

New York State Education Department
Field Guidance Memorandum
Federal School Improvement Grants Under Section 1003(g) of the
Elementary and Secondary Education Act
#2011/1

Date: April, 2011

To: Superintendents of Schools
Charter School Administrators
Title I Coordinators

From: Ira Schwartz, Assistant Commissioner for Accountability

Subject: School Improvement Grants (SIG)1003(g)

In December 2010, the USED released the School Improvement Grant (SIG) application, guidance and final requirements for the 2010-11 funding cycle. The requirements and the guidance are available at: www2.ed.gov/programs/sif/index.html. This memo is to update you on the LEA SIG application requirements and the proposed timeline for the dispersal of these funds.

Through the SIG program, the USED requires State Educational Agencies (SEAs) to prioritize funding to Local Educational Agencies (LEAs) with the lowest-achieving schools that have the greatest need and demonstrate the strongest commitment to use the funds to significantly raise the achievement of their students. It is USDE's expectation that SIG funds are used for the implementation of one of four prescribed rigorous school intervention models—Turnaround, Restart, School Closure, and Transformation—in each persistently lowest-achieving school.

Consistent with USED requirements, The New York State Education Department (SED) has developed a methodology to identify persistently lowest-achieving schools. For the 2010-11 school year, a school is persistently lowest-achieving if:

- the school is a Title I school or a Title I eligible secondary school in the Restructuring phase of New York's Differentiated Accountability System; and
- the school's 2009-10 average Performance Index for the All Students group in English language arts and mathematics combined was 141.5 or less if a Title I school or 162 or less if a Title I eligible secondary school; and
- the school failed to make at least a 25 point gain for the All Students group on each ELA and mathematics measure for which the school was accountable between SY 2006-07 and SY 2009-10.

OR

- the school is a Title I school in improvement status or a Title I eligible secondary school and has a graduation rate below 60 percent for the All Students group on its 2003, 2004, and 2005 graduation rate cohort.

On December 9th, Commissioner David M. Steiner announced the schools in the State that have been identified as persistently lowest-achieving. The list of these schools is posted at: <http://www.oms.nysed.gov/press/PersistentlyLowestAchievingAndSURRDec2010.html> .

In June 2010, the Board of Regents amended Sections 100.2(p)(9), (10) and (11) of the Regulations of the Commissioner of Education to consolidate the process of identifying Schools Under Registration Review (SURR) with the USED framework for identifying PLA schools in order for states to access State Fiscal Stabilization Funds (Phase II), School Improvement Grants and other federal funding opportunities. Therefore, on December 9th, 2010, 64 of the 67 schools that were identified as Persistently Lowest Achieving (PLA) were also identified as SURR, and will be required by Commissioner's regulations to implement a school intervention model as approved by the Commissioner. Failure to successfully implement an intervention model could subject schools to revocation of registration.

To ensure that school improvement funds are targeted to LEAs with these schools, the USED requires each SEA to identify three tiers of schools:

- **Tier I** schools: any Title I that has been identified as persistently lowest-achieving;
- **Tier II** schools: any secondary school that is eligible for but does not receive Title I, Part A funds that has been identified as persistently lowest-achieving;
- **Tier III** schools: any Title I school in improvement, corrective action, or restructuring that is not a Tier I school.

The New York State Education Department will provide LEAs with SIG grants under Section 1003(g) to facilitate implementation of one of the following four school intervention models in Tier I and Tier II schools: Turnaround, Restart, Closure or Transformation. Detailed descriptions of each of the four models are attached.

Under Section 1003(g), LEAs with Tier I and Tier II schools will be able to receive up to \$2 million per school annually for up to three years to implement a model selected by the LEA and approved by SED. This funding is contingent on the LEA's demonstrated capacity to implement the selected model/s and an approved application and budget that includes sufficient funds to implement the selected intervention model fully and effectively in each school.

