

October 6, 2012

The Educating Society: A Manifesto for State Action

Testimony to the New York State Education Reform Commission

by David C. Bloomfield

Professor of Education Leadership, Law, and Policy

The City University of New York

Equity and Excellence in the Digital Age

We can digitize, transmit, analyze, and mobilize mountains of data -- numerical, visual, musical, robotic -- in less than the blink of an eye. For better and worse, our world is ever-faster, smaller, more complex and interwoven. Yet one of the last sectors to be transformed by the information revolution is the most information intensive: public education.

For over 150 years, American public education has been the wonder of the world, an engine of individual mobility and social progress that secured the American dream of widespread prosperity and democracy for hundreds of millions of our citizens. Not all ills were cured but we saw in our schools the best of ourselves, where our dual values of excellence and equity could take root.

So our conservative approach to technological innovation makes sense. Schools' importance means we should tread carefully. But public education is at a hinge moment. Like it or not, economic and technological forces are transforming Pre-K through university instruction. While learning takes place the old fashioned way, one mind at a time, the overwhelming monoculture of a publicly-employed, publicly-supervised teacher presenting to a class in a neighborhood school seems to be breaking apart. In addition to often vibrant traditional public schools, we now have charter schools, virtual schools, schools run by educational management companies, home schools, and all manner of hybrid educational options. This does not even count our important private school sector and the changing landscape of higher education.

This institutional restructuring is accompanied by increased private sector involvement. Public education has always depended on business to supply educational infrastructure. Our buildings, texts, equipment, and even food are all produced from a robust public-private market. That entrepreneurs now want greater participation in the production of knowledge, rather than collateral goods and services, is not surprising. What is surprising is that it took so long. But like our new institutional structures, business involvement in education -- big business involvement in education -- is here to stay, not only impelled by political and market forces but by the need of technology-driven education for the types of large-scale commercial investment that transformed medicine, communication, politics, manufacturing, farming, retail, and other aspects of American life.

Government's job is to help conform this new educational landscape to our shared values of equity and excellence. Even if we wanted to, and there are good reasons for concern, we could not stop the forces re-structuring and privatizing parts of public education. And there are

promising aspects to this brave new world. Ours is more than a global economy. It is a global village where new ideas brought to students by imaginative educators and entrepreneurs through new media require agility that is not usually a public sector strength and require large outlays of money currently unavailable through traditional means.

Yet education today is not the Wild West, or at least it shouldn't be. We must assure that excellence is not compromised in the name of efficiency; we must assure that equity is not compromised in the name of competition. Unfettered access by the private sector to public school students, data, and dollars is unwise; their misuse by anyone is unconscionable. Government must protect this priceless public good by defending, but not controlling, the right of every student to a free, appropriate public education. We must, as our values teach us, assure that access is universal, non-discriminatory, and compulsory so that all can arrive at adulthood on an equal footing with skills that meet authentic standards of college, career, and civic readiness.

School districts and our own State Education Department need to adapt to this new educational environment. The regulatory bureaucracy needs to change so that all education providers are held to greater account along with the instructional wares they provide. We don't know what tomorrow, let alone a year or a decade from now, will yield in terms of educational needs and resources. We must be on guard, and instill vigilance in others, so that our children do not end up as entrapped customers, road kill on a public/private information superhighway.

A New Structure and Function for State Education Governance

Retooling our oversight apparatus to assure quality and schools' regulatory compliance will take time but it is clear that our current governance bodies are failing in this basic role. The Board of Regents is more a cheerleader than a brake on educational faddism. The State Education Department must restore its basic role as a guarantor of educational rights. It has repeatedly let schools off the hook by changing standards to accommodate false claims of success. Rather than advocating for students, it is advocating for its own expensive, entrenched bureaucracy which generates infinite mandates, placing often unnecessary burdens on schools while infrequently and arbitrarily enforcing them. Even the Regents' efforts on the Core Curriculum, Race to the Top, and waivers from No Child Left Behind have merely shadowed national trends rather than striking out as an innovator and leader in true educational reform.

To move State education policies into the forefront of tackling these novel challenges and opportunities, our work must start from the top. Rather than a Board of Regents appointed wholly by the Legislature, the Governor should appoint the four at-large members to add zest and high-profile leadership to what has become largely an anonymous group of patronage appointees. This would not be gubernatorial control since it would not call for a majority on the Board and a blue ribbon panel of parents, educators and other leaders should vet all nominees. We need a knowledgeable group of our best minds to move us ahead with representation from a co-equal elected branch of government, not a business-as-usual crowd appointed through legislative connections. This newly constituted Board should also create new magnet schools in different regions of the State that will become both a reality check and an incubator for promising research-based methods, Pre-K through high school, serving not only gifted and

talented students but a diverse group of learners. Increased Regents Scholarship funds for able students will also improve our pool of highly educated citizens.

