



Top-to-Bottom Accountability

Alignment for Student Achievement



Improving the Governor's Proposals

Throughout the 2006 gubernatorial campaign, candidate Eliot Spitzer spoke of his plans for an historic bargain – significant investment in public education in exchange for real accountability for student achievement:

“We need to give teachers incentives to teach at low-performing schools. We have to begin to think about pay-for-performance. If we don't pair the resolution of this litigation with an effort to change the delivery system, then we will have missed an opportunity.”¹ As Governor, his rhetoric is nearly as sweeping: “Accountability should run through the system from top to bottom.”

His actual accountability proposals fall short of his rhetoric, however. They focus consequences solely on the “top” – on superintendents and to a lesser extent on principals and school boards – and overlook the need to align the incentives and goals of everyone in the education community from the classroom to the boardroom and even the community at-large. Superintendents would gladly trade sole accountability for sole authority, but that's not what was proposed.

Therefore, we must design a more comprehensive accountability system – one that recognizes that parents, boards of education and professional staff unions each hold sizable influence and are thus partners in any school decision making, sharing in both successes and disappointments.

True aligned accountability will require 4 steps:

- Identify the right districts to focus on;
- Create a valid system for measuring individual student gains;
- Ensure that district plans maximize new resources, and
- Enact shared consequences for all, should those plans fail.

There are some who claim that teachers, principals, and superintendents are already accountable for test results, school ‘report cards,’ budget votes, and graduation rates. True enough, but these are all *measurements* uncoupled from *consequences*; and thus fall short of meaningful accountability. When children fail, there are real consequences – they are denied a diploma – when schools fail, there should be meaningful consequences for adults too.

Superintendents would trade sole accountability for sole authority; but no one is putting that on the table ...

Superintendents are ready to step up to increased accountability *and* consequences. The question is: is anyone else?

As currently structured, the Governor's proposal “misses an opportunity” to use the promise of new resources to make dramatic changes in how we hold schools accountable. The resources are tremendous – more than \$7 billion over four years – so we shouldn't settle for merely cosmetic reforms.

¹ NY Daily News. Editorial Board Interview. Wednesday, July 12th, 2006

Focus on the Right Districts

The Executive Budget proposes that districts with large aid increases operate under a Contract for Excellence which requires most new aid to be spent on specified activities deemed proven to result in improved student achievement.

We see real potential in having “front-end accountability” that drives resource allocation, creates performance targets and milestones, and outlines consequences for disappointing progress. However, there are several major weaknesses in the Executive proposal which must be fixed.

Improving Contracts for Excellence

1. The Contract should be triggered by low student achievement, not budget windfalls. Some successful districts would be subject to the mandate and some seriously troubled districts would not be. Mandated resource allocation and new consequences should be focused on the districts that need most to improve.
2. Because it is triggered by an arbitrary aid increase, a district with a 9.9% increase in aid would have no restrictions on spending, while a district with a 10% increase would have 7% of its new spending directed by the state.
3. Professional staff unions should be consulted on setting the Contract goals at the outset, not several years into the process.
4. The Contracts doesn't recognize current efforts, and thus may require districts to spend twice if they've already lowered class size, etc.
5. Districts on a contingency budget would face a dilemma - the law prohibits spending the new state aid because it would exceed the cap; the Contract prevents it from being returned to the voters, and the fund balance cap of 2% prohibits it from being carried forward a year.
6. The Contract should specify both *acceptable* and *exceptional* milestones with incentives to encourage stretching for significant gains.

Measure Student Achievement Better

The State's current testing system is statistically sophisticated, but programmatically rudimentary. It tells us where student

achievement is low, but not why; nor does it tell us when teachers and leaders are doing extraordinary work helping the children furthest behind close the gap significantly. Moreover, because the tests occur after in-

struction ends, they amount to an “autopsy” on student performance – after the fact, too late to do much good.

The Governor proposes building a value-added testing system. This would provide a means for more accurately measuring schools' contributions and for tailoring instruction by measuring what kids already knew before instruction, and measuring how much progress they made in a given year.

Improving Value-Added Testing

7. These systems are not yet sufficiently refined to act as a sole foundation for teacher evaluations. However, they should be part of a continuum of indicators that trigger more frequent classroom observations and, if warranted, intensive professional development.
8. Value-added testing should be used to target professional development resources to close demonstrated achievement gaps.
9. Value-added systems need many more data points to be valid and reliable. The state should make available rich diagnostic testing throughout the year, aligned to the standards.

Maximize New Resources

State aid to schools increased dramatically from 1980 to 1992. Real (inflation adjusted) dollars for education increased by 30.6 percent. Yet, during the same period, costs for special education and employee health care rose by 225 percent and 249 percent respectively, consuming the overall increase and forcing a 2 percent reduction in regular classroom teachers.² Later, during the stock market rush of the late 1990s, education aid increased from \$9 billion to over \$14 billion in just 5 years. The new resources produced higher teacher salaries and a big pension giveaway, but relatively little was targeted to programs designed to raise student achievement, and no meaningful new accountability was required in return.

To avoid repeating this pattern and ensure that current investments produce results, “we must change the delivery system”. Require teachers and leaders to perform a data-driven root cause analysis of why achievement falls short, tailor interven-

tions to their unique needs, create remedial consequences if those plans fail, and ultimately create punitive consequences if failure persists.

Value-added testing allows quantitative measures of the educational contribution of a given school or district.

² *Putting Children First*, New York State Commission on Educational Structure, Policies and Practices, Dec. 1993.

