a foreign-born person and 13 percent of New York City's public school students were themselves born in another country. At any moment in time, 14 percent of the students across the city are classified as English Language Learners (ELLs);[2] a substantially higher number were previously classified as ELLs, but have been reclassified based on their scores on the New York State English as a Second Language Test. A similar percentage has been identified as having disabilities, with about one-third of these (5 percent of all students) enrolled in self-contained special education classrooms that provide support for children with more severe disabilities.

How well is the New York City Department of Education (DOE) serving its school children? The answer to this question is not self-evident, as the available measures of academic performance and development provide only a partial picture.

The two most common measures of school system performance are student performance on assessments of curricular knowledge (tests) and high school graduation rates. These measures have standing because they predict outcomes; students who score higher on such assessments have a higher probability of future academic and economic success, as do students who graduate from high school in a timely way. But the standardization built into the design of the tests suggests that they may not be good measures of the progress and performance of "non-standard" students, especially those with disabilities or who are new to learning English.

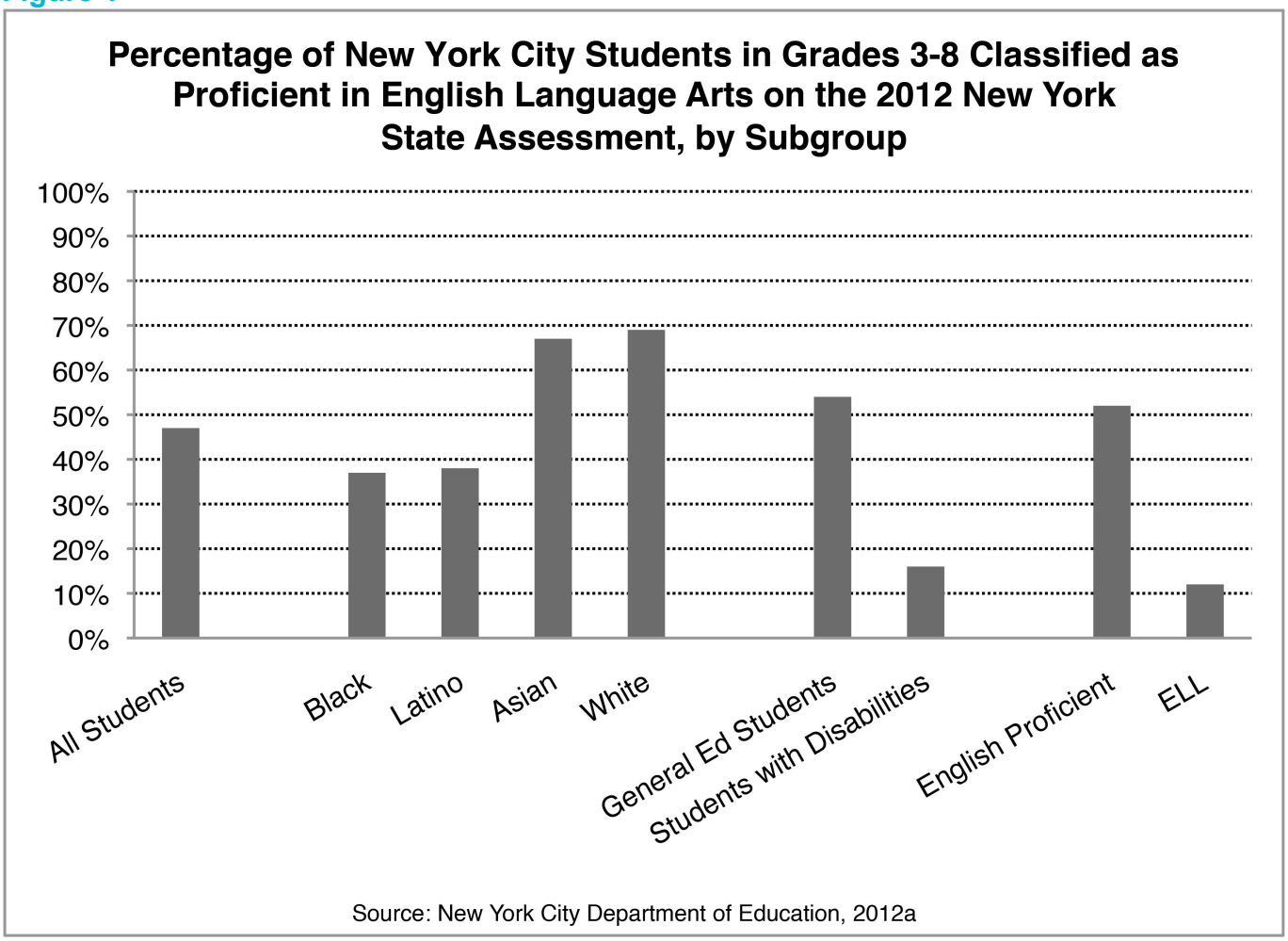
Graduation rates in New York City have clearly increased substantially over time, although it is difficult to attribute the rise to specific policies and practices. Test scores, too, have risen. But the bar is rising for both measures: the requirements for a New York State high school diploma have risen, and high school graduation is giving way to college and career readiness as a marker of system progress and performance. Moreover, the threshold for proficiency in the learning of school subjects is shifting upward with the adoption of a more challenging set of Common Core State Standards.

[2] The terminology for students whose native language is not English is complex, as some labels pertain to compliance with legislation and eligibility for mandated services, such as Limited English Proficient (LEP), and others are descriptive either of a student's home background (e.g., Primary Language Other than English, or PLOTE), or of a student's ability to benefit from instruction in English in a general education classroom. For convenience, I use the term English Language Learner (ELL), recognizing that it is a rough proxy for a more complex set of attributes.

Standardized Test Performance

Over the past decade, New York City students have improved their performance on standardized assessments such as the New York State annual tests in English Language Arts (ELA) and mathematics in grades 3-8, and the National Assessment of Educational Progress (NAEP) assessments in reading and mathematics in grades 4 and 8. For example, in 2003, the average score of New York City fourth-graders was at the 37th percentile of fourth-graders across the country on the NAEP math assessment. The average score of New York's fourth-graders in 2011 (in the 48th percentile) was eight points higher than that of their 2003 counterparts, a substantial increase. But the rest of the country wasn't standing still, either. Across the country, including students in other large cities, the gains were about the same magnitude, which means that New York City's students had about the same relative standing to the rest of the country in 2011 as they had in 2003. Gains in reading performance were considerably smaller in New York City and across the country between 2003 and 2011. In both reading and mathematics, New York City students continue to score at about the same level as students in other large cities and well below students in suburban and rural locales. In turn, U.S. students score in the middle of the pack on many international assessments of academic achievement.

Figure 1



Source: New York City Department of Education, 2012a

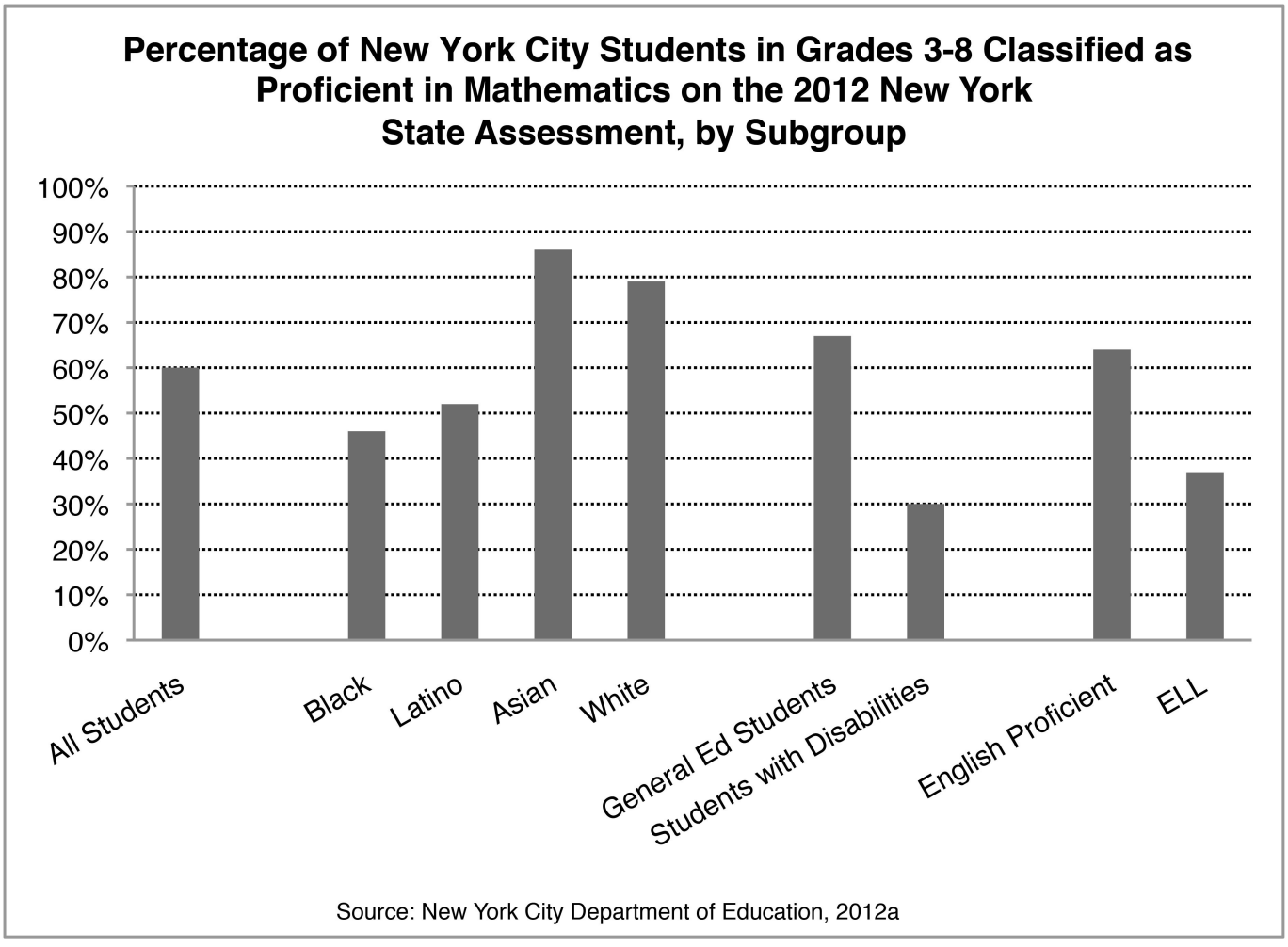
With regard to the annual state assessments in ELA and mathematics in grades 3-8, students have performed better over time and have improved relative to other parts of the state (Kemple 2011, 255-292). It is difficult to gauge what these gains say about how well the system promotes student learning;

the tests necessarily represent small fractions of the desired learning outcomes, and the standards for success are a matter of policymakers' judgments.

