

NEW YORK STATE CONTRACTS FOR EXCELLENCE

A Discussion Among C4E Superintendents and
State Education Department Staff

Reflecting on What We've Learned and Goals for Improvement



**Bulmer Telecommunications Center
Hudson Valley Community College**

December 19, 2007
9:30 a.m. – 2 p.m.
Troy, New York

NEW YORK STATE CONTRACTS FOR EXCELLENCE

A Discussion Among C4E Superintendents and
State Education Department Staff
December 19, 2007

LIST OF MATERIALS

Agenda

Participants

Comments and Recommendations from Regional Information
Meetings and SED Responses

Key Issues for Discussion Purposes

Summary Report

Excerpts on Accountability from Chapter 57 of the Laws of 2007

Commissioner's Regulations 8NYCRR 100.13 and 170.12

Program Highlights

NEW YORK STATE CONTRACTS FOR EXCELLENCE

AGENDA

- 9:30** **Registration**
- 10:00** **Welcome**
Senior Deputy Commissioner Johanna Duncan-Poitier
- What we learned in the first year
 - Context for today's discussion
 - Packet of materials
- 10:30** **Review of the Contracts for Excellence Process**
Charles Szuberla
- Questions from Regional Information Sessions (Attachment)
 - District Issues Raised at Today's Session
- 11:00** **Identification of Topics for Small Group Discussion**
Shelia Evans-Tranumn, SED
- Identify topics to be analyzed in small groups
- 11:15** **Small Group Discussions**
- Participants self select small group by topics
 - Directed questions to begin process
- 12:00** **Lunch**
- 12:30** **Small Group Discussions**
- Develop recommendations for action
- 1:15** **Reporting Out - Strategies and Recommendations**
Deborah Cunningham, SED
- 1:45** **Summary - Next Steps**
Senior Deputy Commissioner Johanna Duncan-Poitier
- 2:00** **Adjourn**

Contracts for Excellence
December 19, 2007
Attendees

Organization	Representative	Title
Amsterdam City SD	Ronald Limoncelli	Superintendent
Binghamton City SD	Peggy Wozniak	Superintendent
Cairo-Durham CSD	Sally Sharkey	Superintendent
Cairo-Durham CSD	Lissa Jilek	Business Manager
Cairo-Durham CSD	Kerry Overbaugh	Middle School Principal
Camden CSD	Richard Keville	Superintendent
Camden CSD	Mary Lynne Szczerba	Assistant Superintendent for Instruction
Camden CSD	Karl Keil	Assistant Superintendent for Business
Clyde-Savannah CSD	Marilyn Barr	Superintendent
Clyde-Savannah CSD	Peggy Tyler	
Copiague UFSD	Bill Bolton	Superintendent
Copiague UFSD	Charles Leunig	Deputy Superintendent
Fallsburg CSD	Ivan Katz	Superintendent
Fallsburg CSD	Matthew Evans	Assistant Superintendent
Fallsburg CSD	Dan Grecco	Business Manager
Fulton City SD	Kathy Nichols	Business Administrator
Fulton City SD	Elizabeth Connors	Executive Director for Instruction & Assessment
Geneva City SD	Robert Young	Superintendent
Governor's Office	Duffy Palmer	Director of Education Policy
Greece CSD	Steven Achramovitch	Superintendent
Greece CSD	Geoffrey Sanderson	
Haverstraw-Stony Point CSD	Brian Monahan	Superintendent
Haverstraw-Stony Point CSD	Ileana Eckert	Assistant Superintendent for Secondary Education
Haverstraw-Stony Point CSD	Michael Gill	Principal, North Rockland HS

Organization	Representative	Title
Lansingburgh CSD	George Goodwin	Superintendent
Middletown City SD	Kenneth Eastwood	Superintendent
Monticello CSD	Patrick Michel	Superintendent
Northeastern-Clinton CSD	Peter Turner	Superintendent
Norwich City SD	Gerard O'Sullivan	Superintendent
NYC Department of Education	Tiffany Lawkins	
NYC Department of Education	Wini Eisan	
NYC Department of Education	Jennifer Bell Ellwanger	
NYS Association of Small City Schools	Bob Biggerstaff	Executive Director
NYS Board of Regents	Joseph Bowman	Regent
NYS School Boards Association	Diane Ward	Governmental Relations Representative
NYSUT	Dan Kinley	
NYSUT	Robin Rapaport	
Ossining UFSD	Linda Carpenter	Executive Director of Finance and Operations
Port Chester-Rye UFSD	Donald Carlisle	Superintendent
Port Jervis City SD	John Xanthis	Superintendent
Port Jervis City SD	John Bell	
Schenectady City SD	Eric Ely	Superintendent
Schenectady City SD	Matthew Weinheimer	Assistant Superintendent of Instruction & Curriculum
Schenectady City SD	Michael San Angelo	Assistant Superintendent of Business
South Colonie CSD	Anthony DeBlois	Assistant Superintendent for Instruction
South Glens Falls CSD	James McCarthy	Superintendent
Valley CSD	John Hunter	Deputy Superintendent for Curriculum & Instruction
Watervliet City SD	Paul Padalino	Superintendent
Wayne-Finger Lakes BOCES	Joseph Marinelli	District Superintendent
Westbury UFSD	Constance Clark	Superintendent

Organization	Representative	Title
Westbury UFSD	Mary Lagnado	Assistant Superintendent
Westbury UFSD	Robert Root	Assistant Superintendent
Office of the Senior Deputy Commissioner of Education – P-16	Johanna Duncan-Poitier Leslie Templeman Jill Lansing Doreen Ryan Scott Conklin Brian Vogel	Senior Deputy Commissioner of Education – P-16
Office of Vocational & Educational Services for Individuals with Disabilities	Rebecca Cort	Deputy Commissioner
Office of School Improvement and Community Services - NYC	Shelia Evans-Tranumn	Associate Commissioner
Office of Instructional Support and Development	Jean Stevens	Associate Commissioner
Office of Higher Education	Joseph Frey	Associate Commissioner
Office of School Operations and Management Services	Charles Szuberla Deborah Cunningham Stephen McNally Matt Reilly Jay O'Connor Ruth Singer	Coordinator Coordinator for Educational Management Services
Office of Standards, Assessment, and Reporting	David Abrams	Assistant Commissioner
Office of School Improvement	James Viola	Executive Director
Office of Vocational & Educational Services for Individuals with Disabilities	James Delorenzo	Statewide Coordinator for Special Education

NEW YORK STATE CONTRACTS FOR EXCELLENCE

COMMENTS AND RECOMMENDATIONS FROM REGIONAL INFORMATION MEETINGS AND SED RESPONSES

Regulatory changes under consideration

- Clarity on public process
- Clarity on approval standards
- Clarity that for all districts, adding a teacher to the classroom can only occur where space is lacking for new classrooms

System improvements

- More space for defining needs, special populations and strategies
- Better reporting and printing capacity
- Easier contract revision process
- Performance Targets incorporated

Coordinated Monitoring

- March/April—NYC
- April/May--ROS

The New York State Education Department
Office of Educational Management Services
December 2007

**CONTRACTS FOR EXCELLENCE
COMMENTS AND RECOMMENDATIONS
FROM REGIONAL INFORMATION MEETINGS AND
SED RESPONSES**

C4E District Comment	SED Response
<i>Requirements for Submission of Contracts for Excellence</i>	
Some school districts are required to submit a contract due to only one school in minor accountability status (e.g., SINI-1 or SRAP-1).	A change to C4E eligibility would require a change in legislation. The Department supports the notion that the C4E process should apply to school districts with long-term achievement problems. The Regents recommend that districts be in the C4E process a minimum of three years.
Concern was raised regarding the use of “old” accountability designations (2006-07), rather than current accountability designations.	The 2006-07 designations are the accountability data for the current year. Grade 3-8 data are available for 2006-07 while the high school data are not yet available. The C4E system focuses school districts on gap reduction in order to give them flexibility as new data become available.
Some participants regarded the Contracts for Excellence as an unfunded mandate.	Contracts for excellence are required of school districts that have a 10 percent or \$15 million increase in Foundation Aid or an educational improvement grant. The program asks for accountability for a portion of these additional dollars and as such is a funded mandate.
Is the development of Contracts for Excellence, or statutory provisions related to Contracts for Excellence, contingent in any way upon local teacher and administrator contracts? (Sessions 11/27 to 11/28)	Yes, to some extent. Some programs, such as extended day or year programs are certain quality improvement programs for teachers and principals, will require bargaining unit collaboration.

C4E District Comment	SED Response
<p>What happens if a Contract for Excellence school district has no schools in accountability status in 2008-09?</p>	<p>Data will be set as of the date of the enacted budget. If a district's status changes after that date, districts can work on improving results for their neediest students.</p>
<p><i>Web-based Application</i></p>	
<p>School districts support the web-based application process, but some revision/enhancements are needed.</p>	<p>Agreed. We have, and will continue to, make major improvements and welcome the constructive feedback.</p> <p style="text-align: center;">Major Improvements Planned</p> <ul style="list-style-type: none"> • Multiple, targeted narrative boxes for Need Descriptions, Strategies and Targeting. • Automated revisions process. • Automated NYC submission process. • Automatic emails to Coordinator when districts submit or resubmit. • Viewable and printable reports on demand during district data entry (tentative). • Preformatted Discoverer reports on demand for SED use. • Live email link on system to send additional information electronically to SED. <p>Wish List: More pre-defined fields that can be easily selected/completed by district.</p>

C4E District Comment	SED Response
<p>Many information fields had limited information capacity, and therefore, districts were not always able to enter all necessary information.</p>	<p>The system was purposefully intended to be streamlined and data driven. Text fields were used in many cases where predefined choices were not known. These will be studied to develop choices that districts can select next year.</p>
<p>The system could indicate when there were data errors, but did not provide information as to where the data errors occurred.</p>	<p>Where applicable, validation/error messages will specify which screen the error is on. Probably can not move within budget to a more sophisticated error identification process.</p>
<p>It is not possible to read entire pages in the application or to scroll back. This necessitated that school districts repeatedly run hard copies of the document to complete the contract application.</p>	<p>Next year a report feature will be added to allow districts to view and share their Contract for Excellence. The on-demand reports and printing feature should resolve this issue. Also, the issue of being able to go in and revise data at the school level and have it work “back through the system” has been addressed.</p>
<p>It is recommended that the system be enhanced so that school districts can attach additional relevant information for SED consideration.</p>	<p>Live email link on system to send additional information electronically to SED. Due to security issues, will not be able to provide ability for districts to directly submit files within the system.</p>
<p>It is recommended that the web-based application have a field to determine how/whether the Contracts for Excellence program are linked to other programs/funding.</p>	<p>This will be done by having a “radio button survey” indicating whether the program will be integrated with IDEA, Title III, School Improvement or SURR funding, etc. on a separate page or area up front or as part of the Performance Targets submission area.</p>

C4E District Comment	SED Response
<p>SED needs to work quickly to verify and disseminate performance data for use by school districts in Contracts for Excellence development.</p>	<p>Agreed. NYSED’s ability to be responsive is affected by the performance of NYSTART which is undergoing a major overhaul.</p>
<p>SED needs to establish Contracts for Excellence timelines, and stick to them.</p>	<p>Agreed. Guidance will spell out core timelines early in the process.</p>
<p>The web-based system required districts to manually compute totals. It is recommended that the system be improved so that the system automatically calculates totals. (Sessions 11/27 to 11/28)</p>	<p>The system does compute totals and keeps running balances of allocations at the district and school levels. Additional information is needed to better understand how to be helpful.</p> <p>The issue may be one that districts need to address by preparing their budgets and contracts externally (i.e., in Excel or a Database) before trying to enter information into the C4E system.</p>
<p>The system required that totals be entered first, and districts had to work backwards entering services and projected costs. (Session 11/27 to 11/28)</p>	<p>We imagined this to be the way a superintendent would approach the task.</p> <p>Within budget constraints, the system needs to be either district/school level based or program based. I.e., if we change to having money allocated to all 6 program areas first at the district level and then go to the school level, we would lose the current school-based budgeting functionality the system now uses. The consensus at this point is that the approach should not be changed. This implies additional guidance will need to be given to some districts on preparing their budgets, contracts and allocations externally before coming to the C4E system for entry.</p>

C4E District Comment	SED Response
<i>Contracts for Excellence Menu Items</i>	
Will the menu items be revised over time, based on school/district empirical experiences and based on implementation of the value added model?	Certainly. This is a possible topic for further discussion of legislative change.
It is recommended that school districts be permitted to use a portion of Contracts for Excellence funds for district-level support, rather than being solely directed to the school level.	District-wide initiatives are allowed but expenditures must be accounted for at the school level to show that the funds directly benefit students and do not expand district administration.
Some Contracts for Excellence school districts were already implementing many Chapter 57 menu items, but there is no recognition of such implementation or adjustment of SED expectations for such school districts.	The 25% provision was intended to address this. The statute was specifically for new or expanded programs.

C4E District Comment	SED Response
<p>Some Contracts for Excellence districts are high performing (e.g., exceeding state standards, with a 90 percent graduation rate). It is recommended that SED review/approval procedures differentiate between high and low performing schools/districts. (Sessions 11/27 to 11/28)</p>	<p>Our approval process recognized high performing school districts by giving them more flexibility in allocating C4E funds.</p>
<p>Development of Contracts for Excellence and the evaluation of the extent to which performance improves must consider student transience/mobility. (Sessions 11/27 to 11/28)</p>	<p>Agreed and we need to discuss how. Evaluating Contracts for Excellence is a topic for further discussion.</p>
<p><i>Contracts for Excellence Questions and Answers Document</i></p>	
<p>Approximately 75 percent of school districts were aware of the question and answers information prepared by SED. Most districts found it helpful and recommended that it be continued.</p>	<p>Agree.</p>
<p>The State Education Department needs to consider implementation of additional measures to ensure that all Contracts for Excellence school districts are aware of the questions and answers document.</p>	<p>Need to identify a C4E designee in school districts to ensure C4E districts are aware of our C4E website and its contents. SED is exploring the possibility of creating a spot to identify such person on the portal.</p>

C4E District Comment	SED Response
Once SED posts questions and answers, the information should not be revised until the next year, at the earliest.	Agreed, however, in some instances it will be unavoidable if there are legislative or regulatory changes or new information is available. Such changes will be clearly noted on the C4E webpage.
<i>C4E Issues</i>	
<p>Clarification and definition is needed in regard to the following:</p> <ul style="list-style-type: none"> ➤ Distribution of funds-district-wide and in schools ➤ “Predominately” ➤ “Neediest” ➤ Proportionality building-to-building ➤ Supplanting ➤ Specificity regarding performance improvement ➤ Specificity (coding) for fiscal tracking of Contracts for Excellence funding 	Discussion groups will be conducted with superintendents and designees.
SED must be mindful of student transiency in evaluating school district performance in achieving C4E performance targets.	Agreed. The issue of how SED evaluates student achievement progress of C4E districts requires continued discussion and development.
<i>Implementation and Funding</i>	

C4E District Comment	SED Response
School districts are concerned about their ability to maintain Contracts for Excellence initiatives year-to-year.	We need discussion of supplanting and how to foster sustainability, cost-effectiveness and innovation
Recommend extending the provision allowing 25 percent of Contracts for Excellence funds to support current programs and initiatives. Some districts recommended increasing this provision to 35 percent.	Need to advocate for a legislative change as this provision reverts to zero for 2008-09.
Approximately 85 percent of school districts implemented their Contracts for Excellence in advance of SED approval. Some school districts who postponed implementation of their contract until SED approval are concerned about their ability to spend the funds before the end of the school year and ask whether carryover provisions can be implemented for 2007-08.	This would require legislative change.
Concern was expressed regarding sustainable state aid funding for 2008-09 in light of current state fiscal challenges.	The Regents have advocated for full funding.

C4E District Comment	SED Response
In some school districts, State aid for 2007-08 has been reduced. This may necessitate revision of Contracts for Excellence. (Sessions 11/27 to 11/28)	We do not believe that revisions to state aid should affect existing Contracts, as the Contract Amount was established by regulation based on the enacted 2007-08 budget on April 2, 2007.
Will there be any revisions of the ST-3 form based on contracts for excellence?	This is under discussion. We have asked each district to account for C4E funds by building and program, noting the distinction between funds to continue district programs and funds for new or expanded programs. We will be discussing with the Comptroller's Office possible amendments to the ST-3 for 2008.
<i>Public Comment Requirements</i>	
Recommend that Board of Education meetings be sufficient to meet the C4E public hearing requirement for 2008-09. Districts should present and discuss their Contract for Excellence with the community as part of the school district budget presentation and discussions.	We don't agree with this. Chapter 57 specifically requires school districts to conduct a public hearing for the review of Contracts for Excellence in 2008-09 and beyond. A board of education meeting is not the same as a public hearing.

