

Ensuring Students' Right to Preparation for Competitive Employment

The New York State Constitution as a Foundation for Systemic Improvement of Career and Technical Education

**Policy Brief
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There is broad and longstanding agreement that, for decades now, too many young Americans—disproportionately students from low-income families and students of color—leave high school unprepared to move into the workforce and become productive citizens. The many negative consequences of this inadequate preparation include the individual and social costs of poverty and inequality, a rate of youths out of school and out of work that is considerably higher than in many advanced industrial countries, and widespread disconnection and disenfranchisement of many Americans from our economic, political, and social institutions.¹ These challenges have become even more acute as the modern economy demands an ever-more-educated workforce to fill available jobs.

A Rights-Based Approach to Career Preparation

In this policy brief, a summary of our longer report of the same title, we situate the critical issue of preparation for the workplace in the broader context of students' constitutional right to an education that provides the knowledge, skills, experiences, and dispositions that are the foundations to be a productive citizen. We tie the renewed concern among educators, policymakers, business leaders, and the public at large about preparing students for competitive employment with their growing interest in preparing students to be effective citizens capable of safeguarding our democracy and stewarding our nation toward a greater realization of its democratic values. We propose some necessary reforms to improve students' access to existing New York's career and technical education pathways. And, we argue, high quality career pathways, including "9-14" programs that bridge secondary and postsecondary education, serve our students best if they are constructed on a strong foundation of basic educational opportunity for all.

The steps we advocate include ensuring sufficient access to preparation for competitive employment and productive citizenship for all students, adequate and systemic funding, expanded school and workplace linkages and enhanced data collection for monitoring and accountability. These reforms stem from problems and proposals that many school officials, researchers, and advocacy groups have previously identified. We take these prescriptions one step further, though, by connecting the development of skills and dispositions needed for adaptive life time employment that are transferrable

¹ Franko, Kelly, & Witko, 2016; Gaventa, 1982; Levin, 2011; Organisation for Economic Co-operation and

across industries with the skills and dispositions necessary for productive citizenship and civic participation, and by situating the need for these reforms as fundamental for fulfilling students' educational rights. In doing so, we create a more comprehensive vision of public education for the next generation of students.

At various times in our country's history, the federal government has acknowledged the need to enhance career pathways and has implemented policies to improve formal linkages from high school (and, for some, through college) into the workforce. These initiatives sought, among other things, to improve connections between educators and employers and to provide students early on with practical experiences in the workplace. But these efforts have never been adequately funded or consistently maintained and often they were abandoned or reversed when economic conditions deteriorated or policy priorities changed. The transitory nature of many of the policy changes and investments has aptly been compared with a pendulum, with the weight of attention swinging back and forth between competing priorities.²

New York Students' Access to Career and Technical Education under Current Policies

In New York, as in many other states, recently, there has been new momentum to improve access to quality career and technical education in the public schools.³ States have added funding to support CTE activities, created policies to improve industry partnerships and work-based learning, and adopted policies facilitating dual enrollment and early college programs and the attainment of industry-recognized credentials.

Today, according to the New York State Education Department (NYSED), career and technical education programs offer students “an opportunity to apply academic concepts to real-world situations; preparation for industry-based assessments or certifications; the opportunity to earn college credit or advanced standing while still in high school; and work-based learning opportunities where students demonstrate mastery of skills essential in the workplace.”⁴ New York State education law requires local school districts to provide students with access to CTE and to develop programming that reflects contemporary workforce needs:

The board of education of each school district shall provide secondary school pupils and adults access to programs of career education, commensurate with the interests and capabilities of those desiring and having a need for preparatory training, retraining or upgrading for employment, and develop realistic programs in accord with manpower needs in existing and emerging occupations for present and projected employment opportunities.⁵

² Labaree, 1997.

³ In 2016 alone “42 states carried out a total of 139 policy actions relevant to CTE, including laws, executive orders, board of education actions, budget provisions and ballot initiatives,” according to Advance CTE, which for the last four years has undertaken annual review of CTE and career-readiness policies in the U.S. states and territories (Advance CTE, 2016).

