

EXPERT REPORT OF THOMAS SOBOL

I. Introduction

1. I, Thomas Sobol, Ed.D., submit this report on behalf of plaintiffs. I am, and have been since 1995, the Christian A. Johnson Professor of Outstanding Educational Practice at Teachers College, Columbia University. Before I began teaching at Teachers College, I was Commissioner of Education in New York State for eight years, from July 1, 1987 through June 30, 1995. I also served for 16 years as Superintendent of Schools in Scarsdale, New York, and I taught English for 12 years before then in Massachusetts and New York public schools.

2. In addition to my full-time jobs, I have served on a number of committees and boards related to education and education administration. For example, in 1998 and 1999, I cochaired the National Research Council's Committee on Education Finance: Equity, Adequacy, and Productivity, which was formed at the United States Congress' request to examine the finance needs of schools across the country. In addition, during the early 1990s, I served on the Executive Committee of the Council of Chief State School Officers, which is an organization of State Superintendents of Public Instruction (as the chief State school officer in California is titled). During the late 1980s and early 1990s, I was a member of the board, and then I eventually chaired the board, of the New Standards Project, which was a consortium involving many states, including California and New York, Texas, and Florida, and some large city school districts in collaboration with the Center for Education in the Economy and a group at the University of Pittsburgh. Our purposes were both to develop prototypes of new standards for schools to implement across the country and to develop simultaneously programs for assessment to measure the progress of individual pupils and of collections of pupils in schools toward the attainment of those standards.

3. Among other courses I teach at Teachers College, I teach a course in curriculum and teaching policy (at the local, state, and federal level) and a course in ethical issues in educational leadership. In addition to my teaching responsibilities, I direct three main programs at Teachers College: the Superintendent's Work Conference, the Inquiry Program, and the Educational Leadership Program. The Superintendent's Work Conference is an annual summertime professional development experience for superintendents of schools throughout the country.

Each summer, the Conference involves a cadre of about 40 to 50 public school superintendents, who come from large cities as well as small cities and rural areas across the United States.¹ The Inquiry Program is a doctoral program for school administrators in mid career who aspire to become superintendents of schools. Finally, the Educational Leadership Program prepares educators to be principals and superintendents and to assume other leadership roles.

4. Together with my wife, Harriet Sobol, I wrote a two-volume book for parents called *Your Child in School*. In addition, I have written numerous articles on education topics, which have been published in the *Teachers College Record* as well as in *Parents* magazine and other publications.

5. I have been, for virtually all of my working life, a schoolteacher, a school administrator, a chief state school officer and a professor of education.² My expertise is broad at the elementary and secondary level and extends to a great many of the issues that affect elementary and secondary education. In particular, as relevant to this case, I am knowledgeable about productive roles a state can play in increasing educational opportunity for all students and in ensuring all students' access to educational essentials.

6. I have donated my time without fee for preparing this report and for any related testimony in this case. I have testified as an expert in one other case: *Campaign for Fiscal Equity v. State of New York*, the decision for which is recorded at 719 N.Y.S. 2d 475 (2001). I have agreed to testify at trial in this matter if called on to do so, and I will therefore make myself available for a deposition concerning any opinion, and its basis, that I would give at trial.

¹ During the past six years, 27 superintendents from California have attended the Superintendent's Work Conference, coming from rural as well as suburban and urban districts and counties in California.

² For further detail on this life's work, see my curriculum vitae, which is attached as Exhibit A to the expert witness declaration to which this report is appended.

II. Nature of Assignment

7. Plaintiffs' counsel asked me to identify (1) what conditions and resources are minimally required for any school and (2) what role the State should play in ensuring the provision to students of educational essentials.

III. Summary of Conclusions

8. The three categories of input conditions the *Williams* lawsuit seeks to ensure in schools □ a qualified and stable teaching force; up-to-date textbooks and other learning material, in adequate supply; and physical conditions conducive to effective teaching and learning □ constitute a subset of a slightly longer list of educational essentials. Without question, any student should have access to each of the three conditions at issue in the lawsuit.

9. An appropriate state role would be to require the presence in schools of educational essentials and then to monitor the schools for compliance with that requirement and to act to rectify noncompliance. No single recipe exists for implementing that appropriate state role, but elements I have experienced to work combine State collection of self-reported data from school sites with external school quality reviews performed by local educators together with parents and members of the business community. Where essential conditions for learning are found to be absent, direct monitoring by State officials may be required.

