



Elementary Secondary Education Act (ESEA) Flexibility Waiver Renewal Request for the 2015-16 through 2018-19 School Years

Executive Summary

Background Information

In September 2011, President Obama announced an ESEA regulatory flexibility initiative, based upon the Secretary of Education's authority to issue waivers. In October 2011, the Board of Regents directed the Commissioner to submit an ESEA Flexibility Request to the United States Department of Education (USDE). On May 29, 2012, the USDE approved New York State's ESEA Flexibility Waiver Request. In September 2013, the USDE offered states with approved ESEA Flexibility Waivers the opportunity to renew those waivers for the 2014-15 school year. At its February 2014 meeting, the Board of Regents directed the Department to submit its ESEA Renewal Application. On July 31, 2014, USDE approved New York State's ESEA Waiver Renewal Request for the 2014-15 school year. Since the initial approval of the Waiver in May 2012, offices within the Department have provided frequent updates to the Board of Regents on core Waiver activities such as the implementation of teacher and principal evaluation systems, implementation of the Common Core Learning Standards, creation of Common Core aligned assessments, and implementation of the Diagnostic Tool for School and District Effectiveness (DTSDE).

On November 13, 2014, the USDE issued new guidance for states with approved ESEA Flexibility Waivers describing how states could apply for a three or four year renewal of their approved Flexibility Waivers. States such as New York that were identified by the USDE as having fully implemented the USDE's Flexibility Waiver requirements regarding teacher and principal evaluations were notified that they had the option of applying for a four year renewal, covering the 2015-16, 2016-17, 2017-18, and 2018-19 school years.

Summary of Proposed Revisions to ESEA Waiver for 2015-19 Request

The general architecture of New York's current accountability system served as the basis for development of New York's proposed ESEA Renewal Waiver accountability system for the 2015-19 school year period. Core elements of New York's current system, recommended by staff to continue, include:

- Use results from Elementary and Middle English language arts (ELA) and mathematics assessments, Regents examinations in ELA and mathematics, grade four and eight science assessments, four- and five-year high school graduation rates, and participation rates on state assessments as the basis of school and district accountability determinations.
- Use a Performance Index (PI) to measure ELA and math results, whereby schools and districts get “full credit” for students who perform at the on-track to college- and career-readiness level (e.g., Levels 3 and 4 for elementary and middle level exams) and “part credit” for students who perform at the on-track to meet current graduation standards level (e.g., Level 2).
- Use “progress filters,” such as median student growth percentiles and year to year gains in ELA and math performance and graduation rates, to determine whether an accountability group with low performance should be credited with making progress, thus removing that group’s performance on an accountability measure as cause for a school or district to receive a Priority, Focus, or Local Assistance Plan (LAP) designation. Identify Focus Districts, Priority Schools and Focus Schools in such manner that any district with a Priority School will be identified as a Focus District and Focus Schools will be identified only within Focus Districts.
- Apply special rules to Special Act Schools Districts and NYC CSD 75 schools and make determinations about transfer high schools on a case by case basis.
- Require Focus Districts and Priority and Focus Schools to make two years of progress and meet certain minimum performance standards in their second year of progress in order to be removed from accountability status.
- Identify schools as LAP if they do not meet the criteria to be identified as Priority or Focus Schools, but have a pattern of failing to make Adequate Yearly Progress (AYP), have large gaps in performance that are not closing among groups of students, or are not in a Focus District, but have low levels of performance.
- Identify high performing and high progress schools as Reward Schools and provide Reward School grants to those that receive Title I funds and commit to assisting other schools to implement their best practices.
- Require Focus Districts and their identified schools to participate in the Diagnostic Tool For School and District Effectiveness (DTSDE) process, engage in an annual cycle of school review, and use those reviews as the basis for creating District Comprehensive Improvement Plans (DCIP) and School Comprehensive Education Plans (SCEP).
- Require districts to offer public school choice to students in Title I Priority and Focus Schools, set aside an amount equal to five to fifteen percent of a district’s Title I and Title IIA funds (and Title III funds, if identified for the performance of English language learners) to support improvement efforts in Priority and Focus Schools, and set aside an amount equal to one percent of Title I funds to promote parent engagement activities in Priority and Focus Schools.
- Subject to availability of funds, offer Priority Schools the opportunity to compete for 1003(g) School Improvement Grants (SIG) and School Innovation Fund (SIF)

grants to support implementation of transformation, turnaround, restart, and other school intervention models.

