

 The **Campaign** for **Educational Equity**

TEACHERS COLLEGE COLUMBIA UNIVERSITY

*Students' Constitutional Right to a Sound Basic Education:
New York's Unfinished Agenda*

New York Board of Regents - Research Work Group
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Campaign for Educational Equity

Teachers College, Columbia University

Who We Are:

The Campaign for Educational Equity is a nonprofit research and policy center at Teachers College, Columbia University, that champions the right of all children to meaningful educational opportunity.

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What We Do:

- Work to define and secure the full range of resources, supports, and services necessary to provide this opportunity to underserved children.
- Pursue systems change through research, legal analysis, policy development, teaching, and public engagement to advance educational equity at the federal, state, and local levels.

Presentation Map

- Constitutional Context
- Prior Research
- New Research
- Recommendations

Constitutional Context

As defined in the New York Court of Appeals decision in *Campaign for Fiscal Equity (CFE) v. State*, the New York State constitution requires the state to provide all of its students the opportunity for a “sound basic education.” That means “a meaningful high school education” that will prepare them to

(1) “function productively as civic participants capable of voting [or] serving on a jury,” and

(2) “obtain competitive employment.”

Constitutional Context (cont.)

Essentially . . .

Sound basic education =

Opportunity to meet high-school graduation requirements

In New York, high-school graduation requirements =

New York State Learning Standards

Constitutional Context (cont.)

According to the court, *each school* must have sufficient resources to provide *all* students a meaningful opportunity for a sound basic education—i.e., the resources to actually allow them to meet the New York State Learning Standards.

Prior Research

In-depth case studies of 33 high-need schools in eight districts across New York State:

- Rural
- Suburban
- Small City
- Urban

Problem Statement

- Beginning in 2008, the recession stalled the implementation of the *CFE* remedy, resulting in major school-level budget cuts over the next several years.
- The state made no systematic effort to assess the impact of those cuts on students' access to a sound basic education.

Research Question

How have state budget cuts affected students' school-level access to sound-based-education resources?

Constitutionally Required Resource Areas

1. Qualified teachers, principals, and other personnel
2. Suitable, up-to-date curricula (including an expanded platform of services for “at-risk” students)
3. Appropriate resources for students with disabilities and English language learners
4. Class size and instructional groupings
5. Instrumentalities of learning
6. Safe and orderly environment
7. Adequate and accessible facilities

Findings (Prior Research)

- Numerous inadequacies and inequities in students' access to basic educational resources
- Evidence of need for stronger policies to
 - ensure students' access to the basic educational resources guaranteed by state law and
 - sustain students' educational rights even in tough economic or political times

ESSENTIAL RESOURCES

The Constitutional Requirements for Providing All Students in New York State the Opportunity for a Sound Basic Education



December 2012

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DEFICIENT RESOURCES

An Analysis of the Availability of Basic Educational Resources in High Needs Schools in Eight New York State School Districts



December 2012

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Our New Research

Students' Constitutional Right to a Sound Basic Education: New York State's Unfinished Agenda (November 2016)

- *A Roadmap to Constitutional Compliance Ten Years after CFE v. State*
- *Filling the Regulatory Gaps*
- *Utilizing a Constitutional Cost Methodology*
- *Ensuring Resource Accountability*

Problem Statement

- Large numbers of New York students still lack full access to fundamental learning opportunities.
- New York's ad-hoc system of resource accountability results in the perpetuation of resource disparities.

Research Question

What state-level policy changes and systems are needed to monitor and enforce the provision of constitutionally required educational resources?

Methodology

- Review of the literature on education accountability (e.g., Darling-Hammond et al.; Oakes; Dawes & Cresswell)
- Analysis of education-resource-accountability policies and systems adopted by other states (e.g., MA, AR, NH, CA, VT, KY, MD, OR, WA)
- School-based research
- Analysis of relevant legal requirements, and current NYS policies and regulations
- Every Student Succeeds Act (ESSA)