IV. Opinions and Conclusions

A. Minimal Conditions Required for Learning

10. In my role as the chief school officer for New York State during a pivotal time of change in education policy in the nation as well as in New York State, I had occasion to assess and define what basic tools and conditions are required for students to achieve what in New York is deemed a “sound basic education.”³ During my tenure as Commissioner, the Campaign for Fiscal Equity in New York filed a lawsuit charging the State with failing to provide a sound basic education to students in New York City schools. As a result of that lawsuit, I worked,

³ The term “sound basic education” comes from a court decision in *Board of Education, Levittown Union Free School District v. Nyquist*, 453 N.Y.S. 2d 643, 653 (1982), in which the New York Court of Appeals interpreted the New York State Constitution’s education article “to connote a sound basic education.”

together with my staff and with an equity task force I convened of education scholars and practitioners from around the country, to define “a sound basic education” as the attainment of the skills students need to sustain competitive employment and function productively as civic participants capable of voting and serving on a jury.

11. I understand that the term “sound basic education” is not a term of art in California, as it is in New York, and therefore that its definition does not govern here. Nonetheless, my work in distilling the essential components of that sound basic education for New York, together with my lifetime of work in education, have demonstrated to me the existence of certain core elements that are required for schooling, regardless of what a state Constitution’s education provisions are interpreted to mean.⁴ These educational essentials are: teachers, principals, and other personnel who have appropriate skills, training, and professional supports; small classes; sufficient and up-to-date books, libraries, technology and laboratories; suitable curricula as well as extra-curricular activities; appropriate support services for all students and supplemental aids, services and suitable instructional programs for students with extraordinary needs; adequate and accessible facilities; a safe, orderly environment; and parent and community involvement.

12. I believe so strongly in the need for students to have access to educational essentials that I called for their provision six times in *A New Compact for Learning: Improving Public Elementary, Middle, and Secondary Education in the 1990s*, which described the comprehensive strategy for school reform in New York that I spearheaded as Commissioner.⁵

⁴ I had developed a preliminary list of elements of a good school for inclusion in *Your Child in School*, a book my wife and I wrote to help parents understand and navigate school systems. In the book, we included a list of “what to look for when you visit a school” in a chapter titled “How to Judge a Good School.” Among that list were: “Is the building clean, well-lit, and in good repair?”; “Are the children’s bathrooms clean and accessible? Are they properly supplied?”; “Do the classrooms contain textbooks and other instructional materials on many levels, to accommodate children’s different levels of ability and interests?”; “Are most books copyrighted within the past five years?”; “Are there separate facilities for music, art, and physical education? Are they in use?” Tom and Harriet Sobol, *Your Child in School: Kindergarten Through Second Grade* 281 (1987).

⁵ The University of the State of New York, The State Education Department, *A New Compact for Learning: Improving Public Elementary, Middle, and Secondary Education in the 1990s* at 3, 6, 8, 9, 12, 18 (November 1991). I have attached the *New Compact* as Exhibit 1 to this report. Although the *New Compact* predated my convening of the equity group and my work to distill a short list of precisely what the educational essentials are, I have always held fast to a belief in the necessity to

As I explained in the *New Compact*, “[a]lthough adequate resources are not, in themselves, sufficient to bring about equity in educational results, they are a necessary means to that end.”⁶ And the end is indeed possible. In my personal experience over many long years as an educator, I have seen students who were statistically unlikely to succeed achieve to high standards when given the right kind of teaching and the right kind of support. Watching those students succeed contributes to the fierceness of my belief in delivery of educational essentials to all students.⁷

13. I understand that the *Williams* lawsuit does not even seek the provision of all these educational essentials as I defined them, but that instead the suit seeks only the provision of trained teachers, sufficient and up-to-date books and instructional materials, and adequate facilities. There can be no question that at least these three categories of resources are required for educational opportunity, in addition, I believe, to the other categories I defined in *New York*. In fact, I summarized my commitment to the core value of these three categories of resources in an article I wrote for the *Teachers College Record* in 1997: “I do not see why some children have to go to school in leaky buildings with broken toilets and no preschool and old textbooks and inadequately prepared teachers. Mine did not. Yours probably did not.”⁸ I argued in that article □ and I still believe today □ that “we must provide the resources needed if all children are to receive the education that is their birthright in a democratic society.”⁹

14. Trained and effective teachers are without question the single most important component of educational opportunity. In schools as we know them, the quality of a child’s

provide educational essentials to all students in all schools, and that belief is represented in the *New Compact*.