C4E District Comment	SED Response
<p>The planned approach of SED to monitor the C4E budget for 2007-08 seems fair. Does SED have any guidance or information as to what school districts may expect for the Single Audit?</p>	<p>Under Discussion with CPAs:</p> <ul style="list-style-type: none"> ✎ Required to certify that expenditures subject to C4E requirements supplement and don't supplant beyond 25% allowed in 2007-08 ✎ Accounting system in place ✎ Properly approved in a timely manner ✎ Public comment process followed ✎ Transactions were properly documented with original vendor invoices, purchase orders, approved contracts, and/or appropriate payroll information ✎ Experimental programs approved ✎ Complaint procedures consistent with law
<p><i>Other Related Comments and Concerns</i></p>	
<p>The accountability systems are too complex and are not well understood by school personnel and the general public.</p>	<p>Need to improve this.</p>
<p>The SURR system is not felt to be value added (in addition to the NCLB accountability system) and should be discontinued.</p>	<p>Need a coordinated system.</p>
<p>Keep lines of communication open with more meetings like the JMT regional meetings.</p>	<p>Agreed. We will have focus groups with superintendents and designees.</p>

C4E District Comment	SED Response
Some participants asked that their points of view and recommendations be seriously considered by the State Education Department and were appreciative of the opportunity to make recommendations at the JMT meetings.	Agreed. We will continue to listen to feedback from all groups impacted including superintendents, teachers and advocates.
Contracts for Excellence revisions required by SED necessitated that some schools/districts revise other local plans. (Sessions 11/27 to 11/28)	Although some changes that SED required for approval of Contracts for Excellence may have affected other local initiatives, we tried to minimize disruption in the first year and carefully considered district rationales in granting waivers to approval guidelines. We anticipate this disruption to be minimized in the future as we implement the C4E process on a timely basis with the rules well understood at the start of the process.
Recommend designating a single SED point of contact for each C4E district to improve the efficiency and to ensure the provision of informed guidance and direction.	Agreed. That single point of contact is Chuck Szuberla (cszuberl@mail.nysed.gov , 518.474.2238)
Where can school districts access or receive a copy of Chapter 57? Is it posted on the SED website?	Yes. www.emsc.nysed.gov/mgtserv/C4E

**NEW YORK STATE
CONTRACTS FOR EXCELLENCE**

KEY ISSUES FOR DISCUSSION PURPOSES

December 19, 2007

Prepared for Discussion Between C4E Superintendents and NYSED Staff
Hudson Valley Community College

www.emsc.nysed.gov/mgtserv/C4E

KEY ISSUES FOR DISCUSSION PURPOSES

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1. Analyzing District Need and Creating Effective C4E Strategies

A district's analysis of its educational need must be guided by student performance data. The ability to evaluate the effectiveness of programs or strategies to meet individual student needs will be enhanced once a value added assessment system is incorporated into the school accountability system. The value-added model, a component of the growth model, will enable districts to control for demographic data, or other disaggregated data, and analyze the effects of a particular program or instructional practice.

Targeted strategies based on the unique needs of student subgroups are essential to designing and implementing effective educational reforms. However, until the value-added model becomes an operational part of the accountability system, it will be beneficial to continue the dialogue among C4E districts regarding successful outcomes associated with implementing allowable C4E programs, as well as an examination of new tactics which may result in positive outcomes for students.

Effective strategies may include:

- comprehensive planning to ensure consistent focus and implementation across the district,
- using high quality teaching staff to teach students with the greatest educational needs,
- response to intervention strategies that use formative evaluation to strengthen reading instruction in elementary students with disabilities, and
- innovative strategies to educate students at risk of dropping out and their parents, including evening classes, career and technical education and programs of music and art.

Discussion Questions:

What are effective strategies to reach the neediest students?

What approaches for analyzing student need should districts pursue prior to the availability of the value-added model?

Based upon current information, what level of support do districts need to use these strategies?

2. District-wide Versus School-based Planning

Effective C4Es involve a local strategic program and fiscal planning process that will improve student achievement. SED worked closely and extensively with districts to assist in this process and to develop an on-line system that would capture this hard work in a stream-lined, yet comprehensive, rationale and accurate manner.

The system needs to be either school-based (as it is now) or converted to program-based, which some districts may prefer. If we change to having money allocated to all six program areas first at the district level and then go to the school level, we would lose the current school-based budgeting functionality the system now uses. The SED consensus at this point is that the approach should not be changed. A school-based budgeting approach focuses attention on the relation between resources and achievement at the school level and the strategies that may enhance this relationship. Aggregating up to the district level may limit the ability of interventions to be tailored to specific student needs.

Discussion Questions:

Are districts able to share planning or budgeting tools that will assist other districts in addressing this issue?

Are there any specific features SED can add to the system that will help?

What concerns do districts have about implementing district-wide programs that need to be allocated down to the school level for reporting purposes?

3. Implementing C4E Programs in Fiscally Stressed Districts

The requirements for the C4E affect school districts differently. For school districts in fiscal stress, this may mean spending money on expenses that are not of the greatest financial concern. For example, districts that are experiencing significant increases in health insurance costs and had hoped that a large increase in State Aid would alleviate some of the local burden of this cost might not have realized that with a C4E. C4E requirements that specify how a portion of increased State Aid must be spent are not expected to cause a school district to overspend its voter approved budget or to spend more than its projected revenues, two major causes of fiscal stress. There are questions that are raised when it comes to all C4E districts and especially those in fiscal stress.

Discussion Questions

What is a reasonable recommendation for the percentage of C4E funds that can be used for continuing allowable programs after the 25% provision, provided for 2007-08 only, is discontinued? What is the basis for a revised amount?

To what extent, dollar-wise, and in what areas are expenditures under the C4E diverting money away from other rapidly increasing parts of a district's budget?

What can and should C4E school districts in fiscal stress be doing to ensure that the programs provided under a Contract do not contribute to further financial difficulties?

4. Allowable Programs and Options

The five allowable program areas (Time on Task, Class Size Reduction, Teacher and Principal Quality Initiatives, Middle and High School Restructuring and full-day prekindergarten and kindergarten), along with Experimental Programs were established under the legislation and regulation. Until changed, we assume that they will remain applicable for the 2008-09 Contracts. However, there is flexibility for the Department to allow different options and activities at the discretion of the Commissioner and Regents.

Discussion Questions:

Should allowable programs set in statute and options set in regulation be changed?

Should some options or allowable activities be removed for 2008-09?

Are there others that should be allowed?

Should there be guidance or preference given to certain current or future program areas or options?

Should certain program options be prescribed for districts with certain characteristics?

5. Supplementing vs. Supplanting

For 2007-08, C4E school districts are allowed to fiscally support pre-existing programs that qualify as an “allowable program” with a maximum of twenty-five percent of the funds which are subject to Contract requirements. Beyond this, C4E programs must be new or an expansion of an already existing program. This twenty-five percent provision exists for 2007-08 only. Pending a change in legislation, no such provision exists for 2008-09 and beyond.

Because 2007-08 is the first year of C4E, school districts may have a more difficult time identifying specific base year (2006-07) expenses in what are now allowable programs. Going forward, each year will become the base for the subsequent year to allow comparison. In the future, it will be easier for the district, independent auditors and New York State to identify supplementing vs. supplanting issues. It will also require districts to be cognizant of and judicious in dealing with this issue.

Discussion Questions:

What will districts need to substantiate that they stayed within the twenty-five percent in 2007-08?

How will the independent auditors and New York State verify that districts did not exceed 25 percent of Contract funds for existing programs?

What might be a reasonable approach to continuing funding for existing programs for 2008-09 and beyond?

6. **Issues Affecting the Big 5 Cities**

Although the Big 5 Cities are held to the same standards and processes as other C4E school districts, the magnitude of the number of schools and students affected, create special challenges, circumstances and opportunities. Additionally, Chapter 57 (L07) requires that New York City, specifically, must have a class size reduction plan.

Discussion Questions:

Targeting: Are the two analytical methods, 1) 75 percent of funds to the neediest half of schools and 2) funding at least proportional to need in low-performing schools, adequate to ensure compliance with law and regulation and an effective result for students?

Should additional requirements specify the amount of funding for certain subgroups, e.g. English language learners or students scoring at levels 1 and 2)?

Should NYSED give the district flexibility under certain circumstances? What specific circumstances?

Enrollment decline: Should NYSED allow the Big 5 Cities to use Foundation Aid for new or expanded C4E programs to continue to fund teachers employed in the base year if enrollment declines?

If yes, how much credit should be given?

District-wide initiatives: Should SED allow districts to use Foundation Aid subject to C4E requirements for district-wide initiatives that benefit all schools if educational need is high in all schools? How high must educational need be in each school?

7. **Proportional Funding for Low-Performing Schools**

NYSED analysis examined whether, in low-performing schools, C4E allocations were at least proportional to student need in those buildings. Need was measured as the sum of students living in poverty, students with disabilities, English language learners and low achieving students. If, for example, a low-performing school had five percent of the student need in the district, NYSED

questioned the district's allocation of C4E funds if it was less than five percent. Districts were asked to reallocate C4E funds to ensure proportional funding for low-performing schools unless there was a good rationale for not doing so. For example, NYSED accepted Buffalo's plan to target all of its Foundation Aid subject to C4E requirements to its SURR schools, so that other SINI schools did not get funding proportional to the need. NYSED accepted Rochester's plan to use some of its Foundation Aid subject to C4E requirements in a less needy school to provide a summer program for Level 1 and 2 students from all over the district.

Discussion Questions:

Is a proportional funding analysis a useful tool in NYSED evaluation of C4E plans?

Should additional exceptions to this rule be allowed? Under what circumstances?

8. Targeting Predominately to Students with the Greatest Educational Need

The statute authorizing C4E - Chapter 57 of the Laws of 2007 - mandates that school districts' use of their contract amount must "predominantly" benefit children with the greatest educational needs, including but not limited to pupils in poverty, those with disabilities, and limited English proficiency. However, the statute does not spell out the relative importance or weights of these groups, if any, that should be applied to measure what level of targeting is sufficient to *predominately* benefit such students. Moreover, it is not clear whether the proper scale or unit of measurement is the school or the student, two concepts which can have different results, operationally in terms of targeting.

Discussion Questions:

How much targeting to the neediest schools (or students) should a district have to be make before the State is satisfied that the funds predominately benefit the neediest students?

Are the two targeting standards NYSED used—75 percent of funds to the neediest half of schools in the Big 5 and funding proportional to need in low performing schools in all districts—effective?

If no, what is a substitute standard?

What are circumstances that justify deviating from a targeting standard?

9. Evaluation and Accountability

The C4E links academic performance (and by extension, accountability status) to fiscal resources. That is, a district's accountability status, along with its increase in State Aid, determine whether a district is required to enter into a Contract for Excellence. In turn, districts are required to report to the Department those academic areas and specific performance targets where they expect to focus their Contract efforts and where they expect the increases in resources and attention generated by the contract will yield performance gains. A number of issues are raised by this new linking of fiscal and academic resources.

Discussion Questions:

What level of achievement or reduction in gaps between current levels of achievement and proficiency is likely to occur and are therefore realistic for districts to project?

Should the proper target be a district's adequate yearly progress (AYP) target pursuant to NCLB, or some other measure?

How will the State measure whether the increases in funding have resulted in performance gains?

10. Coordinated C4E Monitoring

Monitoring of the C4E programs, for compliance and accountability purposes, will be conducted as part of the coordinated monitoring conducted by NYSED, with the NYC and rest of state Offices of School Improvement taking the lead. Monitoring instruments will be developed and completed to document the provision of services and programs which the district is implementing in accordance with their approved Contract.

Discussion Questions:

What is the most effective way of monitoring programs to assess compliance with the statute, fidelity in implementing the contract as approved by the Commissioner, and effectiveness of the Contract program to positively impact the achievement of the district's neediest students?

11. School-based Accounting for C4E Expenditures

Contracts for Excellence have created a heightened public awareness regarding the advantages of building level accounting, i.e., tracking and reporting allocations and expenditures. School districts subject to Contracts will be required to track and verify expenses associated with additional State Aid at both

district and building levels. In addition, tracking will need to be by program, e.g., Class-Size Reduction, at the building level. While school districts regularly track building level expenses currently, for their own internal purposes, C4E brings this concept to the mainstream.

Discussion Questions:

Should all school districts be required to identify Contract for Excellence account codes exactly the same way?

Will a new function code, e.g., A2111, be created for reporting Contract for Excellence expenditures to the state?

What guidance should be given to school districts on Contracts for Excellence expenses, e.g., accounting for expense; aggregating and disaggregating expenses; identifying expenses for independent auditors and the state?

**NEW YORK STATE
CONTRACTS FOR EXCELLENCE
2007-2008**

SUMMARY REPORT



The New York State Education Department
Office of Educational Management Services
December 2007

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INTRODUCTION

CONTRACTS FOR EXCELLENCE, 2007-2008

The Contracts for Excellence (C4E) were established in Chapter 57 of the New York State Laws of 2007, Education Law Section 211-d. They specifically reflect those requirements for school districts which received an increase of ten percent over their prior year's Foundation Aid amount; or, aid in excess of \$15 million over the previous year; or, a supplemental educational improvement plan grant. Additionally, districts must also have had one or more schools designated through the accountability system as in need of academic improvement. These provisions resulted in fifty- five school districts being required to comply with additional accountability requirements known as C4E.

A C4E process was developed and implemented by the New York State Education Department (SED) in the months following passage of the law. The process was largely driven by legislative and regulatory specifications, which included a requirement for public comment. All districts submitted applications to the SED by July 15 conveying their intent to implement one or more allowable programs, as specified in law, or to spend a portion of their funds continuing existing programs created for their neediest students. The methods for allocating funds proportionally to the most at risk students were outlined in the procedures the Department established to guide and direct district spending. All C4E's were approved by the Commissioner of Education in a public ceremony in Buffalo, on November 19, which was attended by a host of leaders and stakeholders, including the Governor, legislators, other SED officials, advocates and C4E superintendents.

All C4E programs had their origins in research-based practices and have been purported to incorporate the most effective strategies for improving student performance. The allowable programs from which districts could select were: class size reduction; improving teacher and principal quality; increasing student time on task; middle school and high school restructuring; and full day prekindergarten or kindergarten. There was also an option to implement an experimental program tied to an evaluation plan, and six districts availed themselves of that option.

The narrative applications submitted to the Commissioner confirmed that C4E funds are supporting a number of innovative programs. Specifically:

- There are a variety of approaches which have been adopted for increasing time on task including longer days, weekend school, summer programming, and other tangible strategies to ensure more opportunities for instruction.
- Several districts proposed programs for middle and high school restructuring. Designing structural reforms has taken several variations, many of which necessitate smaller learning communities and novel approaches to ease the transition from middle school to high school and reach students at risk of not completing high school. Since the research is clear that physical school or grade reconfigurations alone are not sufficient to yield achievement gains in middle and high schools, the Department's regulations require that any allowable programs under this option include instructional practice change as well.

- Improving teacher quality is perhaps the single greatest undertaking a district can embrace in their effort to strengthen student performance and boost achievement. C4E districts are making significant strides in strengthening the capacity of professional personnel to support C4E reforms.
- Research has shown that reducing class size, particularly in the early grades and among students in low performing schools, can improve student academic achievement. Over seventy five percent of all C4E districts are using funds for this purpose.
- Expanding early childhood programs through full day prekindergarten and/or kindergarten options also has significant long-term potential to fully engage students throughout their schooling and beyond. While few districts availed themselves of this program due to alternate funding sources and competition by older students' learning needs, those that did opt to use this strategy have strengthened their early learning program.
- Finally, other initiatives have gained momentum to help shape the direction of the C4E, including a focus on technology driven decisions and staff support to enable this approach. Reducing out of classroom time for troubled students and other social supports for at risk students are addressed with programs supported by Foundation Aid subject to C4E accountability requirements.

The Department asked C4E districts to establish parameters for minimum gains in student improvement for each of the allowable programs and their relative expenditures. These measures of program effectiveness, as demonstrated by achievement gains, constitute necessary measures of C4E accountability.

For each school receiving C4E funds, districts have identified targets by which the school is expected to reduce gaps in the performance of designated groups of students. We have done a preliminary analysis of these performance targets. The New York City performance targets show that elementary and middle schools have focused on English Language Arts (ELA) and that the groups for which targets were most often established were students with disabilities and limited English proficient students, followed by targets for Hispanic students, the all student group and black students. In most instances, districts have established the goal that the gap will be closed by ten percent between the base year performance of the designated group and 100 percent of its students' proficient. For rest-of-State (ROS) districts, the most frequently cited performance target is elementary/middle ELA with regard to the performance of students with disabilities. In roughly equal proportions, the next most frequently cited performance targets are: Grades 3-6 ELA for low income students and Grades 3-6 Math for students with disabilities. As was the case with New York City, ROS districts are also most commonly attempting to close the performance gaps by 10 percent.