Figures 1 and 2 show the percentage of New York City students in grades 3-8 who were classified as proficient on the annual New York State assessments administered in the spring of 2012 for ELA and mathematics. The figures show the overall rates of proficiency, as well as proficiency for categories of students who may be particularly in need of support due to their social characteristics. Although the proficiency rates are necessarily arbitrary, they do provide some purchase on the relative success of the New York City DOE in educating the full spectrum of students it serves.

Figure 1 reveals that the 47 percent citywide proficiency rate for children in grades 3-8 masks considerable variability across the subpopulations. Whereas more than two-thirds of white and Asian students are classified as proficient, the proficiency rates are below 40 percent for black and Latino students. Racial and ethnic group differences of this magnitude have persisted throughout the last decade and are observed on both the New York State ELA assessments and the NAEP reading assessments. The figure also shows that students with disabilities and students who are English Language Learners all have sharply lower ELA proficiency rates than their peers.

Figure 2



Source: New York City Department of Education, 2012a

Although the overall proficiency rate in mathematics is higher, at 60 percent, than the ELA scores, figure 2 tells much the same story. Although the distance between more and less advantaged groups appears

smaller in math than for ELA, the differences are still substantial, with roughly 80 percent of white and Asian students achieving proficiency, compared to only about half of black and Latino students. Math proficiency rates for students with disabilities and English Language Learners are also considerably higher than those for ELA (30 percent opposed to 16 percent for students with disabilities, and 37 percent opposed to 7 percent for ELLs). But these proficiency rates are still low in absolute terms, especially so as they are based on standards and assessments which have been called into question as not challenging enough.

School Graduation Rates

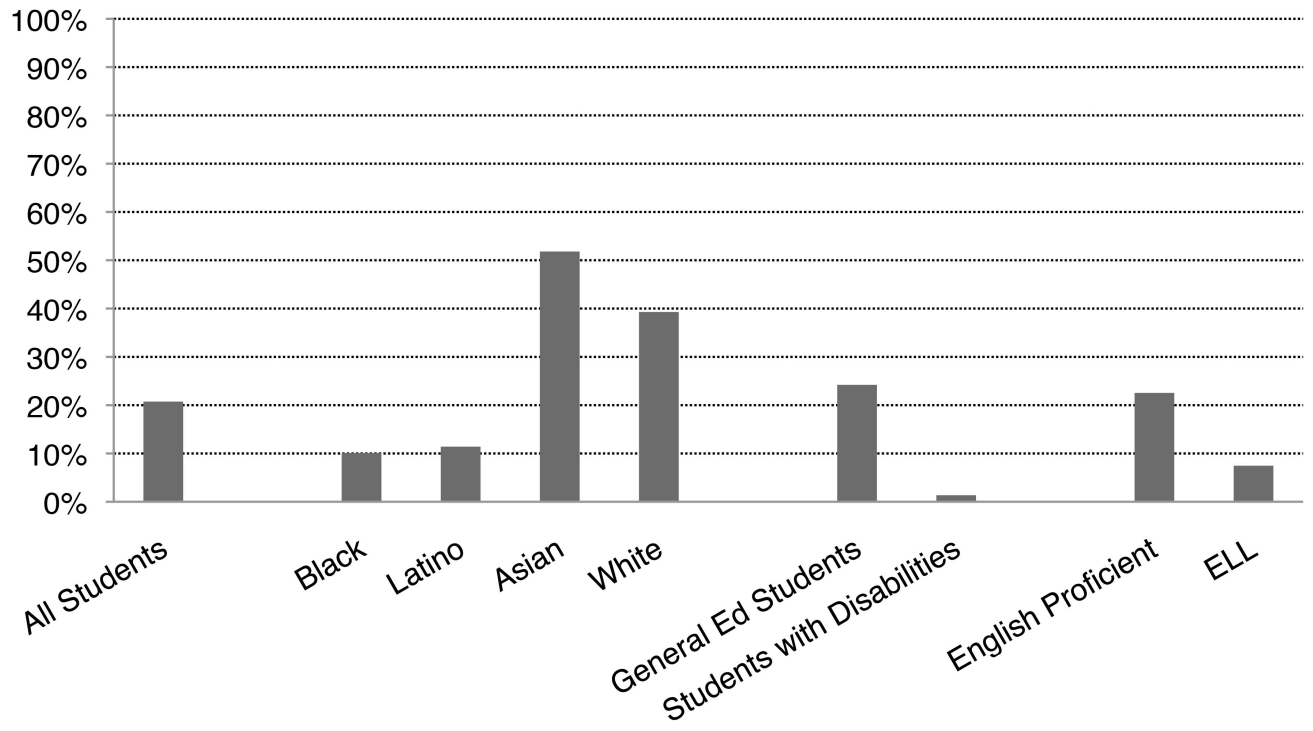
Not quite two thirds of the ninth-graders entering New York City high schools in the fall of 2007 graduated in four years, with 16 percent of this cohort achieving an Advanced Regents diploma, 39 percent a Regents diploma, and 10 percent a local diploma. This graduation rate will likely rise to about 70 percent by August of this cohort's fifth year, and perhaps rise to 73 percent by the end of the sixth year. High school graduation rates have risen substantially over the past six years across all groups of students. Still, whereas the four-year graduation rate hovers around 80 percent for white and Asian students, the figures for black and Latino students are around 60 percent (New York City Department of Education 2012b).

More troubling is that most students who graduate from a New York City high school emerge unprepared for the rigors of college or a career. The New York State Education Department has begun reporting the percentage of a cohort that has met an Aspirational Performance Measure (APM) – attaining a diploma coupled with scoring 75 or higher on the English Regents exam and an 80 or higher on a math Regents exam. Performance at these levels is predicted to enable college entrants to begin their studies without remedial coursework which does not count towards two-year or four-year degree requirements (New York State Education Department 2011).

According to the New York State Education Department, 21 percent of New York City's entering cohort of ninth-graders in 2007 satisfied the Regents APM in four years (New York State Education Department 2012). New York City's DOE also calculates a College Readiness Index, which adds scoring at least 480 on the relevant section of the SAT to the State's criteria as a means of demonstrating college readiness. By this standard, 29 percent of the 2007 cohort of ninth-graders was college-ready after four years of high school, up from 25 percent for the previous cohort, and likely higher than in previous years as well. Increases in high school graduation and college readiness rates over time demonstrate systemic progress; but 29 percent or 25 percent, is a far cry from 65 percent, and the distance suggests just how much work is ahead for New York City's public schooling system to adequately prepare its children and youth for the future (New York City Department of Education 2013a).

Even more striking are the disparities in college readiness across the different subgroups of students. Figure 3 displays the percentage of the 2007 ninth-grade cohort meeting the Regents APM, for students of varying racial and ethnic origin, English proficiency, disability status, and poverty status. Among racial and ethnic groups, for example, just over 50 percent of Asian students, and nearly 40 percent of white students, in the 2007 cohort graduated from high school ready for college and a career. But only 10 percent of black students in this cohort, and 11 percent of Latino students, were college-ready graduates.

Figure 3



Source: New York City Department of Education, 2012c

The numbers for students with disabilities and students who are ELLs are far lower. Only 1 percent of the nearly 12,000 students with disabilities in New York City's 2007 ninth-grade cohort graduated from high school achieving New York State's APM for college and career readiness. About 7 percent of the more than 9,000 ninth-graders who were not proficient in English graduated in four years ready for college (New York City Department of Education 2012c).

There is some ambiguity in these latter figures, however, as high school graduation and college readiness rates depend heavily on students' performances on standardized tests; and standardized tests may simply not be a very good measure of what students with disabilities or ELLs have learned in school. It may be necessary to develop more appropriate measures for assessing the progress of students with disabilities and ELLs. One need not succumb to the "soft bigotry of low expectations" to recognize the diverse ways that students with special needs, and the schools and teachers who serve them, can demonstrate progress.

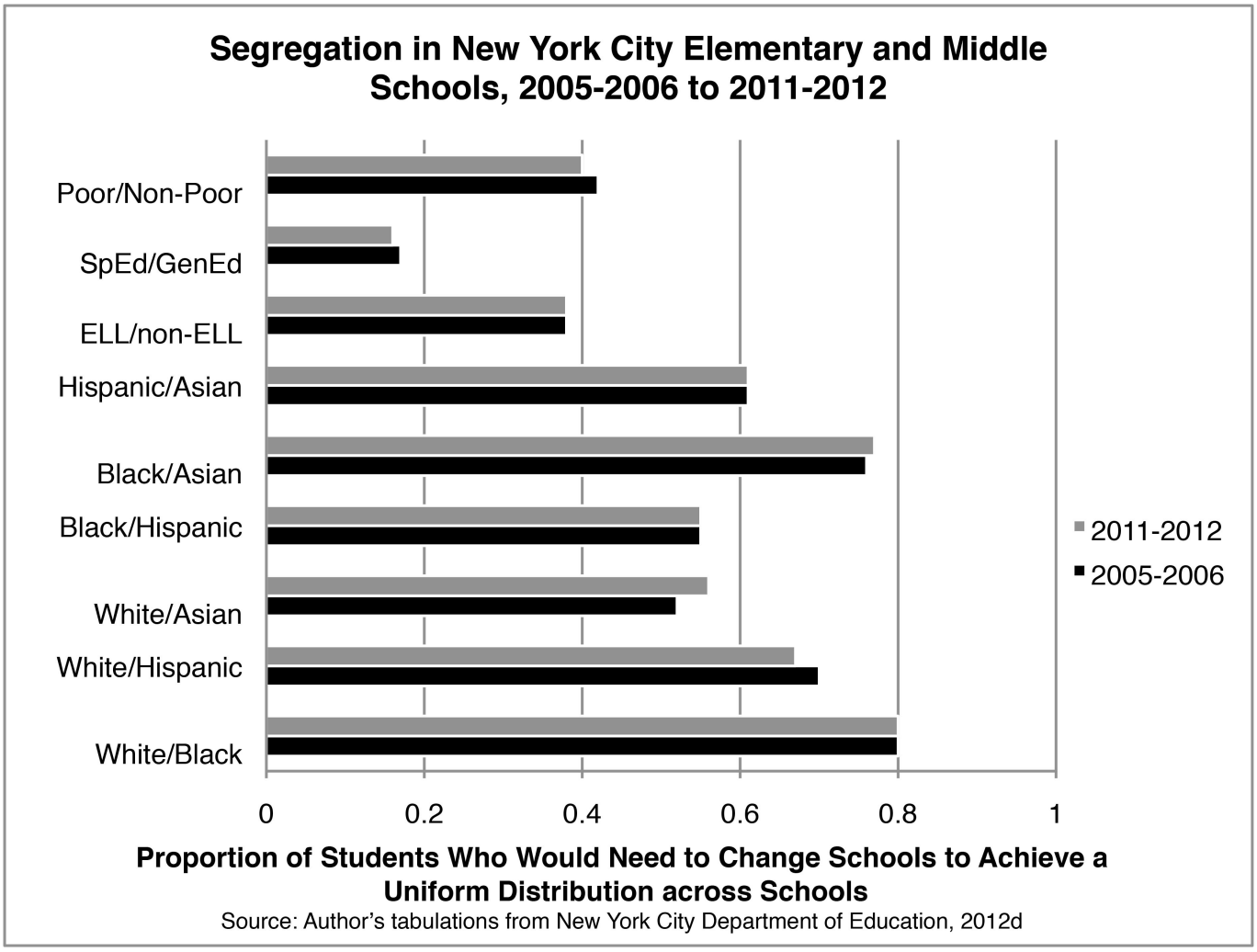
Despite some evidence of incremental progress, both in absolute and relative terms, many observers thus view the glass as more empty than full. To be sure, it was probably less full at the outset of the Bloomberg administration, and this configuration – progress over time from a very low starting point – fosters ambiguity about what to do next. Proponents of the last decade of school reform in New York City point to the progress as a warrant for staying the course, arguing that the improved test scores and

graduation rates outstripped what might have occurred in the absence of the reform agenda. Detractors contend that the progress has been slow or illusory and that claims about the pace of improvement have been overblown. If a decade of reform has left the system only slightly better off, they argue, perhaps the reforms should be judged ineffectual and tossed out in favor of a different mix of policy initiatives.

