



**THE STATE EDUCATION DEPARTMENT/ THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234**  
Office of P-12 Education

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DATE: August 2011

TO: All Superintendents  
All Public Charter School Building Leaders

FROM: Ira Schwartz, Assistant Commissioner 

SUBJECT: 2011-2012 School Year Accountability Requirements

The purpose of this field memo is to provide you with information regarding the actions required by schools, districts and public charter schools based on the 2010-11 school year assessment results. The New York State Department of Education (NYSED) has taken a number of actions to integrate the No Child Left Behind Act (NCLB) Title I, Title III and Individuals with Disabilities Education Act (IDEA) accountability systems. To give schools, districts and public charter schools a head start in the review of elementary/middle-level and secondary-level data, a preview of the *Accountability and Overview Reports* (preAORs) have been made available to authorized users on [www.nySTART.gov](http://www.nySTART.gov) as of August 10, 2011.

As you have been informed in previous field memos, (please see: <http://www.p12.nysed.gov/accountability/APA/Memos/Mar2011AMO.pdf>) the number of schools that have been newly identified for School Improvement (Year 1), particularly for grades 3-8 English language arts, has grown greatly this school year. For the first time since the enactment of NCLB, many districts will find that schools in their district have been identified. Other districts will find that the number of identified schools has increased significantly. These increases in identified schools are primarily the result of the sunset of the statistical adjustment that permitted many schools, districts and charter schools to make Adequate Yearly Progress (AYP) with the students with disabilities group, changes in test equating practices, introduction of higher proficiency standards in grades 3-8 ELA and mathematics, and establishment of more rigorous high school graduation rate goal and targets as required by the United States Department of Education (USDE).

Recently President Obama and USDE Secretary Arne Duncan announced that the Secretary will initiate in September an NCLB accountability waiver process. Details of this initiative have not yet been made public. While NYSED will carefully consider applying for a waiver, such waivers, if granted, will not change the requirements that identified schools, districts and charter schools must meet for the 2011-12 school year.

Below is a compilation of information excerpted from other important memos that you should have previously received. Please be mindful of the information and dates by which a response is required.

## **SCHOOL ACCOUNTABILITY**

### Preview of Accountability and Overview Reports

In July 2011, a memo was posted on the NYSED website to inform schools, districts and public charter schools of the release of grades 3–8 English language arts and math scores, reporting and certification deadline, and the availability of preAORs and Accountability Status Determinations. For more information regarding this topic, see:

<http://www.p12.nysed.gov/irs/JBaker/ScoreReleasepreAOR-Deadlinefinal-7-29-11.pdf>

### Schools, Districts and Public Charter Schools Newly Identified as in Improvement Status

In August 2011, the Office of Information and Reporting Services sent a memo to specific schools, districts and public charter schools that were in Good Standing in 2010-11 to inform them of schools that had been identified as in improvement status in 2011-12 based on data in Level 2 from Student Information Repository System (SIRS). In the memo, leadership was directed to review the *Accountability Verification Reports* and preAORs for the district/school(s) at: [www.nySTART.gov](http://www.nySTART.gov). If the data in these reports were incorrect, leadership was encouraged to make the appropriate corrections to the data in their local Student Management System and upload to their Level 1 data warehouse by the deadline established by their Regional Information Center (RIC) or Big 5 City data center. In addition, they were asked to ensure that the RIC/Big 5 will be able to load the corrected data to Level 2 of SIRS by the final reporting deadline of 11:59 p.m. on September 30, 2011. If you have any questions, please contact your RIC/Big 5 data center.

### Differentiated Accountability Interventions

Under NYSED's Differentiated Accountability (DA) system, each public and charter school that is not in Good Standing in 2011-12 will be designated to an accountability phase—Improvement, Corrective Action, or Restructuring—based on its history of making adequate yearly progress (AYP) and its 2010-11 AYP status for each accountability measure. Districts with newly identified *Improvement* schools, *Corrective Action* schools, and/or *Restructuring* schools will be required to conduct the following prescribed interventions at each accountability phase: a School Quality Review (SQR) for newly identified *Improvement* schools; an External School Curriculum Audit (ESCA) for newly identified *Corrective Action* schools; and a Joint Intervention Team (JIT) Review for newly identified *Restructuring* (year 1) and Advanced schools. For more information on DA interventions, see:

[http://www.p12.nysed.gov/accountability/School\\_Improvement/#DAPInt](http://www.p12.nysed.gov/accountability/School_Improvement/#DAPInt).