⁶ *New Compact* at 18.

⁷ The other major factor contributing to my commitment to delivery of educational essentials to all students is my belief that, as Martin Borell and I wrote in our preface to an annual report on the status of New York schools, “[a] society which fails to invest adequately in its children □ financially, yes, but also with time and attention and discipline and love □ cannot long prosper. And a society that continues on a divided course risks the loss of its common soul.” Martin C. Borell & Thomas Sobol, preface, *New York: The State of Learning*, at i.

⁸ Thomas Sobol, *Beyond Standards: The Rest of the Agenda*, 98 *Teachers College Record* 629, 632 (1997).

⁹ *Id.*

education depends directly on the quality of the child's teacher. But teacher quality depends on teacher training: it makes no sense, and is not very effective, to ask someone to teach science who has no background in science, for example. And as teachers need training in the particular subject matters they teach, teachers also need to have an ample repertoire of pedagogical techniques and activity to engage in. It is thus important to require teachers to obtain and maintain credentials in their craft because satisfaction of credential requirements at least ensures teachers' access to the training necessary for effective teachers.

15. In addition, the best teaching and learning environments are those that foster cultures of learning and collaborative endeavor among the staff and students. It is of course very difficult to develop these kinds of sustained or continuing cultures when there is a great deal of turnover among the faculty.¹⁰ Teachers are not merely fungible, impersonal conduits of information between some exterior source and students' minds. Instead, teachers are real, live human beings who establish relationships with students and vice versa. Learning depends in large part on the quality of these relationships, so when a teacher leaves a classroom mid-cycle, it takes a long time to rebuild the classroom culture that promotes learning (whether the culture results from a sense of trust and openness with one another, or from a sense of fear or affection or respect, or some other sense particular to a teacher and class relationship). High teacher turnover and high numbers of untrained teachers on campuses thus severely limit student learning opportunities. As I have explained in an article in the *Teachers College Record*, "[i]f teaching is to be changed, it can be changed only by teachers who have been given the time and opportunity to see and try new techniques and materials, to confer with one another, to make of others' work something that is their own."¹¹ The business community understands and acts on

¹⁰ Low-income communities tend to have increased need for teacher continuity in the schools. In communities in which the strains of poverty are evident and in which other institutions of society are broken or malfunctioning, schools are left on their own to create cultures of learning. The blatant discontinuity of learning experience when teachers leave schools mid-cycle is all the more important in such circumstances because there is no community cushion for the discontinuity.

¹¹ Thomas Sobol, *Beyond Standards: The Rest of the Agenda*, 98 *Teachers College Record* 629, 631 (1997).

this premise that positive transformation depends on substantial investment in personnel retraining and support; our education community should do the same.

16. After teacher training and quality, access to proper instructional materials and appropriate school facilities rival each other in importance; students need at least all of these conditions in their schools in order to have basic educational opportunity. Clearly schools should have up-to-date textbooks for teachers to hand out to all students. In today's world, all students should also have access to computers and relevant software for learning. Copying machines should also be accessible and function, and school should have access to the other normal kinds of material supports that exist in almost any business operation in order to perform efficiently. If students are supposed to be conducting experiments in laboratories to arrive at conclusions as scientists do, but the students do not have laboratory materials with which to conduct experiments, then the students are deprived of the full learning experience of arriving at their own conclusions based on experimental results. Students should have access to science laboratories, relevant computer hardware and software, and library materials. For several hundred years, societies have been building universities around libraries because we recognize the power of the text to transmit information and learning. If instructional materials are limited or out of date, students can learn from them only fragmentarily and partially and possibly even inappropriately. But when students receive limited or out of date instructional materials, or no instructional materials at all, the students learn a different lesson: that society doesn't care enough about whether they learn to provide them books. Kids respond to this lesson in different ways, but very often I have seen them feel alienated and/or discouraged and/or hostile and/or apathetic.