Diversity and Segregation

New York City has served as a beacon of opportunity for generations of immigrants, and the city hosts many vibrant ethnic communities. The educational benefits to social diversity in the classroom are unambiguous (American Educational Research Association et al. 2012). Because many children attend schools in their local neighborhoods, and these neighborhoods are the home to residents who are similar to one another in their social class and racial/ethnic backgrounds, the students in the city's schools are segregated from one another (Kleinfield 2012).

Figure 4



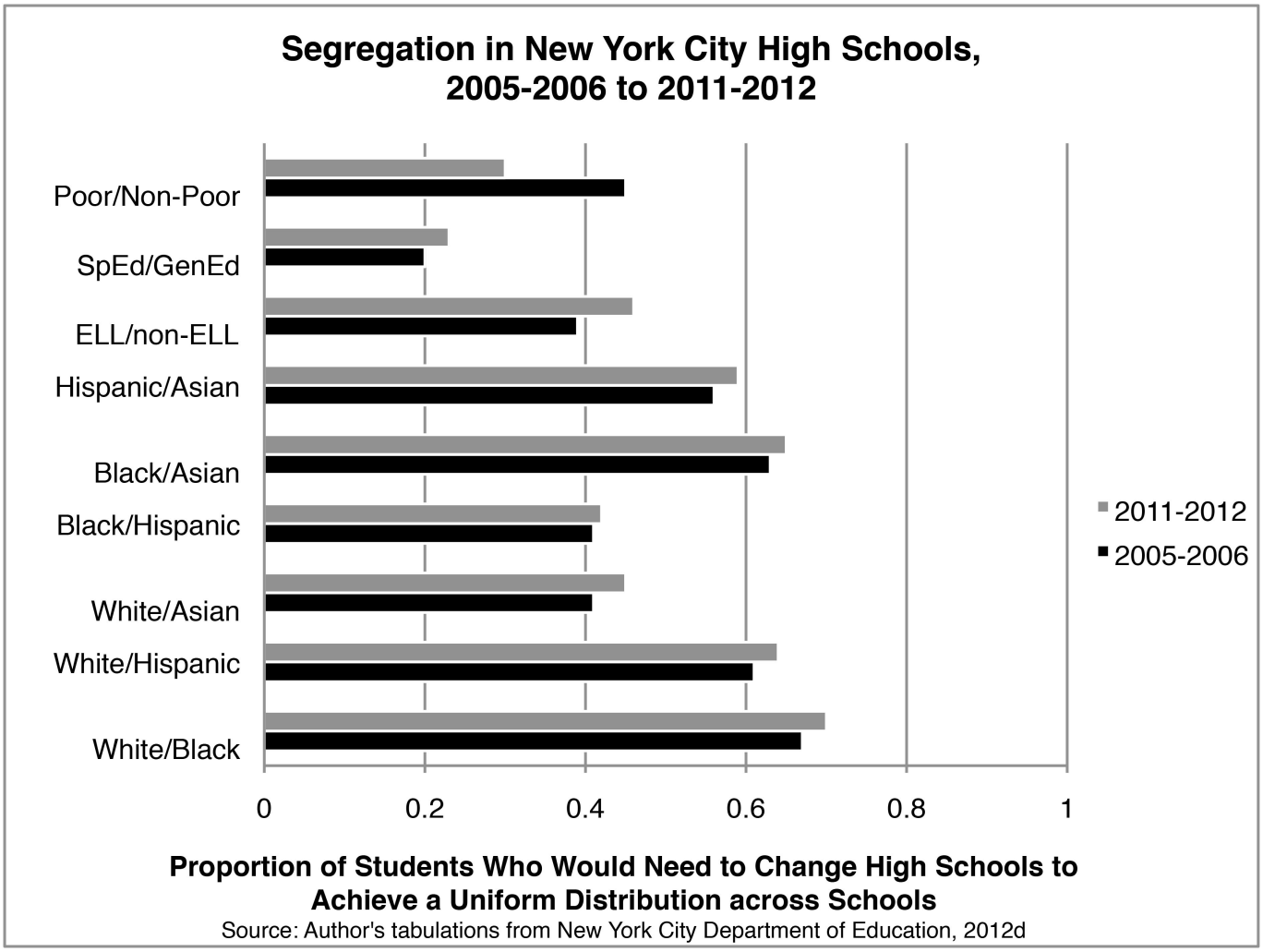
Source: Author's tabulations from New York City Department of Education, 2012d

New York City's elementary, middle, and high schools are highly segregated by race and ethnicity, and moderately so by students' poverty, special education, and ELL status. The levels of segregation have changed only slightly between the 2005-2006 and 2011-2012 school years. A common way of representing the level of segregation for a particular student characteristic, known as the Index of

Dissimilarity, is the proportion of students who would need to change schools in order to achieve an equal distribution of students in each school. An index value of 0 indicates that students are distributed equally across schools, and that there is no segregation by virtue of attending one school instead of another. In contrast, an index value of 1 indicates that all of the students with a particular characteristic – e.g., ELLs, special education students, or white students – are in some schools, while all their counterparts are in the remaining schools, a maximal amount of social segregation.

Figures 4 and 5 show the levels of segregation across schools in 2005-2006 and 2011-2012 school years by various student characteristics, for elementary and middle schools and for high schools, respectively. Both figures show the prevalence of racial/ethnic segregation in New York City schools, with little reduction of segregation by race or ethnicity over this six-year period. Among high schools in 2011-2012, for example, 70 percent of the black and white students would need to switch schools to achieve a balanced representation of black and white students in every high school. Similar levels of segregation are observed for other pairs of racial and ethnic categories, although black students appear to be the most isolated from students of other racial and ethnic backgrounds (author's tabulations from New York City Department of Education 2012d).

Figure 5



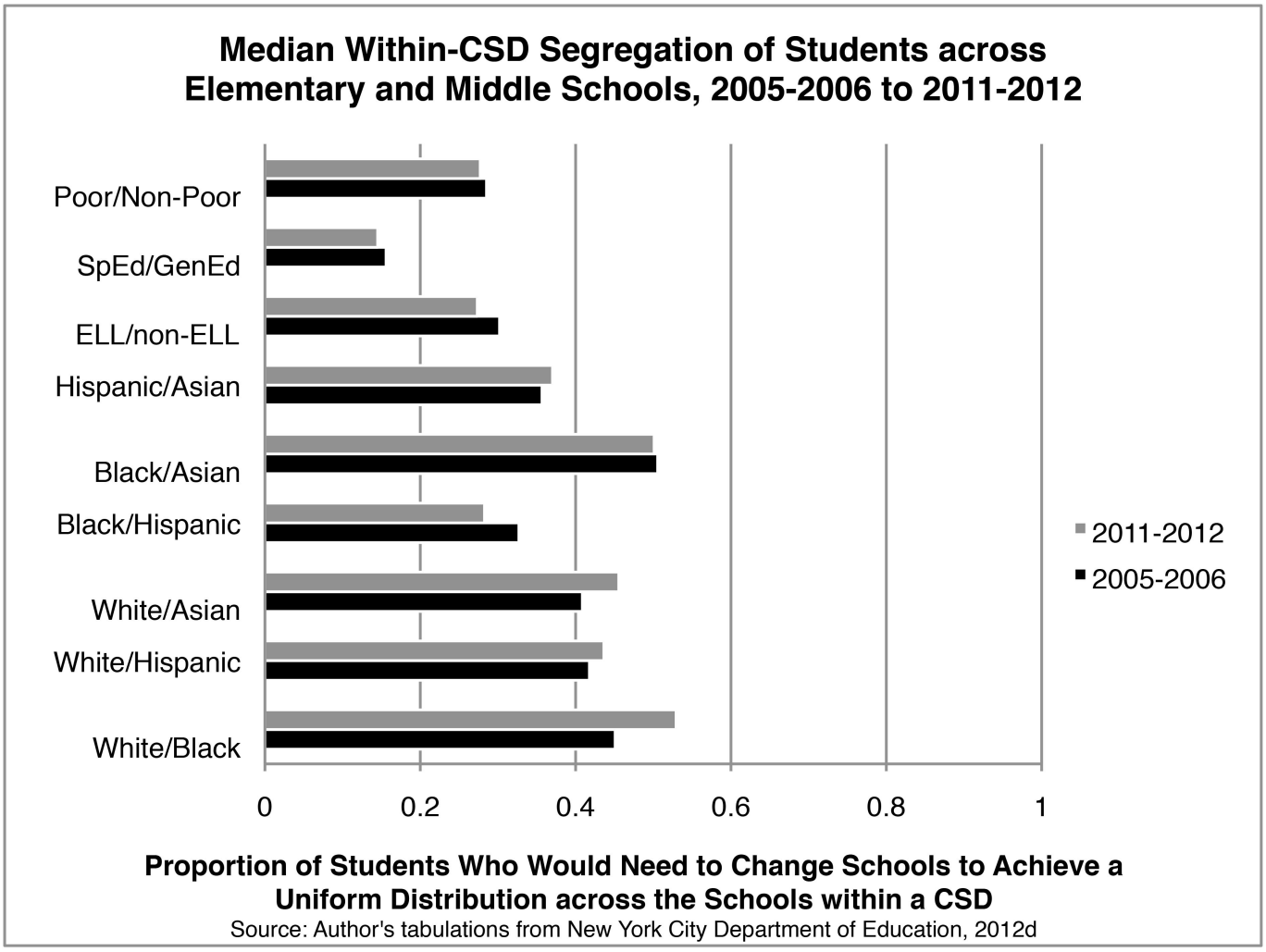
Source: Author's tabulations from New York City Department of Education, 2012d

There is less segregation of students by poverty, disability, and ELL status than by race/ethnicity, and relatively stable levels of segregation over time at both the elementary/middle school level and the high

school level. One noticeable shift is a decline in segregation by poverty status among New York City high schools; but, since this shift is not matched by declines in other types of segregation, each of which increased slightly between 2005-2006 and 2011-2012, it is hard to know what to make of it.