- Require Priority Schools to implement a whole school reform model, assess the capacity of school leadership to implement that model and take appropriate action based on that assessment, and offer extended learning time programs to students in Priority Schools.

The proposed revisions to the ESEA Waiver for the 2015-19 school year period fall into two primary categories: 1) additions made to address new waiver requirements from USDE; and 2) amendments to streamline existing school and district school improvement planning processes and accountability designation methodologies in order to support school and district improvement efforts. Department staff does not recommend the Regents make any amendments to New York's current waiver pertaining to Principle 1: College- and Career-ready Expectations for all Students or Principle 3: Supporting Effective Instruction and Leadership.

Additions to Meet USDE Requirements

States must include as part of their ESEA Renewal Waiver Request a description of interventions in the State's lowest-performing schools and schools with the largest-achievement gaps. That description must address how the State will identify those Priority and Focus Schools that have not met targets and how the State will increase the rigor of interventions and supports in those schools. Within New York's Renewal Waiver, the following is proposed in answer to this requirement:

- For current Focus Schools that are re-identified as Focus Schools when New York provides its updated list of schools to USDE in January 2016:
 - Schools must revise their SCEP to focus on the needs identified through their most recent Integrated Intervention Team (IIT), district-led, or School-led with district oversight DTSDE reviews. Districts must complete a school leader checklist for the re-identified Focus School, if the principal has been leader of school for more than two full academic years, in order to determine whether the school leader should be provided additional professional development and/or mentoring or replaced. Schools also must begin intensive implementation of at least one ESEA turnaround principle (e.g., redesign the school day, week, or year; modify the instructional program to ensure it is research-based, rigorous, and aligned with State academic content standards; provide time for collaboration on the use of data) beginning no later than the 2016-17 school year.
- For current Priority Schools that are re-identified as Priority Schools when New York provides its updated list of schools to USDE in January 2016:
 - Pursuant to the provisions of Commissioner's Regulations Part 100.18, re-identified Priority Schools will be preliminarily identified for Registration Review, and districts will be given an opportunity to appeal that designation. After reviewing appeals, the Commissioner will determine

which schools to place under Registration Review (SURR). If a school is identified as a SURR, an NYSED team will visit the school and make a recommendation to the Commissioner whether the school should: i) continue to implement its current improvement plan, as modified by recommendations of the Integrated Intervention Team; (ii) implement a new school comprehensive education plan or “out of time” plan, which may contain a new whole school reform model; or (iii) be phased out or closed. If the district is allowed to either continue its current plan or implement a new plan, the district must complete a school leader checklist (if the principal has been leader of school for more than two full academic years); ensure that the school has extended learning time; and ensure that the staff at the school participate in mandatory professional development in support of the current or new plan. SURRs must begin implementation of approved plans in the 2016-17 school year and must fully implement plans no later than the beginning of the 2017-18 school year.

The State must also describe a clear and rigorous process for providing interventions and supports to other Title I schools and supports for low-achieving students in those schools that consistently miss benchmarks. Under the current waiver and the ESEA Renewal Waiver for 2015-19, New York defines “other Title I schools” as LAP Schools.¹ LAP Schools are those that are not identified as Priority or Focus, but either have unacceptably large gaps in performance among groups of students; have failed for three consecutive years to make Adequate Yearly Progress (AYP) for a group of students on an accountability measure; or are performing at a level that would otherwise have caused the school to be identified as Focus, if the school were located in a Focus District.