⁴ New York State Education Department, n.d.-b.

⁵ N.Y. Educ. Law § 4602.

The regulations of the commissioner of education build on this statute by requiring specifically that “All public school districts offer students the opportunity to complete a three- or five-unit sequence” in career and technical education, and the chance to begin this sequence in ninth grade.⁶

NYSED has approved CTE programs in six content areas: agricultural education; business and marketing; family and consumer sciences; health occupations; technology; and trade, technical and industrial education. Within those areas, there are 16 U.S. Department of Education-endorsed “career clusters” that encompass hundreds of specific programs.⁷ To be eligible for federal CTE funding through the federal Perkins Act, school districts must offer at least three of the 16 career clusters.

In secondary school, individual career and technical education courses and full CTE programs of study can be offered at comprehensive high schools, in special CTE high schools, in career academies within schools, and/or, outside of the Big Five city school districts,⁸ through BOCES centers. In addition, some schools provide students access to college-level CTE courses through dual enrollment programs in partnership with local colleges or universities⁹ and six-year early-college high-school programs.¹⁰

Despite these innovations, access to CTE course offerings and other supports is limited and does not meet the constitutional requirement to prepare all students for competitive employment and productive citizenship. Although state regulations require each school *district* to offer students the opportunity to complete a CTE course sequence in its schools or through BOCES, the regulations do not require every high school to provide specific courses in CTE or career development and occupational studies (CDOS).¹¹ (In fact, CDOS is the only area in which the state has established standards with no instructional or course requirements.)

Overall, relatively few New York high school students actually have access to CTE coursework. In 2014-15, less than 16% of New York high schoolers completed at least one CTE course and about 6% completed two or more CTE courses.¹² Only 5% of 2016 high school graduates in New York State received a Regents diploma with a CTE endorsement (and only 1% received an advanced Regents with a CTE endorsement).¹³ As a June 2012 Regents policy memo describing the K-12 CTE learning continuum concluded, “Currently, not all students who could benefit from approved CTE programs have access.”¹⁴

⁶ 8 NYCRR Section 100.2 (h).

⁷ Agriculture, Food & Natural Resources; Architecture & Construction; Arts, A/V Technology & Communications; Business Management & Administration; Education & Training; Finance; Government & Public Administration; Health Science; Hospitality & Tourism; Human Services; Information Technology; Law, Public Safety, Corrections & Security; Manufacturing; Marketing; Science, Technology, Engineering & Mathematics; Transportation, Distribution & Logistics

⁸ New York City, Buffalo, Rochester, Syracuse, and Yonkers.

⁹ The New York City Department of Education has established a dual-enrollment program with the City University of New York (CUNY) called College Now. CUNY’s website indicates that dual-enrollment options exist in 400 of the city’s 408 high schools (up from approximately 300 in 2006 (City University of New York, 2016; Karp, Calcagno, Hughes, Jeong, & Bailey, 2007). Students must meet benchmarks in reading or math for enrollment in college-credit courses, with lower thresholds for enrollment in pre-college or developmental courses (City University of New York, n.d.-a), and College Now is free to all participating NYC high school students (City University of New York, n.d.-b).

¹⁰ See http://www.highered.nysed.gov/kiap/SmartScholarsEarlyCollegeHighSchool_000.htm.

¹¹ New York State Education Department, n.d.-c.

¹² Authors’ calculations based on data from the New York State Department of Education.

¹³ Authors’ calculations based on data from the New York State Department of Education.

¹⁴ New York State Education Department, 2012, p. 2.