A certain amount of segregation is to be expected, particularly at the elementary and middle school levels (where choice provisions are less institutionalized than at the high school level), simply because the city is made up of many different neighborhoods which differ in their average economic and racial and ethnic character. But we might surmise that the levels of segregation across schools within such communities would be smaller than are observed across the city overall. The city's 32 Community School Districts (CSDs) likely are more homogeneous, although some include neighborhoods which differ substantially from one another. Figure 6 displays the median Dissimilarity Index representing the extent of segregation across elementary and middle schools within each CSD. The median is the middle value among the 32 CSDs.

Figure 6



Source: Author's tabulations from New York City Department of Education, 2012d

Segregation by race/ethnicity and poverty are indeed smaller within CSDs than across all of the elementary and middle schools in New York City. The within-district segregation did not change appreciably between the 2005-2006 and 2011-2012 school years. But the level of racial/ethnic segregation is still sizeable, particularly the isolation of black students from white and Asian students. Roughly half of these students would need to change schools to equalize the distribution of black

students across schools within a typical CSD. Students in poverty and ELLs are more concentrated in some schools than others; more than one-quarter of the students in a typical CSD would need to change schools to equalize the distribution of these students across the schools in a district. As is true for elementary and middle schools citywide, students eligible for special education services are more evenly distributed across schools within a district than are other subgroups of students.

The demography of New York City schools highlights an uncomfortable fact: as in most large urban school districts, a system of neighborhood schools is a system of segregated schools. A small amount of this is by design: schools with selective entrance criteria, such as those with gifted and talented programs or high schools basing admission on a student's Specialized High School Admissions Test score, are unlikely to enroll a representative cross-section of city students, which will create some segregation by race and ethnicity and poverty, disability, and ELL status. But even a high school choice process, which intentionally disrupts the link between where a student lives and where she or he goes to school, does not eliminate the segregation of students with differing social characteristics.

The Fiscal and Regulatory Context

The New York City Department of Education's (DOE) annual $24 billion budget includes an operating budget of almost $20 billion, with nearly $5 billion more devoted to pensions and debt associated with capital improvements to school buildings. The operating budget includes $3 billion for costs incurred by non-DOE providers, such as private schools, charter schools, and schools which are contracted to provide special education services for New York City children. More than half of the funds for the DOE's expenses come from city tax-levy sources (about 35 percent derives from state sources and about 12 percent from the federal government). Less than 1 percent of the Department's expenses derives from private and nongovernmental aid (Council of the City of New York 2012).

Funding this budget is a challenge, as the sources and levels of revenues shift over time, in response to broad economic trends and federal and state policy. As discussed in the companion chapter on the budget, the 2008 recession resulted in steep cuts in state revenues and impelled sharp cuts in city agency budgets, with the DOE hit harder than others, as it represents such a large proportion of the New York City budget. Some of these cuts were temporarily restored with temporary ARRA stimulus funds, but those funds have since expired. New York City has also been unsuccessful in gaining Medicaid reimbursement for expenses of over $100 million per year, a shift from a decade ago when the rules for documentation were less cumbersome (Santos 2011). The funding picture is unstable, which inevitably results in instabilities in the DOE's operations and ability to deliver services to students.

The resource providers also impose rules and regulations which shape DOE policies and practices and constrain future policy choices. The DOE must also comply with federal and state mandates, such as the No Child Left Behind (NCLB) Act of 2001 and the most recent reauthorization of the Elementary and Secondary Education Act of 1965. New York City is bound by state laws governing mayoral control of the schools, which was renewed in 2009 through 2015; the package of reforms the state legislature passed in 2010 to enhance the state's chances in the federal Race to the Top competition; and a variety of other laws and regulations governing the education of special populations, such as ELLs and students with disabilities.

One important element of the recent reforms is a new statewide Annual Professional Performance Review system for teachers and principals, which stipulates that 40 percent of a teacher or principal's overall annual rating is to be based on direct measures of student performance, including, where feasible, standardized state assessments. For some teachers, these will include estimates of a teacher's contribution to her students' performance on the state assessments, using a statistical technique known as value-added modeling (VAM). A substantial portion of the composite score is to be based on criteria which are determined at the local level via agreements between school districts and collective bargaining units, especially observations of teachers' classroom practices. At this writing, the DOE and the unions representing teachers (i.e., the United Federation of Teachers, also known as UFT) and building principals (i.e., the Council of School Supervisors and Administrators (CSA)) have not reached an agreement on a teacher and principal evaluation system, in spite of threats to withhold state funds from New York City if an agreement is not reached early in 2013.

The city's agreements with these collective bargaining units represent another defining feature of the DOE's operating environment. Some policy proposals would require the cooperation and support of the relevant unions, particularly the UFT. New York City teachers have been operating without a contract since October 2009; the terms of the expired contract continue until a new contract has been approved by both sides. It is widely expected that a new contract will not be reached during the remainder of Mayor Bloomberg's term in office. If this prediction holds, the next mayor will confront choices about the issues over which to bargain, including increases in teacher salaries.

Standards and assessments are also part of the external environment. New York State, like 45 other states across the country, has adopted a new set of learning standards in English Language Arts and mathematics known as the Common Core State Standards. These standards are the basis for new assessments being developed by two consortia, the Partnership for the Assessment of Readiness for College and Careers (PARCC), in which New York State is participating, and the Smarter Balanced Assessment Consortium. The assessments are under development, and New York has committed to administering the assessments statewide during the 2014-15 school year. If these assessments are administered online, there will be new, and potentially unbudgeted, technology costs at the school building level.

The new Common Core Learning Standards, adopted in January 2011, are widely regarded as more challenging than the previous New York State grade-level learning standards. Implementing them requires local school districts to develop new curricula and provide a great deal of professional development for teachers so they can teach to the standards. It is quite likely that student performance, as measured by the percentage of students judged to have mastered the Common Core Learning Standards, will plummet when the new assessments are administered statewide (Ujifusa 2012).

Both the Common Core Learning Standards and the associated PARCC assessments are new, and neither has been subject to rigorous validation efforts. The uncertainty around these features of the local landscape is yet another source of instability in an already unstable system of public education.

Although these external policies and funding resources originate outside of New York City, some could be changed by vigorous advocacy from the mayor and other leaders, such as the chancellor and the president of the UFT. There is precedent for the "bully pulpit" to influence state and federal

policymakers, although when it comes to Albany, more pulpit and less bully may be the most successful strategy.

2. Building Capacity: Public Engagement

Recommendation: Convene a citywide conversation about the desired outcomes of a public schooling system and develop new assessments of, and supports for, these outcomes.

Perhaps the single most important K-12 agenda item for the next mayoral administration is to clarify the goals of our public schooling system. The goals of public elementary and secondary education can be ambiguous and contradictory. We seek schools that prepare individuals to participate fully and equally in adult civic and political life, that educate our young people to assume productive positions in a workforce demanding increasing levels of skills, and that enable individuals to pursue the American Dream – where talent and effort enables one to get ahead, regardless of one's social class background, race or ethnicity, or place of birth. Satisfying all these complex goals is challenging for large systems such as the one in New York City.

The diffuse nature of these goals, however, makes it difficult to measure progress towards achieving them. What does someone need to know to be ready for a career? What skills or competencies will enable an individual to make informed decisions about our government and its leaders? And who gets to decide on the essential knowledge, skills, and orientations that our schools seek to impart? Without an explicit citywide conversation about the goals of our K-12 education system, and appropriate measures of these goals, we run the risk of allowing available measures to define the goals, rather than the reverse.

This risk was demonstrated vividly in 2010, when the New York State Education Department commissioned a study of its system of testing children in English Language Arts and mathematics in grades 3-8. For years, test scores in New York City and across the entire state had skyrocketed, leading city leaders to proclaim that the system had boosted students' academic proficiency across the board and dramatically reduced the gap separating black and Latino students from their white counterparts. But city and state performance on the National Assessment of Educational Progress, an independent, low-stakes assessment, told a different story: performance was relatively flat, with little evidence of a shrinking gap. When the state's study determined that the state tests had become easier and more predictable over time – and that being classified as proficient at grade level was only a weak predictor of graduating from high school ready for college – the state changed the thresholds for proficiency. Overnight, years of apparent gains were wiped out (Medina 2010).

There is more to college and career readiness than performance on standardized tests and accumulating credits towards a high school diploma. Increasingly, psychologists and economists are suggesting the importance of non-cognitive attributes that can be cultivated via schooling (Levin 2012; Pellegrino and Hilton 2012; Tough 2012). This is not to say that test scores or credit accumulation are meaningless; they need to be part of a broad picture of how schools are preparing children and youth for adult life. But schooling has many other goals that are not clearly indicated by these measures and it would be

shortsighted to rely solely on test scores or credit accumulation. Hence, a community conversation that can clarify the goals we collectively hold dear can motivate investments in developing new measures of how well these goals are being realized.

Recommendation: Forge a new balance between the mayor and other stakeholders in New York City's public schooling system.

In 2002, the State replaced New York City's decentralized governance structure of 32 Community School Districts, each with its own superintendent and seven-member Board of Education, which appointed the school system's chancellor. The new structure consists of the Panel for Education Policy (PEP), a thirteen-member body, of which five members are appointed by the borough presidents and eight members are appointed by the mayor. The mayor's ability to appoint a majority of the PEP membership vests control of the system in his or her hands, and as a practical matter, the PEP routinely rubber-stamps the proposals brought before it by the DOE leadership.

A comprehensive assessment of the virtues and failings of mayoral control of the schools in New York City is beyond the scope of this essay. Suffice it to say that no mayoral candidate has repudiated mayoral control, which in any event will be in place until at least 2015. The theoretical moment of democratic accountability in a system of mayoral control is an election or re-election; this is when citizens can vote to support or repudiate a particular mix of education policies. But mayoral elections in New York City occur only once every four years, and mayoral elections are not referendums solely about education policy. A mayor concerned with democratic participation might seek to create mechanisms to facilitate the participation and voice of system stakeholders, including the parents of students attending New York City public schools.

The tradeoffs involved in the transition to mayoral control have been complex. Some of the CSDs were rife with corruption, patronage, and inefficiency, whereas others were led by acclaimed instructional leaders. The Board of Education's internal political divisions made the position of chancellor nearly impossible; between 1980 and 2000, the Board ran through eight chancellors, with an average tenure of under three years. Since the advent of mayoral control in New York City, Chancellor Joel Klein served for eight years under Mayor Bloomberg; he was replaced by Cathie Black, whose tenure was a brief 91 days. The current chancellor, Dennis Wolcott, served for nine years as New York City Deputy Mayor for Education prior to assuming the chancellorship in April, 2011. The centralization of authority under the mayor enabled a more standardized approach to core departmental functions. Whereas some policies and practices function more efficiently than they used to, the multiple changes in organizational structure have left many parents and educators uncertain about where to turn for information and support.

Conversely, there is a widespread perception that the new governance structure limited the ability of parents and other community members to voice their views about their local schools, thereby compromising the checks and balances which can ensure that the executive branch does not assume more power than is desirable in a dynamic democracy. Although they were tightly controlled during the early years under Chancellor Klein, public meetings of the panel now are often raucous affairs, especially when school closings are on the agenda; and even lengthy periods of public comment do little to inspire a sense of the panel's legitimacy as a responsive, democratic institution when coupled with straight "party-line" voting by mayoral appointees.