LAP Schools were first identified in the 2012-13 school year and, therefore, all LAP Schools have been identified for less than two years. Under the proposed ESEA Renewal Waiver, after three consecutive years of identification as a LAP School, the school will be identified as a Focus School, and must have a DTSDE review. The identification of the school may also result in the district becoming a Focus District. The results from the DTSDE review must be used as the basis for development of an SCEP that meets all requirements for a Focus School.

Revisions to Required District Set-Asides and Accountability Designation Methodologies

In the State’s original approved ESEA Waiver, districts were required to set aside an amount equal to between five percent and 15 percent of their Title I, IIA, and III (if applicable) funds to support their Focus and Priority Schools through implementation of activities and services from an NYSED approved list. Through a review of District

¹ Although USDE only requires that states provide supports and interventions to Title I schools, New York has operated a unified school accountability system whereby schools may be identified as Priority, Focus, or Local Assistance Plan Schools regardless of whether they do or do not receive Title I funds. The majority of schools in New York that are identified as LAP do not receive Title I funds.

Comprehensive Improvement Plans (DCIP), and in conversations with Focus Districts, Department staff have concluded that the current set-asides are overly broad, thereby allowing to districts to demonstrate that they are meeting the requirements more through elaborate accounting mechanisms than by reallocating resources to support a thoughtful turnaround process that drives resources to meet the most critical needs of Priority and Focus Schools.

In the proposed ESEA Renewal Waiver there will be a requirement for districts to first utilize 1003(a) School Improvement funds to pay for activities connected to implementation of the DTSDE process and associated DCIPs and SCEPs; the review of the principals' qualifications; the evaluation of the implementation of the plan; and any costs associated with providing SED data on leading and lagging indicators in Priority and Focus Schools. Districts will then be required to use their 5-15 percent set-aside to fund obligations related to offering Public School Choice and offering 200 hours of extended learning time to students in Priority Schools. If the cost of meeting those obligations goes beyond the district's set-aside, the district must utilize other funds to meet these obligations. If funds earmarked for the set-aside remain after these obligations have been fulfilled, which will be the case for most Focus Districts, the funds are to be used to support implementation of turnaround principles or whole school reform models, address recommendations of DTSDE reviews, or support community school programs or the provisions of CTE or advanced coursework to high school students.

Staff are also recommending a number of refinements to the methodologies used to identify and remove schools from Priority, Focus, LAP, and Reward status and districts from Focus status. Based on the first years of implementation of the waiver, the Department believes that the methodologies used for identification and removal can be refined, simplified and made more consistent across the accountability designations. Within its Renewal Waiver, NYSED is proposing the following changes:

1. Priority Schools Identification: SED proposes to sunset the current list of Priority Schools and identify a new list of schools based on those schools that are amongst the lowest five percent in the State using 2014-15 school year assessment data. When the initial list of Priority Schools was identified, with the exception of schools identified for graduation rate, only schools in Improvement, Corrective Action, Restructuring or Persistently Low-Achieving status could be designated as a Priority School. For development of this new list, a school could be any accountability status in 2014-15 and be identified as a Priority School, if it meets the criteria for identification.
2. Focus Schools Identification: SED will revise the way Focus Schools are identified. Currently Focus Schools are identified in Focus Districts based on the count and percentage of non-proficient/non-graduate students in the district, as well as the groups for which the Focus District was identified. The new methodology will identify as a Focus School any school in a Focus District that has a subgroup that is performing unacceptably. Under the current methodology there were occasions when a Focus District was required to identify a school as Focus, even though the school did not have any groups that were low-

performing. The revised methodology will ensure that only schools that have low-performing groups are identified and also that a school will be identified as Focus, if the school is low-performing for a group that is different than the one for which the District is identified.