This same memo found that “the statewide delivery of the CTE learning continuum is uneven; district capacity to offer meaningful CTE experiences is varied; and gaps in opportunity exist.”¹⁵

The implications of inadequate access to CTE recently became even graver. In 2015, as part of an initiative to provide students a broader set of options for meeting graduation standards, the New York Board of Regents adopted new policies that provide “multiple pathways” to graduation. Students are now required to pass Regents exams in four subjects—English language arts, math, science, and social studies and then must choose for their fifth assessment from a number of different “pathway” assessment options.¹⁶ One new pathway allows students who have completed an approved CTE program of study to use an approved CTE assessment.¹⁷ In June 2016, the Regents further amended the pathways to include a CDOS commencement credential, based on a career plan, work experience, and meeting commencement-level CDOS learning standards, as a valid substitute for a fifth assessment.¹⁸ These policy changes were not, however, accompanied by any new requirements that schools actually provide more students access to CTE or CDOS courses or give more students assistance in obtaining work experience or in constructing a career plan.

Experts have reached a general consensus about the resources and practices that are necessary for effective career and technical education. These include

- high-quality teaching and instructional support;
- up-to-date facilities and equipment;
- curricula that provide strong general academics; specific skills related to professions that are in high demand; and problem-solving, communication, and other skills that will allow workers to adapt to changing job needs;
- sufficient staffing to ensure necessary counseling support and seamless linkages and transitions;
- meaningful real-world job-related learning opportunities;
- engagement with employers to ensure alignment with workforce demands and requirements for industry-recognized credentials;
- additional pathways to attain credentials, like dual enrollment; and
- data, monitoring, and reporting mechanisms to ensure valid and reliable feedback for continuous improvement.¹⁹
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This consensus should make it easier for states and school districts to provide effective CTE programs for all students who want and need them. Yet progress toward career and technical educational goals has been only incremental and piecemeal.

The fact is that the contemporary consensus about the resources and practices that are necessary for effective career and technical education echoes many of the policy positions and recommendations that have been made in the past but poorly implemented. This pattern of intermittent attention and incremental improvement can be broken only by taking a rights-based approach to ensure that all students

¹⁵ New York State Education Department, 2012, p. 2.

¹⁶ New York State Education Department, 2017b.

¹⁷ New York State Education Department, 2015.

¹⁸ New York State Education Department, 2016; Disare, 2016a. This credential was originally intended for and applied to students with disabilities, and then extended to all students.

¹⁹ Dalton, Charles, Klein, Knapp, & Charner, 2016; Jacoby & Dougherty, 2016; Symonds, Schwartz, & Ferguson, 2011; Visher & Stern, 2015.

leave high school with the knowledge, skills, and experience necessary to put them firmly their pathway to a career.

Constitutional Mandate as Driver of Adequate Investment and Systemic Implementation

Recent court cases in New York and 20 other states have declared that students have a constitutional right to an education that prepares them for the workforce.²⁰ For example, in 2003, the New York Court of Appeals held in *Campaign for Fiscal Equity (CFE) v. State of New York* that the state constitution entitles all students to a “meaningful high school education” that provides them the skills they need to function as capable citizens and prepares them for competitive employment.²¹ The court reiterated this holding in 2017.²²

These court decisions, and the rights they confer on students, can dramatically improve the chances for fully implementing the reforms and improvements that CTE practitioners and other career-pathway experts acknowledge to be necessary. The clear mandate to prepare all students for competitive employment in court decisions like *CFE v. State* creates a strong foundation for systemic improvements of career and technical education. Awareness of and emphasis on the constitutional mandate can be a powerful driver for adequate investment.

Beyond this, court decisions clarify what schools must actually provide to fulfill students’ educational rights. In New York, the Court of Appeals rejected a lower court’s conclusion that schools need only prepare students for jobs that will allow them to stay off the welfare rolls. Instead, the court forcefully stated that “[m]ore is required.” In its 2003 decision in *CFE v. State*, the court held,

a high school education is now all but indispensable...[M]anufacturing jobs are becoming more scarce in New York and service sector jobs require a higher level of knowledge, skill in communication and the use of information, and the capacity to continue to learn over a lifetime. The record showed that employers who offer entry-level jobs that do not require college increasingly expect applicants to have had instruction that imparts these abilities, if not a specific credential.²³

Accordingly, in order to provide students the “meaningful high school” education that the state constitution requires, the court held that schools must provide *all* students access to the kind of instruction and experiences that will adequately prepare them for 21st-century jobs. The court specified that the state must ensure that adequate resources are available in “every school,” so that all students will have access to the personnel, courses, and pathways that are needed for these purposes.²⁴ It further ordered the state to determine the “actual cost” of providing all students these opportunities.

