

Accountability Reforms In New York City Public Schools Before and After Mayoral Control

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Mayor Bloomberg and New York City Schools Chancellor Klein have claimed that before mayoral control, the New York City public school system lacked accountability and that entrenched bureaucracy stifled innovation, learning, and student improvement. In a previous report, my office demonstrated that in fact, significant student improvement was occurring prior to the onset of mayoral reforms and that the NYC Department of Education (DOE) has been exaggerating progress made under mayoral control.

Likewise, this report demonstrates that the State of New York did have an accountability system in place prior to mayoral changes and that under these reforms student achievement was increasing. The State of New York set the current accountability system into motion beginning in 1995 and the Federal No Child Left Behind (NCLB) mandate followed in 2001. Thus, there was a powerful environment of accountability prior to June 2002 when New York State Law provided the Mayor control of the New York City schools. Mayor Bloomberg's "Children First" reforms began in September of the 2003-04 school year. This report will explore the relationship of these Federal, State and City reforms to student achievement.

Federal Reforms

No Child Left Behind

In the State of New York, the over-arching accountability reform efforts stem from the Federal No Child Left Behind act passed by Congress in 2001 and enacted in 2002. The law set a goal that all students would be proficient in English and math by 2014. NCLB requires states to develop academic standards for what student should know at each grade level, and assessments by which to measure whether students are meeting those standards. Progress has to be measured not only overall but also by subgroups including racial/ethnic, economically disadvantaged, English language learners, and students with disabilities. States are also required to release report cards for schools and school districts.

The NCLB law confronted the long-standing concern that schools and school districts had low expectations for poor and minority students by requiring schools to separate test scores for African-American, Hispanic, low income, disabled students, etc., and compelling adequate yearly progress for each group in order for the school to avoid sanctions. While NCLB has been criticized for being unfunded, inflexible and overly punitive, the law reshaped education in the United States and in New York City.

If a school or any group in the school does not meet its annual benchmark for two consecutive years in the same subject, it is identified as a "school in need of improvement" (SINI). If a school becomes a SINI, families have the option to transfer their child out of the school or take advantage of supplemental education services that the school must arrange. Once on the SINI list, the school must make adequate yearly progress for two consecutive years to come off the list. Failing to do so increases the SINI status (SINI Year 1, SINI Year 2, etc.) and the school must restructure if it continues to fail to make the required progress. In 2007-08, 65 New York City schools were added to the NCLB SINI list, and 25 schools were removed from the list and are now considered to be "In Good Standing". As of the 2007-08 school year, 374 New York City public schools are designated a SINI status per NCLB.

As discussed in detail below, in many ways the State of New York was prepared for NCLB. It had already been testing students on an annual basis, categorizing schools that failed to meet State standards and requiring those schools to report to the community its status, its remediation plans, and transfer options available to students.

New York State Reforms

NYS Learning Standards

In 1995 the New York State Regents unveiled a plan that is the basis for the current State accountability structure – The NYS Learning Standards. The plan consists of three strategies: 1) set higher learning standards and raise the assessment system; 2) build capacity of schools to support student learning; and 3) develop an institutional accountability system. In 1998, the NYSED introduced new assessments for 4th and 8th grade English Language Arts (ELA) and math that were aligned with these standards. The development of the tests involved setting appropriate benchmarks by which to measure proficiency:

Level 1: Not Meeting Learning Standards; **Level 2:** Partially Meeting Learning Standards; **Level 3:** Meeting Learning Standards; **Level 4:** Meeting Learning Standards with Distinction.

In 2001, the State began to report data for each accountability group per the NCLB requirement, and specified test score targets that each group in each school had to hit annually to reach 100% proficiency by 2014. In 2005, the State added science and then social studies exams to the test regimen, and expanded testing to include grades three through eight. These changes were also instituted in order to comply with the NCLB mandate.

Regents Exams

In 1996, the Regents of the State of New York began to phase out Regents Competency Tests and all students entering ninth grade in 1996 and thereafter were required to pass a minimum of five Regents exams to obtain a high school diploma. (Previously students were able to opt out of the Regents exams and accept a less prestigious “local diploma” in lieu of a “Regents diploma.”) From 1999-2004 students had to score 55 or better on the English, Math, Global History, US History and Science Regents. In 2005, students had to score at least 65 in two regents and 55 in the three others. In 2006, scores of 65 had to be reached in at least three exams and at least 55 in the two other required exams. In 2007, minimum scores of 65 had to be reached in at least four of the required five exams and the remaining exam minimum requirement was 55. By 2008, students had to score a minimum of 65 in all five required Regents exams.