LEAs will be required to submit in their application:

- A list of the identified PLA schools the LEA proposes to serve.
- A description of the LEAs capacity to implement the chosen models in the schools the LEA proposes to serve.
- A document signed by the Superintendent and the Local Teachers Union Leader, and where applicable a document signed by the Superintendent and the Leader of the Union

representing building principals, committing to such revision of the collective bargaining agreement as are necessary to ensure implementation of the new teacher and principal evaluation system, as outlined in Education Law 3012-c.

- A description and timeline of LEA-level activities that will support model implementation at the school-level.
- Model Implementation Plans that describe and provide a timeline for how and when the school will fulfill the required actions of the selected intervention model.
- Ambitious yet achievable goals for the academic achievement of students at each persistently lowest-achieving school.
- Signatures on Consultation and Collaboration Form from stakeholders (unions, parents, etc.).
- A budget narrative.

SED's criteria for approving LEA applications are based in large part upon LEA demonstration of capacity. An LEA's capacity will be assessed to determine whether collective bargaining agreements or negotiations support implementation; clear and comprehensive plans for each school to implement fully the chosen model have been presented; the processes used to recruit, screen, and select external partners is comprehensive; the LEA will modify practices and policies to support implementation; and the LEA has the ability to sustain the selected reforms after the funding period ends.

LEA applications will be reviewed by a panel, using rubrics. A particular result on the rubrics will indicate specific next steps that the LEA must take in regards to its proposed application. If needed, the panel will request additional information from the LEA and meet with the LEA to discuss the LEA's proposed plan. After the LEA has submitted any requested additional information and has met with the panel, the panel will make recommendations to the Senior Deputy and Commissioner regarding funding approval.

Issues to Consider

Choosing a Model

In choosing a model, LEAs must describe the alignment between the model chosen and the needs of the school. In particular, the model implementation plan should address any issues highlighted by recent Joint Intervention Team or School Under Registration Review visit as well as analysis of school data by the LEA.

Within their SIG application, LEAs must declare which intervention model each identified school will implement. LEAs may at a later date change from one model to another with SED approval. For example, an LEA may initially implement the Transformation model in a school and subsequently determine that the school should switch to the Turnaround model. However, this type of change should be rare, since the LEA has engaged in a needs analysis to help determine the model chosen. LEAs who propose to change a school's implementation model from Transformation, Restart or Turnaround to Closure should be aware that funding levels are determined based upon the model chosen. Therefore, a school that moves from a Transformation model to a Closure model will receive significantly less funding, and that funding must be

allocated towards the costs of closing the school. Changes to the models being implemented by the LEA may not occur without the prior approval of the New York State Education Department.

An LEA with nine or more Tier I and Tier II schools, including both schools that are being served with FY 2009 SIG funds and schools that are eligible to receive FY 2010 SIG funds, may not implement the Transformation model in more than 50 percent of those schools. See section II.A.2(b) of the final requirements.

LEA Capacity and Collective Bargaining

An LEA to receive funding to implement a model in an identified school must demonstrate that the school has the capacity “to get the basic elements of the model up and running at the beginning of the 2011-2012 school year.” While USED recognizes that certain model components, such as job-embedded professional development or identifying and rewarding teachers and principals who have increased student achievement will occur later in the process, elements involving school leadership and staff are considered basic elements of the Turnaround and Transformation models. For the Turnaround and Transformation models, the principal must be replaced prior to the start of the 2011-2012 school year. There is no exception for retaining a principal who has been in the school for more than two years. SED will expect LEAs to provide a detailed justification for why a particular individual is best qualified to be the school leader to implement the Turnaround or Transformation model, if such individual has been selected at the time of application submission. Alternatively, SED will expect LEAs to provide a detailed plan for how the LEA will recruit, screen, and select new leadership for the school. **SED strongly encourages LEAs to select school leaders who have a track record of proven success in serving as a school leader who has turned around a low-performing school.**

For the Turnaround model, the LEA must demonstrate the capacity to rehire no more than 50% of staff, and select new staff to be in place for the start of the 2011-2012 school year. As required by the School Improvement Grant Guidelines for the Transformation model, and consistent with Education Law 3012-c, LEAs must develop a teacher and principal evaluation system that is based in part on student growth, and implement this system in the 2011-2012 school year. School improvement funds cannot be used to pay for excess staff or for buyouts during the three-year grant period.