The following charts and tables, as defined in the Table of Contents, provide information concerning the proposed use of Foundation Aid subject to C4E accountability requirements for 2007-08, including the distribution of funds and targeted students groups in New York City and Rest of State.

DISTRICT ALLOCATIONS

FINAL C4E ACCOUNTABILITY DOLLARS, as of 11/06/2007 DATABASE, BASED ON DISTRICT SUBMISSIONS								
BEDS code	Parent	2007-08 Foundation Aid Increase	Original C4E Allocation	Actual Charter Deduct	Final C4E Amount	Maximum Continue Existing Programs (C4E Amt * 25%)	Actual Continue Existing Programs	Minimum New Programs (inc. Experimental)
010100010000	ALBANY CITY SD	\$5,946,608	\$4,669,547	\$5,394,898	\$0	\$0	\$0	\$0
180202040000	ALEXANDER CSD	664,256	491,168	0	491,168	122,792	61,396	429,772
270100010000	AMSTERDAM CITY SD	2,100,311	1,506,251	5,000	1,501,251	375,313	122,351	1,378,900
131601060000	ARLINGTON CSD	4,017,339	3,300,918	0	3,300,918	825,230	825,229	2,475,689
050100010000	AUBURN CITY SD	2,604,283	1,932,884	0	1,932,884	483,221	262,725	1,670,159
030200010000	BINGHAMTON CITY SD	5,710,825	4,822,186	0	4,822,186	1,205,547	237,365	4,584,821
580512030000	BRENTWOOD UFSD	16,437,770	12,245,990	0	12,245,990	3,061,498	3,061,497	9,184,493
140600010000	BUFFALO CITY SD	26,352,680	14,841,293	3,600,000	11,241,293	2,810,323	2,810,323	8,430,970
190301040000	CAIRO-DURHAM CSD	1,299,299	1,082,709	0	1,082,709	270,677	255,177	827,532
410601040000	CAMDEN CSD	2,070,683	1,524,281	0	1,524,281	381,070	381,070	1,143,211
222201060000	CARTHAGE CSD	2,026,576	1,442,019	0	1,442,019	360,505	98,221	1,343,798
460801060000	CENTRAL SQUARE CSD	2,625,574	1,895,085	0	1,895,085	473,771	447,910	1,447,175
650301040000	CLYDE-SAVANNAH CSD	852,444	636,572	0	636,572	159,143	153,915	482,657
580105030000	COPIAGUE UFSD	3,852,736	3,128,738	0	3,128,738	782,185	782,184	2,346,554
060800010000	DUNKIRK CITY SD	2,063,011	1,657,991	250,000	1,407,991	351,998	0	1,407,991
260801060000	EAST IRONDEQUOIT CSD	1,717,387	1,423,239	0	1,423,239	355,810	197,456	1,225,783
070600010000	ELMIRA CITY SD	4,740,161	3,405,707	0	3,405,707	851,427	851,426	2,554,281
590501060000	FALLSBURG CSD	1,009,484	724,486	0	724,486	181,122	181,121	543,365
460500010000	FULTON CITY SD	2,595,265	1,878,205	0	1,878,205	469,551	469,551	1,408,654
430700010000	GENEVA CITY SD	2,141,409	1,742,392	0	1,742,392	435,598	328,000	1,414,392
260501060000	GREECE CSD	5,838,022	4,545,886	3,907	4,541,979	1,135,495	1,037,870	3,504,109
460701040000	HANNIBAL CSD	1,285,380	952,717	0	952,717	238,179	116,578	836,139
500201060000	HAVERSTRAW-STONY POINT CSD	2,981,527	2,160,441	0	2,160,441	540,110	540,110	1,620,331
130801060000	HYDE PARK CSD	1,735,799	1,310,000	0	1,310,000	327,500	264,916	1,045,084
061700010000	JAMESTOWN CITY SD	3,885,016	2,882,843	0	2,882,843	720,711	720,710	2,162,133
141901060000	LANCASTER CSD	2,356,948	1,911,719	15,475	1,896,244	474,061	0	1,896,244
490601060000	LANSINGBURGH CSD	2,223,188	1,865,520	25,000	1,840,520	460,130	460,130	1,380,390
512001060000	MASSENA CSD	1,891,393	1,487,929	0	1,487,929	371,982	0	1,487,929
441000010000	MIDDLETOWN CITY SD	6,945,423	5,772,064	0	5,772,064	1,443,016	1,395,995	4,376,069
591401060000	MONTICELLO CSD	3,187,679	2,698,222	0	2,698,222	674,556	674,555	2,023,667
441600010000	NEWBURGH CITY SD	10,389,371	8,088,210	0	8,088,210	2,022,053	887,021	7,201,189
090501040000	NORTHEASTERN CLINTON CSD	1,017,369	754,646	0	754,646	188,662	160,465	594,181
081200050000	NORWICH CITY SD	1,729,061	1,347,743	0	1,347,743	336,936	157,676	1,190,067
661401030000	OSSINING UFSD	887,228	703,016	0	703,016	175,754	0	703,016
461300010000	OSWEGO CITY SD	2,059,099	1,812,008	0	1,812,008	453,002	430,758	1,381,250
661904030000	PORT CHESTER-RYE UFSD	1,271,331	1,007,420	0	1,007,420	251,855	239,100	768,320
441800050000	PORT JERVIS CITY SD	2,151,477	1,560,556	0	1,560,556	390,139	0	1,560,556
261600010000	ROCHESTER CITY SD	28,245,300	19,475,713	1,441,548	18,034,165	4,508,541	4,508,540	13,525,625
261701060000	RUSH-HENRIETTA CSD	1,684,647	1,229,653	0	1,229,653	307,413	307,413	922,240
530600010000	SCHENECTADY CITY SD	12,529,322	11,022,892	1,262,850	9,760,042	2,440,011	2,160,468	7,599,574
010601060000	SOUTH COLONIE CSD	1,495,589	1,130,973	107,498	1,023,475	255,869	255,869	767,606
521401040000	SOUTH GLENS FALLS CSD	1,617,335	1,227,222	0	1,227,222	306,806	118,160	1,109,062
261001060000	SPENCERPORT CSD	1,669,179	1,201,116	0	1,201,116	300,279	300,279	900,837
600801040000	SPENCER-VAN ETEN CSD	1,010,893	808,737	0	808,737	202,184	1	808,736
421800010000	SYRACUSE CITY SD	17,365,346	11,748,024	0	11,748,024	2,937,006	2,811,523	8,936,501
660401030000	UFSD-TARRYTOWNS	724,428	604,405	0	604,405	151,101	151,101	453,304
081003040000	UNADILLA VALLEY CSD	850,882	613,676	0	613,676	153,419	138,559	475,117
412300010000	UTICA CITY SD	8,871,353	7,236,360	0	7,236,360	1,809,090	1,493,841	5,742,519
441301060000	VALLEY CSD (MONTGOMERY)	2,668,288	2,079,014	0	2,079,014	519,754	319,372	1,759,642
132101060000	WAPPINGERS CSD	4,015,077	3,189,070	0	3,189,070	797,268	790,929	2,398,141
222000010000	WATERTOWN CITY SD	3,431,864	2,748,816	0	2,748,816	687,204	360,000	2,388,816
011200010000	WATERVLIE CITY SD	1,391,030	1,139,423	11,000	1,128,423	282,106	282,105	846,318
280401030000	WESTBURY UFSD	2,601,029	2,115,135	0	2,115,135	528,784	305,135	1,810,000
662200010000	WHITE PLAINS CITY SD	1,371,389	1,115,594	0	1,115,594	278,899	0	1,115,594
662300010000	YONKERS CITY SD	4,748,354	8,500,000	900,000	7,600,000	1,900,000	0	7,600,000
	NEW YORK CITY	\$469,752,980	\$317,852,531	\$60,000,000	\$257,852,531	\$30,000,000	\$30,000,000	\$227,852,531
	ROS	\$238,954,717	\$182,398,424	\$13,017,176	\$170,106,599	\$42,526,650	\$32,916,096	\$137,190,503

Total 2007-08 Foundation Aid Increase Subject to C4E **\$708,707,697**

Total Original C4E Allocation (above 103% of base) **\$500,250,955**

Actual Charter Deduct **\$73,017,176**

Total Final Contract Amount **\$427,959,130**

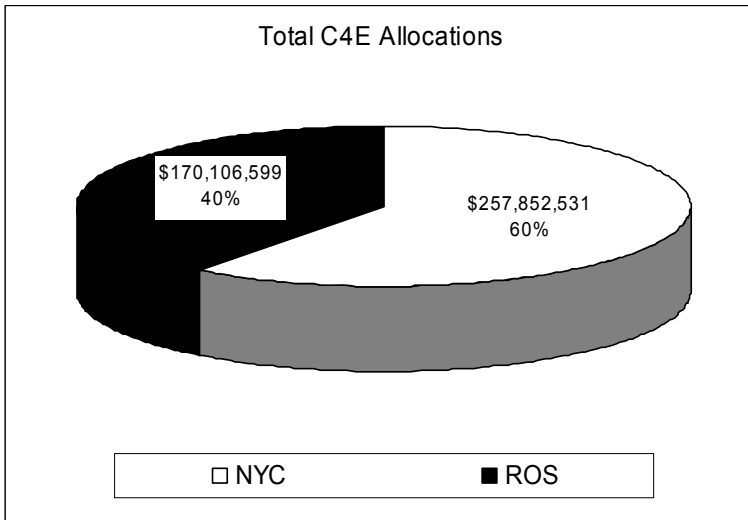
Maximum Continue Existing Programs **\$72,526,650**

Actual Continue Existing Programs www.emsc.nysed.gov/mqtserv/C4E **3** **\$62,916,096**

Minimum New Programs, inc. Experimental **\$365,043,034**

Analysis of Approved Contracts

Distribution



- NYC received 60% of the C4E amount.
- The difference is likely due to a combination of many factors:
 - more students
 - more schools
 - more need
 - more schools in improvement status
 - possibly greater impact from the ending of certain hold-harmless or aid caps under the previous formula

Figure 1

- NYC accounts for 71% of the enrolled pupils in schools with C4E allocations.
- This is nearly two and a half times as many students as the ROS.

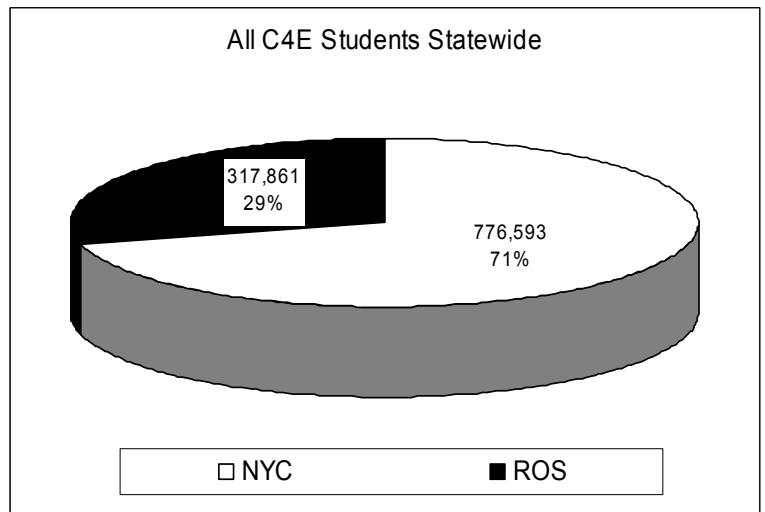
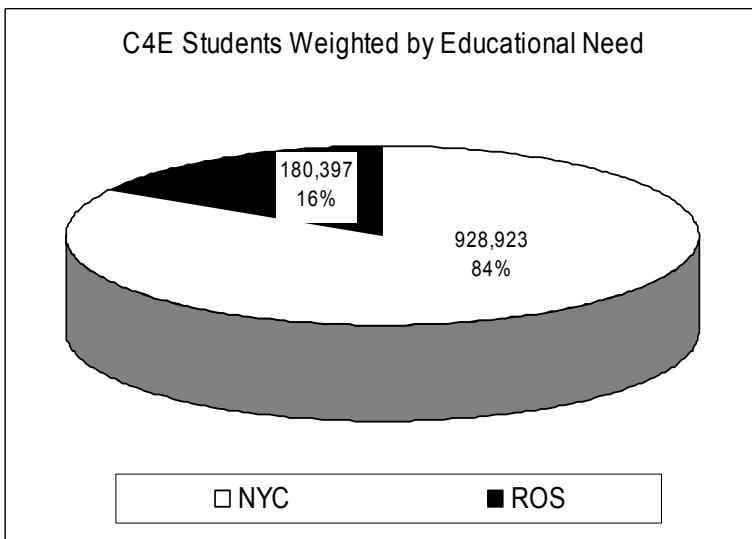


Figure 2

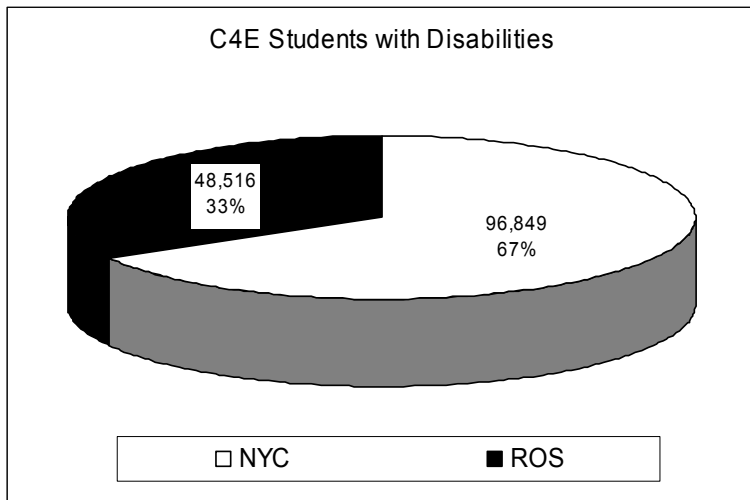


- The impact of C4E on NYC is even more pronounced when the need factors associated with the legislatively identified subgroup populations are analyzed.
- The need weightings we assigned to SWD, ELL/LEP, poverty and low academic achievement pupils shows 84% of the need in C4E is in NYC schools.
- This is significant because schools were encouraged to target these pupils with the highest educational needs.

Figure 3

Analysis of Approved Contracts

Impact on Subpopulations



- Two-thirds of the students with disabilities served under C4E programs were in NYC schools.
- This is almost exactly the inverse of the City's proportion of total statewide special education pupils.
- This would seem to be a significant success of the targeting efforts called for under the program and insisted upon by SED.

Figure 4

- Similarly, 85% of the English language learners that will benefit from the C4E programs are in NYC schools.

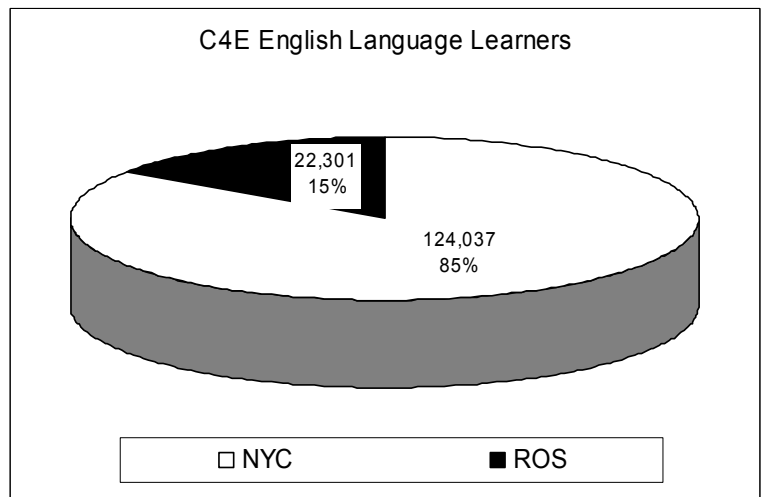
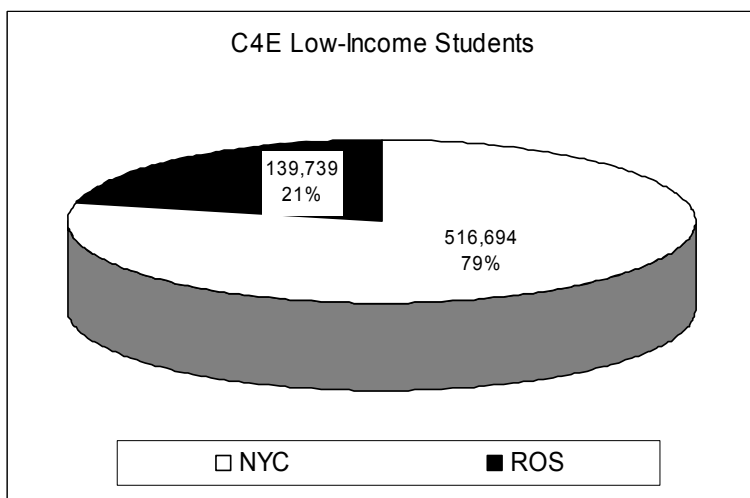


Figure 5

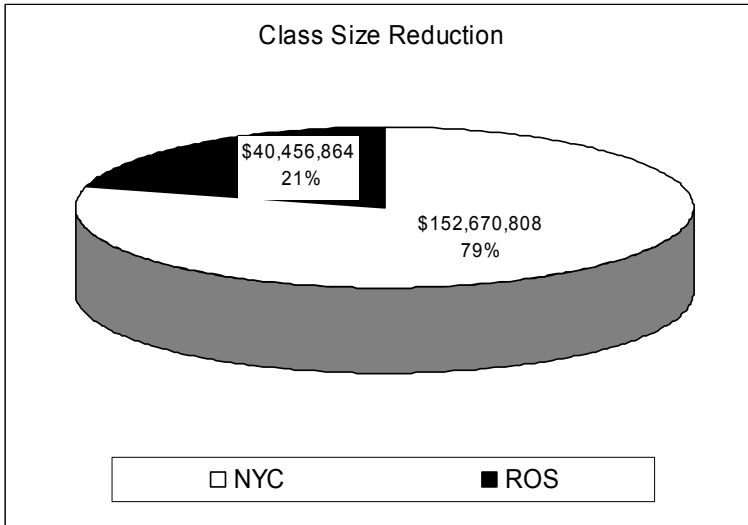


- And, 79% of the poverty students are in City schools.