Reforms and Student Improvement

The establishment of the NYS Learning Standards and the new Regents high school graduation standards provided momentum for substantial student improvement. New York City students in elementary and middle schools who were the beneficiaries of the NYS Learning Standards reform from the time of implementation in 1998-99 made substantial gains in ELA and math as they moved through the system. The percentage of students in the fourth grade in 1998 who scored at levels three and four on the state ELA exam was 32.7%. Those in Kindergarten in 1998 reached the fourth grade in 2002-03 and 52.4% of them reached levels three and four, a gain of 19.7 in proficiency. That same cohort of students reached the 8th grade in 2006-07 and 41.8% of

them scored at level three and four, which represents a 6.6 proficiency gain over the 1998-99 eighth graders.

Test score gains in math follow a similar same pattern. In 1998-99, 49.6% of fourth graders scored at levels three and four. In 2002-03 fourth graders gained 17.1 percentage points over that group, with 66.7% scoring at levels three and four. That same cohort reached the eighth grade in 2006-07 gaining 22.8 percentage points over their 1998-99 eighth grade counter-parts (from 22.8% to 45.6%).

Following the implementation of NCLB in the 2003-04 school year, test score improvements continued but at a slower pace. Students in kindergarten in 2002-3, the last year prior to NCLB, were in the fourth grade in 2006-07. Those students gained 3.6 points in ELA and 7.4 points in math (in terms of percentage of students scoring at levels three and four as compared to the 2002-03 fourth graders). That cohort of students will not be in the eighth grade until the 2009-10 school year.

The Regents reform for high schools had a similar impact on student achievement. By 2001-02, 50% of public high school graduates in the State of New York, earned a Regents diploma, compared with 40% in 1996, the year that the new standards were implemented. In fact, more students passed the Regents in 2001 than those who had taken the exam in 1996. In New York City, students met these higher requirements and graduation rates increased. Of those who entered 9th grade in 2001, 46.5% graduated in four years (in 2005). In 2006 the four-year graduation rate was 49.8 and in 2007 the New York City four-year graduation rate was 52.2%. However, not all schools have been able to meet the higher standards and those that fail to do so are identified by the State of New York. All scores for all groups in each school and each district must be reported annually in the school's report card.

SRAP, SURR and SINI Schools

Any school with groups of students in elementary and middle school not making the required yearly progress in ELA or math, or in high schools not meeting annual graduation benchmarks, are designated by the State as Schools In Need of Improvement (SINI) if receiving Federal Title 1 funds or a School Requiring Academic Progress (SRAP) if not receiving Title 1. A school must make the required level of progress for two consecutive years in order to come off of the list. Otherwise its status escalates and the school must meet additional requirements. If a school continues to fail to meet the assigned targets, it eventually is closed by the State. This has been the practice in the State of New York since 1998 (five years before NCLB requirements were installed).

Schools Under Registration Review (SURR) is a subset of the SRAP and SINI schools. These are the schools that are the furthest away from the State standards. If the school loses its registration, it cannot legally operate; therefore the SURR schools are those most in danger of closing. The first group of SURR was named by the State in 1989. SURR schools receive technical support from the State Education Department and are also eligible for additional funding from the State and the district to assist in addressing identified needs and goals of the Corrective Action Plan.

From 1989 to 2008, 312 schools have been on the SURR list statewide. Of these, 228 were removed from the list for improved academic performance and 66 were closed for continued poor performance. As many as 90% of all SURR schools were New York City schools however, by 2007-08, the percentage of SURR schools in NYC had fallen to 47%. However the decline in the number of SURR schools is slowing. From 2000-01 to 2004-05 the number of SURR schools in NYC dropped by 63%. From 2004-05 to 2007-08 the decrease was 43%. Three additional schools in New York City would have been added to the SURR list but, the Chancellor closed those schools and SURR placement was thus avoided. Otherwise, the placement of new schools on the SURR list would have increased over the previous year.