17. Likewise, school facilities should be safe, decent, and sanitary places in which children can pursue their learning. The issue is whether the character of the learning space is supportive of the kind of teaching and learning that should occur there. The facilities need not have ornate swimming pools or extensive tennis courts or in other respects rival country clubs. But schools should provide rooms in which the roofs don't leak, there is heat in winter, the

plaster is not falling down around students, and classes do not have to be held in coat rooms or hallways or other settings that are not conducive to a safe, orderly environment, for just a few examples. In short, schools should suffer no, or at least as few as possible, distractions from the learning environment that might disrupt or impact negatively on learning. Having to suffer adverse environmental and structural facilities conditions is necessarily distracting from the educational purpose. For example, if the learning space is so overcrowded that students are sitting on the floor or on ledges, the absence of space becomes a constant distraction from what should be taking place instructionally.¹² Similarly, if the room is uncomfortably hot, then the students are less apt to give their souls to quadratic equations or other lessons.

18. Perhaps more important, asking children to attend school in insulting environments where the plaster is crumbling, the roof is leaking, and classes are being held in unlikely places because of overcrowded conditions has an ongoing, repetitive undercutting effect, sending a message of diminished value to the children. Children are learning all the time; they learn not only the lessons their teachers intend to teach them but also the lessons their schools send them about their value and relative place in the world. Children who see rats in their classrooms and schools, for example, learn, wholly apart from their teachers' lessons, that their schools are places where no one stops rats from running across the floor and where people in authority must not care very much about student learning and about the students themselves because the people in authority fail to prevent the presence of the rats. The constancy of these inhumane environments □ the presence of rats or their feces in classrooms again and again, the dailiness of crumbling buildings □ perpetuates a cumulative, ongoing, unending depressive effect of the total environment for the students. By contrast, sending children to school in adequate facilities sends the opposite message: You count; do well.

¹² The best basis for my knowledge that schools should not be crowded is that never once during the time I've been teaching and administering schools since 1954 has any parent ever said to me that a child's class or school has too few students in it. By contrast, I have heard many complaints from parents over the years because their children's classes and schools were too crowded.

B. An Appropriate State Role in Ensuring the Existence in Public Schools of Educational Essentials

19. The State is not just one among many participants in public education; if other participants in public education do not deliver educational essentials on school sites, the State has to intervene to ensure their provision to students. As I explained in the *New Compact for Learning*, for school reform to be effective, “[w]e need a new commitment by all participants to doing whatever it takes and making whatever changes are necessary to bring about the desired educational results; and we need to provide the freedom and support which make such effort possible.”¹³ The State needs to set a model for that commitment, and only the State can provide the necessary freedom and support.¹⁴ In order to hold students accountable for their learning and school and district staffs accountable for their day-to-day delivery of education, the State needs to be accountable for its part to provide leadership and goals, as well as resources to achieve the results for which a State wishes to hold students and staffs accountable.

20. Although I have articulated in the *New Compact for Learning* what I believe to be an effective role for a state in public education, I do not intend to offer here a precise and universally applicable prescription for how a state must carry out its role in ensuring delivery of education essentials. If nothing else was clear to me when I was Commissioner in New York, I learned that no one approach to school reform would work for all students and all communities. But some core elements are required for appropriate implementation of a state role, and I describe those elements here with the understanding that a state, like its local entities, should be free to be creative in the practice of education delivery. The elements I have found to be required for effective state assurance of delivery of educational essentials are: (1) a posture I term “top-down support for bottom-up reform,” (2) strict requirements that educational essentials be provided, (3) providing the resources necessary for delivery of educational essentials to

¹³ *New Compact* at 2.

¹⁴ In the *New Compact for Learning*, I summarized the State’s role as follows: “The State can establish goals and direction; provide resources, incentives, and assistance; and monitor progress and assess results. But it cannot teach students. Teaching students is a local responsibility □ local even within school districts, in the sense that learning ultimately depends more on what happens in classrooms than in boardrooms.” *New Compact* at 10.

children, and (4) monitoring and enforcement of the presence of educational essentials in schools.