Figure 6

Analysis of Approved Contracts

Program Shares by Region



- 79% of Class Size Reduction expenditures will occur in NYC.
- 65% (697) of schools in NYC will have Class Size Reduction programs under C4E.
- This program area represents 59% of NYC expenditures under C4E.
- ROS districts are spending 24% of their C4E funds on Class Size Reduction programs in 46% of their schools.

Figure 7

- NYC allocated a much larger amount, and percentage, of its C4E funds on professional development and other initiatives to improve teacher and principal quality.
- 800 out of 1072 NYC schools (or 75%) will have at least one such program, representing 15% of total allocations.
- 72% of ROS schools will have at least one program, but it only represents 10.5% of C4E program funds.

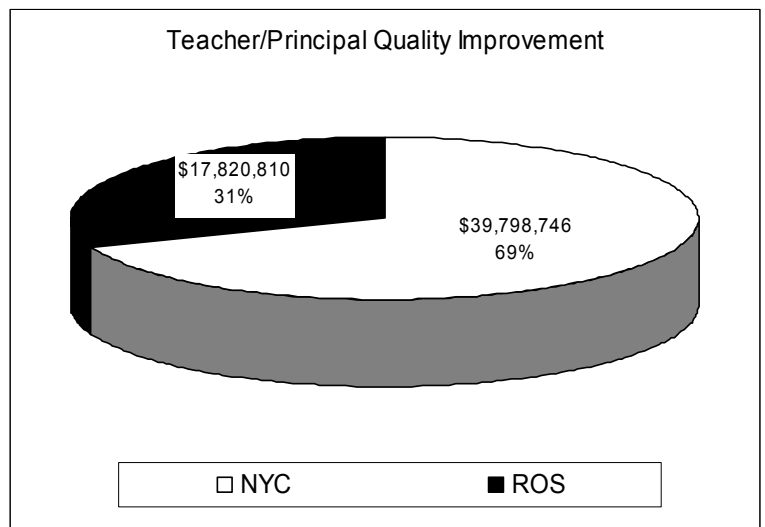
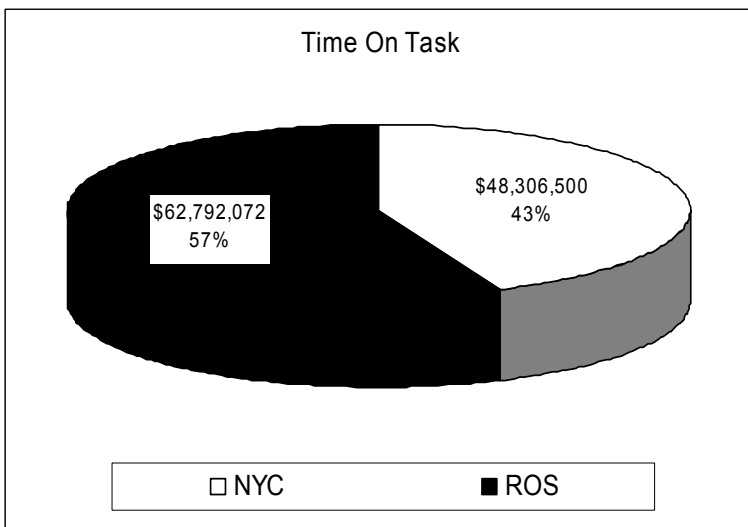


Figure 8



- The proportion of total funds allocated to increased time on task; i.e., actual teaching, is much closer in both areas.
- In NYC this program was planned in 46% of C4E schools and represented 19% of their funds.
- ROS districts spread their Time on Task programs much more widely, spending 37% of their funds in 78% of their schools.

Figure 9

Analysis of Approved Contracts

- Over one-quarter of all C4E schools were involved in restructuring programs.
- These programs represented only 13% of total C4E allocations, however.
- More than twice as much of the statewide total funds allocated to restructuring schools was accounted for by NYC, which is proportionate to their total C4E amount.

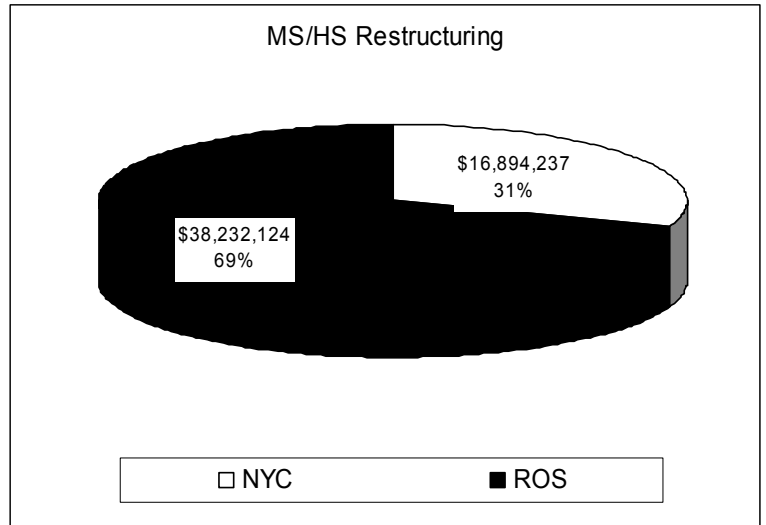


Figure 10

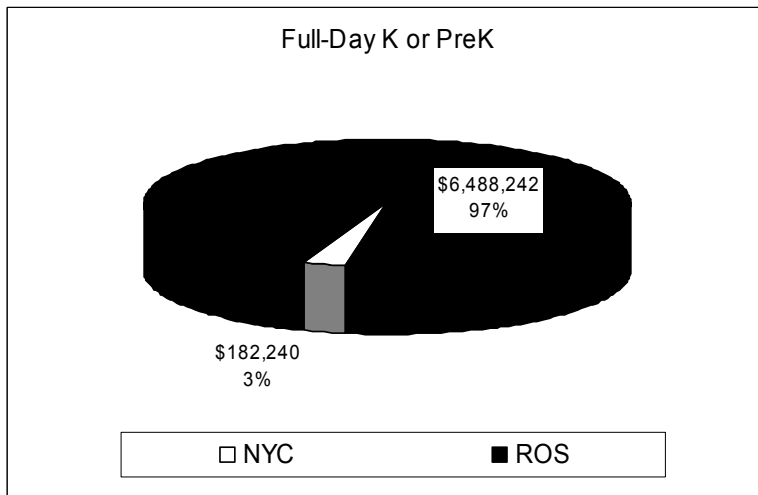


Figure 11

- Virtually all of the statewide C4E funds allocated to Full-day prekindergarten and kindergarten were in schools outside of NYC.
- The roughly \$6.5 million is for programs in only 7 schools in NYC and 35 in ROS, for an average program cost of \$138,968.

Analysis of Approved Contracts

Allocations by Allowable Programs – NYC vs. ROS

- Looking at just NYC, the emphasis on addressing large class sizes is evident.
- Almost \$153 million or 60% of their total C4E contract amount is accounted for by this program.
- 65% of all C4E schools in NYC will have a class size reduction program.
- While significantly less funds were allocated to teacher and principal improvement initiatives, they will still be in 75% of the schools.
- Similarly, over half the schools will have funds allocated directly to time on task improvements.

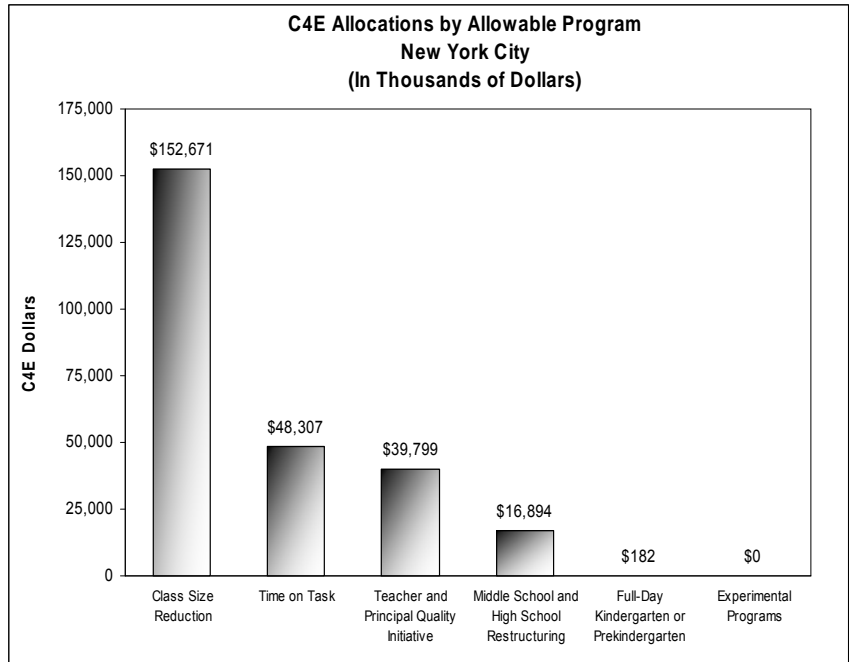


Figure 12

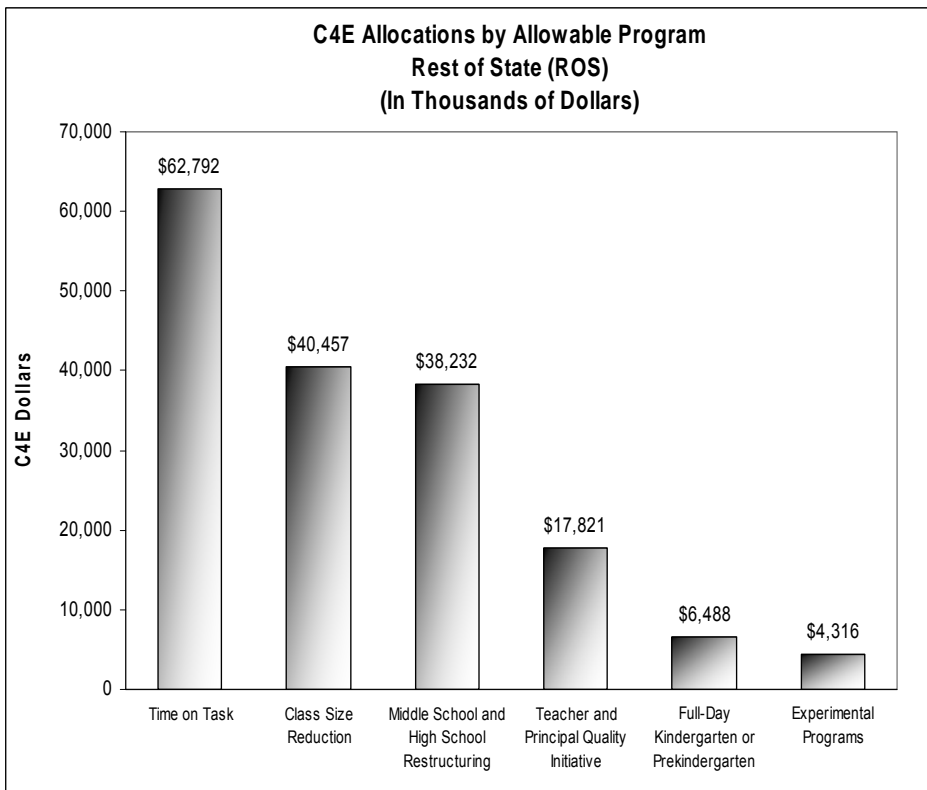


Figure 13

- The remaining 54 districts outside of NYC show a more evenly distributed allocation between programs.
- The largest program area by every measure (Total \$, % of funds, # of schools) is additional time on task.
- Over three-quarters of all C4E schools in ROS will see this direct impact on students.
- Class size reduction and restructuring programs receive about the same amount.
- However, CSR will occur in almost twice as many schools as restructuring.
- Very little C4E money is allocated to either new preschool, kindergarten or experimental programs, likely due to the lack of planning time in the first year of the program.

**Analysis of Approved Contracts
Table 1 – Statewide Summary**

<u>Statewide Summary</u>	NYC	ROS	State
Total C4E \$:	\$257,852,531	\$170,106,599	\$427,959,130
Number of C4E Schools with Allocations :	1072	475	1,547
Total # of Enrolled Pupils:	776,593	317,861	1,094,454
Percent of Total C4E Pupils FL:	66.5%	39.1%	58.6%
Percent of Total C4E Pupils SWD:	12.5%	13.6%	12.8%
Percent of Total C4E Pupils LEP/ELL:	16.0%	6.6%	13.3%
Correlation of Need-Weighted Pupils to C4E \$:	76.1%	56.4%	51.0%
Total # of C4E Schools in Improvement Status :	391	136	527
Percent of C4E Schools in Improvement Status :	36.5%	28.6%	34.1%
Total C4E \$ in Schools in Improvement Status :	\$184,291,384	\$83,939,037	\$268,230,421
Percent of C4E \$ in Schools in Improvement Status :	71.5%	49.3%	62.7%
Total # of Students in Schools in Improvement Status:	388,769	138,133	526,902
Total # of C4E Schools in Good Standing :	681	339	1,020
Percent of C4E Schools in Good Standing :	63.5%	71.4%	65.9%
Total C4E \$ in Schools in Good Standing :	\$73,561,147	\$86,167,562	\$159,728,709
Percent of C4E \$ in Schools in Good Standing :	28.5%	50.7%	37.3%
Total # of Students in Schools in Good Standing:	387,824	179,728	567,552
Notes: 1.Schools without an assigned status assumed to be In Good Standing.			
2. All averages are computed based on the number of valid values reported.			