Approaching the issue of effective career preparation from a constitutional-rights perspective also provides a roadmap for reconciling the perennial tension between academic and vocational programming.

²⁰ A list of these states and citations to their constitutional standards is provided as an appendix in the full version of this report, available at www.centerforeducationalequity.org.

²¹ *Campaign for Fiscal Equity v. State of New York*, 2003.

²² *Aristy-Farer/NYSER v. State*, 2017.

²³ *CFE v. State*, 2003.

²⁴ *CFE v. State*, 2003, at 930.

State constitutional definitions of the right to an “adequate,” “thorough and efficient,” or “sound basic” education have almost invariably emphasized that schools are responsible for preparing productive citizens, which entails *both* preparation for competitive employment and preparation for capable civic participation.

The *CFE* decision emphasized that the constitutional requirement for schools to prepare students to “function productively as civic participants” also includes “an employment component.”²⁵ Numerous other courts have agreed. For example, the New Jersey Supreme Court held that “the constitutional guarantee ... must be understood to embrace that educational opportunity which is needed in the contemporary setting *to equip a child for his or her role as a citizen and as a competitor in the labor market*,”²⁶ and Washington’s Supreme Court has held that the right under its state constitution “embraces broad educational opportunities needed in the contemporary setting to equip our children *for their role as citizens and as potential competitors in today’s market* as well as in the market place of ideas.”²⁷

These courts indicate that preparation for the workplace cannot be isolated from general academic preparation; the constitutional guarantees of civic and career preparation are interrelated, inextricably linked, and must be approached in tandem.

Interest is high on the part of the business community and the American public in the competencies that young people require to thrive in an economy that is rapidly changing and global in scope. Educators are being urged to ensure that young people have acquired competencies that will serve them not only in their communities and nations, but also in workplaces that are part of the dynamic economic systems of the twenty-first century.²⁸

Research shows that many of the same 21st-century social and communication skills, critical- and creative-thinking and problem-solving habits, and key dispositions toward hard work, obeying the law, and collaborating with diverse groups are fundamental to workplace and civic preparation.²⁹ In an increasingly diverse, complex, technological, and global society, civic preparation and career preparation are more important to each than ever before.³⁰

There is growing recognition that the connections between adult work and civic life are also strong. In the workplace, as in school, most people must daily practice civic skills like problem solving, planning, consensus building, and shared decision-making. The Minnesota Campus Compact Task Force on Civic Engagement and Workforce Development put this clearly,

Minnesota employers — from business, government, education and nonprofit sectors — desire more employees and prospective employees who possess not only technical skills, but who also can work effectively with diverse others, put the good of the whole above the good of self, and understand the importance of ethical behavior and positive community engagement. ... *[T]he process of developing productive workers is inextricable from the process of developing active*

²⁵ *CFE v. State*, 2003, at 906.

²⁶ *Abbott v. Burke*, 1985, at 382 (emphasis added).

²⁷ *Seattle Sch. Dist. No. 1 v. State of Washington*, 1978, at 94 (emphasis added).

²⁸ Gould, 2011, p. 20.

²⁹ Carnegie Corporation of New York & CIRCLE, 2003; Gould, 2011.

³⁰ For example, as a corollary of automation, research shows as growing demand in the labor market for social skills in recent decades. “Computers are still very poor at stimulating human interaction. ... Human interaction in the workplace involves team production, with workers playing off each other’s strengths and adapting flexibly to changing circumstances” (Deming, 2017, pp. 28-29).

citizens. Traditional approaches to workforce development — which focus on technical professionalism and largely ignore larger public or civic concerns — are inadequate if we wish to maintain Minnesota’s historic high quality of life.³¹

To prepare students adequately for capable citizenship requires schools to provide them with knowledge of government, law, history, economics, and civics, as well as basic English language arts, mathematics, and science. Students need ample opportunities to build media literacy and discuss local, national, and international issues they feel are important to their lives. Plus students must learn critical analysis, interpersonal, communication, and adaptation skills and be provided with a range of experiential learning opportunities both during school time and after school to practice these skills in their communities.³² Virtually all of these learning experiences are also essential to prepare students for competitive employment.