1. Top-Down Support for Bottom-Up Reform

21. The nationwide experience, and certainly my own experience in New York, has been that exclusively top-down reform does not work well in practice. After the publication in 1983 of *A Nation At Risk*,¹⁵ this country saw a national effort toward standards-based reform of public education in an effort to stem what the report viewed as a rising tide of mediocrity in the schools. But it is now clear, as it should have been from the beginning, that delivering edicts from on high, without also eliciting support from, and developing the capacity of, the persons who will implement the edicts, will not yield desired results.¹⁶

22. Having worked in education both at the local level and at the state level, I can attest that people at the state level have no monopoly on wisdom for how to improve teaching and learning. There is a reservoir of good sense and expertise among local school people that states should not drive away with top-down methods. A better approach for persons working at the state level would be to affirmatively and explicitly tap that reservoir. I wrote in the *New Compact for Learning*, and I continue to believe, that “[s]ite-based decision making’ is not just a contemporary fad; it is a sound and enduring principle of institutional effectiveness.”¹⁷

23. Alternative schools provide the readiest examples of the problem with issuing top-down micromanaging directives that deny local freedoms in achieving the basic results. New York State has, as I am confident other states have as well, some terrific alternative schools that have devised very imaginative □ and effective □ programs for adolescents who had previously

¹⁵ The National Commission on Excellence in Education, *A Nation At Risk: The Imperative for Educational Reform* (1983). The report is available on the internet at <http://www.ed.gov/pubs/NatAtRisk/>.

¹⁶ As I have said in speeches many times, State regulation alone will not achieve effective education reform. This is so because, while it is possible to regulate abuse out of a system, it is not possible to regulate quality into a system. Quality is a product of the hearts and minds of people who work in a system, and it is important to support and provide for those iterations of quality while also regulating baselines.

¹⁷ *New Compact* at 10.

been performing poorly in school. So long as these imaginative programs yield student performance results that are consistent with statewide goals for student performance, these alternative schools should be allowed to operate and to reach the student populations they serve. But top-down directives concerning the specific tests or particular reading or math program that should be used in school, for example, would make it difficult or impossible for these imaginative alternative programs to exist.

24. The State is more likely to achieve its intended effect if it tells people what to achieve instead of telling them how they must achieve it. This straightforward principle applies to education governance just as it does to any other area. Children and communities are different from place to place, and a State should therefore allow local educators to adapt State goals to student-specific and community-specific needs. Moreover, when in a decentralized system such as the public schools, a State imposes regulations from the top, people tend to resist the regulations no matter what the regulations say, partly because the regulations don't "fit" local circumstances and partly because people don't much like to be regulated. This desire for freedom in methods for implementing state mandates makes sense from the standpoint of efficacy. Just as what works to educate students in Scarsdale, New York may not work to educate students in Crown Heights or Hogansburg, New York, because of the vicissitudes and idiosyncrasies of each locality, what works in Berkeley, California may not work in East Palo Alto, California.

25. Top-down support for bottom-up reform marries the need for direction with the need for freedom and creativity in implementation. A state that adopts this posture toward education governance generates standards that must be met and allows for local adoption of practices that are sensible and site-specific in meeting the standards. As I explained in the *New Compact for Learning*, a State that adopts this posture "will use the power and influence of the State assertively □ and it will also engage in collaborative endeavor the energies of teachers, administrators, school board members, parents, and the entire education community, including

higher education and community-based educational resources such as libraries, museums, and educational television.”¹⁸

2. Strict State Requirements that Educational Essentials Be Provided

26. Consistent with the posture of top-down support for bottom-up reform is a recognition that a State needs to set nonnegotiable baselines for essentials. Absent such nonnegotiable baselines, some children will be, as they have been, left behind in terms of educational opportunity and promise.¹⁹ The consequences of leaving these children behind are severe: In 1988 I wrote a special preface to the required annual report to the Governor and the Legislature on the status of New York schools, in which I sought to call attention to the seriousness of the problem affecting the public schools and therefore our society. I noted that “[i]n its current, divided condition, New York State’s public school system cannot serve the people well” and I explained:

[T]his report makes clear the dual nature of New York State’s public school system. The picture which the report’s data display is one of two contrasting systems □ one largely suburban, white, affluent, and successful; and the other largely urban, of color, poor, and failing. The many individual exceptions do not dispel the pattern. It is a situation which all people must view with alarm.²⁰

27. After remarking on the student successes in which New York State could take pride, I continued:

But on the other hand, the report also shows a dramatic pattern of school failure among a substantial portion of our student population. Thousands upon thousands of young people are not acquiring the skills

¹⁸ *New Compact* at 4.