New York City Reforms

Phase I – Children First

In 2002, the New York State Legislature passed school governance reform that gave control of New York City public schools to the Mayor. The act was passed in June of 2002, effective July 1, 2002. Mayor Bloomberg announced his overhaul of the school system in January, 2003. Following the announcement of the Mayor’s curriculum and administrative overhauls, the legal basis for some of the changes were challenged in a lawsuit. On June 13, 2003, an agreement to resolve the legal challenges was announced. Thus, substantive curricular, administrative, and instructional approaches to education were implemented by the Bloomberg administration in September 2003.

The first phase of the Mayor’s “Children First” reform efforts was to collapse the 32 community school districts and the high school superintendent’s offices into 10 regional offices. The goal was to streamline the structure and decrease the bureaucracy of the system in an effort to increase accountability. In addition, all but 200 schools in the City were required to utilize a uniform curriculum for reading and math. Investments were made in professional development in order to introduce the new curriculum. This first phase was implemented in the 2003-04 school year.

Phase II - Empowerment Schools

At the start of the 2004-05 school year, 48 schools participated in a pilot program whereby principals were given expanded control over personnel, programs, and budgets including up to \$150,000 in additional discretionary funding. In exchange, principals had to meet higher performance targets. The program was expanded to 331 schools the following year and the schools were dubbed “Empowerment Schools.” The Empowerment Schools program was intended to increase accountability by requiring that principals sign performance agreements that specified performance targets. The contracts articulated consequences for not meeting the targets therein. The Empowerment Schools represented a shift from the ten centralized regional offices to a de-centralized school-based design, although the regional offices still had some authority over the schools in matters of placement, special education, ELL students and gifted programs.

ESO, LSO and PSO – Phase III

In 2007, the Chancellor announced another shift in the organization of the school system. First, the DOE abolished the 10 regional offices that opened in the 2003-04 school year. Each principal was required to select a “school support organization.” The school must pay to belong to the

organizations and the costs vary. The choices include Empowerment School Organization (ESO) as described above, at a cost of \$29,000 per year. Approximately 500 school principals selected this option. The other two choices are the Learning Support Organizations (LSO), or the Partnership Support Organizations (PSO). There are four LSOs each organized around a theme. They are: The Knowledge Network, The Leadership Network, The Integrated Curriculum and Instruction Network, and The Community Learning Support Organization. Each LSO is led by an educator who is a veteran in the public school system. The cost of joining an LSO ranges from about \$33,000 to \$67,000 depending on the LSO and how well the school is performing prior to joining. For instance, failing schools wanting to join the Community Learning LSO have to pay the highest price. Approximately 750 schools that are part of the LSO.

The PSOs are nonprofit groups with records of running schools in the system and include, the Academy for Education Development, AIR, Center for Educational Innovation (CEI-PEA), City University of New York, Fordham University, Learning Innovations at WestEd, New Visions for Public Schools, Replications, Inc., and Success for All. Prices for joining the PSOs vary from just over \$25,000 to just under \$147,000.

School Progress Reports

In the 2006-07 school year, the DOE introduced a new assessment report that assigned letter grades to schools based on an overall score of three combined categories: School Environment, Student Performance, and Student Progress. The Environment score constitutes 15% of the overall score and measures attendance and the results of parent, student, and teacher surveys. Student performance, which counts for 25% of the grade, is based on the percentage of students scoring at levels three and four on the New York State ELA and math tests for elementary and middle schools, and graduation rates for high schools. Student Progress constitutes 60% of a school's overall score. For elementary and middle schools, student progress measures individual students' ELA and math scores. For high schools, student progress is measured by credit accumulation and Regents completion and passing rates.

A school's results in each area are compared to results of all schools serving the same grades throughout the City. Results are also compared to a peer group of up to 40 schools with similar demographics. Each school's peer group is comprised of the 20 schools ranked just above it and the 20 schools ranked just below it. The scores for each school then depend on where it ranks along the scores of its peers.