In order to meet these requirements, LEAs will need to engage their collective bargaining units in discussions around the staffing requirements of the models. LEAs and their collective bargaining units will need to decide whether existing collective bargaining agreements need to be revised, and the timeline for those negotiations. As part of their application, LEAs will be required to submit a signed letter of agreement with the local teacher and principal unions. This agreement signifies the LEA and union commitment to negotiate any changes to the collective bargaining agreement needed to implement a teacher and principal evaluation system consistent with Education Law 3012-c at the beginning of the 2011-2012 school year. Seventy-five percent of an LEA’s SIG funding will become available to the LEA only after it is submitted evidence that the LEA’s collective bargaining agreements with its unions representing teachers and principals fully implement the provisions of Education Law §3012-c and Commissioner’s Regulations 100.2(o).

Goals/Performance Contracts for PLAs

NYSED is committed to ensuring that LEAs with persistently lowest-achieving schools who receive School Improvement Grant funding are raising the academic achievement of their students. In its successful Race to the Top application, NYSED outlined three ambitious yet achievable goals for the state's persistently lowest achieving schools:

- By the end of the grant period, 100 percent of identified high schools that have completed implementation of a model will have a graduation rate above 60 percent; 50 percent of identified high schools will have a graduation rate above 70 percent; and 25 percent of identified high schools will have a graduation rate above 80 percent.
- By the end of the grant period, the percentage of students that are not proficient in ELA or mathematics will be reduced by a minimum of 33 percent in all persistently lowest-achieving schools. For each year of model implementation in identified schools, the percentage of students that are not proficient in ELA or mathematics will be reduced by a minimum of 10 percent.
- By the end of the grant period, each of New York's 243 schools currently in restructuring status will have returned to an accountability status of In Good Standing or be in the process of implementing an intervention model. One hundred formerly persistently lowest-achieving schools will attain the status of In Good Standing, and in 33 percent of these schools, performance in English language arts and mathematics will exceed State averages.

In order for these statewide goals to be achieved, NYSED is requiring that LEAs outline comparable academic achievement goals for each of their persistently lowest achieving schools within the LEA SIG application. These goals will serve as the basis for a performance contract between the LEA and NYSED, developed after the SIG application is approved. The school performance contract will:

- Track growth on academic and leading indicators, as defined by the School Improvement Grant guidelines;
- Require LEAs to address indicators that are lagging; and
- Track progress toward non-negotiable performance targets that LEAs must meet within persistently lowest-achieving schools in order to continue to receive funding.

LEAs with PLA schools that continually miss meeting performance targets may face a reduction in SIG funding. PLA schools that achieve the non-negotiable performance targets set by the state will be on track to make AYP and for all students score proficient on state exams.

Screening and Use of External Providers for Model Implementation

LEA may contract with external provider to provide services related to the implementation of required elements of the models. For example, LEAs may seek external providers that can provide schools with curriculum materials consistent with the State's new curricular frameworks and with aligned professional development for both teachers and principals; external partners who have data tools to diagnose student needs and help teachers respond to those needs; or external providers who can assist schools with creating individualized teacher professional development plans for teachers who were rated ineffective or developing, and provide targeted support and resources for these teachers. At this time, NYSED does not have a pre-approved list of external providers that LEAs can choose from to provide these services. However, NYSED

has issued an RFI regarding external providers and will make information from that RFI available to LEAs. Within their SIG applications, LEAs must describe the comprehensive process to screen and contract with external partners. LEAs need to examine a prospective provider's reform plans and strategies before making selections. Screening an external provider helps prevent an LEA from contracting with a provider without ensuring that the provider has a meaningful plan for contributing to the reform efforts in the targeted school. In screening a potential external provider, an LEA might, for example, require the provider to demonstrate that its strategies are research-based and that it has the capacity to implement the strategies it is proposing.