Safeguarding Sound Basic Education Task Force

- Alliance for Quality Education
- Advocates for Children of New York
- Center for Arts Education
- Center for Children's Initiatives
- Center for New York City Affairs
- Chancellor's Parent Advisory Council of New York City
- Citywide Council on Special Education of New York City
- Class Size Matters
- ExpandedED Schools (formerly The After School Corporation)
- League of Women Voters of New York State
- Mid-Hudson School Study Council
- New York City Citywide Council on Special Education
- New York City Chancellor's Parents Advisory Council
- New York Immigration Coalition
- New York Lawyers in the Public Interest
- New York State Association of School Business Administrators
- New York State Council of School Superintendents
- New York State Network for Youth Success
- New York State PTA
- New York State Rural Schools Association
- New York State School Boards Association
- New York State United Teachers
- New Yorkers for Students' Educational Rights
- Reform Education Funding Inequities Today (REFIT)

Findings (New Research)

Resource accountability is a vital part of an education accountability system that provides educators, policymakers, and the public the information needed to

- enforce students' educational rights and
- support continuous improvement within schools and districts.

Five Elements of Resource Accountability

1. Specific resource requirements for providing a sound basic education
2. School-level self-assessment of resource adequacy, and public-complaint procedures
3. District and state monitoring of school- and district-level resource adequacy
4. Regular collection, analysis, and reporting of data on the availability of essential resources at the school Level
5. Improved enforcement mechanisms

I. Specific Resource Requirements for Providing a Sound Basic Education

Problem: In response to the *CFE* decision, New York has not yet outlined the resources that, at minimum, must be available *in each school* to provide all students the opportunity to meet NYS Learning Standards and be on track to complete a meaningful high school education that prepares them for capable civic participation and competitive careers.

I. Specific Resource Requirements for Providing a Sound Basic Education (cont'd)

Recommendations:

- Resource requirements should be specified in at least the seven aforementioned resource categories.
- Revise regulations as necessary to align with constitutional requirements (see *Filling the Regulatory Gaps*).

II. School-Level Self-Assessment of Resource Adequacy, and Public-Complaint Procedures

Problem: The school community is best positioned to monitor school-level resource adequacy. But parents, students, teachers, and other staff members

- are often unaware of resource-adequacy requirements;
- lack opportunities to participate in ongoing monitoring of the extent to which their school is able to comply with them; and
- lack easy access to necessary relevant data.

II. School-Level Self-Assessment of Resource Adequacy, and Public-Complaint Procedures (cont'd)

Recommendations:

- The state should supply school-leadership teams or similarly representative teams with user-friendly adequacy metrics and/or rubrics, relevant data, and necessary training to carry out a school-level resource-adequacy review each year.
- The state should develop public complaint procedures that allow parents, teachers and other school staff, students, administrators, and community organizations with evidence of resource-adequacy deficiencies to inform the school principal and other officials.

III. District and State Monitoring of School- and District-Level Resource Adequacy

Problem: School districts and the state lack systematic and clearly defined roles in monitoring school- and district-level resource adequacy.

III. District and State Monitoring of School- and District-Level Resource Adequacy (cont'd)

Recommendations:

- The district superintendent should annually conduct an audit that assesses the adequacy of resources at each school.
- The New York State Education Department should regularly monitor school-level resource adequacy.

IV. Collection, Analysis, and Reporting of Data on the Availability of Essential Resources at the School Level

Problem: At the district and state levels, there are numerous sources of data that relate to school-level resource adequacy. However, New York has no systemic mechanism for compiling these data sources into information tools that could monitor constitutional compliance and guide state or district decision-making.

IV. Collection, Analysis, and Reporting of Data on the Availability of Essential Resources

Recommendations

- The state should develop systems for collecting and sharing data aligned with sound-basic-education resource-adequacy standards.
- The commissioner of education should report annually to the governor, the legislature, and the Board of Regents on the extent to which all schools in New York State are in compliance with the state constitution and are able to provide all of their students the opportunity for a sound basic education.

V. Improved Enforcement Mechanisms

Problem: The state does not adequately enforce its statutes and regulations to ensure that students, particularly students living in poverty, receive the resources to which they are entitled.

V. Improved Enforcement Mechanisms

Recommendations:

- Make enforcement of resource adequacy in each school the explicit responsibility of school-district officials.
- Make enforcement of district-level resource adequacy an explicit responsibility of the state commissioner of education.
- Revise the “section 310 proceeding” to minimize legal-process requirements and allow parents whose children are most affected by inequities to file such cases easily and expeditiously.

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