3. Performance Index (PI): SED proposes to remove the growth to proficiency calculation from the elementary/middle school PI beginning with 2014-15 assessment results. SED's analysis of implementation of the growth to proficiency model reveals that incorporation of growth to proficiency almost never changes the determination that would be made about the accountability designation of a school or district and significantly delays the ability of the Department to return results to districts. Median Student Growth Percentiles (MGP's), which measure the growth of students compared to comparable students across the State, will continue to be incorporated into elementary and middle level accountability determinations.
4. Double Testing: Currently SED is required to apply annually for a waiver to exclude grade 7 and 8 students who take high school math Regents from also being required to take the grade level mathematics assessment. USDE is now offering this waiver as part of the new Renewal, allowing New York to apply for a waiver that would be in place for the 2015-19 school years.
5. Annual Measureable Objectives (AMOs): The current waiver contains AMOs approved through the 2016-17 school year. The Waiver Renewal application proposes to set new AMOs for the 2017-18 through the 2022-23 school years for elementary/middle schools based on 2015-16 school year results. AMOs will be adjusted earlier if any of the amendments listed below relating to students with disabilities or ELLs that would impact the calculation of the PI are approved. For high schools, the AMOs could be reset earlier than 2017-18 as more students take the Common Core based Regents ELA and mathematics exams. Also, high school AMOs could be adjusted earlier, if Career and Technical Education (CTE) results are included in the PI.
6. LAP School Identification and Support: The criteria for identification will be expanded to include any school that meets Priority School and Focus District cut points. A number of refinements will be made to the LAP School identification process to ensure that schools are not identified for large gaps in performance among subgroups if the reason for this gap is because one group of students is performing well (compared to the performance of that group of students statewide), while students who are not members of that subgroup are performing exceptionally well. Staff also recommend that New York avail itself of the flexibility being offered in this waiver to allow 1003(a) School Improvement Grants to be made available to Title I LAP Schools. Previously, 1003(a) funding was restricted to Priority and Focus Schools. In addition, to provide more forewarning to districts and to give them more opportunity to address the needs of LAP Schools, schools will need to show large gaps or low performance for two years, and once identified must show progress for two years in order to be removed.
7. Progress Filters: Progress filters are alternate measures used to determine whether districts and schools have made sufficient progress so that even though the school or district may be low-performing for an accountability group on a

performance measure that group's performance is used to identify the district or school. In the new waiver application, the Department has made the progress filters more uniform in how they are applied to the identification and removal of Priority Schools, Focus Districts, Focus Schools, and for the identification of LAP Schools. The Department has also expanded the use of Adequate Yearly Progress, so that it is used not only as part of the process to make determinations about LAP and Reward Schools, but also for Priority and Focus Schools and Focus Districts.

8. Focus Schools Removal and Replacement: The current ESEA waiver and Commissioner's Regulations 100.18 requires, with certain limited exceptions, that when a Focus School meets the criteria for school removal in a Focus District that does not meet the criteria for district removal, the district must identify another school to replace the removed school on the Focus School list. The new waiver request will allow Focus Schools to be removed, if they meet the removal criteria, without obligating the district to identify a new Focus School.
9. Graduation Rate for Removal: The current ESEA waiver and Commissioner's Regulations 100.18 require that Priority Schools, Focus Districts and Focus Schools in addition to making two years of progress and meeting minimum PI and graduation rate standards, must have graduation rate above the cut point for two consecutive years to be eligible for removal. The proposed request simplifies this measure so that this criteria is only applied to the most current year graduation cohort.
10. Sunset of Supplemental Education Services (SES) List of Providers: Prior to the creation of the ESEA Waiver initiative, states were required to maintain a list of approved SES providers, and districts were required to offer SES services to students in Title I Schools identified for improvement, corrective action, or restructuring. With the approval of New York's waiver, the provision of SES to students became an allowable, but not mandated service. As a consequence all but a handful of districts have terminated their SES programs, with many opting to provide extended learning time to students in place of SES or to contract directly with SES providers to offering afterschool tutoring. With respect to SES, New York's ESEA waiver application for the 2015-2016 to 2018-2019 school years proposes that, rather than being required to provide parents the choice to have their children receive tutorial services from any vendor on the State's approved list that has agreed to serve that district, the district would decide the vendors from among whom parents could choose. As is now the case, districts that wish to enter into contracts with vendors to provide tutorial services to students who attend Priority or Focus Schools could continue to do so using Title I funds. Alternatively, districts could choose to instead use these funds to provide students with expanded learning time or other services. The Department proposes that it would no longer maintain a list of approved SES providers and would remove the current list from its website. Accordingly, staff recommend that the Board of Regents, in conjunction with submission of New York's ESEA waiver application for the 2015-16 to 2018-19 school years, seek a legislative amendment to remove the State statutory requirement that the Commissioner approve SES providers.