SIG Funding/Pre-implementation Activities

Under Section 1003(g), LEAs with Tier I and Tier II schools will be able to receive up to \$2 million per school annually for up to three years to implement a model selected by the LEA and approved by SED.

Through guidance published in December 2010, USDE is allowing states to use Section 1003(g) SIG funds to support pre-implementation for those schools that have approved 2010 SIG applications. This means that LEAs can begin setting the conditions in 2010-2011 for complete implementation of the models in 2011-2012, as soon as SED has approved their applications. In their SIG applications, LEAs will be asked to describe any LEA-level and school-level pre-implementation activities that will take place in the spring or summer prior to full implementation. Examples of such activities include, but are not limited to: activities focused on family and community engagement, a rigorous review of external providers, recruitment of staff, selection and implementation of instructional programs, professional development and support for staff, and activities that increase school and district capacity in the areas of data gathering and analysis. Funds for these activities come from the LEA's first year SIG grant, which may be no more than \$2 million per year, per school. The LEA must provide evidence of thoughtful planning in this regard, since the first year grant must support full implementation of the model in the first year.

As with all SIG funds, funds used for pre-implementation activities may not be used to supplant non-Federal funds. An LEA must continue to provide all non-Federal funds that would have been provided to the school in the absence of SIG funds.

Although LEAs can begin pre-implementation activities with SIG funds in 2010-2011, LEAs cannot use SIG funds during the 2011-2012 school year to plan for implementation of a model beginning in the 2012-13 school year. Only schools in which the basic elements of the model are in place at the beginning of the 2011-12 school year can receive funding for the 2011-2012 school year.

LEAs should be aware that although carryover of funds is allowed, the carryover funds may only be used to fund the activities in the approved application. For example, if an LEA allocates \$25,000 for a professional development program in year 1 of the grant, and only expends \$15,000 on that program, it may carryover the remaining \$10,000. However, the \$10,000 can only be used in year 2 to support continuation of the program begun in year 1. In addition, requests to carryover funds will be considered prior to a funding determination for successive

years of the grant. LEAs can expect that year 2 and 3 allocations to support the approved SIG plan will be less than the year 1 allocation, since one time upfront costs will occur during the first year, and since LEAs will be expected to show sustainability of the approved plan by assuming a larger fiscal responsibility each year.

Next Steps

In order to aid LEAs in completing their SIG applications, SED has scheduled a technical assistance session for LEAs with school/s eligible to receive SIG funding to implement a model in the 2011-12 school year. The goals of this session is to provide LEAs with a basic understanding of the requirements of the SIG program, as well as to begin to develop a community of practice, whereby LEAs across the state share strategies and support one another as they work towards turning around the lowest-achieving schools.

School Improvement Grants under Section 1003(g) Application Timeline

| Action | Date |
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| Release USED-approved LEA Application to eligible LEAs | March 2011 |
| LEA Technical Assistance Session (Albany) | March 2 nd , 2011 |
| Applications due to NYSED | On or before April 30 th , 2011 |
| Complete Application Reviews | June 30 th , 2011 |
| Projected Award dates | On or before July 31 st , 2011 |

SED will accept LEA applications on a rolling basis from March 7th through April 30th, with anticipated awards made from April through July 31st. Due to new USED requirements, SED must conclude the grant approval process by July 31st and therefore, any application any applications not approved by the date must be denied.

SED will keep LEAs informed of the activities related to the above timeline. Should you have any questions, please contact Roberto Reyes at 518-473-0295.

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- Owen Donovan
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