The State Education Department must also clean house so I call for a complete overhaul of Commissioner's Regulations to free traditional public schools from unnecessary requirements that charters and private schools often successfully do without. Even so, regulations that remain might well be applied to these other institutions so that all students are assured of quality educational environments. In the meanwhile, the Department must step up its game of oversight to assure that all students, particularly those whose primary language is not English or require special help because of disabilities, get rightful educational opportunities often denied by school districts and charters. Similarly, financial incentives must be created to get help to high needs districts and schools so that educational opportunities and improved disciplinary policies are not denied to children living in poverty, including our Native American citizens who are too often forgotten. Integration of our most vulnerable children into high-functioning educational environments and activities is the single greatest contribution we can make into improving society for all in addition to moving toward a guarantee of pre-K education from at least age two. The State Aid formula and all other policies must be aimed in this direction, with our BOCES system handling more, automated administrative tasks to save districts' money and to help direct their attention more exclusively to instruction.

Beyond the borders of local districts, new and emerging instructional models require new strategies for State collaboration and oversight. In meeting this need, we require a robust system of charter school approval and accountability that takes into account not only test scores but their commitment to integration, special education, and language diversity. Similarly, we should hold online programs – whether free-standing schools or individual courses – to high standards of instructional integrity. This will benefit not only our students but the quality providers within the on-line industry which, to be blunt, is being hurt by bottom-feeders who damage the reputation of all. Once upon a time, the Board of Regents boldly prevented Channel One – a commercially-based TV show of little value – from doing business in New York. In overseeing the growing online field, we should borrow the steel of those discerning officials. The NCAA Office of Eligibility has developed a paradigm for assessing and registering approved programs. I look forward to adapting this system for State-approved coursework, with the cooperation of the NCAA, the industry, and independent educators.

Promoting Quality Teaching and Leadership

Quality schools mean quality teachers and leaders. We cannot dictate this through ill-considered prescriptions on educational certification any more than our well-intended regulatory system has produced quality education. With research yielding little hard data, we do not know what formal preparation make a great teacher or principal, though we know them when we see them. As a result, states vary widely in certification requirements and New York does little more than a cursory assessment of applicants' paper credentials. We should, therefore, eliminate that bureaucracy, imposing responsibility for certification on accredited higher education programs. With considerable outside infrastructure to assure qualified new hires and schools held accountable for teachers' performance, expensive State mechanisms add little, if any, additional value. If we can't do this well -- and we don't -- we should not add gratuitous hurdles to

professional entry, especially when State-induced red tape prevents so many otherwise qualified, motivated individuals -- new grads and career-changers alike -- from becoming teachers and administrators.

With job entry eased, the question of tenure becomes of even greater immediacy. Even if State mandates were eliminated, tenure would become a bargained-for right among high quality teachers so the current debate over its existence is specious. Eliminating tenure in New York would only create a brain drain of our finest educators to other states, decreasing the quality of our teacher pool rather than serving to improve it. But these are not the only practicalities that make tenure an important statutory right. Students gain when teachers are empowered to stand for them against unprofessional or hidebound leadership. It is an institutional check-and-balance to improve educational quality that we grant to our best educators. As such though, we must make more certain that tenure is a privilege to be earned rather than a right based on short-term longevity. Three years is not enough time to assure fair evaluation or permit adequate professional growth. So, when the public grants increased due process rights accorded by tenure, we should require a longer probationary period that assures retention and empowerment of only our best educators.

Higher Standards and Lower Stakes to Assure Fair Assessments that Benefit Students

This leaves us with the thorny issue of teacher and student assessment. The central debate of the accountability movement is, in some ways, past history in New York. By law, 40% of teachers' evaluations are based on student test scores. This obscures, however, key questions about the nature of the tests, the length of time upon which teachers are to be evaluated, the frequency of testing, and what to do about those teachers in subjects that are not tested. Further, there remain technical issues surrounding reliability and validity of tests at both the student and teacher levels, as well as testing's impact on instruction: Does teaching to the test limit the curriculum, does it discourage critical thinking and creativity, and does it undervalue persistence of knowledge and skills? At bottom, should testing be high stakes or serve as one type of multiple input into evaluation of children and the educational team responsible for their schooling?