As Teachers College professor Henry Levin said when he testified as a witness in the *CFE* litigation over ten years ago:

[T]oday what we see is a merger between the requirements for being a good citizen [and being a good worker]: being able to evaluate arguments, being able to gather information, ... being able to work with others, ... problem solving, decision-making, evaluation of issues, those become common to the preparation of both citizens on the one hand and workers on the other.³³

Implications of the Constitutional Mandate for CTE Policy and Practice

Education officials at both the state and city levels have made efforts to enhance school-to-work pathways in recent years, but the rate of progress in providing access to career and technical education has been relatively slow. From a rights-based perspective, incremental progress does not suffice. New York must adopt appropriate policies and practices and make suitable investments to provide students “meaningful” programs that will prepare them for productive employment. Currently, state policy and investments are not adequate to provide the basic resources necessary to meet the constitutional guarantee and to ensure that all interested students can take advantage of the many benefits of CTE and career-pathway options. New York’s data, reporting, and accountability systems do little to illuminate problems, inform students and their families of their entitlements, or incentivize improvements.

We detail some current inadequacies in constitutionally required resource areas and suggest what would be required to resolve them. Any new mandates must be tied to adequate funding and other assistance needed for their effective implementation.

Meaningful Access to Coursework

The state must adopt stronger access requirements at the middle- and high-school levels to ensure that all New York students have meaningful access to CTE courses and course sequences. Most middle

³¹ Minnesota Campus Compact Task Force on Civic Engagement and Workforce Development. See also, Eyer & Giles, 1999; Joran & Krumnow, 2014; Maryland DC Campus Compact CONNECTS Task Force, 2015; Scales, Roehlkepartain, Neal, Kielsmeir, & Benson, 2006.

³² Carnegie Corporation of America & CIRCLE, 2003; Gould, 2011; Rebell, 2018, in press.

³³ *CFE v. State of New York*, 2001, trial transcript, p. 12119.

schoolers have almost no exposure to CTE pathways; so sufficient middle-school CTE opportunities must be developed. As the Board of Regents recommended in 2012, New York should provide

- a grade 6 “Introduction to CTE” course encompassing the six CTE content areas (agriculture, business and marketing, family and consumer sciences, health occupations, technology, and trade and technical) to promote vertical alignment with high school programs of study.
- greater opportunities for middle level CTE acceleration in grades 7 and 8 so more students enter high school with diploma credit.³⁴
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At the high-school level, the requirement that each *school district* must provide students access to a three- or five-unit sequence in CTE cannot ensure that all students who need or want to participate in these courses actually have access to them. In larger school districts, like New York City, although CTE courses are available in a number of places in the district, many of the city’s more than 400 high schools offer few or no CTE courses or course sequences.

The recently enacted changes to the graduation requirements, though intended to provide students with multiple pathways to a high school diploma, potentially exacerbate the impact of inequitable and inadequate access to CTE. The new CTE and CDOS pathways to graduation are available only to students who have access to the requisite courses. For students whose schools do not offer these courses, these new pathways are virtually meaningless. Similarly, the opportunity to earn an advanced-designation Regents diploma through a CTE endorsement is contingent on students having access to a five-unit sequence of courses.

To fulfill the constitutional mandate to prepare students for competitive employment, and to ensure that the new pathways to graduation improve rather than create more impediments to obtaining a diploma, New York must enact requirements that would ensure broader and more equitable access to CTE courses and course sequences for all students—including English language learners and students with disabilities.