For the 2006-07 school year, the DOE provided a curve such that 23% of the schools got an A, 38% received a B, 25% were graded C, 8% got a D and 4% received an F. Sixty-one percent of schools received an A or B. In 2007-08, the curve shifted so that 45% of schools received an A, 38% got a B, 13% received Cs, and 3% and 2% received Ds and Fs respectively. So, in one year the percentage of schools receiving As or Bs increased from 61% to 83%. In order to achieve an A, schools had to score between 59.6-100. Those with scores of 45.8-59.5 got a B; scores of 32.6-45.7 earned a C, schools with scores of 28.4-32.6 got a D and schools with scores below 32.5 received an F.

Reforms and Student Improvement

Empowerment Schools and Improvement

As described above, the Empowerment school reform was piloted in 2004-05 with 48 schools, expanding the following year to 331 schools and in 2007-08 there were 510 Empowerment Schools, representing 35% of all schools in the system. One would expect that such rapid expansion of a program would be indicative of success. However, on the basis of New York City's own School Progress Report assessment, 72% of Empowerment Schools are receiving As and Bs on a curve that had been set such that 83% receive As or Bs. In addition, there is no alignment of the School Progress Reports to the State and Federal accountability standards. For example, one-third of the 367 Empowerment Schools receiving As or Bs from the New York City Department of Education are not "In Good Standing" by the legally mandated standards. Of the 83 Empowerment Schools receiving a C, D or F, one-third of those schools are also not "In Good Standing." Therefore, grades assigned by the DOE's school progress reports do not align with whether the State will determine the school to be meeting the standards.

LSOs and Improvement

There are 756 schools in the LSO group. The Integrated Curriculum and Instruction group represents 372 schools or 27% of the schools in the system. Nearly 80% received As and Bs – close to the curve – however, 28% of those schools are not "In Good Standing." The Community LSO (CLSO) schools represent 172 schools, or 12% of the schools in the system and 71% of them received As or Bs, 34% of which are not "In Good Standing." There are 113 Leadership LSO (LLSO) schools, which represents 8% of the schools in the system. Sixty-seven percent of schools in the LLSO group received As or Bs and 53% of them are not "In Good Standing." The Knowledge Network LSO (KLSO) is comprised of 99 schools, 57% of which received As or Bs on the 2007-08 school progress report. Of those, 28% are not "In Good Standing."

PSOs and Improvement

Originally, nine Partnership Support Organizations (PSO) were offered as options but three did not attract enough participation, therefore there are six PSOs. New Visions is the largest, representing 73 or, 5% of all schools in the system. CEI-PEA represents 4% of all schools and Replications, CUNY, Fordham and Academy for Educational Development represent 1% each. Only 58% of the New Visions schools received As or B, but only four are not "In Good Standing." Of the four New Visions schools that received an F on the DOE progress report, all are "In Good Standing." The other PSOs follow a similar pattern. It seems that student achievement bears little relation to which support organization a principal chooses. Further, success of a school as measured by the DOE school progress report is not related to its success as measured by the State and Federal legal assessments.

Accountability Reforms and Student Achievement

This report demonstrates that accountability reforms were in place prior to the onset of mayoral control. The State of New York introduced the NYS Learning Standards in 1995 and reformed high school graduation requirements in 1996. When NCLB was enacted in 2002, the State of New York already had standards and assessments in place. These State reforms and the additional accountability measures mandated by NCLB are closely correlated with increased student achievement. Therefore accountability reforms were in place prior to the mayoral reforms that were implemented in the 2003-04 school year. The NYC school system reorganizations of 2003-04, 2005-06 and 2007-08 and introduction of school progress reports in

2006-07 have not been in place long enough to be measured in any meaningful way. At best it is too soon to tell.

At worst, these early indications that assignment into an ESO, an LSO or a PSO does not have a relationship to the probability that a school will achieve an A or B on the DOE's own school progress report and the lack of alignment of those scores with State and Federal guidelines suggest that DOE's assessments are not linked to clear standards. Furthermore, this confusion comes at a steep price. In November 2008, the New York City Independent Budget Office published a financial report on the DOE's accountability efforts. The total estimated spending figure for 2007-08 was nearly \$130 million.

While the City should be allowed and even encouraged to develop additional accountability reforms, such measures should align with Federal and State requirements already in place in law. Otherwise, new measures are apt to cause confusion and be counterproductive to the goal of transparency and accountability.