First, there needs to be recognition that improving mechanisms for removal of ineffective teachers is not our biggest problem. Retaining good teachers is a higher priority since so many promising teachers leave the profession early in their careers. That is why good principals spend a great deal of time encouraging able teachers to stay and counseling out the mediocre. A key to improved instruction, then, is *not* to mess with this informal process of review. Seen another way, over use of test-based data may actually bolster weak teachers' claim to reappointment by placing them above designated cut scores on tests but with severe instructional weaknesses. Let's preserve administrative discretion, often silently supported by teachers' peers, rather than bowing too low to the data-based gods.

We also need to arrive at better observational methods. In New York, 60% of a teacher's rating will be based on scheduled and unscheduled classroom visits. Since, by one estimate, 4 out of 5 teachers do not teach classes reached by standardized tests, observations are especially important in the new scheme. The volume of total observations will place huge time pressures

on school leaders but the relatively infrequent observations of individual teachers, perhaps 3 per year, will require principals to make high-stakes decisions with relatively little evidence. Agreement between local unions and districts on fair, relatively simple observational rubrics and required supporting evidence will thus be crucial to promoting an instructionally constructive evaluation system.

To meet this elusive goal, the rubrics should counter teaching-to-the-test. One of the great fears of a teacher evaluation system overly based on standardized test results is that the curriculum will become increasingly limited and promote glib testing strategies over critical thinking. One way to avoid this is to intentionally mis-align observational rubrics with tested skills. Using such rubrics as the Marshall Teacher Evaluation and the Massachusetts Teachers Association model endorsed by Linda-Darling Hammond, Charlotte Danielson, and Harvard's Sharon Moore Johnson, let the observation measure teacher empathy and nurturance, student engagement, and the level of classroom discourse so that observations do not simply duplicate tested material.

The role of independent observational "validators" is another important component for district-teacher cooperation. These jointly appointed experts will follow teachers deemed "ineffective" in the first year of the evaluative window to assess their improvement and promise. Working together, districts and teachers have the opportunity to instill skill and pride in this make-or-break corps, which should be modeled on the respected British "HMI" model of school inspectors. The integrity of the system will depend on mutual good will between districts and unions.

As to student tests, their validity and reliability for assessing teacher effectiveness -- especially based on a mere 2 year sample -- remains in great doubt. The New York model moderates the influence of macro State test scores by balancing this data with district tests or collectively bargained use of State outcomes. Generalized class scores can be highly flawed, with huge swings and ranges of performance, sizable margins of error, and other deficiencies. Working together, districts and unions need to correct these problems, for example choosing tests and metrics that are stable over time and promote shared instructional values such as increased performance of low achievers or high levels of writing proficiency.

These matters are some of our most controversial because they are some of the newest. While tests may be getting better, all agree they are at best imperfect and, at worst, detrimental to teaching a broad curriculum with frequent, varied writing opportunities and that includes arts, phys ed., and even non-tested academic subjects in the social studies such as economics and geography. American history and culture tell us that pluralism is our great strength, even in an economy that values standardization for global markets. Our greatest products come from innovation. Our shores teem with immigrants seeking individual opportunity. Our civic life is infinitely enriched by local districts making local decisions for local circumstances.

We should therefore remain skeptical that bubbles in a box, or some standardized rubric mandated from on high, will give us the answer to where quality lies. The Common Core State Standards are not a tyranny; they are a help in meeting our goal to quality education for all. But if we allow a limited number of standardized tests based on the CCSS to dictate a uniform

curriculum and accountability system, we will have invented a tyranny where none was intended. Thus we must be more committed than ever in respecting strong district-based accountability systems, insisting that no district is complacent but, at the same time, honoring diversity of means to the end of instructional quality. In keeping with this commitment, the Governor should establish a permanent Commission on Testing and Accountability, made up of testing advocates and skeptics, to monitor and report on the quality of State testing and its continuous improvement.

An Educated Workforce, An Engaged Citizenry

These are the elements of a newly invigorated, responsive, and mission-driven role for the State in assuring quality pre-K – 12 education for all our residents. All are important: governance, finance, regulation, assessment, and accountability, based on an unwavering commitment to excellence and access. New York once led the nation in meeting our need for an educated workforce and engaged citizenry. The need is the same but our information-based society requires different skills for a different age. New ideas are needed. And that is what New York is all about.