**Analysis of Approved Contracts
Table 2 – NYC and ROS Comparison**

New York City							
PROGRAMS →	Class Size Reduction	Time on Task	Teacher or Principal Quality Improvement	Middle School or High School Restructuring	Full-Day Kindergarten or PreKindergarten	Experimental	TOTALS
NUMBER OF C4E SCHOOLS IMPLEMENTING THIS PROGRAM TYPE	697	581	800	278	7	0	N/A
PERCENT OF ALL C4E SCHOOLS IMPLEMENTING THIS PROGRAM TYPE	65.0%	54.2%	74.6%	25.9%	0.7%	0.0%	N/A
TOTAL C4E FUNDS ALLOCATED FOR THIS PROGRAM TYPE	\$152,670,808	\$48,306,500	\$39,798,746	\$16,894,237	\$182,240	\$0	\$257,852,531
PERCENT OF TOTAL C4E FUNDS ALLOCATED FOR THIS PROGRAM TYPE	59.2%	18.7%	15.4%	6.6%	0.1%	0.0%	100.0%

Rest of State							
PROGRAMS →	Time on Task	Class Size Reduction	Middle School or High School Restructuring	Teacher or Principal Quality Improvement	Full-Day Kindergarten or PreKindergarten	Experimental	TOTALS
NUMBER OF C4E SCHOOLS IMPLEMENTING THIS PROGRAM TYPE	368	218	134	340	35	59	N/A
PERCENT OF ALL C4E SCHOOLS IMPLEMENTING THIS PROGRAM TYPE	77.5%	45.9%	28.2%	71.6%	7.4%	12.4%	N/A
TOTAL C4E FUNDS ALLOCATED FOR THIS PROGRAM TYPE	\$62,792,072	\$40,456,864	\$38,232,124	\$17,820,810	\$6,488,242	\$4,316,487	\$170,106,599
PERCENT OF TOTAL C4E FUNDS ALLOCATED FOR THIS PROGRAM TYPE	36.9%	23.8%	22.5%	10.5%	3.8%	2.5%	100.0%

**Analysis of Approved Contracts
Table 3 – New York State Totals**

New York State Totals							
PROGRAMS →	Time on Task	Class Size Reduction	Middle School or High School Restructuring	Teacher or Principal Quality Improvement	Full-Day Kindergarten or PreKindergarten	Experimental	TOTALS
NUMBER OF C4E SCHOOLS IMPLEMENTING THIS PROGRAM TYPE	949	915	412	1,140	42	59	N/A
PERCENT OF ALL C4E SCHOOLS IMPLEMENTING THIS PROGRAM TYPE	61.3%	59.1%	26.6%	73.7%	2.7%	3.8%	N/A
AVERAGE C4E FUNDS BY EACH PROGRAM TYPE IN THE SCHOOLS IMPLEMENTING THIS PROGRAM TYPE	\$117,069	\$211,068	\$133,802	\$50,543	\$158,821	\$73,161	\$276,638
TOTAL NUMBER OF PROGRAMS FOR THIS TYPE, INCLUDING MULTIPLE PROGRAM OPTIONS IN A SCHOOL *	1,432	1,259	526	1,732	48	65	5,062
AVERAGE C4E FUNDS ALLOCATED FOR ALL PROGRAM OPTIONS UNDER THIS PROGRAM TYPE	\$77,583	\$153,398	\$104,803	\$33,268	\$138,968	\$66,407	\$84,543
TOTAL C4E FUNDS ALLOCATED FOR THIS PROGRAM TYPE	\$111,098,572	\$193,127,672	\$55,126,361	\$57,619,556	\$6,670,482	\$4,316,487	\$427,959,130
PERCENT OF TOTAL C4E FUNDS ALLOCATED FOR THIS PROGRAM TYPE	26.0%	45.1%	12.9%	13.5%	1.6%	1.0%	100.0%

* From Program Totals Report - 11/06/07 Database

**NEW YORK STATE
CONTRACTS FOR EXCELLENCE**

***Excerpts on Accountability From
Chapter 57 of the Laws of 2007***

***Commissioner's Regulations
8NYCRR 100.13 and 170.12***



Excerpts

§ 211-d. Contract for excellence. 1. Every school district that has at least one school currently identified as requiring academic progress or in need of improvement or in corrective action or restructuring status shall be required to prepare a contract for excellence if the school district receives an increase in total foundation aid compared to the base year in an amount that equals or exceeds either fifteen million dollars or ten percent of the amount received in the base year, whichever is less, or receives a supplemental educational improvement plan grant is required to prepare a contract for excellence for the district. In school year two thousand seven--two thousand eight such increase shall be the amount of the difference between total foundation aid received for the current year and the total foundation aid base, as defined in paragraph (j) of subdivision one of section thirty-six hundred two of this chapter. In a city school district located in a city of one million or more inhabitants, a contract for excellence shall be prepared for the city school district and each community district that meets the above criteria.

2. a. Each contract for excellence shall describe how the sum of the amounts apportioned to the school district in the current year as total foundation aid and as supplemental educational improvement plan grants for the two thousand seven--two thousand eight school year and thereafter, in excess of one hundred three percent of the district's foundation aid base, as adjusted for additional amounts payable as charter school basic tuition over such amount payable in the base year, shall be used to support new programs and new activities or expand the use of programs and activities demonstrated to improve student achievement.

b. (i) The contract shall specify the new or expanded programs for which additional amounts of such total foundation aid, or grant shall be used and shall affirm that such programs shall predominately benefit students with the greatest educational needs including, but not limited to, those students with limited English proficiency, students in poverty and students with disabilities.

(ii) In a city school district in a city having a population of one million or more inhabitants such contract shall also include a plan to reduce average class sizes, as defined by the commissioner, within five years for the following grade ranges: (A) pre-kindergarten-third grade; (B) fourth-eighth grade; and (C) high school. Such plan shall include

class size reduction for low performing and overcrowded schools and also include the methods to be used to achieve such class sizes, such as the creation or construction of more classrooms and school buildings, the placement of more than one teacher in a classroom or methods to otherwise reduce the student to teacher ratio; provided, however, that notwithstanding any law, rule or regulation to the contrary, the sole and exclusive remedy for a violation of the requirements of this paragraph shall be pursuant to a petition to the commissioner under subdivision seven of section three hundred ten of this title, and the decision of the commissioner on such petition shall be final and unreviewable.

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

3. a. The commissioner shall adopt regulations establishing allowable programs and activities intended to improve student achievement which shall be limited to class size reduction, programs that increase student time on task, teacher and principal quality initiatives, middle school and high school re-structuring, and full-day kindergarten or prekindergarten. Provided, however, that districts may use up to fifteen percent of the additional funding they receive for experimental programs designed to demonstrate the efficacy of other strategies to improve student achievement consistent with the intent of this section and, in school year two thousand seven--two thousand eight, up to thirty million dollars or twenty-five percent of such additional funding, whichever is less, may be used to maintain investments in programs and activities listed in this subdivision. Any such district seeking to implement an experimental program shall first submit a plan to the commissioner setting forth the need for such experimental program and how such program will improve student performance.

b. The commissioner shall assist school districts that include in their contract for excellence the implementation of incentives, developed in collaboration with teachers in the collective bargaining process, for highly qualified and experienced teachers to work in low performing schools to ensure that such incentives are effective.

4. a. A district's contract for excellence for the academic year two thousand eight--two thousand nine and thereafter, shall be developed through a public process, in consultation with parents or persons in parental relation, teachers, administrators, and any distinguished

educator appointed pursuant to section two hundred eleven-c of this chapter.

b. Such process shall include at least one public hearing. In a city school district in a city of one million or more inhabitants, a public hearing shall be held within each county of such city. A transcript of the testimony presented at such public hearings shall be included when the contract for excellence is submitted to the commissioner, for review when making a determination pursuant to subdivision five of this section.

c. In a city school district in a city of one million or more inhabitants, each community district contract for excellence shall be consistent with the citywide contract for excellence and shall be submitted by the community superintendent to the community district education council for review and comment at a public meeting.

d. For the two thousand seven--two thousand eight school year, school districts shall solicit public comment on their contracts for excellence.

5. Each contract for excellence shall be subject to approval by the commissioner and his or her certification that the expenditure of additional aid or grant amounts is in accordance with subdivision two of this section.

6. The school district audit report certified to the commissioner by an independent certified public accountant, an independent accountant or the comptroller of the city of New York pursuant to section twenty-one hundred sixteen-a of this chapter shall include a certification by such accountant or comptroller in a form prescribed by the commissioner and that the increases in total foundation aid and supplemental educational improvement plan grants have been used to supplement, and not supplant funds allocated by the district in the base year for such purposes.

7. The trustees or board of education of each school district subject to this section, or the chancellor in the case of a city school district in a city of one million or more inhabitants, shall assure that procedures are in place by which parents or persons in parental relation may bring complaints concerning implementation of the district's contract for excellence.

a. In a city school district in a city of one million or more inhabitants, such procedures shall provide that complaints may be filed with the building principal with an appeal to the community superintendent, or filed directly with the community superintendent, and that any appeal of the determination of a community superintendent shall be made to the

chancellor.

b. In all other districts, such procedures shall either provide for the filing of complaints with the building principals with an appeal to the superintendent of schools or for filing of the complaint directly with the superintendent of schools, and shall provide for an appeal to the trustees or board of education from the determination of the superintendent of schools.

c. The determination of the trustees or a board of education or the chancellor may be appealed to the commissioner pursuant to section three hundred ten of this title.

8. School districts subject to the provisions of this section shall publicly report the expenditure of total foundation aid in the form and manner prescribed by the commissioner which shall ensure full disclosure of the use of such funds.

9. The department shall develop a methodology for reporting school-based expenditures by all school districts subject to the provisions of this section.

§ 211-a. Enhanced state accountability system. To more fully implement the requirements of section one thousand one hundred eleven of the elementary and secondary education act of nineteen hundred sixty-five, as amended, and the federal regulations implementing such statute, the regents shall develop and implement an enhanced state accountability system that uses growth measures to the extent required by this section.

1. By the start of the two thousand eight--two thousand nine school year, the regents shall establish, using existing state assessments, an interim, modified accountability system for schools and districts that is based on a growth model, subject to approval of the United States department of education where required under federal law.

2. The regents shall proceed with the development of an enhanced accountability system, with revised or new state assessments, based on an enhanced growth model that, to the extent feasible and consistent with federal law, includes a value-added assessment model that employs a scale-score approach to measure growth of students at all levels. (a) If the regents establish that the assessment scaling and accountability methodology employed have been determined by external experts in educational testing and measurement to be valid and reliable and in accordance with established standards for educational and psychological testing, and (b) the approval of the United States department of education has been obtained where required by federal law, the enhanced growth model shall be implemented no later than the start of the two thousand ten--two thousand eleven school year.

3. In implementing the provisions of subdivisions one and two of this section, the regents shall by July first, two thousand eight, establish targets for improvement of schools and school districts based upon performance on state assessments, graduation rates, and other indicators of progress, such as student retention rates and college attendance and completion rates.

4. As used in this chapter, the following words shall have the following meanings:

a. "Growth model" shall mean the assessment of a cohort of students, or individual students, over time that measures the academic progress made by those students.

b. "Value added assessment model" shall mean a form of growth model that includes an evaluation of the specific effects of programs, and other relevant factors, on the academic progress of individual students over time.

§ 211-b. Consequences for consistent lack of improvement in academic

performance. In addition to taking appropriate action pursuant to the regulations of the commissioner and the requirements of federal law, the following actions shall be taken to increase school and district accountability for academic performance:

1. The regents shall expand the scope and improve the effectiveness of the schools under registration review (SURR) process in the two thousand seven--two thousand eight school year and thereafter, so as to ensure that all schools that meet the criteria for identification as SURR shall be so identified. The goal of such expansion shall be to identify as SURR up to a total of five percent of the schools in the state within four years, and to reorganize or restructure schools so identified in cases where such action is appropriate.

2. The regents shall develop a plan for increased support and possible intervention in schools in improvement, corrective action, or restructuring status or in SURR status. Notwithstanding any provision of law to the contrary, the regents shall establish a two-step process as follows:

- a. The appointment by the commissioner of a school quality review team to assist any school in school improvement, corrective action, restructuring status or SURR status in developing and implementing a school improvement, corrective action, restructuring, or comprehensive plan for the school. Such team may also conduct resource and program and planning audits and examine the quality of curriculum, instructional plans, and teaching in the schools, the learning opportunities and support services available to students, and the organization and operations of the school. After such review, the team shall provide diagnostic recommendations for school improvement, which may include administrative and operational improvements. The recommendation of such team shall be advisory. The reasonable and necessary expenses incurred in the performance of the team's official duties shall be a charge upon the school district, or charter school, where applicable, that operates the school.

- b. The appointment by the commissioner of a joint school intervention team, for schools in (i) restructuring status or (ii) SURR status that have failed to demonstrate progress as specified in their corrective action plan or comprehensive education plan. Administrators and educators from the district or charter school where applicable must be included on the team, as well as any distinguished educator appointed to the district pursuant to section two hundred eleven-c of this part. Such team shall assist the school district in developing, reviewing and recommending plans for reorganizing or reconfiguring of such schools. The recommendations of such team should be advisory. The reasonable and

necessary expenses incurred in the performance of the school intervention team's official duties shall be a charge upon the school district, or charter school where applicable, that operates the school.

3. A school district that has been identified as requiring academic progress, as defined by 100.2(p)(7) of the commissioner's regulations, or includes one or more schools under registration review, in need of improvement, in corrective action or restructuring status shall be required to submit a district improvement plan to the commissioner for approval. In formulating the district improvement plan, the district shall consider redirecting resources to programs and activities included in the menu of options under subdivision three of section two hundred eleven-d of this part in the schools so identified. If such options are not adopted in the district improvement plan, the school district shall provide the commissioner with an explanation of such decision which shall be considered by the commissioner in determining whether to approve such plan. The trustees or board of education shall hold a public hearing before adoption of the district improvement plan and a transcript of the testimony at such hearing shall be submitted to the commissioner for review with the district improvement plan.

4. The commissioner shall develop a plan for intervention in schools under restructuring or SURR status that fail to demonstrate progress on established performance measures and may be targeted for closure. Such plan shall specify criteria for school closure and include processes to be followed, research based options, and alternatives and strategies to reorganizing, restructuring or reconfiguring schools. Such plan shall be developed with input from educators including, but not limited to, administrators, teachers and individuals identified as distinguished educators pursuant to section two hundred eleven-c of this part.

5. (a) The regents shall ensure that all school districts include in any contract of employment, entered into, amended, or extended with a superintendent of schools, community superintendent or deputy, assistant, associate or other superintendent of schools who has been or will be appointed for a fixed term, a provision requiring that such contract specify that the superintendent shall be required to cooperate fully with any distinguished educator appointed by the commissioner pursuant to section two hundred eleven-c of this part.

(b) In the case of a superintendent of schools, community superintendent or deputy, assistant, associate or other superintendent of schools who is not appointed for a fixed term, the contract provisions contained in paragraph (a) of this subdivision shall be deemed to apply to such

superintendent immediately.

(c) In the case of a charter school, the contract of employment of the principal or headmaster or other chief school officer of the charter school that is entered into, amended or extended shall also be required to include the provisions contained in paragraph (a) of this subdivision. In addition, such contract provisions shall be deemed to apply immediately to any such person not appointed for a fixed term.

§ 211-c. Distinguished educators. The regents shall establish a distinguished educator program that recognizes educational leaders who have agreed to assist in improving the performance of low performing school districts.

1. Building principals, superintendents of schools and teachers including retirees and current employees of school districts, under whose leadership schools have demonstrated consistent growth in academic performance and other individuals who have demonstrated educational expertise, including superior performance in the classroom, shall be eligible for designation by the regents as distinguished educators. Provided, however, individuals employed by for-profit entities shall not be eligible for such recognition.

2. From the pool of distinguished educators designated by the regents pursuant to subdivision one of this section, the commissioner shall appoint distinguished educators who have expressed their willingness to assist low performing districts in improving their academic performance. To the extent practicable, the commissioner shall appoint distinguished educators to assist districts with comparable demographics to the schools or districts that are or were under such educator's leadership.

3. The commissioner may appoint a distinguished educator to a school district;

a. when such district or a school within such district has failed to achieve adequate yearly progress for four or more years;

b. as a member of a joint school intervention team pursuant to paragraph b of subdivision two of section two hundred eleven-b of this part.

4. The school district to which a distinguished educator is appointed shall cooperate fully with an appointed distinguished educator.

5. An appointed distinguished educator shall assess the learning environment of schools in the district, review or provide assistance in the development and implementation of any district improvement plan and/or any corrective action, restructuring, or comprehensive plan of any school within the district to which the distinguished educator is assigned. Such distinguished educator shall either endorse without

change or make recommendations for modifications to any such plan to the board of education, trustees, or chancellor, in a school district in a city of one million or more inhabitants, and the commissioner. Upon receipt of any recommendations for modification, the board of education, trustees, or chancellor shall either modify the plans accordingly or provide a written explanation to the commissioner of its reasons for not adopting such recommendations. The commissioner shall direct the district to modify the plans as recommended by the distinguished educator unless the commissioner finds that the written explanation provided by the district has compelling merit.

6. Appointed distinguished educators shall be deemed ex-officio, non-voting members of the board of education or trustees. In a school district in a city of one million or more inhabitants, any such distinguished educator shall be deemed an ex-officio, non-voting member of the community district education council or the city board, as applicable.

7. The reasonable and necessary expenses incurred by the appointed distinguished educators while performing their official duties shall be paid by the school district.

8. If an appointed distinguished educator is employed by a school district or charter school, it shall be the duty of the board of education or trustees of such school district, the chancellor of a city school district in a city of one million or more inhabitants, or the board of trustees of such charter school to facilitate the efforts of any such appointed distinguished educators in their employ by granting reasonable leave requests and otherwise accommodating their efforts, to the extent such efforts do not substantially interfere with the educator's performance of his or her regular duties.