Sufficient Qualified CTE and CDOS Teachers

A major impediment to providing adequate access to CTE and CDOS coursework is the lack of sufficient qualified teachers. New York State has reported teacher shortages in career and technical education for every school year but one dating back to 2005-06.³⁵ This problem is nationwide and is perpetuated by many factors: the inability of school districts to offer salaries that compete with industry jobs; teacher-licensing qualifications that align poorly with professional qualifications; and tight school budgets that limit hiring outside of core areas. New York professionals describe the state teacher licensing process as burdensome and assert that the state certification requirements do not keep up with changing job market needs. By way of contrast, community colleges have fewer hiring constraints and are able to adapt more readily to shifts in employment needs. These differences sometimes create challenges in aligning instruction between high schools and community colleges.

To attract more teachers, the Regents recently amended their CTE teacher certification policies to expand the number of alternative paths for candidates, reduce the requirements for initial certification if

³⁴ New York State Education Department, 2012.

³⁵ Cross, 2016; the lone year when CTE was not reported as a shortage area was 2013-14. However, that year New York reported shortages in related areas, including computer technology, drafting, mechanical technology, and technology education (K-12).

certain conditions are met, and allow prospective teachers to obtain transitional licenses while they complete required courses.³⁶ It remains to be seen whether these certification changes will substantially ameliorate the longstanding teacher shortages in this area. Ultimately, additional funding may be required to ensure that all schools are able to hire an adequate number of qualified CTE teachers to fulfill all students' rights to career preparation.

Sufficient Internship, Apprenticeship, and Other Real-World Experiential Learning Opportunities

New York students' preparation for competitive employment is also seriously hampered by the lack of adequate access to internships and apprenticeship programs that provide students meaningful work-based experiences. In New York City, less than 2% of the students who took CTE courses were able to experience internships. New York may look to Nashville, Tennessee, for a model of how to provide strong, districtwide CTE options through formal cross-sector collaborations. Extensive employer involvement is promoted by Alignment Nashville, a nonprofit organization that fosters cross-sector collaboration among city and state agencies, the schools, and the business and nonprofit sectors,³⁷ the Nashville Chamber of Commerce, and the Pencil Foundation, a nonprofit that recruits businesses to invest funding and volunteers in the district.³⁸

Work-based and career-related learning experiences should begin no later than middle school. New requirements need to ensure that all students in New York schools are exposed to the world of work, beginning with guest speakers, industry visits, and information about career opportunities and pathways in middle school that lead, in high school, to real work experience like internships, apprenticeships, and other exposure to work environments for all students who want and need those experiences. The state must do more to incentivize private employers to create internships. Internships should also be offered in public agencies; public funding should support internships for high school students in nonprofit organizations; and students should have access greater to school-based work experiences.

Sufficient Number of Counselors and Work-Based Learning Coordinators

According to New York law, all middle and high schools should have sufficient numbers of school counselors to review each student's educational progress annually and to develop individual high school/postsecondary education and career plans. Counselors are also expected to provide (individually or in cooperation with classroom teachers) grade-level instruction about academic and career planning; facilitate articulation to high school/college; help students who exhibit any attendance, academic, behavioral or adjustment problems; provide related services to students with disabilities; support academic intervention and response to intervention services; encourage parental awareness and involvement; and provide a safe and orderly climate for learning.³⁹ Many districts and schools do not have enough school counselors to provide the range of services necessary to support their students, and,

³⁶ Disare, 2016b; New York State Education Department, n.d.-a; New York State Education Department, 2016. New York City has a longstanding CTE teacher residency program—the [Success via Apprenticeship Program](#)—that offers a paid teaching internship, industry work experience, and post-academic study to high school graduates interested in teaching CTE. See <http://svaprogram.wixsite.com/svaprogram/aboutus>.

³⁷ Alignment Nashville, 2015.

³⁸ PENCIL Foundation, n.d.

³⁹ 8 NYCRR §§ 100.2 (j); (ee); (ii), 100.1 (g).

during times of fiscal constraint, those school counselors who do staff the schools are often considered expendable.⁴⁰

In addition, students' access to work-based learning opportunities, including apprenticeships and internships, requires sufficient school-based staff to secure these opportunities for students. Most CTE high schools have employees who are certified as "work-based learning coordinators." These individuals are responsible both for finding internships and for managing them, which is a demanding responsibility. In many schools these coordinators are also burdened by heavy teaching loads. In New York City, more than half of them teach four or more classes per day, which leaves them little time for the labor-intensive work of connecting with external actors. Comprehensive and other general academic high schools often have no internship coordinators even though many of their students' desire or could benefit from their services to secure work-based learning experiences.