NYSED's Office of Accountability in collaboration with the Office of Special Education will conduct a series of webinars on the DA interventions in early fall. Districts with newly identified Improvement, Corrective Action and/or Restructuring schools are encouraged to participate. Webinar dates will soon be posted on our website, at: [http://www.p12.nysed.gov/accountability/School\\_Improvement/#DAPInt](http://www.p12.nysed.gov/accountability/School_Improvement/#DAPInt).

### NCLB Public School Choice

On August 5, 2011, letters were sent to specific districts explaining that schools and public charter schools receiving Title I funds in 2011-12 and identified as Improvement (year 2), Corrective Action, or Restructuring in 2011-12 are required to offer public school choice to parents. Title I and Code of Federal Regulations (CFR) 34 – Education – Section 200.37(b)(4)(iv) and 200.44(a)(2) require that LEAs notify parents of eligible students about public school choice options sufficiently in advance of, but no later than 14 calendar days before, the start of the school year. The letter stated that LEAs are required to use the preAORs to determine whether parents must be notified of their public school choice options. School DA statuses can be determined by entering the AYP information from the school preAOR into the DA Phase and Category Worksheet for 2011-12 Status available at:

[http://www.p12.nysed.gov/accountability/APA/Differentiated\\_Accountability/DA\\_home.html](http://www.p12.nysed.gov/accountability/APA/Differentiated_Accountability/DA_home.html).

School, district, and public charter school leaders for the potentially identified schools are advised to visit the aforementioned websites to determine their AYP determination for 2010–11 and their accountability status for 2011–12. If the school(s) makes AYP for the identified measure, but is listed with a prospective status other than Good Standing under “Best Case” or “Worst Case,” or fails AYP for the identified measure, parents must be notified of their right to public school choice. The public school choice notification requirement will stand, unless the LEA informs the NYSED that it will submit revised data that the LEA expects will result in the school making AYP for the identified measure(s) and/or the school will not receive Title I funds in 2011–12. If a school in either of these situations plans to submit revised data, the LEA must inform the NYSED of these anticipated changes no later than August 24, 2011, using the form available at:

<http://www.p12.nysed.gov/accountability/APA/Memos/PSCAppealForm.doc>. Completed forms should be faxed to (718) 722-4559 or sent via e-mail to: [accountinfo@mail.nysed.gov](mailto:accountinfo@mail.nysed.gov).

During the week of August 1<sup>st</sup>, the NCLB Public School Choice memo and 2010-11 Public School Choice Data Collection Form were sent to specific schools, districts and public charter schools. NYSED records indicated that these districts – or public charter schools - had schools in their second or higher year of accountability and were required to offer Public School Choice. NYSED records further indicated that there were schools not in accountability, in the same grade levels, as the identified schools, to which students could choose to transfer. The completed 2010-11 Public School Choice Data Collection Form must be submitted to the Title I School and Community Services Office by October 28, 2011. Instructions for mailing the paper copy were provided in the memo. An electronic copy of this form may be obtained by e-mailing

[LHovish@mail.nysed.gov](mailto:LHovish@mail.nysed.gov). Districts requesting the electronic version may submit their report electronically to the same e-mail address.

### Summary Report of SES Providers

In addition during the week of August 1<sup>st</sup>, the 2010-11 Summary Report of Supplemental Educational Service (SES) Providers was sent to specific schools and districts. NYSED records indicated that these districts had schools in accountability at either the *Improvement, Corrective Action, or Restructuring* level and were required to offer SES to eligible students from high poverty families. Districts and SES providers are required to annually report to the NYSED on their SES implementation efforts. The SES form provides the mechanism for providing the required information. The form can be found at: <http://www.p12.nysed.gov/nclb/ses/>. The form contains instructions for mailing the paper copy to the NYSED. The 2010-11 Summary Report of SES Providers was published in July 2011. It can be found at: <http://www.p12.nysed.gov/nclb/ses/documents/SESYearEndReportTemplate201011.pdf>

### 2011-12 Consolidated Application Update

As per ESEA NCLB Section 1116 legislation, districts with schools (or public charter schools) in *Improvement, Corrective action* and/or *Restructuring* are required to set-aside the equivalent of 20% of their Title I, Part A basic allocation to fund public school transportation and/or supplemental educational services (SES), before any other set-asides are removed. Funds for school choice and SES may come from several sources, such as State and Local aid as well as Title I, Part A. When completing the Consolidated Application Update, districts and public charter schools should note in the FS-10 any SES expenses under Code 40 - Purchased Services. Districts and public charter schools that choose to fund school choice and SES from multiple sources should indicate those sources and the respective amounts in the Budget Narrative in the Code 40 - Purchased Services section.