¹⁹ Some states may be doing this already, but I would like to see states generate short, readable pamphlets to distribute to parents identifying those essentials the State determines schools need to have in order to be effective. Two values would follow from the creation of such a pamphlet: first, creating the pamphlet would ensure that a State generates a definition of the core essentials required for learning; and second, distributing the pamphlet would involve parents in monitoring delivery of education to their students and inform parents of what they deserve to expect from their children’s schools.

²⁰ Commissioner’s Preface: *A House Divided*, in *New York: The State of Learning; A Report to the Governor and the Legislature on the Educational Status of the State’s Schools*, The University of the State of New York/The State Education Department Office for Policy Analysis and Program Accountability, at i (Albany, New York January 1, 1989).

and knowledge they need to function successfully in this society. Each year, thousands upon thousands drop out of school. Each year, thousands upon thousands are consigned to a socioeconomic underclass, where they face dismal personal lives and constitute a growing threat to the well-being of the total society.

This pattern of failure is concentrated chiefly in our large cities and in our impoverished rural areas. It is a pattern clearly associated with poverty and with race. The students whom our system fails are disproportionately poor and minority. (This picture may look even worse in the future, to the extent that we are able to collect and publish additional data disaggregated by socioeconomic background and by race.) And yet, these students most in need frequently lack access to an equitable share of the State's educational resources.²¹

28. I concluded that preface, in 1988, with the “hope [that] this report will persuade others to join us in our determination to improve learning outcomes for all of the elementary and secondary school students in our State.”²² I continue to hope for that shared determination and to believe that States must, at a minimum, insist on provision of educational essentials that will render differences in academic performance dependent solely on individual talent and industry rather than on race or social class, or on the degree to which a state or locality values the student population. Accordingly, I provided in the *New Compact for Learning* that “the Commissioner should be empowered to supersede local authority in order to secure the educational rights of pupils by means of corrective action” where necessary.²³

29. It is critical for a State or chief State school officer to insist on and ensure delivery of educational essentials to all school children; it is not enough to be concerned only with average improvements from year to year, as distinct from the delivery to each child of educational opportunity. The children are in schools learning in real time, every school day. When these children do not have educational essentials, the children suffer deficits in education that cannot be made up by eventually correcting the educational system as a whole. The children are in school now, so a State must look at each child's experience, and not just at schools and

²¹ *Id.*

²² *Id.* at ii.

²³ *New Compact* at 7.

districts and the educational system as a whole, to be sure the individual child is equipped with educational essentials.

3. Providing the Resources Necessary for Delivery of Educational Essentials to Students

30. As I explained in the *New Compact for Learning*, “[a]ccountability applies both to individuals and to the system in which they act. Individuals will be given the resources, freedom, and support they need to succeed; they will then be held accountable for the results of their efforts.”²⁴ It should go without saying that the State, as the coordinator for all other educational efforts under its control, must provide resources, both economic and noneconomic, necessary to deliver educational essentials to students. That means that the State must assess statewide needs to determine for which categories additional funding is necessary and to determine for which areas schools and districts need greater management support. In addition, the State must provide guidance and leadership to schools and districts to help the local entities do their part in delivering educational essentials to all students.²⁵ As is clear from my commitment to top-down support for bottom-up reform, this State role does not excuse local people from an obligation to change school conditions on their own if they have the wherewithal to do so. But if and when these local people do not rise to the occasion, the State is not exonerated from its obligation to ensure that students have access to educational essentials.

²⁴ *New Compact* at 6.

²⁵ When I was Commissioner in New York, we had a program for what we called “Compact Schools” that exemplifies an appropriate State guidance and leadership role for effecting school change. The State Department of Education identified Compact schools in locations at which school people had effectively changed school cultures to support effective teaching and learning. Then the State Department of Education publicized these Compact Schools and what they had done. For about two years we brought staffs from the Compact Schools to every meeting of the Board of Regents to describe what they had done to become effective. Our goal was to find and publicize ways of engagement and caring and close relationships around shared work that seemed fundamental to the operation of school reform.