In New York, because of the intensive need for counseling services, there should be a ratio of one school counselor to every 300 students in secondary schools in general, and 1:200 in all schools with intensive needs. To ensure preparation for college, careers, and civic participation high schools should, in addition, provide counselors in a ratio of 1:100 seniors, and these counselors should begin working with students in the ninth grade.⁴¹

Adequate Data Collection, Monitoring, and Accountability

The Perkins Act requires relatively extensive reporting to ensure that students have access to career and technical education without regard to their race, color, national origin, sex, or disability. A federal court order mandates state reporting to monitor compliance with federal civil rights laws. It also requires that states report statewide enrollment numbers for CTE "participants" and "concentrators" by subgroups as well as some performance information.⁴² While this reporting is critical, it is not sufficient to ensure state constitutional compliance. New York's efforts to improve and extend CTE require accurate data collection to identify and understand gains or gaps in access and preparation. The state does not report district- or school-level data on CTE access, enrollment, or completion. Moreover, CTE courses offered at regular high schools are inconsistently included in this reporting.⁴³

Constitution Requires Flexible Preparation for College, Careers, and Civic Participation

High quality CTE pathways, including "9-14" programs that bridge secondary and postsecondary education, will only effectively serve students if they are constructed on a strong foundation of basic educational opportunity. The job market will continue to evolve and, with it, the specific technical knowledge and skills that students need to acquire. The broad-based knowledge, skills, experiences, and dispositions needed for capable civic participation and competitive employment provide better long-range preparation than a narrow focus on skills for particular jobs that may not be relevant in the future.

The opportunity for a sound basic education to which every New York student is entitled must therefore provide students with high quality, flexible preparation for college, careers, and civic

⁴⁰ Rebell, Wolff, & Rogers, 2012, pp. 20-22.

⁴¹ See, e.g., New York City Comptroller, 2012; Urban Youth Collaborative, 2013.

⁴² U.S. Department of Education, Office of Planning, Evaluation, and Policy Development, 2014.

⁴³ Leake, n.d.; New York State Education Department, personal communication.

participation. Effective education for career pathways and for civic participation requires largely overlapping educational content, skill development, and experiences. Preparation for both competitive employment and preparation for civic participation require

- a foundation of general knowledge;
- a set of common skills, including basic academic skills, well-developed higher-order skills like problem solving, critical thinking, and noncognitive social and communication skills;⁴⁴
- experiential learning opportunities that provide the opportunity to practice that full set of skills; and
- a set of dispositions and values that include honesty, reliability, respect for others, persistence, tolerance, respect for the rule of law and the like.

Adoption of these recommendations for meeting constitutional requirements will undoubtedly require a significantly greater resource investment in these areas, but that investment will be repaid many times over.⁴⁵ Attention to cost-effective educational practices in this and other areas could lessen the ultimate budgetary impact of the needed reforms.⁴⁶ In any event, whatever the extent of the actual increased costs, when constitutional rights are at stake, the New York courts, like the U.S. Supreme Court, have repeatedly made clear that cost factors do not constitute an acceptable justification for failing to meet constitutional requirements.⁴⁷

New York’s highest court, the Court of Appeals, defines productive citizenship as the ability to engage in civic obligations capably and knowledgeably. It posits that competitive employment today requires “a higher level of knowledge, skill in communication and the use of information, and the capacity to continue to learn over a lifetime.”⁴⁸ The court wrote that for the state to meet these goals, “more is required” than merely a job that allows an individual to stay off of welfare. Today, more than 14 years after this case was decided, still more is required. To be “meaningful,” a high school education today must adequately prepare those students who will immediately enter the workforce upon graduation and the increasing number who will need some amount of higher education to obtain the skills they will need to obtain decent, competitive employment over their lifetimes. In the years since the court’s decision, officials at both the state and city levels have made efforts to enhance the school-to-work path, but these efforts have been limited, inconsistent and inadequately funded. The system today falls far short of the constitutional requirements for providing students “meaningful” programs that will provide them the skills they need for capable citizenship and productive employment.