It is pointless to hold districts accountable for results unless they are required to maximize their use of new investments.

Improving Return on Investment

10. Approved Contracts for Excellence should require data-driven root cause analysis to ensure the expenditure of new funds emphasize their *best* use, not merely approved uses.
11. Districts should be permitted to petition to have programs added to the menu, based on an application process with significant emphasis on a robust research base.
12. The State should require districts to demonstrate assessment or other data which support their choices among programs.
13. Milestones and performance targets should be used as shared goals to align district activities and incentives from the classroom to the boardroom all year long.
14. The Contracts should require districts, as a condition of receipt of significant new aid, to adopt shared accountability goals with rewards and consequences that apply to teachers, principals, superintendents and board members. Board policies and labor agreements should be aligned to these goals at their next negotiation, or future aid increases would be forfeit.

Aligned Accountability – Shared Consequences for All

True top-to-bottom accountability would align goals and consequences so every stakeholder in a school district must work together to raise student achievement. Continuing failure would be intolerable for all – board members, administrators, teachers, and the community itself.

An investment of \$7 billion should buy more than the ability to turn leaders of high poverty school districts into martyrs. The Contract for Excellence can be used to align incentives and consequences for low performing schools from top to bottom.

1. Elements – As a condition of receiving any new state aid, identified districts should be required to negotiate and adopt Contracts for Excellence with the state. They would specify the goals and measures the district agrees to be held accountable for. The state would also require that districts align labor contracts to ensure that all school employees share an interest in seeing the Contract goals achieved. Unions should be a partner in the negotiation with the State.

2. Reporting – Districts need to be held accountable for resource allocation. School report cards should include:

- percentage of inexperienced (and out-of-certification) teachers teaching by subgroup (children in poverty and children of color);
- length of the instructional day (scheduled contact hours with students);
- number of hours of teacher (and leader) professional development per year;
- classroom teachers as a percentage of total staff;
- average number of classroom observations.

3. Remedial Consequences vs. Punishments

Contracts should condition new aid on agreement to a series of escalating consequences for every stakeholder if the district falls short of agreed goals. Consequences should first be remedial and given time to work before becoming punitive.

- a. Communities** – could lose the ability to vote on school budgets or elect new board members until satisfactory progress is made – to assure the state’s new investment is used as intended.
- b. Boards** – would be required to take educational training in addition to fiscal training prior to being removed for poor performance.
- c. Leaders (Boards and Administrators)** – would first receive assistance through a corps of Distinguished Educators before being subject to removal by the Education Commissioner through due process. However, Distinguished Educators would also have increased authority under items d – g below.
- d. Teachers** - with persistently poor results should first undergo intensive observations, leading to comprehensive remedial professional development before being held on step.
- e. Renegotiate Staff Contracts** – Require districts with persistently low performance to renegotiate control of professional development plans, seniority provisions governing staff assignments, use of instructional time (including longer school days and years),
- f. Renegotiate State Priorities** – Schools often attain their successes despite these process regulations, not because of them. Schools meeting performance milestones should be freed from process accountability regulations adopted

over 20 years ago (Regents Action Plan) which specify in great detail how schools must structure curriculum, the school day, and staffing. Provide districts with persistently low performance with waivers from 1980s-era regulations and curriculum mandates to focus on intensive academic intervention, Literacy and Math.

- g. Expanded State Assistance/Authority** - The state would provide better instructional resources for low performing schools. If progress doesn't improve sufficiently, empower the intervention of Distinguished Educators as proposed by the Governor. If progress still doesn't improve, give the state increasing authority to direct resource allocation within the district.

Superintendents and Accountability

Superintendents would enthusiastically trade sole accountability for sole authority. But that's not on the table.

Superintendents are already the most accountable employee in the entire education system. In most cases, they have left tenured positions as teachers and principals to take positions that require them to justify their renewal annually to an elected and often revolving board of education.

They are typically the only professional employees not granted their jobs for life. They can and do get fired by boards of education, and their successes, shortcomings and even salaries are published annually by law.

Threats won't produce results if superintendents and boards lack the authority to compel change. Just as the Governor must get both houses of the Legislature to agree on a budget, school leaders are precluded by state law from unilaterally changing any conditions of teachers' and principals' employment. Union leaders and members must be partners in any effort since they wield an effective veto power over many school district initiatives.

Dramatic initiatives (even where they're dramatically needed) cannot be compelled.

Study after study shows school success depends on giving children the best teachers and leaders possible. The Governor's proposal would instead make leadership of troubled districts a career death wish. A better idea would be to arm the most challenged districts with leadership recruitment and retention initiatives and school board training. Extra pension credit could be awarded to teachers and administrators who take on the challenge of working in the most troubled schools.

No other enterprise is as accountable to the public as the public schools. None puts out as much data about successes and shortcomings as public schools. We have school and property tax report cards, budget notices mailed to every household, and annual reporting of state test results.

No other enterprise provides the public with so many opportunities for input – through budget votes, board elections, shared decision making and less formal mechanisms such as PTAs and advisory committees.

Conclusion

Failing these steps to create true top to bottom accountability, it would be a gross mistake to single out superintendents and boards for increased consequences for failure. It would weaken leadership in troubled districts when stronger leadership is crucial. Recalcitrant segments of the community or staff could simply wait out leaders pushing reform. That happens now.

Truly comprehensive top to bottom accountability would enable superintendents to promote the necessary, but often unpopular changes that have been demonstrated to produce results. It's up to the state to use its investment to drive a harder bargain to make that happen.