Instituting fixed terms for members of the Panel for Education Policy, which would allow them more freedom to act without fear of being removed from the panel by the mayor, might reclaim the desired balance, as might reducing the number of mayoral appointments to the panel.

Recommendation: Expand the authority of the Community Education Councils and provide specialized training for their members.

The centralization of authority in the Panel for Education Policy and the chancellor has also weakened the role of other governance bodies, such as the 32 Community Education Councils (CEC) and the citywide councils on high schools, English Language Learners, and special education. The CECs are a potential vehicle for expanding the collective participation of parents in the New York City schools, transforming parents from a constituency to be mollified to an important source of knowledge about local school and district interests and needs, including the conditions under which a school identified as troubled should close or remain open. The capacity of the CECs to serve as advocates for local interests and needs would be enhanced by more specialized training for CECs, and recurring resources for their work. School Leadership Teams, charged by state law and district policy to develop a school's Comprehensive Education Plan (CEP) aligned with the school's budget, are required to have parent members and are another potential site for strengthening parents' role in school governance.

3. Building Capacity: Organization and Management

Recommendation: Fuse the network and superintendent structures to provide an integrated and consistent system of supports and accountability

The rhetorical shift from a "great school system" to a "system of great schools" spawned an array of policies and practices which coupled school autonomy and accountability. The development of an Autonomy Zone, followed by an Empowerment Zone, eventually led to a system where each principal could choose a support service provider from among 55 Children First Networks (CFNs) across the city, with each CFN having a leader and staff of 14 serving approximately 25 to 30 schools. The networks provide operational and instructional support and schools pay for these services out of their annual operating budgets. Because principals have the authority to select their providers, they can presumably choose a network that is knowledgeable about the school's needs and aligned with its philosophy and instructional approach. In turn, the CFN networks, because they are hired through a market process, presumably have an incentive to provide better services than a traditional command-and-control bureaucracy such as the Department of Education itself. This theory would be more credible if there were a more active market in which schools periodically switch networks, and if *all* principals were able to contract with the network of their choice.

Most CFNs are organized around thematic, rather than geographic lines; some, such as CFN 403, serve schools in all five boroughs, with time-consuming travel between schools within the same network. Conversely, some schools near to one another, with similar populations of students, have no structural connections, because they have contracted with different networks. For example, there are 27 elementary and middle schools in CSD 7 in the Bronx and 16 high schools. These 43 schools are

served by 23 different CFN networks, with 16 of these networks associated with a single school in the district (author's tabulations; New York City Department of Education 2012e).

Networks may have specialized expertise, and there may be benefits to having schools with similar philosophies, or serving similar populations of students, connected to one another through the network structure. CFN 106, for example, includes 13 international schools among the 26 schools in its network, and this configuration facilitates the exchange of useful knowledge about the education of recent arrivals to New York City (New York City Department of Education 2012f).

The fact that CFNs are not organized geographically does, however, create a structural incongruity. Regardless of the CFN, schools are subject to the oversight of a CSD superintendent (in the case of elementary and middle schools) or a high school borough superintendent (in the case of high schools). These superintendents are responsible for appointing and evaluating school principals, and approving teacher tenure decisions. But they have few resources available at their discretion to provide support to the schools and teachers for which they are responsible.

A principal can choose her network support provider, but she cannot choose the superintendent who evaluates her. A superintendent can evaluate a principal, but does not exercise any authority over the Children First Network providing the supports on which that evaluation is based. Network staff may have the most continuous and intense engagement with their schools, but they do not officially evaluate the schools and principals, and in fact a principal could "fire" a network in the aftermath of a lackluster evaluation.

All of this is rendered even more complex by three inevitable features of a large and expanding system of schools and supports. First, many principals are new to the role of the principalship and/or new to their school buildings. In a typical year, 200 to 250 of New York's 1,700 schools will have a new principal; and in spite of the DOE's investment in preparing school leaders via the New York City Leadership Academy, inexperienced principals frequently are not prepared for the responsibilities they must assume. Moreover, inexperienced principals are often initially placed in high-needs schools, and may not be educated consumers of CFN network services.

Second, there is variability in the quality and capacity of the CSD superintendents. Although the position is inscribed in state law, the DOE views it as vestigial, and not central to its organizational structure. When the position lost its traditional authority for allocating resources, it became less attractive, and annual turnover rates parallel those for teachers and school principals.

Third, the expansion of the CFN network to all 1,700 of New York City's schools has also thinned the talent pool for network leaders. Some networks function quite well, whereas others do not. Strategies for developing the capacity of networks to serve their schools are not well-documented, and although there has been considerable turnover among network leaders, with more than one-quarter having been removed in the past two years, the evaluation of their performance has not been transparent.

New policy approaches might address these structural challenges. The network and district superintendent structures might be fused, so that their various support and evaluation functions would all be under one roof. This might involve appointing network leaders as deputy superintendents. The second would place some loose geographic constraints on networks, so that principals, teachers and

network staff did not expend too much time on travel for collaborative meetings. Although it is tempting to imagine that technology has eliminated the need for individuals to meet face-to-face, much of what goes on in schools does require a physical presence, and the geographical dispersion of many networks results in inefficiencies.[3]

A third approach would place some constraints on the ability of inexperienced principals in low-performing schools to choose their own support service provider. Although this strategy would be at odds with the DOE's desire to devolve decision-making authority to the principal, the DOE may have a broader perspective on what would constitute a good match between a school's needs and a support provider than does an inexperienced principal.[4] One could envision the support service providers for high-needs schools operating out of the DOE's central offices, in ways that parallel the chancellor's district created by Chancellor Rudy Crew in 1996. Such a centralized organization of support might render the DOE more directly accountable for the performance of its highest-needs schools.

Recommendation: Give principals authority over School Safety Agents

One final governance matter pertains to building-level governance. New York City public schools are staffed with more than 5,000 School Safety Agents who are trained and employed by the New York Police Department (NYPD). The shift in authority from educators to the NYPD occurred in 1998 under the direction of Mayor Rudolph Giuliani. Because School Safety Agents do not report to the principal, and often do not participate as members of the school's community of educators, the authority of the building principal over his or her school is compromised. Although most School Safety Agents are aware of the distinctive responsibilities of working in a school setting, their status as New York City Special Patrolmen heightens the risk of the criminalization of routine school discipline problems, and the possibility that disparities in police contact with racial and ethnic minority youth outside of the school will be reproduced inside the school's walls as well. Returning the authority over School Safety Agents to the building principal would be consistent with the DOE's objective of maximizing the ability of the principal to allocate a school's resources, human and otherwise, as he or she sees fit.

The need for School Safety Agents might be reduced with the establishment of restorative justice approaches to school discipline, which rely on peer committees and conflict resolution training to replace punitive and authoritarian responses to infractions with authoritative and relational modes of response.

Recommendation: Develop a transition plan for reducing co-location of charter schools in DOE spaces

Charter schools are privately-managed public schools which exchange heightened accountability for autonomy from many of the bureaucratic regulations and policies governing traditional public schools. New York State law provides that charter schools receive a per-pupil allocation based on the expenses and enrollment in the school district in which the charter school is co-located, with additional dollars

[3] It would, however, be unwise to resurrect the political features of the Community School Districts, particularly the Community School Boards which often served narrow political interests rather than a broader public good. Thus, configuring a fused organizational structure would require careful thought about the balance between centralized and decentralized control. A support system rooted in geography need not reproduce Community School Boards.

[4] Eric Nadelstern, conversely, argues that autonomy is especially important for new and low-performing schools (Nadelstern 2012).

allocated for some categories of students, such as students with disabilities. These per-pupil allocations thus are comparable to the average building-level per-pupil allocations for traditional public schools in that school district. State law does not, however, guarantee physical space for charter schools or the array of services that come with that space, such as custodial and security services. It has been the policy of Mayor Bloomberg's administration to provide public space to charter schools wherever possible, typically by co-locating charter schools alongside existing or new traditional public schools in the space controlled by the DOE across the city. The value of this space, and the services that accompany it, has been transferred from traditional public schools to charter schools.

A majority of the charter schools in New York City are independent, with the remainder affiliated with non-profit or (in a few residual cases) for-profit charter management organizations. The 159 charter schools operating in New York City make up three-quarters of the charter schools in New York State. Enrollments in charter schools represent about 5 percent of DOE enrollments; but 25 percent of the students in Harlem attend charter schools (New York City Charter School Center 2012). When the state legislature raised the statewide cap on the total number of charter schools from 200 to 460 in 2010, opportunities for the charter sector in New York City expanded dramatically. Twenty-four new charter schools opened in the fall of 2012, with three-quarters of these in Brooklyn and the Bronx (New York City Charter School Center 2012).

More than 100 of the 159 charter schools in New York City are located in space owned by the DOE, and the remainder is in non-DOE space. Although most New York City charter schools serve high concentrations of poor black and Latino students, many have lower numbers of ELLs or children with disabilities than do nearby traditional public schools, with children with severe disabilities particularly underrepresented. On average, students who attend charter schools do better on the New York State ELA and math tests than do students in traditional public schools in New York City. But due to the self-selection of students and their families into and out of charter schools, it is difficult to assess the extent to which charter school attendance produces these performance differences (Reardon 2009).

Few issues in New York City education are as contentious as charter school co-location. The DOE has committed to a portfolio management strategy, closing schools viewed as failing, opening new, often smaller, schools, and supporting the expansion of charter schools by providing them with DOE space at no cost. Inevitably, the co-location of charter schools in DOE buildings housing traditional public schools creates friction, as the stakeholders in the traditional schools feel that they are losing physical and other resources to the charter schools which are shoehorned in alongside them. Co-location is typically justified on the grounds that the space in existing buildings is underutilized; but few of the educators who inhabit that space would agree with that characterization (the utilization formula may not take adequate account of space requirements for children with special needs) and schools can use spare space as a site for innovation (Natriello et al.1990). Co-location is often the first step in a self-fulfilling prophecy: the false perception that a traditional public school is unsuccessful leads to co-location, robbing a school of the resources it needs to flourish, and setting it on a trajectory for subsequent failure. Yet the perception that a school is not serving students well can be accurate; and in such cases, various interventions, including phasing out, may be appropriate.

Charter school proponents characterize them as public schools serving New York City's children, and most enroll children and youth who are indistinguishable from a typical New York City student. But the

steady expansion of the charter sector, coupled with a fixed supply of DOE space to house schools, will only heighten the tensions which already exist. It is a zero-sum game; space is already in short supply, and hence providing any space to charter schools foregoes the possibility of assigning that space to existing public schools under the jurisdiction of the DOE.

What is the DOE's responsibility to provide space for charter schools or to assist charters in finding space for their operations? One possible answer is that the DOE is responsible for providing space for public school *students*, and since the students who attend charter schools are indeed public school students, they should enjoy the same access to DOE-controlled space as students attending traditional public schools. Alternatively, one might argue that although charter school students are public school *students*, the autonomy of the charter *schools* from the DOE (technically, they are independent education corporations) shifts the burden of securing resources beyond those specified by state law to the private managers of charter schools, and perhaps the entities which authorize them.