In the Consolidated Application Update, Item 16 on page 27 of the section entitled "Title I - LEA Plan as Required by NCLB" must be completed related to the efforts at implementing SES in the district or public charter schools. Districts with schools in *Improvement (Year 2)* accountability status or higher must also complete the Public School Choice Plan section (pages 31-32) of the application. Districts and public charter schools that are required to offer school choice without buildings to which students can transfer, because there are no other schools at that grade level not in accountability, must indicate there are no schools to which students can transfer. Information regarding this topic can be found at: <http://www.p12.nysed.gov/nclb/consolidatedappupdate/>.

Districts are expected to use the information available on the preAORs to take appropriate action with regard to public school choice, SES, and consolidated applications.

## **TITLE III ACCOUNTABILITY**

Title III requires that SEAs hold LEAs accountable for meeting all requirements pertaining to services and programs for limited English proficient students. In April 2011, a field memo was sent to districts from the Office of Bilingual Education and Foreign Language Studies (OBE-FLS), informing those LEAs that select to submit the NCLB Title III application, must review and follow the federal guidance when completing the 2011-2012 applications. The memo can be found at:

<http://www.p12.nysed.gov/biling/docs/TitleIIIMemotoFieldApril2011-Final.pdf>. Districts are advised to submit NCLB Title III applications as part of the 2011-12 NCLB Consolidated Application Update to the Title I School and Community Services Office, at the New York State Education Department, 89 Washington Avenue, EBA 375, Albany, NY 12234. The due date for submission is August 31, 2011.

LEAs that did not meet their Annual Measurement Achievement Objectives (AMAOs) should have followed the guidance contained in the memo of May 2011 when the Title III AMAO District Plans (Improvement or Corrective Action Plans) were developed. The memo can be found at:

<http://www.p12.nysed.gov/biling/docs/AMAOMemotoFieldMay2011-Final.pdf>. These plans were to be submitted to the Title I School and Community Services Office by August 1, 2011. If you have any questions about the Title III AMAO District Plans, please contact the OBE-FLS at (518) 474-8775.

## **IDEA ACCOUNTABILITY**

In July 2011, identified districts were sent a memo explaining that all school districts identified as: "Needs Assistance," "Needs Intervention" or "Needs Substantial Intervention" under IDEA criteria, must obtain technical assistance to improve results. The performance criteria for determination of school districts under IDEA is based primarily on whether a school district has one or more schools not making AYP for the subgroup of students with disabilities. The State will, to the extent resources allow, assign a Special Education School Improvement Specialist (SEIS) from the Regional Special Education Technical Assistance Support Centers (RSE-TASC) to provide technical assistance and participate as a subgroup specialist during the various Differentiated Accountability reviews. Beginning September, SEIS will conduct an instructional walk through of the school's special education programs and will participate in the School Quality Review, External School Curriculum Audit and/or Joint Intervention Team meetings. If a SEIS cannot be assigned, your district will receive notification from the Coordinator of the RSE TASC.

For more information regarding a district's responsibilities based on IDEA accountability determinations, see:

<http://www.p12.nysed.gov/specialed/spp/aligningaccountability-july2011.htm> and <http://www.p12.nysed.gov/specialed/spp/2011annualcriteria.htm>.

The following NYSED contact list will be useful, should you have any questions regarding the information and requirements contained in this field memo.

<b>Area of Inquiry</b>	<b>Staff Person or Office</b>	<b>Method of Contact</b>
Consolidated Application Update	Title I School and Community Services	E-mail: <a href="mailto:conappta@mail.nysed.gov">conappta@mail.nysed.gov</a>
DA Interventions	School Improvement	Phone: (518) 474-5923 Phone: (718) 722-2647 E-mail: <a href="mailto:siteam@mail.nysed.gov">siteam@mail.nysed.gov</a>
DA Phase and Category Worksheet	Shibu Joseph	Phone: (718) 722-2796 E-mail: <a href="mailto:accountinfo@mail.nysed.gov">accountinfo@mail.nysed.gov</a>
IDEA	Office of Special Education	Phone: (518) 473-2878 E-mail: <a href="mailto:speced@nysed.gov">speced@nysed.gov</a>
Public School Choice Data Collection Form or SES Information	Leon Hovish	Phone: (518) 473-0295 Email: <a href="mailto:LHovish@mail.nysed.gov">LHovish@mail.nysed.gov</a>
SIRS or Data Verification	Office of Information and Reporting Services	Phone: (518) 474-7965 E-mail: <a href="mailto:dataquest@mail.nysed.gov">dataquest@mail.nysed.gov</a>
Title III AMAO District Plans	Office of Bilingual Education and Foreign Language Studies	Phone: (518) 474-8775
Charter School Office	Cliff Chuang and Barbara Moscinski	Phone: (518) 474-1762 E-mail: <a href="mailto:charterschools@mail.nysed.gov">charterschools@mail.nysed.gov</a>