§ 2. Section 305 of the education law is amended by adding four new subdivisions 36, 37, 38 and 39 to read as follows:

36. The commissioner shall ensure that by July first, two thousand eight, a student progress report, written in plain English and in a form prescribed by the commissioner, is prepared for all students. Such progress report shall provide parents or persons in parental relation with information on their child's performance on state assessments over multiple years of testing and shall also explain the process by which parents or persons in parental relation may inquire further about their child's progress. All school districts and charter schools shall prepare and disseminate the student progress report to parents or persons in parental relation in a timely manner.

37. The commissioner shall develop methods to support educators in the

use of performance data to assist in student learning, which shall be periodically improved based on feedback from educators.

38. The commissioner shall develop informational materials to assist parents or persons in parental relation and teachers in understanding the regents learning standards and the results of state assessments.

39. The commissioner shall develop a school leadership report card and a separate school progress report card to assist boards of education, the state and the public in assessing the performance of school leaders, including superintendents of schools and building principals, and the schools that they lead. The report cards shall include an assessment of the school's progress in achieving standards of excellence including, but not limited to, parent involvement, curriculum, teacher quality, and accountability measures as set forth in section three hundred nineteen of this article. The commissioner shall promulgate regulations requiring the trustees or boards of education of every common, union free, central, central high school and city school district, and the chancellor of a city school district in a city of one million or more inhabitants, to attach copies of such report cards to the statement of estimated expenditures pursuant to section sixteen hundred eight or seventeen hundred sixteen of this chapter, where applicable, and to otherwise make the report cards publicly available in the same manner as a school district report card.

§ 3. Intentionally omitted.

§ 4. Section 305 of the education law is amended by adding two new subdivisions 12-a and 40 to read as follows:

12-a. The commissioner shall evaluate the effectiveness of all teacher preparation programs in the state, and the timelines and costs of developing or modifying data systems to collect the necessary data. Such study shall consider measuring the effectiveness of such programs based on the academic performance of their students and graduates and through other measures. The commissioner shall consult with the chancellors of the state university of New York and the city university of New York, and other representatives of institutions of higher education. Upon completion of such study, the commissioner shall make recommendations to the board of regents on implementation of such methodologies.

40. The board of regents shall explore the development of a prekindergarten through postsecondary (P-16) data system that tracks student performance from prekindergarten through attendance at public colleges in this state and links students to teachers or instructors. The commissioner shall consult with other relevant state departments, agencies and

instrumentalities of the state about the feasibility of linking the system to other data collection systems containing information relevant to the education of children, including but not limited to social services information; and to identify barriers to the exchange of data between the P-16 system and social services and other systems under their control and collaborate to facilitate the free exchange of data. Such data system shall be maintained consistent with applicable confidentiality requirements, so as to prevent disclosures that would constitute an unwarranted invasion of personal privacy. The commissioner shall report to the board of regents on activities conducted pursuant to this subdivision.



TO: EMSC-VESID Committee

FROM: Johanna Duncan-Poitier

SUBJECT: Fifth Emergency Adoption of the Proposed Amendments to the Regulations of the Commissioner Relating to Contracts for Excellence

DATE: October 10, 2007

STRATEGIC GOAL: Goals 1 and 2

AUTHORIZATION(S):

SUMMARY

Issue for Decision

Should the Board of Regents adopt as a fifth emergency action the proposed addition of section 100.13 and amendment of section 170.12 of the Regulations of the Commissioner relating to Contracts for Excellence?

Reason(s) for Consideration

Required by State statute.

Proposed Handling

This proposed amendment will come before the Board of Regents at its October meeting for adoption as a fifth emergency action, effective November 25, 2007, to ensure that the emergency rule which was adopted at the April Regents meeting, revised and readopted at the June and July Regents meetings, and readopted at the September Regents meeting, remains continuously in effect until the effective date of its adoption as a permanent rule. It is anticipated that the proposed amendment will be presented for adoption as a permanent rule at the January 2008 Regents meeting.

Procedural History

The proposed amendment was adopted at the April 23-24, 2007 Regents meeting as an emergency measure, effective April 27, 2007. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on May 16, 2007.

At their June 25-26, 2007 meeting, the Board of Regents revised the proposed rule, and adopted the revised rule by emergency action, effective July 26, 2007. A Notice of Emergency Adoption and Revised Rule Making was published in the August 8, 2007 State Register.

At their July 25, 2007 meeting, the Board of Regents further revised the proposed rule in response to public comment and adopted the revised rule as an emergency action, effective July 31, 2007. A second Notice of Emergency Adoption and Revised Rule Making was published in the August 15, 2007 State Register.

At their September 10, 2007 meeting, the Board of Regents readopted the July emergency rule to ensure that the emergency rule remains in effect until the effective date of its adoption as a permanent rule. The September emergency rule will expire on November 24, 2007.

Background Information

Chapter 57 of the Laws of 2007 authorizes the Commissioner of Education to establish allowable programs and activities, criteria for public reporting by school districts of their total Foundation Aid expenditures and other requirements for the preparation of Contracts for Excellence by certain specified school districts. Education Law section 211-d requires each school district that:

- (1) has at least one school currently identified as (i) requiring academic progress or (ii) in need of improvement or (iii) in corrective action or (iv) in restructuring; and
- (2) receives an increase in either (i) total Foundation Aid compared to the base year in an amount that equals or exceeds either \$15 million or 10 percent of the amount received in the base year, whichever is less, or (ii) a supplemental educational improvement plan grant,

to prepare a Contract for Excellence, which describes how the total Foundation Aid and supplemental educational improvement plan grants will be used to support new programs and new activities or expand the use of programs and activities demonstrated to improve student achievement. The statute requires the Commissioner to establish by regulation the allowable programs and activities for such purposes. The statute also requires the Commissioner to prescribe a format by which each affected school district shall publicly report its expenditures of total Foundation Aid.

Specifically, the proposed amendment will establish:

- (1) requirements for the preparation and submission of the contracts for excellence, including a requirement that the New York City School District include a plan to reduce average prekindergarten through grade 12 class sizes within five years;
- (2) the allowable programs and activities under the contracts, which are limited to: (i) class size reduction, (ii) student time on task , (iii) teacher and principal quality initiatives, (iv) middle school and high school restructuring, and (v) full-day kindergarten or prekindergarten programs;
- (3) criteria for experimental programs, not included in the allowable programs and activities, that are designed to demonstrate the efficacy of other strategies to improve student achievement, and for which the Commissioner may authorize a district to spend up to 15 percent of the contract amount;
- (4) requirements for school districts to develop their contracts for excellence through a public process, commencing with the 2008-09 school year, which shall include at least one public hearing and be made in consultation with parents or persons in parental relation, teachers, administrators, and distinguished educators appointed pursuant to Education Law section 211-c;
- (5) requirements for procedures by which parents may bring complaints concerning implementation of contracts for excellence; and
- (6) requirements for school districts to publicly report their expenditure of total Foundation Aid.

Further revisions to the proposed amendment are being considered, which will require publication of a Notice of Revised Rule Making in the State Register and deferral of the permanent adoption of the proposed amendment until after expiration of the 30-day public comment period specified in the State Administrative Procedure Act. The proposed amendment is being presented for a fifth emergency action to ensure that the emergency rule remains continuously in effect until it can be adopted and made effective as a permanent rule. A Statement of Facts and Circumstances Which Necessitate Emergency Action is attached.

Recommendation

Staff recommend that the Regents take the following action:

VOTED: That section 100.13 of the Regulations of the Commissioner be added and that paragraph (1) of subdivision (e) of section 170.12 be amended as submitted, effective November 25, 2007, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to ensure that the emergency rule that was adopted at the April Regents meeting, revised and readopted at the June and July Regents meetings, and readopted at the September Regents meeting, remains continuously in effect until the effective date of its adoption as a permanent rule.

Timetable for Implementation

The proposed amendment was adopted as an emergency measure at the April Regents meeting, effective April 27, 2007, revised and readopted as an emergency rule at the June and July Regents meetings, and readopted as an emergency action at the September Regents meeting. The September emergency rule will expire on November 24, 2007. The October fifth emergency adoption will become effective on November 25, 2007. It is anticipated that the proposed amendment will be presented for adoption as a permanent rule at the January 2008 Regents meeting, with a February 7, 2008 effective date.

Department work on Contracts for Excellence (C4E) began in January 2007, and will continue into the 2007-08 school year. This work is summarized in the following table:

Date	Actions
January 31, 2007	<ul style="list-style-type: none">▪ Executive budget released. NYSED sent state aid information to school districts.
February-March 2007	<ul style="list-style-type: none">▪ Staff began to develop guidance for how districts might implement contracts for excellence, pending final enactment of the budget.▪ At the end of March, NYSED staff met with a group of education partners, including representatives from C4E school districts to discuss implementation issues.
April 2007	<ul style="list-style-type: none">▪ On April 1, the approved State budget was released and in early April NYSED sent state aid information to school districts as well as guidance on the enacted budget, specifically on implementing contracts for excellence.▪ Staff prepared regulations for emergency action at the April 2007 Regents meeting to give school districts the necessary direction for incorporating C4E expenditures in their 2007-08 budgets and to do the planning to be able to implement quality programs targeted primarily to students with the greatest educational needs by the fall.▪ NYSED staff consulted extensively with district representatives in meetings and by telephone and e-mail in April.▪ Staff worked on the development of a web-based system to allow school districts to submit their contracts for excellence on-line in a streamlined and efficient process that allows NYSED staff to collaborate with districts on the development of effective programs.

Date	Actions
May 2007	<ul style="list-style-type: none"> ▪ Staff continued to develop the web-based system for C4Es.
June 2007	<ul style="list-style-type: none"> ▪ School districts were invited to meet with NYSED staff to discuss implementation issues and complete the web-based system. ▪ The web-based system went live, and staff provided links to a list of programs that work and guidance on the web-based contracts for excellence system. ▪ C4E districts were encouraged to share and collaborate at training sessions and throughout implementation.
July 16, 2007	<ul style="list-style-type: none"> ▪ District C4Es due.
July 2007	<ul style="list-style-type: none"> ▪ NYSED staff prescreen submitted C4Es and provide guidance to districts that need to make revisions, based on statutory requirements, in order to have their contracts approved.
August 15, 2007	<ul style="list-style-type: none"> ▪ NYSED staff completed their review of C4Es
August , 2007	<ul style="list-style-type: none"> ▪ NYSED contacted districts for additional information needed
Fall 2007	<ul style="list-style-type: none"> ▪ Other networks will be encouraged to provide support to C4E school districts.
Fall 2007	<ul style="list-style-type: none"> ▪ Possible forum on contracts for excellence that will feature strategies that work and research needed to evaluate contracts for excellence.
School Year 2007-08	<ul style="list-style-type: none"> ▪ NYSED and networks will provide support to C4E school districts. These networks include District Superintendents, Regional School Support Centers, Bilingual Education Technical Assistance Centers, and Special Education Teacher Resource Centers, among others.

Attachment

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 215, 305, 309 and 211-d, as added by Chapter 57 of the Laws of 2007

1. Section 100.13 of the Regulations of the Commissioner of Education is added, effective November 25, 2007, as follows:

100.13 Contract for Excellence.

(a) Definitions. As used in this section:

(1) "Total foundation aid" means such aid as defined in Education Law section 3602(4).

(2) "Supplemental educational improvement plan grant" means such grants as defined in Education Law section 3641(8).

(3) "Contract amount" means the sum of the amounts apportioned to the school district in the current year as total foundation aid and as supplemental educational improvement plan grants for the 2007-2008 school year and thereafter, in excess of the percentage of the school district's foundation aid base, as prescribed and adjusted in Education Law section 211-d(2)(a).

(4) "Base year" shall be as defined in Education Law section 3602(1)(b).

(5) "Experimental programs" are programs, not included in the allowable programs and activities under subparagraphs (i) through (v) of paragraph (2) of subdivision (d) of this section, that are designed to demonstrate the efficacy of other strategies to improve student achievement, and for which the commissioner may authorize a school district to spend up to 15 percent of the contract amount.

(6) "Highly qualified teacher" means a teacher who meets the requirements set forth in section 120.6 of this Title.

(7) "Response to intervention program" means a program as defined in section 100.2(ii) of this Title.

(b) Applicability.

(1) A contract for excellence shall be prepared pursuant to the provisions of this section by each school district:

(i) that has at least one school currently identified pursuant to section 100.2(p) of this Part as:

(a) requiring academic progress; or

(b) in need of improvement; or

(c) in corrective action; or

(d) in restructuring; and

(ii) that receives:

(a) an increase in total foundation aid compared to the base year in an amount that equals or exceeds either fifteen million dollars or ten percent of the amount received in the base year, whichever is less; or

(b) a supplemental educational improvement plan grant.

(2) For the 2007-2008 school year, such increase in total foundation aid shall be the amount of the difference between total foundation aid received for the current year and the total foundation aid base as defined in Education Law section 3602(1)(j).

(3) In the city school district of the city of New York, a contract for excellence shall be prepared for the city school district and each community district that meets the criteria set forth in paragraph (1) of this subdivision.

(c) Contract requirements.

(1) Each contract for excellence shall be in a format, and submitted pursuant to a timeline, as prescribed by the commissioner and shall:

(i) describe how the contract amount shall be used to support new programs and new activities or expand the use of programs and activities demonstrated to improve student achievement, from the allowable programs and activities and/or authorized experimental programs pursuant to subdivision (d) of this section;

(ii) specify the new or expanded programs, from the allowable programs and activities and/or authorized experimental programs pursuant to subdivision (d) of this section, for which each sub-allocation of the contract amount shall be used and affirm that such programs shall predominately benefit students with the greatest educational needs including, but not limited to:

(a) limited English proficient students and students who are English language learners;

(b) students in poverty; and

(c) students with disabilities;

(iii) state, for all funding sources, whether federal, state or local, the instructional expenditures per pupil, the special education expenditures per pupil, and the total expenditures per pupil, projected for the current year and estimated for the base year; provided that no later than February 1 of the current school year, the school district shall

submit a revised contract stating such expenditures actually incurred in the base year;

(iv) include any programmatic data projected for the current year and estimated for the base year, as the commissioner may require; and

(v) in the city school district of the city of New York, include a plan that meets the requirements of clause (a) of subparagraph (i) of paragraph (2) of subdivision (d) of this section, to reduce average class sizes within five years for the following grade ranges:

(a) prekindergarten through grade three;

(b) grades four through eight; and

(c) grades nine through twelve.

Such plan shall be aligned with the capital plan of the city school district of the city of New York and include continuous class size reduction for low performing and overcrowded schools beginning in the 2007-2008 school year and thereafter and also include the methods to be used to achieve proposed class sizes, such as the creation or construction of more classrooms and school buildings, the placement of more than one teacher in a classroom or methods to otherwise reduce the student to teacher ratio. Beginning in the 2008-2009 school year and thereafter, such plan shall provide for reductions in class size that, by the end of the 2011-2012 school year, will not exceed the prekindergarten through grade 12 class size targets as prescribed by the commissioner after his/her consideration of the recommendation of an expert panel appointed by the commissioner to conduct a review of existing class size research. Notwithstanding, any rule or regulation of this Title to the contrary, the sole and exclusive remedy for a violation of the requirements of Education Law section 211-d(2)(b)(ii) shall be pursuant to a petition to the commissioner under Education Law

section 310(7), and the decision of the commissioner on such petition shall be final and unreviewable.

(2) Approval and certification. The commissioner shall approve each contract meeting the provisions of this subdivision and shall certify, for each contract, that the expenditure of additional aid or grant amounts is in accordance with Education Law section 211-d(2). Approval shall be given to contracts demonstrating to the satisfaction of the commissioner that the allowable programs and activities selected by the district pursuant to the requirements of subdivision (d) of this section:

(i) predominately benefit those students with the greatest educational needs, including but not limited to:

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

(b) students in poverty; and

(c) students with disabilities;

(ii) predominately benefit those students in schools identified as requiring academic progress, or in need of improvement, or in corrective action, or restructuring and address the most serious academic problems in those schools; and

(iii) are based on practices supported by research or other comparable evidence in order to facilitate student attainment of State learning standards.

(3) Amendment of contract. A contract for excellence that is approved by the commissioner pursuant to paragraph (2) of this subdivision may not be subsequently amended unless the amended contract is approved by the commissioner upon a showing of good cause by the district, including, but not limited to, a showing that the

contract is based upon an error or errors of material fact or that there has been a change in circumstances, including, but not limited to, a change in the district's fiscal, staffing or other resources, that materially affects the district's ability to carry out the terms of the contract. Applications for approval to amend a contract shall be in a format, and submitted pursuant to a timeline, as prescribed by the commissioner.

(d) Allowable programs and activities.

(1) General requirements.