If the problem is that providing charter schools access to DOE space at no cost is reducing the stock of physical space available to existing traditional public schools, the DOE could use incentives to reduce charter school demand for public space, and increase the availability of such space through new revenues. For example, the DOE could charge market rates for the space it currently provides to charter schools without cost. Doing so would effectively increase the costs of operating charter schools sited in DOE space, creating a powerful incentive either to raise private dollars to cover the cost of space or to reduce the share of the public dollars they receive which go to instruction. Such charges could be phased in over time, so that charter school operators could plan for their space needs and costs without a sudden sticker shock.

Alternatively, the mayor could expand the capacity component of the FY2010-14 Capital Plan managed by the School Construction Authority to include more space for charter schools. The DOE has allocated $210 million to the Charter and Partnership Schools initiative to expand the development of charter schools and new public schools with some sharing of costs with outside organizations. But only five charter school capital projects have been authorized under the FY2010-2014 Capital Plan, totaling fewer than 4,000 seats, which is a small fraction of the current and expected enrollment of students in New York City charter schools.

Recommendation: Limit charter schools' access to DOE space to those schools which serve students representative of the community in which the school is located

All children in New York City should have access to charter schools that can provide them with a high-quality education, regardless of whether they have disabilities or speak a primary language other than English. The New York State Charter Schools Act amended in May 2010, required the New York State Board of Regents to establish enrollment and retention targets for students with disabilities, ELLs, and children eligible for a free or reduced-price lunch for each charter school across the state. Although these targets are to be used as part of the charter renewal process, the DOE could use them, or a variant of them which takes account of variation in the severity of students' disabilities or household economic status, and the availability of appropriate services for students with disabilities and/or ELLs as criteria for the use of public space.

Recommendation: Develop the capacity of schools to serve as integrated centers supporting community social and health service needs

Although a modicum of choice has always existed at the high school level in New York City, the portfolio management model which evolved over the past decade sought to expand the choices available to families and children. In addition to the new charter schools, DOE opened 352 new traditional public schools between 2003 and 2010. Choice is now institutionalized for high schools in New York City, as eighth-graders rank up to twelve school choices, and are matched to a single high school via the same algorithm used to match medical residents to hospitals. Choice also operates at lower grade levels, although its practice varies widely across the system.

School choice can disrupt the linkage between a school and its surrounding neighborhood or community. In some neighborhoods, schools are among the few stable public social institutions (along with private institutions such as the church). They can serve as a site for the delivery of a wide range of public services for infants, children, parents and other community members. Community schools and Promise Neighborhoods are two of the labels associated with efforts to build a structure of opportunity around schools within neighborhoods to support children's academic, social and physical development. In New York City, the Children's Aid Society has partnered with the DOE to administer 20 community schools in Manhattan, the Bronx, and Staten Island. Manhattan is also the site of the Harlem Children's Zone, one of the most celebrated initiatives to transform a community via social and educational programming. Such initiatives can be extremely costly. It has been estimated that it costs about $12,000 per year to provide comprehensive educational opportunities to a low-income student in New York City in the form of prenatal care, family support, high quality early childhood education, routine medical care, and high-quality after-school and summer programming, assuming that three-quarters of the potentially eligible children participate (Rothstein, Wilder, and Allgood 2011). Some of these costs could be met through existing appropriations for services for low-income children in New York City. If such programs reduced the likelihood of high school dropout, incarceration, and welfare dependency, the long-term social benefits would far exceed the costs incurred now (Belfield et al. 2011). But committing to this strategy would require bold leadership that politicians with short-term time horizons rarely display.

Whether or not we contemplate initiating an ambitious new program of comprehensive services delivered at the school site, schools are clearly underutilized as sites for the integration of services to support children and families in need. One of the key disappointments of mayoral control of the schools in New York City is that it has not been used to coordinate and integrate city services. Fewer than one in five New York City schools has access to a School-Based Health Center providing primary, preventive, and emergency care; and there are gaps in the schooling of students in homeless shelters, to name just two examples. A heightened attention to the integration of city services might well be justified, and especially so if there is a citywide conversation about the desired outcomes of schooling which extend beyond a narrow range of cognitive skills. It is an open question, however, whether school buildings that already cram schools and students together like so many sardines can house additional social service providers.

In addition, there is a tension between a portfolio management model of schooling and a community schools model. Each aspires to provide all children access to high-quality schools, but they rely on different theories about how to go about this. The portfolio approach relies on a diverse set of providers to increase the number of good choices for families, while phasing out or closing unsuccessful schools,

partly on the grounds that turning around failing schools is a difficult and uncertain enterprise. Conversely, an approach that sees schools as beacons within their communities is reluctant to close unsuccessful schools, preferring to invest in their capacity to serve children and the community.

Recommendation: Modify choice and enrollment plans to minimize concentration of high-needs students in particular schools

The distribution of students in a market-inspired system of school choice should reflect the independent preferences of individuals. At the same time, the laudable goal of maximizing individual choice must be balanced with tempering the collective inequalities that can result from the aggregation of individual choices. For example, the sorting of students across schools might result in a concentration of high-needs students within a given school, which in turn can reduce opportunities for success for *all* students in such a school. An alternative would be to constrain the number or proportion of high-needs students – defined by economic status, prior academic achievement, or both – assigned to a school via a lottery, so that when the threshold is reached, such students must be assigned to other schools (Kahlenberg 2012).[5] Such an approach, sometimes referred to as "controlled choice," might in fact lower the percentage of students assigned to one of their top-choice schools, but the goal of maximizing choice must be balanced with the goal of maximizing equity (Kahlenberg 2012). The citywide conversation about the goals of the system proposed earlier could address this balance.

Recommendation: Develop policies to support the stabilization of schools, their teachers and principals, and their students

Almost every level of the New York City public schooling system is remarkably turbulent. Students come and go within schools, with "over-the-counter" students admitted throughout the year. Many schools experience a 20 percent turnover among students who are not leaving annually due to graduation. One in every five or six teachers leaves his or her school each year, some to transfer to other schools in New York City as teachers or administrators, and others to move to other school districts, other jobs, or the rewards of retirement. Half of all New York City schoolteachers who are new to their buildings leave within three years (Marinell 2011).

The turnover rate for school principals approximates that of teachers, with about one in six schools replacing its principal each year. Between 2007 and 2012, 350 existing elementary and middle schools and 94 newly created elementary and middle schools had a principal who was new to the building, representing a 36 percent turnover rate for schools which had been in existence in 2007. A total of 41 percent of the elementary and middle schools receiving a Progress Report in 2012 had a principal with fewer than five years of experience at that school. The principal turnover rate for high schools is even higher, as 152 of the 297 high schools in existence in 2007 had a principal who was new to the building (a turnover rate of 51 percent). In addition, 124 new high schools have opened since 2007, which necessarily have a principal new to the school. All told, then, 65 percent of the 421 high schools

[5] Care must be taken to choose a threshold that would not substantially increase the cost of serving high-needs students, as there may be economies of scale that reduce these costs. The unit costs of outsourcing services may exceed those when the services are provided in-house.

receiving Progress Report grades in 2012 had a principal with fewer than five years of experience as principal of that school (author's tabulations, New York City School Progress Reports various years).

There has been purposive instability at the building level as well, as the DOE has closed nearly 150 schools over the past decade, while creating 350 new schools. In October and November of 2012, 36 elementary and middle schools and 24 high schools were put on an "early engagement" list as candidates for closure. After further deliberation, the DOE in January 2013 announced plans to close or shrink 26 of these schools. The criteria for targeting these schools remain ambiguous, resting only in part on the two key accountability measures employed by the DOE: the School Progress Report letter grade and Quality Review score, both of which are interpreted after the fact to justify the closure and phase-out decisions. These closures are coupled with the DOE's stated desire to open 50 new schools in 2013-14, including 25 middle schools (Baker 2013). Department leaders believe that the odds of a new school, starting from scratch with new staff and new ideas, succeeding far outstrip the odds of a struggling school, with dysfunctional leadership and culture, turning itself around. This view is bolstered by the lack of clear evidence on how to turn around unsuccessful schools (Rice and Malen 2010).

When a school is closed, its staff is not automatically reassigned to other schools; teachers become members of the so-called Absent Teacher Reserve (ATR). ATR teachers are those without full-time teaching assignments who earn a regular salary and benefits indefinitely, because they have not been judged incompetent. Explanations of the persistence of the ATR pool, which expanded dramatically after the UFT and the DOE adopted a new contract in 2005 replacing seniority and other transfers with an open market system, differ. The DOE claims that many teachers in it are mediocre, and hence not attractive to principals seeking to fill vacant positions, and that many never formally apply for new positions; in contrast, the teachers union contends that being placed in the pool due to budget cuts or school closings stigmatizes teachers, and that principals do not have sufficient incentives to hire ATR teachers. Most ATR teachers have brief, episodic placements as substitute teachers. The annual cost to the system of the salaries of ATR teachers and other staff is approximately $100 million. Proposals for buyouts for ATRs, or capping the time that ATR teachers could remain on the city payroll without finding a permanent teaching position, have been floated for several years, but any concrete proposal is subject to collective bargaining negotiations.

At the system level, there have also been several reorganizations of support structures for schools and leadership for teaching and learning, and considerable turnover among senior department officials, leading to what might be called a "brain drain" in the DOE. Though some staff members have retired, and others pursued opportunities elsewhere, there remains a reservoir of expertise in New York City non-profit organizations which might be recruited back to the DOE.

Recommendation: Minimize the disruption to a school due to newly assigned students by creating borough-level transition centers which prepare students for entering a school at the start of a school term

At the building level, a strategy for stabilizing enrollment is to place limits on the times at which "over-the-counter" students could enroll in a school. Newly-arrived immigrants, for example, might begin their studies at a borough-level transition center, receiving intensive instruction in English, before moving to a

regular school at the next curricular schedule change (e.g., semester change). This strategy would reduce the impact of over-the-counter admissions on a school's academic program.

Recommendation: Create a moratorium on school closures pending a reassessment of the existing support and accountability structures

At the system level, the DOE could consider a moratorium on school closures, while developing new strategies for involving the school's community in the decision to close a school; new, transparent criteria for school closure; and an expanded system of supports and accountability for schools identified as at risk of closure. In an effort to stabilize its public school system, Chicago has recently proposed a five-year moratorium on closing schools after fall 2013, although details on the proposal are sketchy.

Also at the system level, the DOE could develop approaches to reducing teacher and principal turnover in high-needs schools. Teachers who believe that their schools are safe, orderly, and well-run, and also view their principals as supportive leaders, are reluctant to leave, especially for a school that has a history of low academic achievement and student discipline problems (Pallas and Buckley 2012). Moreover, the modest evidence of teachers' responsiveness to financial incentives does not suggest that good teachers would relocate to high-needs schools for three or more years in exchange for cash, professional development opportunities, or other incentives.