Additional detail regarding these proposed additions and revisions can be found in:

- Attachment A: ESEA Waiver Renewal - Summary of Changes to Accountability Metrics
- Attachment B: Proposed Progress Filters to be used for Identification and for Making Yearly Progress
- Attachment C: ESEA Waiver Renewal, 2015-19 Proposed Revised District Set-Asides
- Attachment D: ESEA Waiver Renewal Proposed 2015-19 School and District Accountability Matrix

Amendments Previously Submitted to USDE as part of ESEA Renewal

In addition to fulfilling the requirements for renewal outlined by USDE and the proposed changes described above, the Department will resubmit the following amendments related to institutional accountability and testing requirements, which were submitted with New York's 2014-15 waiver request and have not yet been acted upon by USDE:

1. Until adaptive assessments are implemented, seek permission from USDE to assess a limited number of students with significant cognitive disabilities (who are ineligible for the New York State Alternate Assessment) based on their instructional level, rather than their chronological age.
2. Request that the Department be allowed to exempt newly arrived English language learners (ELL) from participating in the ELA assessments for two years and use the New York State English as a Second Language Achievement Test (NYSESLAT) for accountability purposes for these students. Additionally, request permission to develop a Performance Index for newly arrived ELLs in their first two years in the United States. For these students, growth towards proficiency in language arts will be calculated based on rigorous expectations on the NYSESLAT assessment.
3. Request that the Department be allowed to revise the computation of New York's High School Performance Index, so that a student who passes the Regents examinations in ELA, mathematics, science and social studies and a Regent's Technical Assessment Advisory Panel-recommended technical assessment will receive a college- and career- ready designation and earn a school and district "full credit" on the High School Performance Index in English language arts and mathematics, so long as the student meets the graduation standard on the associated ELA and math Regents examinations.

These amendments were submitted to USDE in August 2014, but USDE has not yet approved these amendments. If approved, these amendments would take effect beginning with the 2015-16 school year. The full text of these amendments can be found on the New York State Education Department Office of Accountability website at <http://www.p12.nysed.gov/accountability/documents/Amendmentrequests080714.pdf>.

Consultation on the Renewal Application with Stakeholders

Stakeholders from across the State representing Local Educational Agencies, and organizations representing teachers, administrators, parents, community-based organizations, civil rights organizations, students with disabilities and English language learners have assisted the Department in responding to the requirements of the Renewal application. In May 2014, the ESEA “Think Tank,” which supported the Department with development of the original ESEA Waiver application and its subsequent renewal, was reconvened. As is in the past, members were asked to be thought partners with the Department as it drafted its response to the renewal requirements. To date, the ESEA Waiver Renewal Think Tank has met eight times since reconvening in May 2014, with various related work groups meeting at least five times additionally during that time period. The Department convened representatives of districts with Local Assistance Plan schools to discuss potential changes to the LAP process and provided all districts with LAP Schools an opportunity to complete a survey about the LAP process, which received nearly 160 responses representing the majority of districts that have had LAP Schools. Department staff also had two phone conferences with the State’s Title I Committee of Practitioners to discuss the ESEA Waiver. Representatives of all Focus Districts were provided with an opportunity to discuss the development of the waiver request at the January 2015 DTSDE Institute, and discussion regarding the waiver with representative of the Large Five City School Districts have been an ongoing part of monthly meetings held with these districts. Throughout February 2015, the Commissioner, Senior Deputy Commissioner, Deputy Commissioner for P-12 and other Department staff will be discussing the proposed Waiver Renewal as part of regular meetings held with stakeholders. Many of the recommendations for revisions proposed in the item have evolved from these conversations with stakeholders.