(i) Allowable programs and activities shall:

(a) predominately benefit students with the greatest educational needs including, but not limited to:

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

(2) students in poverty; and

(3) students with disabilities;

(b) predominately benefit those students in schools identified as requiring academic progress, or in need of improvement, or in corrective action, or restructuring and address the most serious academic problems in those schools;

(c) be based on practices supported by research or other comparable evidence in order to facilitate student attainment of State learning standards;

(d) be consistent with federal and State statutes and regulations governing the education of such students;

(e) where applicable, be accompanied by high quality, sustained professional development focused on content pedagogy, curriculum development, and/or

instructional design in order to ensure successful implementation of each program and activity;

(f) ensure that expenditures of the contract amount shall be used to supplement and not supplant funds expended by the district in the base year for such purposes;

(g) ensure that all additional instruction is provided by appropriately certified teachers or highly qualified teachers where required by section 120.6 of this Title, emphasizing skills and knowledge needed to facilitate student attainment of State learning standards; and

(h) be coordinated with all other allowable programs and activities included in the district's contract for excellence as part of the district's comprehensive educational plan.

(ii) Nothing in this section shall be deemed to preclude a school district from selecting an allowable program and activity involving the use of instructional technology, provided that such program meets the applicable requirements of this subdivision and is approved by the commissioner pursuant to paragraph (2) of subdivision (c) of this section.

(2) Specific program requirements. Allowable programs and activities shall be limited to:

(i) Class size reduction, pursuant to the following:

(a) Allowable programs and activities related to class size reduction in the city school district of the city of New York shall include:

(1) creation or construction of more classrooms and/or school buildings to facilitate student attainment of State learning standards pursuant to the following requirements:

(i) priority shall be given to prekindergarten through grade 12 students in schools requiring academic progress, schools in need of improvement, schools in corrective action, schools in restructuring status, and overcrowded schools;

(ii) for the 2007-2008 school year, the city school district of the city of New York shall provide baseline data for the 2006-2007 school year stating for each grade level targeted:

(A) the number of classes;

(B) the average class size; and

(C) the number of classroom teachers;

(iii) for the 2007-2008 school year, the city school district of the city of New York shall establish class size reduction goals for each grade level targeted and upon conclusion of such school year, shall report, in a format and pursuant to a timeline prescribed by the commissioner, measurable progress toward meeting such goals;

(iv) beginning in the 2008-2009 school year and continuing through the 2011-2012 school year, the city school district of the city of New York shall: (A) establish annual class size reduction goals for each grade level targeted that will reduce class size toward the prekindergarten through grade 12 targets as prescribed by the commissioner after his/her consideration of the recommendation of an expert panel appointed by the commissioner to conduct a review of existing class size research; (B)

make measurable progress in each such school years toward achieving such targets; and (C) not exceed such targets by the end of the 2011-2012 school year; and

(v) the classrooms created shall provide adequate and appropriate physical space to students and staff; or

(2) assignment of more than one teacher to a classroom to facilitate student attainment of State learning standards pursuant to the following requirements:

(i) priority shall be given to prekindergarten through grade 12 students in schools requiring academic progress, schools in need of improvement, schools in corrective action, schools in restructuring status, and overcrowded schools;

(ii) for the 2007-2008 school year, the city school district of the city of New York shall report, in a format and pursuant to a timeline prescribed by the commissioner, the extent to which the assignment of additional teacher(s) to a classroom reduced the classroom teacher-student ratio for each grade level targeted and, where class size reduction goals are established under section 100.13(d)(2)(i)(a)(1)(iii) of this Part, shall also report measurable progress toward meeting such goals; and

(iii) beginning in the 2008-2009 school year and thereafter, in each classroom to which an additional teacher is assigned, the classroom teacher-student ratio shall not exceed the prekindergarten through grade 12 targets prescribed by the commissioner after his/her consideration of the recommendation of an expert panel appointed by the commissioner to conduct a review of existing class size research; or

(3) other methods, as approved by the commissioner, to otherwise reduce the student to teacher ratio.

(b) Allowable programs and activities related to class size reduction in all other school districts shall include:

(1) creation or construction of additional classrooms and/or buildings to facilitate student attainment of State learning standards pursuant to the following requirements:

(i) for the 2007-2008 school year, the school district shall provide baseline data for the 2006-2007 school year stating for each grade level targeted:

(A) the number of classes;

(B) the average class size; and

(C) the number of classroom teachers;

(ii) for the 2007-2008 school year, the school district shall establish class size reduction goals for each grade level targeted and, upon conclusion of such school year, shall report, in a format and pursuant to a timeline prescribed by the commissioner, measurable progress toward meeting such goals;

(iii) beginning in the 2008-2009 school year and thereafter, the school district shall: (A) establish class size reduction goals for each grade targeted that will reduce class size toward the kindergarten through grade 12 class size targets as prescribed by the commissioner after his/her consideration of the recommendation of an expert panel appointed by the commissioner to conduct a review of existing class size research; and (B) make measurable progress in each school year toward achieving such targets; and

(iv) the classrooms created shall provide adequate and appropriate physical space to students and staff; or

(2) assignment of additional teacher(s) to a classroom to facilitate student attainment of State learning standards pursuant to the following requirements:

(i) for the 2007-2008 school year, the school district shall provide baseline data for the 2006-2007 school year stating for each grade level targeted:

(A) the number of classes;

(B) the average class size; and

(C) the number of classroom teachers;

(ii) for the 2007-2008 school year, the school district shall report, in a format and pursuant to a timeline prescribed by the commissioner, the extent to which the assignment of additional teacher(s) to a classroom reduced the classroom teacher-student ratio for each grade level targeted and, where class size reduction goals are established under section 100.13(d)(2)(i)(b)(1)(iii) of this Part, shall also report measurable progress toward meeting such goals; and

(iii) beginning in the 2008-2009 school year and thereafter, in each classroom to which an additional teacher is assigned, the classroom teacher-student ratio shall not exceed the kindergarten through grade 12 targets prescribed by the commissioner after his/her consideration of the recommendation of an expert panel appointed by the commissioner to conduct a review of existing class size research; and

(iv) placement of additional teacher(s) shall occur only in instances when there is no physical space available for creating additional classrooms.

(ii) Student time on task.

(a) For kindergarten through grade 12, increased student time on task shall be designed to provide students with additional instruction time in content areas needed to facilitate student attainment of State learning standards that deepens their content

knowledge and conceptual understandings through rigorous academic engagement.

Increased student time on task may be accomplished by one or more of the following:

(1) Lengthened school day, pursuant to the following:

(i) when additional instruction is provided at the middle and high school level, such instruction shall emphasize content areas and instruction in subjects required for graduation; and

(ii) student support services shall be provided, which may include, but are not limited to, guidance, counseling, attendance, parent outreach, behavioral support, or instruction in study skills which are needed to support improved academic performance.

(2) Lengthened school year, pursuant to the following:

(i) the additional time shall be used to provide additional instruction; and

(ii) student support services shall be provided, which may include, but are not limited to, guidance, counseling, attendance, parent outreach, behavioral support, or instruction in study skills which are needed to support improved academic performance.

(3) Dedicated instructional time, pursuant to the following:

(i) dedicated block(s) of time must be created for instruction in content areas that facilitate student attainment of State learning standards;

(ii) a research-based core instructional program must be used during such daily dedicated block(s) of instructional time;

(iii) a response-to-intervention program; and/or

(iv) individualized intensive intervention.

(4) Individualized tutoring, pursuant to the following:

(i) shall be primarily targeted at students who are at risk of not meeting State learning standards;

(ii) shall supplement the instruction provided in the general curriculum;

(iii) may be provided by a certified teacher, a paraprofessional, a person with a major or minor in the subject matter to be tutored, or anyone otherwise deemed qualified by the superintendent based upon the person's knowledge and experience in education and/or the subject matter to be tutored;

(iv) shall emphasize content areas to facilitate student attainment of State learning standards, and when individualized tutoring is provided at the middle and high school levels, such tutoring shall emphasize content areas and instruction in subjects required for graduation; and

(v) excludes costs for supplemental educational services.

(b) Nothing in this section shall be deemed to preclude a school district from selecting one or more of the following programs, as an allowable program or activity to increase student time on task, provided that each such program meets the requirements of this subparagraph and the general requirements of paragraph (1) of this subdivision, and is approved by the commissioner pursuant to paragraph (2) of subdivision (c) of this section:

(1) a new or expanded program in the visual arts, music, dance and/or theatre;

(2) a new or expanded program in career and technical education;

(3) after-school programs offering supplemental instruction, tutoring and/or other academic support and enrichment; and/or

(4) summer camp programs offering supplemental instruction, tutoring and/or other academic support and enrichment.

(iii) Teacher and principal quality initiatives. Teacher and principal quality initiatives shall ensure that teachers and principals are appropriately certified and that all teachers of core academic subjects are highly qualified as required in section 120.6 of this Title and that an appropriately certified teacher, or a highly qualified teacher where required by section 120.6 of this Title, is assigned to every classroom and an appropriately certified principal is assigned to every school in accordance with section 100.2(a). Such initiatives may include one or more of the following:

(a) programs and activities to recruit and retain appropriately certified and highly qualified teachers and appropriately certified principals through the development and implementation of recruitment strategies and retention incentives;

(b) professional mentoring programs for teachers and principals pursuant to the following:

(1) professional mentoring programs included in district professional development plans pursuant to section 100.2(dd)(2)(iv) of this Title that provide mentoring for new teachers and principals in satisfaction of the mentored experience required for professional certification under sections 80-3.4(b)(2) and 80-3.10(a)(2)(ii) of this Title, or for other district identified needs; and/or

(2) mentoring to improve the performance of other teachers and principals, consistent with collective bargaining and other applicable requirements;

(c) incentive programs, developed in collaboration with teachers in the collective bargaining process, to encourage highly qualified and experienced teachers to work in

low performing schools, provided that such programs shall not use funds for school-wide or district-wide salary enhancements or raises;

(d) instructional coaches for teachers, pursuant to the following:

(1) instructional coaches shall be appropriately certified or highly qualified teachers where required by section 120.6 of this Title; and

(2) instructional coaches shall provide teachers with support in content areas and may provide professional development to teachers in pedagogy and/or classroom management, to improve student attainment of State learning standards; and/or

(e) school leadership coaches for principals, pursuant to the following requirements:

(1) school leadership coaches shall provide individualized professional development to assist principals to become more effective instructional leaders and facilitate learning across all the curriculum areas; and

(2) ensure that school leadership coaches are appropriately certified as a school district administrator, school administrator and supervisor and/or school business administrator pursuant to Subpart 80-2 of this Title or as a school district leader, school building leader and/or school district business leader pursuant to Subpart 80-3 of this Title and have demonstrated success as such.

(iv) Middle school and high school restructuring, pursuant to the following:

(a) allowable middle school and high school restructuring programs and activities are those that either:

(1) implement instructional program changes to improve student attainment of State learning standards including, but not limited to, providing challenging academic

content and learning opportunities, and/or implement intensive research and evidence based, cognitively appropriate academic intervention programs for students who are at risk of not meeting State learning standards.

(2) make structural changes to middle and/or high school organization including, but not limited to, changes to grade offerings in a building, creating grade nine academies, schools within schools, and/or different teams of teachers to deal with different needs of students.

(b) Districts choosing to make structural changes to middle and/or high school organization shall also implement instructional program changes pursuant to subclause (1) of clause (a) of this subparagraph;

(c) Nothing in this section shall be deemed to preclude a school district from selecting one or more of the following programs, as allowable middle school and high school restructuring programs and activities, provided that each such program meets the requirements of this subparagraph and the general requirements of paragraph (1) of this subdivision, and is approved by the commissioner pursuant to paragraph (2) of subdivision (c) of this section:

(1) a new or expanded program in the visual arts, music, dance and/or theatre;
and/or

(2) a new or expanded program in career and technical education;

(v) Full-day kindergarten or prekindergarten programs, pursuant to the following:

(a) a full-day prekindergarten program is an instructional program for four year old children, including students with disabilities as appropriate, operated in accordance with sections 175.5 and 100.3 of this Title.

(1) Allowable programs and activities for full-day prekindergarten are limited to the following:

(i) a minimum full school day program; or

(ii) a minimum full school day program that includes additional hours to meet the needs of children and families; or

(iii) a minimum full school day program that includes additional hours to meet the needs of children and families in collaboration with eligible community based agencies; and/or

(iv) programs designed to increase the integration of students with disabilities into full-day prekindergarten programs.

(2) The program shall provide an instructional program according to the State student performance indicators for prekindergarten;

(b) A full-day kindergarten program is an instructional program for five year old children operated in accordance with sections 175.5 and 100.3 of this Title.

(1) Allowable programs and activities for full-day kindergarten are limited to the following:

(i) a minimum full school day program; or

(ii) a minimum full school day program that includes additional hours to meet the needs of children and families;

(2) The program shall provide an instructional program according to the State student performance indicators for kindergarten.

(3) Exceptions.

(i) Experimental programs.

(a) Notwithstanding the provisions of this subdivision, a school district may use up to fifteen percent of the contract amount it receives for experimental programs designed to demonstrate the efficacy of other strategies to improve student achievement.

(b) Any district seeking to implement an experimental program shall first submit a plan to the commissioner for his or her approval, in a format and pursuant to a timeline prescribed by the commissioner, setting forth the need for such experimental program and how such program will improve student performance.

(c) An experimental program must be based on an established theoretical base supported by research or other comparable evidence.

(d) The implementation plan for an experimental program must be accompanied by a program evaluation plan based on empirical evidence to assess the impact on student achievement.

(e) The experimental program may be in partnership with an institution of higher education or other organization with extensive research experience and capacity.

(f) Nothing in this section shall be deemed to preclude a school district from selecting an experimental program involving the use of instructional technology, provided that such program is approved by the commissioner pursuant to the requirements of this subparagraph:

(ii) Notwithstanding the provisions of this subdivision, a school district may use, in the 2007-2008 school year, up to \$30 million dollars or twenty-five percent of the contract amount, whichever is less, to maintain investments in programs and activities listed in Education Law section 211-d(3)(a).

(e) Public process.

(1) For the 2007-2008 school year, school districts shall solicit public comment on their contracts for excellence.

(2) Commencing with the 2008-2009 school year and thereafter:

(i) a district's contract for excellence shall be developed through a public process, in consultation with parents or persons in parental relation, teachers, administrators, and any distinguished educator appointed pursuant to Education Law section 211-c, which shall include at least one public hearing. In the city school district of the city of New York, a public hearing shall be held within each county of such city. A transcript of the testimony presented at such public hearings shall be included when the contract for excellence is submitted to the commissioner for review when making a determination pursuant to paragraph (5) of subdivision (c) of this section. The contract shall be developed, to the extent appropriate, consistent with section 100.11 of this Title; and

(ii) In the city school district of the city of New York, each community district contract for excellence shall be consistent with the citywide contract for excellence and shall be submitted by the community superintendent to the community district education council for review and comment at a public meeting.

(f) Complaint procedures. The trustees or board of education of each school district required to prepare a contract for excellence, or the chancellor in the case of the city school district of the city of New York, shall assure that procedures are in place by which parents or persons in parental relation may bring complaints concerning implementation of the district's contract for excellence.

(1) In the city school district of the city of New York, such procedures shall provide that complaints may be filed with the building principal with an appeal to the community superintendent, or filed directly with the community superintendent, and that appeal of the determination of a community superintendent shall be made to the chancellor.

(2) In all other districts, such procedures shall either provide for the filing of complaints with the building principals with an appeal to the superintendent of schools or for filing of the complaint directly with the superintendent of schools, and shall provide for an appeal to the trustees or board of education from the determination of the superintendent of schools.

(3) The determination of the trustees or board of education or the chancellor may be appealed to the commissioner pursuant to Education Law section 310.

(g) Reporting. Each school district shall publicly report, in a format and timeline prescribed by the commissioner, its school-based expenditure of total foundation aid in accordance with the following: a school district shall report in total and for each of the allowable programs and activities included in its contract for excellence and which the district proposes to fund with its contract amount, for each school and each district-wide program:

(1) expenditures in the base year;

(2) budgeted expenditures for the current year; and

(3) actual expenditures for the current year.

2. Paragraph (1) of subdivision (e) of section 170.12 of the Regulations of the Commissioner is amended, effective November 25, 2007, as follows:

(1) Each school district, except those employing fewer than eight teachers, and each BOCES shall obtain, in a form prescribed by the Commissioner, an annual audit of its records by an independent certified public accountant or an independent public accountant in accordance with the provisions of Education Law section 2116-a(3) and the provisions of this subdivision. The board of education of the City School District of the City of New York and community districts of such city school district shall obtain an annual audit by the comptroller of the City of New York, or by an independent certified public accountant in accordance with the provisions of Education Law section 2116-a(3) and the provisions of this subdivision. For school districts required to prepare a contract for excellence pursuant to Education Law section 211-d, the annual audit for the school year during which such contract was in effect shall also include a certification by the accountant or, where applicable, the comptroller of the City of New York, in a form prescribed by the Commissioner, that the increases in total foundation aid and supplemental educational improvement plan grants have been used to supplement, and not supplant funds allocated by the district in the base year for such purposes.