The Charlotte-Mecklenburg Strategic Staffing Initiative (SSI) is one widely-cited model for staffing high-needs schools. In the SSI, an experienced principal built a team of up to five experienced and successful teachers and administrative support staff from throughout the district, each of whom made a three-year commitment to the new SSI school. Principals and administrative staff received a 10 percent increase in their base salaries, and teachers received $20,000 in bonuses spread across the three years. No non-SSI school could lose more than three teachers as part of the migration of teams to the SSI schools. Although SSI is a promising strategy for placing and retaining a concentration of skilled educators in high-needs schools, after three cohorts of placements into a total of 20 schools, Charlotte-Mecklenburg is concerned about the shrinking pool of successful principals who can be recruited to lead additional SSI schools, and is coupling the initiative with a new leadership development program for principals (Loschert 2012).

5. Building Capacity: Resource Allocation

Recommendation: Fully fund schools to address the needs of the students they serve and reduce arbitrary inequalities in the distribution of resources across schools

In 2007, the DOE recognized that per-pupil funding varied substantially among schools serving similar populations and implemented a new funding formula called Fair Student Funding (FSF). A school's FSF allocation is based on its projected enrollment, weighted by the concentration of students with special needs (for whom a school needed additional resources), or school organizational features, such as the school's grade level or specialized delivery model. For example, additional dollars are allocated for each student in need of Academic Intervention Services due to low performance on state assessments,

English Language Learners, and students with disabilities. The FSF approach was intended to be transparent and equitable, providing each school with an allocation of funds proportional to the needs of the students attending the school. Consistent with DOE's desire to devolve decision-making authority to the principal, the approach gave principals more control over how to allocate the funds in the school's budget.

FSF is intended to support a school's basic academic services and this base amount is supplemented by categorical federal and state programs such as Title I or Contracts for Excellence; by other special programmatic allocations, such as those for new schools; and by a $225,000 foundation allocation for all schools. Schools pay for their operating expenses out of a budget made up of FSF allocations and these additional revenue streams. Although it is DOE's policy to hold schools harmless for the variability in the salaries of their teachers hired before 2007, they must fund current hires, and their future salary increases, out of their FSF budgets, which may encourage principals to hire less-expensive teachers, who also are likely to be less experienced. Now, hiring a new teacher into a building, regardless of that teacher's experience and salary, does not change a school's budget, which is based in part on the average school-wide teacher salary in the previous year. Thus, a new hire with a salary which *exceeds* the school wide average will *reduce* the amount available for services and supplies, whereas a new hire with a salary *below* the school wide average will *increase* the amount available for such services and supplies.

More problematic than the unevenly-implemented FSF strategy for allocating resources across schools is the fact that the overall DOE budget may not be adequate to support students' academic development. Virtually all schools receive less than their full FSF allocation, whereas a small number of schools inexplicably receives more than the FSF figure. On average, elementary, middle and high schools receive 86 percent of their FSF formula dollars, with a typical school underfunded by $400,000 per year (essentially, resources that are not available to schools and principals to serve their students). The DOE has not offered a public explanation for these inequities in funding, which are precisely what FSF was intended to eliminate.

Amy Ellen Schwartz and Leanna Stiefel (2011, 55-84) document that the DOE benefited from an approximate 30 percent increase in revenues between 2002 and 2008, subsidizing substantial increases in teachers' salaries and the cost of their fringe benefits. They warned that some sources of funds were likely to be transient, and that the city might never receive the full allocation ordered by the New York State Court of Appeals in its decision in the Campaign for Fiscal Equity (CFE) case in 2006. Indeed, the New York City allocation of state CFE foundation funding has been slashed, and the DOE has cut school budgets repeatedly over the past several years, often in midyear, when schools have already committed their discretionary resources. System-wide savings have thus been realized by not replacing teachers who leave the system, with the consequence that schools and classrooms are often overcrowded, both in absolute terms and in relation to contractual agreements. Citywide, class sizes in grades K-3 have increased by approximately 13 percent between FY2004 and FY2013 (New York City Department of Education 2013b).

Although New York City is a high-spending school district in one of the highest-cost locations in the country, there are serious questions about whether the DOE is providing schools serving high-needs students with the resources necessary for an adequate basic education (Rebell et al. 2012). Vigorous

efforts to provide a stable and adequate stream of resources are needed; but resource allocation strategies cannot risk jeopardizing the support of the middle-class families who send their children to New York City public schools. It is a fine line to walk.

Recommendation: Mount a vigorous public campaign to persuade New York State to meet its funding responsibilities

Surely one policy avenue is to press the State of New York to live up to the responsibilities outlined in the CFE litigation. Michael Rebell (2012) outlined the resources that are constitutionally required for students in New York State to have the opportunity for a sound basic education, including an adequate number of qualified teachers, principals and guidance counselors; appropriate physical facilities and class sizes; up-to-date curricula and instructional materials; and adequate resources for students judged at-risk, or those with special needs, such as ELLs and students with disabilities. Rebell argues persuasively that the failure of the state legislature to budget the funding increases demanded by the Court of Appeals in the CFE decision has compromised the ability of high-needs schools in New York City and other districts throughout New York State to meet these constitutional requirements. Class sizes remain uncomfortably high; many buildings house more students than their rated capacity; instruction takes place in temporary settings, such as trailers; and there are too few guidance counselors to provide adequate advice for college and career planning, to name just a few of the consequences of inadequate funding.

All too often, the mismatch between the resources needed to serve students adequately and the resources available results in a papering over of what experts and parents say that they want: smaller class sizes; lower ratios of students to guidance counselors, school psychologists, and social workers; and modern and safe facilities, to name a few. The DOE frequently will not set guidelines or targets for these features of a sound basic education, allowing them to fluctuate in response to variations in state funding. An alternative approach would proactively assert the standards for a sound basic education and then to use the mismatch as fodder for a public campaign of persuasion.

Recommendation: Create incentives to distribute private dollars more equitably across schools throughout the system

The DOE has sought to address limits on its ability to provide public dollars to schools by encouraging private investments in schools, including partnerships with non-profit and for-profit enterprises such as community-based organizations, banks, and hospitals. Similarly, the DOE has allowed parent associations to raise funds to support programming in their children's schools, with limits only on the use of such funds to hire teachers in core academic subjects.

The capacity of schools to raise such funds is, however, bounded by geography and parent wealth. Not all schools are located in communities that have nearby non-profit or for-profit entities that are willing to donate goods and services to support their schools, and schools with more affluent parents can raise much more money to support their children's schools than can schools with concentrations of parents in poverty. A more deliberate and progressive centralized strategy for redistributing resources could result in a more equitable distribution. For example, parent association revenues could be "taxed" by the DOE

in a way that would allow the resulting dollars to be allocated to schools, which are unable to raise such revenues. Such a tax would need to be calibrated carefully to minimize the risk that donors would simply decline to contribute altogether. Similarly, businesses holding city contracts could be encouraged to diversify their charitable contributions to include schools off the beaten path. Alternatively, schools raising funds above some threshold value could be paired with schools which are less successful in fundraising, with the resources pooled to the benefit of both school communities.

Recommendation: Strengthen the capacity of community schools to serve students with disabilities

Although the DOE offers a citywide system of supports for students with significant disabilities, known as District 75, more than three-quarters of students who are identified as having a disability are educated in community schools. The distribution of high-quality special education programs across the city is uneven. The supports to enable children and youth to participate in the least restrictive environment in a neighborhood school, and related services such as counseling, speech and language therapy, and occupational therapy, all too often are unavailable in neighborhood schools. Response to Intervention (RTI), a school wide strategy to diagnose learning difficulties and to provide multiple tiers of instructional interventions aligned with screening assessments, can help struggling learners; although NYSED requires all New York State school districts to have an RTI process, RTI cannot be fully implemented in New York City schools without additional fund allocations.

6. Building Capacity: Accountability Systems

Recommendation: Shift the DOE evaluation systems away from high-stakes consequences for schools and teachers and toward support and capacity-building

The evaluation of schools, principals and teachers can serve many purposes, some of which may conflict. Evaluations can be used to select schools or teachers, as when a school is slated for closure or intensive intervention, or when a principal is awarded a bonus, based on an evaluation. Evaluations can also certify schools or teachers as having reached an absolute or normative level of performance, as when a teacher is judged to be satisfactory or unsatisfactory. Evaluations can motivate the organizations and individuals who are subject to them to strive to meet the standards of performance they represent. They can represent public signals about the criteria that the evaluators deem to be important, and hence provide direction to schools, principals and teachers about what to attend to, and perhaps what to work on to improve. Evaluations can also inform consumers such as parents about the performance of the schools and teachers being evaluated, providing information about the "quality" of the choices available to them in a market-based system of school choice. Finally, evaluations of schools, principals and teachers can be used in a performance management system, in which the Department of Education uses evaluations of schools and of teachers to make strategic decisions about the efficient and equitable allocation of system resources.

New York City schools are subject to the federal No Child Left Behind Act, which set the goal of universal grade-level proficiency in reading and math by the 2014-15 school year, and established mechanisms for assessing a school's progress towards that goal from one year to the next. Like many other states, New

York State received a waiver from specific provisions of NCLB, which allowed the state to set a goal to increase the percentage of students who are on track to be college and career ready by the year 2016-2017. A key marker is the percentage of students in grades 3-8 who are classified as proficient on state assessments measuring mastery of grade-level content standards in reading and math, with particular attention to year-to-year increases in the proficiency rates of students in poverty, racial and ethnic minority students, English Language Learners, and students with disabilities. The waiver provides a new continuum of school and district accountability categories; 5 percent of schools across the state judged to be low-performing are to be identified as Priority Schools, and an additional 10 percent are to be designated as Focus Schools, with high-achieving schools labeled Reward Schools. Priority Schools are required to implement a federally-approved turnaround model.

New York City's own accountability system for schools relies heavily on two tools: School Progress Reports and Quality Reviews. The annual Progress Reports were first issued in 2007, and have been released annually, with updated components and calculations each year, rendering year-to-year comparisons difficult. Although the components of the Progress Reports for elementary and middle schools differ from those for high schools, each has the same logic. In all cases, schools are assigned a letter grade based on quantitative measures of the school environment, student performance, and student progress, with a majority of a school's overall score based on the student progress measures, which are the least reliable from one year to the next. For elementary and middle schools, the student performance and student progress domains are dominated by student performance on the state's annual standardized tests in English Language Arts and mathematics; for high school students, the most salient factors are students' accumulation of credits, Regents exam scores, and high school graduation rates.

There are separate Progress Report letter grades for the domains of school environment, student performance, and student progress, as well as an overall letter grade. Elementary and middle schools are graded on a curve, with 25 percent of schools receiving an A; 35 percent a B; approximately 30 percent receiving a C; about 7 percent are assigned a D; and 2-3 percent receive an F grade (Kahn and Fertig 2012). At the high school level, this year 35 percent of the schools received an A; 37 percent a B; 20 percent a C; 5 percent a D; and 3 percent a grade of F (Fertig and 2012). The grades are based on quantitative measures of a school's performance compared to schools serving similar students, and compared to schools with the same grade configuration citywide, with the former representing an "apples-to-apples" comparison, and the latter locating a school in relation to the performance of other schools citywide, regardless of their student body composition. The intent is to reward schools for doing well compared to schools with similar student populations, and also for doing well in an absolute sense. Although the Progress Reports are designed to allow all schools to achieve a high mark, regardless of the backgrounds of the students they enroll, students from more advantaged economic backgrounds continue to perform much better in school than those from impoverished backgrounds. Because well-off parents want to send their children to schools with high-achieving students, there is a reinforcing process of school segregation.