4. Monitoring and Enforcement of the Presence of Educational Essentials in Schools

31. Having identified which educational essentials must be in every school and provided the resources for delivery of those essentials, a State must develop a system for scrutiny to ensure the existence of the educational essentials on school sites and in classrooms. Put simply: the State cannot fulfill its responsibility unless it knows what's going on on school sites; the State has a duty to monitor the conditions therefore. The scrutiny process must involve more than a mere rubber-stamp, paper review of self-reported and self-collected local data but also must, like all the other elements of an effective State role, involve sensitivity to local initiative and creativity.

32. When I was Commissioner in New York in the early 1990s, we developed a program called School Quality Reviews to carry out part of this monitoring function.²⁶ School Quality Review teams were composed of outstanding teachers and principals from within a region of the State as well as parents and business people from the community under study.²⁷ In groups of approximately 20 people, these visiting teams would spend from three days to one week on a school site, watching classroom instruction, talking to students and teachers informally in the halls and cafeterias, and setting up formal interview meetings to assess what worked well and what did not work well on the campus. Every afternoon, after the students and teachers left campus, the visiting team would meet to synthesize observations from the day and begin to frame recommendations for improving school practices. These teams reviewed areas such as the physical conditions of the school as well as the quality of teaching and learning that was taking place on the campus. At the end of the week, the visiting teams reported back to the school community, both on areas of excellence on the campuses and on areas for improvement.

²⁶ In the *New Compact for Learning* I referred to these reviews as School Improvement Reviews, *New Compact* at 6, but the name subsequently changed to School Quality Review.

²⁷ Our design was for every school in New York State to undergo a School Quality Review once every five years, with one fifth of the schools reviewed each year. The program's implementation changed before the first five years expired, but the program's design is nonetheless relevant for purposes of describing one program for monitoring school conditions that could be effective.

These teams were coordinated by and reported to a small cadre of staff in the State Education Department. The primary values of the School Quality Reviews were that they involved local people from multiple perspectives and stakes in education (educators, business people, and parents) in assessing school quality, they did not drain State resources by requiring State employees to conduct the reviews, and they provided substantive information in addition to data such as test scores on which to base school evaluations.

33. In addition to these School Quality Reviews, New York conducted Registration Reviews of schools to determine whether the schools could continue to be registered, or accredited, as New York public schools. According to this Registration Review process, underperforming schools and schools that offer poor learning environments are deemed Schools Under Registration Review (“SURR”) and thereafter are subject to intensified State scrutiny. The SURR program, as originally conceived, would have called into its purview the bottom-performing 10 to 15 percent of New York’s schools, which is some 500 to 600 schools. These schools badly needed intervention assistance, but we lacked the resources, when I was Commissioner, to provide effective assistance to that number of schools. When I first assumed my responsibilities as Commissioner of Education, approximately 500 schools were identified as SURR schools. But we realized soon thereafter that we lacked the resources or the staff capacity to provide the necessary kind of attention to each of those schools, so it became necessary to effect a change in the program. The Regents made a judgment, on my advice and that of my staff, that we should limit the annual number of SURR schools to that number to which we could reasonably provide assistance, given our existing resources. Thereafter, the number of SURR schools was in the neighborhood of 40 to 50 schools for most of the years I was Commissioner.

34. Because I believe strongly that education is a child’s birthright and that all children deserve access to educational essentials, I found it enormously trying to limit the number of schools in the SURR program to an economically feasible number for delivery. If schools lack educational essentials, or, separately, if schools are failing their students for other reasons, I believe the State should act to rectify the situation for the students, and economic expedience

should not deprive students of their birthright. An appropriate State monitoring and enforcement role would include monitoring and enforcement for all schools in need of the assistance, and would not depend on decisions that are unrelated to students' educational advancement.

V. Conclusion

35. No reasonable person in our society would deny that all children have the right to a sound, basic education. Indeed, equality of educational opportunity has long been one of the defining and motivating precepts of our democracy. So when we are confronted with abundant evidence that many of our children lack such opportunity, as I believe is the case at hand, it is not only our sympathies that are affected, but our very sense of who we are as a people. Do we really believe in equal educational opportunity for all? Do we still believe what we and our parents were taught, or not?

36. Gross inequities and inadequacies exist in the provision of public education to many children in the State of California. These inequities and inadequacies keep many of our children from achieving a sound, basic education. The State bears ultimate responsibility for these conditions and these results. The State must be told to fix them.