**NEW YORK STATE
CONTRACTS FOR EXCELLENCE
2007-2008
PROGRAM HIGHLIGHTS**

DRAFT 12/07

District Program Highlights

Alexander	Analysis of student needs led to determination to pursue a targeted time- on-task approach, specifically, re intervention in grades 3, 6, 7, and 8 for students performing at levels 1 and 2. Additionally, there will be an effort to integrate reading strategies, leading to improved reading levels, into the instructional content; thereby to improve reading while learning new material.
Amsterdam	Approaches to effectively serve high risk students include a GED/work study program for a subgroup of teenagers and a before and after school program in all targeted schools. A school based mentor initiative for new professional staff will also be implemented.
Arlington	Improving their student data management system, both personnel and hardware, is a key component of the efforts underway. Augmenting a middle school technology program and reconfiguring summer school for secondary students is underway as well.
Auburn	Increasing the availability of library media specialists within all school buildings is an approach being used to support literacy instruction. Further, first graders who are identified as being at-risk will be the focus of targeted reading assessments. After school programs for middle school students are also being implemented
Binghamton	Addressing literacy needs through the addition of literacy specialists will target students in need, specifically students with disabilities. Middle school programming efforts, i.e. <i>Middle Years Program</i> , will address increased expectations and improved instructional opportunities for students.
Brentwood	Data driven goals will become the backdrop for decision making about student programming. Programs to be implemented include a nine period day for high school, new reading programs at the elementary level, and after school programs to narrow the gaps between English Language Learners and students with disabilities.

District Program Highlights

- Buffalo** The sixteen Schools Under Registration Review (SURR), i.e. those most in need of improvement, will be under the direct leadership of the Superintendent. The day to day oversight of this “School Improvement District” will be under the direction of one Community Superintendent. Instructional blocks, for both literacy and math, will be directly tied to the individual student growth being monitored. Students in need of additional instructional time will receive longer days and a longer school year.
- Cairo-Durham** Pre-high school reading (grade 8 students) and Academic Intervention Services (AIS) for high school reading are key components. New strategies for effectively teaching reading at this age will be addressed. An additional high school math and science teacher will reduce those class sizes. An Alternative Learning Program for high school students who require unique instructional approaches will be instituted.
- Camden** Smaller group learning opportunities, including reduced class size and more AIS staff, combined with two additional social workers, are strategies to address learning challenges, and concomitant issues of students living in rural poverty, and consequently not performing at proficient levels on English language Arts (ELA) measures. Professional development for new staff will focus on learner centered strategies.
- Carthage** Research based reading programs, including a phonics approach when needed, will be implemented for all middle school students, but will primarily target students with disabilities. In recognition of the need to provide more support for individual students and to ease the transition from middle school to high school, a ninth grade academy is being considered.
- Central Square** Restructuring the middle school into smaller, more student friendly houses will support a closer monitoring and support of student achievement. An additional guidance counselor will also support this effort. To increase time on task, specifically for students with disabilities, additional special education teacher positions will be funded.

District Program Highlights

- Clyde-Savannah** The migration challenges associated with this agricultural-based community affect both transient students and those students who are continually enrolled. A summer (academic) program for students in grades 5-8 and intensive review for all students will address this concern. Half of the prekindergarten and/or kindergarten children will receive additional intensive instruction. A short term suspension program, for students with significant behavioral issues, will be staffed by a special education teacher and a teaching assistant, with a maximum group size of 12 students.
- Copiague** Middle school special education programs will address the needs of the student with disabilities, the subgroup presenting the greatest challenges. Initiatives will include research based reading instruction, individual tutoring and summer school, and teacher coaching and teacher and principal mentoring.
- Dunkirk** The high school drop out problem will drive the new time-on-task initiatives. With a focus on middle school programs, they will include an extended day and year, the addition of two AIS math teachers, and a business teacher for ninth graders who will incorporate important math/life skills, as well as freshman computer skills.
- East Irondequoit** Additionally, a Director of Curriculum will provide leadership in coursework mapping and data analysis. An influx of students from a nearby urban district have helped to shape new initiatives. Common benchmark assessments will be established at every grade level. Professional development will drive a new math program, which is inquiry based and uses vocabulary strategies.
- Elmira** Class size reduction efforts will add teachers focused on implementing interventions for struggling students. Specifically, intensive interventions are needed for the high rate of “at-risk readers”, which in some schools is estimated at 40-50% of all students. Counselors and behavioral intervention strategies will be coupled with the additional instructional support.
- Fallsburg** Analysis of student data will be used to strengthen and improve lesson plans and target programming for struggling learners. Data teams will review data from every content area with the goal of shaping individual student instructional techniques.

District Program Highlights

Fulton	Data driven decision making will be spearheaded by a new district level Data Administrator who will help to shape the professional development for teachers. Targeted students will receive an extended learning program in the summer. High school restructuring will focus on technical coursework, in conjunction with the BOCES, and an alternative tutoring program will help targeted students to meet graduation requirements.
Geneva	A comprehensive AIS program will address all students in need of support. Students in grades 5-9 struggling with math will participate in a new evaluation process. Subject area specialists will work to coach teachers in each content area. A new middle school schedule will double the time spent on literacy, and be followed by twice the time spent on math, as this becomes logistically possible.
Greece	A re-examination of the current configuration of special education students served in integrated programs is underway. Over 18 new special education teachers will support this effort. A lengthened school day and new reading intervention teachers target literacy gaps and help to improve student outcomes
Hannibal	The addition of several teachers will increase the ratio of teachers to students. A speech therapist will also be hired to work with special education students, as well as support literacy efforts with general education students. High school restructuring efforts will include a distance learning lab to access new coursework.
Haverstraw-Stony Point	Decreasing class size to 20 students or fewer is a primary goal for the elementary school. A new online writing course will be aimed at the middle school, and other targeted schools will have their day extended by one hour. Teacher quality and principal leadership efforts will be addressed through a mentor program.
Hyde Park	Middle school restructuring will eliminate homogenous groupings and offer more AIS programs. More inclusive programs for special education middle school students will be increased as part of this plan, enabling more students to participate in the general education program. Research based programming that supports these and other practices will be actively pursued.

District Program Highlights

Jamestown

A Director of Middle Level Education will lead middle school efforts and a full time math coordinator will oversee math instruction for the district. Teacher coaching will utilize individual growth plans for new teachers. A middle school and elementary school reading intervention plan is a strategic part of the plan.

Lancaster

While high school students with disabilities are the target subgroup, opportunities to improve instruction for all students led to the implementation of professional development plan centered on direct instruction of vocabulary strategies and teacher leaders. Best practices are driven by research strategies that have been proven to be effective in other settings.

Lansingburgh

Increasing high school graduations rates is the backdrop for many of the changes underway. Strategies for effecting improvements include lowering class sizes in middle school, sustaining double periods of English and social studies, and providing focused professional development that impacts student needs.

Massena

Focused interventions for students at-risk, including those with disabilities, are incorporated into new strategies for ensuring that all students read at grade level by second grade. Response to Intervention (RTI) will be adopted and literacy coaches will be added for all grades, K-8. At the junior and senior high school levels, students with disabilities will be specifically targeted for support through transition programming.

Middletown

There is an emphasis on English Language Learners (ELL) with an additional 14 ELL teachers hired, and full day Prek for all ELL students. Literacy and language arts programs have also received attention with new staff positions, a research based reading intervention program and additional time devoted to the literacy block. Restructuring middle and high school will include individual tutoring and increased counseling services to support students to stay in school.

District Program Highlights

Monticello	Coaching for performance, reducing class size at all grade levels and increasing student's time on task are the keystones of the program. Lunch aides were hired to free up teacher time to focus on students' instructional needs. A literacy coach will support the reading intervention program at the middle school level and most significantly, restructuring each of the elementary, middle and secondary schools will improve the distribution of resources across the district.
New York City	Class size reduction efforts comprise over half of newly funded (and allowable maintenance of effort) initiatives and are incorporated into the legislatively mandated Five Year Class Size Reduction Plan. These efforts reflect multiple strategies, including team teaching and class size data tracking, and project a target date of 2011-12 by which all classes will include fewer than 25 students. Teachers in high needs schools will receive professional development centered around ensuring that evidence-based individualized instruction, which includes an assessment mode and a continuous improvement loop, is at the core of every student's instructional program. Alternate approaches to (re)engaging high school students through Multiple Pathways to Graduation will address older students who may otherwise not continue to attend school and graduate. Some half day prekindergarten classes will also receive support to serve students in full day programs.
Newburgh	The establishment of career academies in nursing and construction will provide graduation requirements in the context of a work development program. Curriculum mapping in all content area, to align instruction programs with learning standards, is underway. New AIS teachers have been hired and leadership coaches are working with the middle and high school principals.
Northeastern Clinton	Strategies to increase time on task have resulted in additional bus runs to ensure students are no longer waiting for others to arrive before school can begin. A direct and explicit (preventive) reading program, e.g., RTI, will be initiated for all students, with a focus on ensuring critical reading skills are attained in the early grades.

District Program Highlights

Norwich	The comprehensive delivery of programs to benefit all students in need of improvement, uses data as the cornerstone for decision-making. A new middle school schedule, in conjunction with additional teachers, will help all students, including those with special needs. AIS will be provided through middle school learning centers. The addition of an art teacher and psychologist will provide more diversity of services and programs.
Ossining	New content area specialists, additional teachers, and enhanced expectations for subgroups are intended to “raise the bar” for under-achieving subgroups. Instructional strategies at the prek and kindergarten level will incorporate dual languages, with both English and Spanish speaking students benefiting. All 8 th grade students will be required to take Regent’s earth science, with required labs and additional support for struggling learners.
Oswego	Reducing class size to 20 students in grades K-3 will require hiring ten additional teachers. After school busing will enable elementary students to work on specific skills. Additional AIS teachers will provide needed support at every level: elementary, middle, and high school. A new math coach will assist teachers in their instructional practices and a two-to-three year mentoring program has been established for new teachers.
Port Chester- Rye	Restructuring grades 9 and 10 into smaller learning communities will occur. Professional development will target priorities, such as literacy, and focus on differentiated instruction for individual students with varying learning styles. A science coordinator will oversee the implementation of inquiry-based research projects and facilitate facility improvements currently underway. After school programs will offer content based instruction to increase the amount of time-on-task.
Port Jervis	Continuation of the recently implemented full-day kindergarten program is imperative. A district-wide plan for individualized instructional technology will enable more time-on-task for K-12 students. A new AIS middle school math teacher will be hired. A freshman academy for at-risk students will require five additional teachers and four additional (modular) classrooms.

District Program Highlights

Rochester	Educational support for diverse ages and groups will occur through a variety of approaches. These include reduced class size for elementary students, extended day and year for all students in K-12, and strategic high school programs operated in partnership with local post-secondary institutions which will provide students with high school and college credits, while concurrently earning a high school diploma. An intervention counseling program will better address students' emotional, social and academic needs in a supportive context.
Rush-Henrietta	Effective strategies which have been utilized within the elementary schools, e.g. reduced class size, inclusion of student with disabilities into general education settings, and targeted professional development, will be expanded to the middle and high schools. Coaches in ELA, math and science will be added at the high school level.
Schenectady	Addressing immediate achievement concerns, while working toward long term change, is the focus of the initiatives underway. An early childhood school will house all prek, kindergarten and "readiness" first grade students. All students will then progress to first grade with the confidence and skills needed to master grade level work. All sixth grades will reduce class size to a 20:1 teacher to student ratio. Middle school staff will add an intervention specialist in math and reading who will work with all teachers on instructional strategies and student management issues.
South Colonie	Transitional kindergarten classes for at-risk students will be jump started in three elementary buildings with a goal of all schools housing them in the future. This initiative, coupled with RTI programming, will help ensure that all students enter first grade with proficient skills. A peer mentoring program will provide new teachers with the skills needed for differentiated instruction and effective classroom management.

District Program Highlights

South Glens Falls

Differentiating instructional approaches to address all students' learning styles is a key component to effecting change and ensuring academic success. A five year curriculum mapping plan has been established to review and revise gaps and duplications. Increasing teacher and student interactions and maximizing opportunities for instruction is a large part of the shift underway.

Spencerport

Adding teachers to reduce class size, extending full-day kindergarten programs, and ensuring a range of skill based and challenging curriculum options for high school students will all contribute to the overall strategy to improve performance. A part-time reading instructor will explicitly target ninth grade students with disabilities.

Spencer-Van Etten

A month-long summer learning academy will serve low performing students in grades K-6, with two hours daily of literacy and math instruction. An after school tutorial program will serve students at every grade level. A new math support teacher will provide other teachers with effective approaches in the instruction of math concepts. A curriculum mentor will assist teachers in the use of student assessment data to help plan and implement the district's curriculum.

Syracuse

Student assessment data will shape differentiated instruction, which will be supported and expanded through a program called Advancement via Individual Determination (AVID). This system is designed to support struggling students through focused tutorials and enhanced organizational skills. Selection of math textbooks by teachers themselves was conducted, ensuring a "buy in" to the material to be taught. The coordinated approach of schools working together in quadrants or designated elementary and middle schools feeding into high school(s) will be augmented by quadrant planning teams. These teams will receive additional time to meet before and after school, and during the summer, to provide the professional development needed at the building level.

District Program Highlights

Tarrytown	Class size reduction of 15% in kindergarten and first grade and the addition of two teachers and two teacher-aides will increase teacher and student interaction and time-on-task. At the middle school level, a balanced literacy model will be adopted with a double period for ELA. An additional special education teacher will enhance the co-teaching model. These efforts will be integrated with the existing teacher-coaching initiative for grades K-8, which will further develop teacher capacity using research-based strategies for data-driven, differentiated instruction.
Unadilla Valley	Staff assignments will be restructured to be more efficient and effective, both in ensuring students attend school and in improving results on State assessments. Class sizes will be reduced and there will be a restructuring at the middle school level. The use of modern instructional technology will be incorporated to substantively engage students in the learning process.
Utica	Improvements in the instructional content and methodology, leading to increased student achievement throughout the district, will be pursued by implementing the following programs and strategies: class size reduction; increased time-on-task; targeted staff development; mentoring of new teachers; addressing the mental health issues of students; and enhancing existing programs.
Valley (Montgomery)	Class size reduction efforts will continue, building on previous initiatives. There will be an extended instructional day, provided through an after school AIS program, and a longer school year, by expanding the elementary summer school program to include fifth grade. Middle and high school restructuring efforts will include a dropout prevention center. There will be additional professional development for mentors and training of literacy collaborative coordinators and classroom teachers.
Wappingers	A K-8 ELA Coordinator will be hired, as well as three elementary literacy coaches. The addition of AIS teachers and staff will provide more intervention support, such as push-in programs, one-to-one tutoring, small group instruction and guidance services. There will also be efforts to re-develop the K-12 ELA curriculum and expand the professional development of teachers working in literacy content areas. Technology initiatives, such as smart boards and computer labs, will be augmented.

District Program Highlights

Watertown	Several literacy-based remediation initiatives (e.g., Wilson Phonics and Compass learning) will be supported, as well as extended-day opportunities, class size reduction strategies, and a restructured instructional program for at-risk 9th and 10th grade students who demonstrate a high drop-out potential.
Watervliet	Efforts are ongoing to implement the Reading First model in the elementary school and to expand special education programming to include three new classes with lowered student to teacher ratios. Additionally, RTI training and implementation will compliment all of the district's existing special education strategies and programs.
Westbury	Reduction in class size, teacher and principal quality initiatives, increased time-on-task, and middle and high school restructuring will all support student achievement gains among district subgroups who are economically disadvantaged, of Limited English Proficiency and/or are student with disabilities. A technology component with targeted software (Odyssey, READ 180 and Study Wiz) and mobile computers will provide flexibility and maximum use of new resources.
White Plains	High school initiatives will include the establishment of a ninth grade academy, extended day tutoring for at-risk high school students, and the addition of new teachers, most specifically ESL teachers. Other initiatives have focused on reduced class sizes for targeted groups in grades 7-12, the provision of additional time-on-task for students-at-risk in grades 3-12, and the expansion of pre-k programming from half-day to full day for those students most in need.
Yonkers	Middle and high school restructuring will include the creation of Riverside HS of Engineering and Design and a new Bi-Lingual component in the existing International Baccalaureate High School. New staffing additions are: Chief Academic Officer; Assistant Director of Guidance and Chief Technology Officer. An experimental program, Comprehensive Alternative Reform Education (CARE) will be developed and implemented in an effort to improve student attendance, graduation rates, and student performance on Regent's exams.