The components of a school's Progress Report grade also communicate departmental priorities in a fairly direct way; principals know what they are to be held accountable for, which is a mixture of students' absolute performance, growth from one year to the next, and a premium for boosting the performance of low-performing or high-needs students who history suggests have a low probability of success.

The most immediate consequence of the Progress Reports is their linkage to school closure decisions. The DOE's policies state that a school which receives a D or an F in a given year, or a C grade for three consecutive years, is at risk of closure. This year, 217 elementary or middle schools and 60 high schools had this configuration of Progress Report grades. As of February 2013, 26 of these 277 schools are under consideration for closure (Cramer 2013).

Concerns about the Progress Reports are legion: they lack measures of many school outcomes that stakeholders deem important; a school's letter grade may vary from one year to the next, suggesting volatility in a school's quality over time; an overall Progress Report letter grade may conflict with other evaluations, such as NCLB status or the Quality Reviews; the scores do not take account of the uncertainty in the components, lending a false sense of precision to the letter grades; they are made up of so many moving parts that even experienced educators have difficulty understanding them; and a summary letter grade provides little guidance about specific action steps to improve a school's performance. Perhaps most troubling are the use of the Progress Reports for high-stakes decisions about the future of schools, and the limited or distorted information they convey to stakeholders about the performance of a school, either as a snapshot or as a moving picture.

A range of reforms and revisions have been suggested to counter the outsized importance of the School Progress Reports, ranging from minor tweaks to outright elimination. Among the most minimalist proposals is to remove the "top-line" letter grade for schools (which is what draws the most attention from stakeholders) while retaining a summary assessment of a school's performance on each of the three domains of school environment, student performance and student progress. Another proposal would be to add an evaluative component to the Progress Reports assessing the adequacy of the school's resources to serve its students, which would provide some context for interpreting the performance measures, and shift some of the accountability for a school's performance to the DOE itself, which ultimately is responsible for ensuring that each school has adequate resources. Still another would be to allow schools to develop school-specific indicators of what they are seeking to accomplish, and wish to be held accountable for, that go beyond the relatively narrow indicators that currently dominate the elementary, middle, and high school Progress Reports.

Recommendation: Develop new metrics for assessing the progress of students with special needs, such as students with disabilities and English Language Learners

Other proposals would revise the Progress Reports to ensure that they are sensitive to the successes that schools achieve with students with particular needs, such as ELLs, or who arrive at a school performing years below where they are expected to be on the basis of their age.[6] Currently, schools are not rewarded for cultivating students' proficiency in a native language other than English, even though prevailing theories about how children learn a new language suggest that dual-language instructional approaches can be successful.

[6] The high school Progress Reports do indeed give extra weight for the graduation of high-needs students such as English Language Learners, but the graduation rates for such students are quite low, and there may be better ways of assessing progress with such students.

There also are concerns about the validity of standardized assessments for students with disabilities and English Language Learners, suggesting the value of new and flexible criteria for measuring the progress of these students. Students who are classified as Limited English Proficient by virtue of a Home Language Questionnaire and performance on the Language Assessment Battery are required to be placed in bilingual education or English as a Second Language (ESL) programs. Currently, the primary system goal for students who are classified as Limited English Proficient is enabling them to score high enough on the annual NYSESLAT exam to be reclassified as proficient in English. But there may be a lack of alignment between the level of English language proficiency demanded on the NYSESLAT and what it takes to engage in complex discourse in classrooms, or to understand the academic language of a textbook or standardized state assessment. Thus, students reclassified as proficient who might still benefit from specialized supports in the learning of English may not receive them, as there is little or no ongoing monitoring of English proficiency after a student is reclassified as proficient in English. Benchmark and diagnostic assessments more closely connected to the authentic context of classroom instruction may be more appropriate measures for assessing the progress of English Language Learners, including whether a reclassification is academically appropriate (Bailey 2010).

Recommendation: Enhance the capacity of Quality Reviews to guide the improvement of classroom instruction and school management

Whereas the School Progress Reports are intended to be summative, providing a snapshot of a school's performance in a given year, the Quality Reviews are designed to be formative, providing insights into the quality of what a school is doing to advance student learning, and diagnosing schools which could benefit from targeted supports. Quality Reviews consist of periodic one- to two-day site visits in which reviewers assess a school's functioning according to a rubric specifying relevant indicators. Schools are classified as Well-Developed, Proficient, Developing, or Underdeveloped on each rubric and overall. The timing of the reviews varies, based on a school's performance on the School Progress Reports; receipt of a rating of Underdeveloped in the preceding year; and how recently a school was founded. In the 2006-07 and 2007-08 school years, virtually every school in the system participated in a Quality Review; in the past several years, about 500 schools per year have done so. The most recent summary data, for the 2010-11 school year, indicate that 14 percent of schools received a rating of Well-Developed; 45 percent were judged Proficient; 35 percent were Developing; and 5 percent were classified as Underdeveloped (New York City Department of Education 2011).

But, as is true for the School Progress Reports, it is problematic that the first impulse is to examine the top-line rating, without regard to the more specific information that the Quality Review might communicate either to a principal, teacher, other educator, or a parent. Few stakeholders are even aware of a school's Quality Review rating; even fewer have ever read a Quality Review report in its entirety. If we treat the indicators for the Quality Review in a given year as evidence of what the DOE views as important, the inescapable conclusion is that the system lacks coherence over time; the indicators from three years ago focus on instructional coherence; the collection and analysis of data on student learning outcomes; planning and goal-setting; professional development; and monitoring progress. By comparison, the key indicators for the current year emphasize curriculum and its alignment with assessment; research-based instruction; school culture; and the setting and evaluation of goals, especially for curriculum, instruction and teacher evaluation and professional development.

The Quality Review visits are too brief, a problem potentially compounded when the dates of those visits are known to the school community in advance. There are other models for evaluating the quality of a school's processes, notably the school inspection system common in the United Kingdom, the Netherlands, and other countries in Europe and Asia. These inspections are often more intensive than a day-and-a-half, and involve sustained engagement in the school around the technical core of curriculum and instruction, a more extensive school report, and mechanisms for engaging with a school around areas in need of improvement and strategies for addressing them. A more robust school inspection system holds promise for enhancing the capacity of a school, and the educators who populate it, to serve its students (Ehren and Visscher 2008). Shifting the balance of evaluations away from the high stakes of the School Progress Reports and towards the assessment of the processes, which promote high-quality teaching and learning, would be a major step forward. A revised Quality Review process has this potential.

7. Conclusion

Only a finite number of policy instruments are available to address the gap between our aspirations for a public schooling system that serves all the children and youth of New York City well, and where we currently are. For more than a decade, the primary policy levers have been mandates, incentives and system-changing (i.e., changing the governance and authority relations within school systems). That is the story of federal reforms such as No Child Left Behind, and of the Children First reforms developed and implemented in New York City by Mayor Michael Bloomberg, Chancellor Joel Klein and his successors, and their staffs. Mandates, incentives, and system-changing are the dominant motifs in the package of reforms that seek to increase choice and accountability through a portfolio management approach, School Progress Reports, and new teacher evaluation systems linked to students' scores on standardized tests.

Capacity-building has been the least salient policy instrument in the current zeitgeist. Capacity-building is at the heart of developing the skills and talents of individuals, through professional development and supports for schools, school leaders and teachers – strategies characteristic of high-performing school systems such as those in Finland and Singapore (Darling-Hammond 2010; Hairon and Dimmock 2012). It is a less precise and longer-term strategy of investment than the other policy instruments, and thus is less attractive to policymakers with short time horizons who may feel pressured to take decisive and immediate action on pressing problems.

But the diffuse nature of capacity-building is a particular strength when applied to policy problems which themselves are diffuse. Capacity-building is especially appropriate in the context of new and untested learning standards and assessments. Moreover, the technology of a "good" K-12 education remains uncertain, partly because the definition of a good education is contingent and contested, and partly because we really *don't* know what works at scale. Shining exemplars at the local level are suggestive and encouraging, but they have not divulged the secret to the successful management of a large-scale enterprise such as the New York City public schools. If they had, presumably the reforms of the past decade would have yielded much more rapid academic improvements.

A recent comic strip by Scott Adams illustrates the problem adroitly. Engineer Dilbert is meeting with his (pointy-headed) manager, who hands him a sheet of paper and says to him, "Your compensation will be based on achieving these goals." Dilbert replies, "Awesome. It's like written permission to ignore everything else you ask me to do." "It's not like that at all," protests the manager. "Get back to me when you finish debating yourself," Dilbert retorts.

Dilbert and his manager are a metaphor for New York City's public schools and the mayor, the school chancellor, and the others seeking to manage them. Even if one accepts the premise that mandates, incentives, and system-changing were essential to rationalizing the activity of the New York City school system, and providing direction and a sense of urgency to the day-to-day work of educators in schools and classrooms – and not everyone would – a different array of policy instruments may be appropriate now. Or perhaps we're just debating ourselves.

Funder Acknowledgments

We are deeply grateful for financial support from the Brooklyn Community Foundation, the Charles S. Revson Foundation, the J. M. Kaplan Fund, the New York Foundation, the Open Society Foundations, the Robert Sterling Clark Foundation, and the Scherman Foundation. The opinions expressed in this work are solely those of the authors and do not represent those of the funders, The Graduate Center, or the City University of New York.

Author Acknowledgements

A great many people contributed to the development of this paper by sharing their opinions about education in New York City, commenting on previous drafts, or providing logistical support. I am grateful to Larian Angelo, Kristi Barnes, Chuck Brecher, Travis Bristol, Joanna Cannon, Leo Casey, Julie Cavanagh, Oona Chatterjee, Ray Domanico, Beverly Donohue, Nate Dudley, Carmen Farina, Michelle Fine, Norm Fruchter, Megan Golden, Jonathan Gyurko, Anna Hall, Jeff Henig, Randi Herman, Megan Hester, Leslie Hirsch, Jennifer Jennings, Jim Kemple, Brad Lander, Ernest Logan, Joe Luft, Jessica Mahlbacher, John Mollenkopf, Eric Nadelstern, Liz Phillips, Michael Rebell, Luis Reyes, Melanie Reyes, Liz Rosenberg, Amy Ellen Schwartz, Martha Stark, Leanna Stiefel, Kim Sweet, Kim Sykes, Claire Sylvan, Suna Turhan, Nancy Villareal, Phil Weinberg, Louise Cherry Wilkinson, Joe Williams, and Jessica Wolff. None of these individuals bears any responsibility for the contents of the paper, and no endorsement should be inferred.

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