

## ATTACHMENT A

### **Background: Commissioner's Regulations, Elementary and Secondary Education Act Flexibility Waiver, Every Student Succeeds Act**

On June 23, 2015, the United States Department of Education (USDE) approved New York's Elementary Secondary Education Act (ESEA) Flexibility Waiver Renewal application for the 2015-16 through the 2018-19 school years. The approved Flexibility Waiver application can be found at <http://www.p12.nysed.gov/accountability/documents/nyrenewalreq2015.pdf>. At the October 2015 meeting, The Board of Regents approved permanent adoption of Regulations that conform to the flexibility that New York received. The permanent regulations can be found at: <http://www.regents.nysed.gov/common/regents/files/meetings/Oct%202015/1015brca5.pdf>.

New York State is required by its ESEA Waiver to identify new Priority Schools, Focus Districts and Focus Schools on or about March 1, 2016. Schools with a 2014-15 performance that places them among the lowest performing in the state and that are not improving will be identified as Priority Schools. Schools in Focus Districts, and charter schools that are among the lowest performing in the state for an accountability subgroup and that are not improving will be identified as Focus Schools. All districts with a Priority or Focus School will be identified as Focus Districts.

Focus District designation is a result of at least one of the following:

- one or more schools in your district being preliminarily identified as a Priority School based on criteria described in Attachment A; and/or
- one or more accountability groups in your district, excluding the all students accountability group, being preliminarily identified based on 2014-15 school year data as among the lowest performing in the state for the English language arts (ELA) and mathematics Performance Index (PI) results combined; and/or
- one or more accountability groups in your district, excluding the all students accountability group, being preliminarily identified for the 2010 graduation-rate total cohort as of August 31, 2014 as among the lowest performing in the state; and
- the accountability group(s) for which the district has been preliminarily identified have not met any of the progress filters listed in the methodology documents (see Attachment A and B).

Under Commissioner's Regulations §100.18, the Department will identify all schools within a Focus District that perform below the Focus District cut points, have not made progress as determined by the Commissioner, and do not successfully appeal their designation as Focus Schools. An identified Focus District without schools that performs below the Focus District cut points will not be required to identify Focus Schools, but will be subject to the requirements for Focus Districts. A district identified as a Focus District solely due to the presence of a Priority school will not be required to identify Focus Schools.

On December 10, 2015, President Obama signed the Every Student Succeeds Act (ESSA), which reauthorizes ESEA. The accountability provisions within New York State's Flexibility Waiver will continue through the 2016-17 school year. For the 2016-17 school year, districts and schools are required to comply with the accountability requirements described within the State's approved ESEA Flexibility Waiver and Commissioner's Regulations §100.18 and §100.19. As soon as it is available, the Department will provide districts with information regarding the

development of the new accountability plan, and its impact on schools and districts for the 2017-18 school year.