The court specified that the state must determine the “actual cost” of providing *all* students these opportunities and that it must ensure that adequate resources are available in “*every school*,” so that all students will have access to the courses and pathways that are needed for these purposes.⁴⁹ Since the Regents and virtually all educators in the field agree that all the CTE reforms listed above are necessary in order to provide all students a meaningful opportunity for a sound basic education, these are the programs

⁴⁴ The skill areas common to both include initiative, cooperation and group work, self-assessment, communication, reasoning, problem solving, decision-making, planning, learning, and multicultural skills (Levin quoted in *CFE v. State of New York*, 2001, trial transcript, p. 12119).

⁴⁵ Belfield, Levin, & Rosen, 2012.

⁴⁶ See Rebell, 2012.

⁴⁷ See, e.g., *Klostermann v. Cuomo*, 1984; *Hurrell-Harring v. State*, 2010; *Rufo v. Inmates of Suffolk Cnty. Jail*, 1992.

⁴⁸ *Campaign for Fiscal Equity, Inc. v. State*, 100 N.Y. 2d 893, 906 (N.Y. 2003)

⁴⁹ *CFE v. State*, 2003 at 930.

and services that the state must actually implement, according to the constitutional mandate, whatever their cost.

Conclusion

Approaching the issue of effective CTE implementation from a constitutional-rights perspective not only provides a firm basis for adequate funding, but it also offers an important new perspective for addressing the tension between academic programming and career preparation. In court cases throughout the country, including New York, the constitutional definitions have nearly all emphasized both preparation for competitive employment and preparation for capable citizenship.

The job market for both college graduates and non-college graduates will continue to evolve and, with it, the specific technical knowledge and skills that employees will need to acquire. Therefore, communication, information gathering and critical analytic ability and other adaptive skills that facilitate life-long learning that are needed for both civic participation and competitive employment provide better preparation for future employment than the types of training for particular skills and professions that exist now.

The strong connection between the two basic purposes of education also plays out in the opportunity gap that denies many students in poverty and students of color the resources they need to develop appropriate skills both for competitive employment and for capable citizenship. Youth who drop out before finishing high school are less likely to vote, run for office, and be otherwise civically involved⁵⁰ and they also are much more likely to be unemployed. The schools these students attend often lack the basic building blocks of an adequate education—qualified teachers, reasonable class sizes, up-to-date instrumentalities of learning, and so on. These schools provide few the real-world learning experiences that are especially important for increasing motivation and unlocking the talents and interests of these students.⁵¹

If we are to provide this preparation systematically to all students, states must provide the necessary resources. The constitutional foundation for this preparation also requires further consideration of the respective roles of schools, other public institutions, community-based organizations, and of the private sector in this endeavor. Future research must study the range of viable alternatives, including expanding the role of public investments and institutions, identifying cost-effective ways to provide constitutionally required programs and services for students, creating more formalized public/private partnerships; and significantly expanding and refining local cross-sector collaborations among school systems, community-based organizations, employers, and government agencies.

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⁵⁰ See, e.g., Levinson, 2012; Putnam, 2015.

⁵¹ Washor & Mojkowski, 2013.

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About the Center for Educational Equity

The Center for Educational Equity (CEE) is a nonprofit policy and research center at Teachers College, Columbia University. CEE champions the right of all children to a meaningful opportunity to graduate from high school prepared for college, careers, and civic participation. We work to define and secure the full range of resources, supports, and services necessary to guarantee this right to all children, particularly children in poverty and children of color. Founded in 2005 by educational law scholar Michael A. Rebell, who successfully litigated the landmark school-funding lawsuit, *CFE v. State of New York*, CEE pursues systems change through a dynamic interrelated program of research, legal analysis, policy development, coalition building, curriculum development, and advocacy to advance this agenda at the federal, state, and local levels.