The Department is issuing a draft of New York's ESEA Waiver Flexibility Renewal request and its related amendments for period of formal public comment. The formal public comment period is from February 13 through February 26, 2015. At the March 16-17, 2015 meeting of the Board of Regents, the Department will present a summary of the public comments received during this period and any suggested revisions to the application based on those comments.

The Department will also present the proposed final draft of the ESEA Waiver Flexibility Request for Board of Regents approval prior to submission to the USDE. In addition to a formal solicitation of public comment, Department staff will continue to meet with key stakeholder groups and with the ESEA Waiver Renewal Think Tank.

Attachments

Attachment A: ESEA Waiver Renewal - Summary of Changes to Accountability Metrics

	Key Provision	Proposed (2016-17 to 2018-19)	Rationale
	General		
1	Performance Index (PI)	<ol style="list-style-type: none"> 1. No longer give “extra credit” to schools and districts when students in grades 3-7 who score Levels 1 and 2 on the ELA and math assessments are on track to become proficient within 3 years or by grade 8, whichever is earlier. 2. Incorporate into the PI, if approved by USDE, results for a limited number of students with severe cognitive disabilities based on grade level assessments; results for certain English language learners newly arrived ELLs based on NYSESLAT; and results for students who have passed “blue ribbon” CTE exams in ELA and math high school PI. AMOs will be adjusted as necessary. 	<p>Very few students meet this standard; consequently incorporation of this provision makes virtually no difference in accountability determinations, but does significantly delay the ability of the Department to return accountability determinations to districts.</p> <p>If any of the amendments were approved by USDE, the PI would need to be adjusted to reflect this amendment. The amendment proposal for students with disabilities would affect fewer than 2 percent of students and students who are assessed at the instructional level could at most earn a school or district only “partial credit” for a student’s performance.</p>
2	Annual Measurable Objectives (AMOs) for Grades 3-8 ELA, 3-8 mathematics, 4-8 Science, HS ELA, HS mathematics	Based on 2015-16 assessment results, AMOs for 2017-18 and beyond will be established, if required by USDE. AMOs may need to be revised in future years to reflect high school college- and career- ready standards.	USDE has informed states that they may wait to set new AMOs until more results on assessments aligned to college- and career-standards are available. Changes to the calculation of the PI listed in Item 1 above may require a recalculation of PIs. As the state transitions to new graduation requirements for students who first enter grade 9 in 2018, the determination for which

			levels of student performance on Regents exams a school or district should earn partial credit may need to be adjusted.
3	Double testing of Grades 7 and 8 students who take high school mathematics	Consistent with previous waivers, districts may choose not to administer the grade level math assessments to students in Grades 7 and 8 who take a Regents examination in math.	New York has successfully sought this waiver for the 2013-14 and 2014-15 school years. By incorporating the waiver into the ESEA renewal request, New York can secure the waiver through the 2018-19 school year.
Identifications			
4	Progress Filters	<p>See Attachment for the Progress Filters that will be applied to the identification for Priority Schools, Focus Districts, Focus Schools and Local Assistance Plan Schools. Key changes include:</p> <ol style="list-style-type: none"> 1. For LAP Schools and Reward Schools the largest gap change from the prior year will be considered only for the same subgroup, instead of any subgroup. 2. For LAP Schools identified for a large gap between members of a subgroup and students who are not members of a subgroup, if the subgroup's is Performance Index places among the 25% of schools for the performance of that subgroup, the school will not be identified for that subgroup. 3. A ten point change in Performance Index or graduation rate from the prior year will be a new progress filter. 4. Subgroups that make two years of 	<ol style="list-style-type: none"> 1. Uniform application of progress filters for identification and removal. 2. Make multiple progress filters available for districts and schools to show alternate progress.

		AYP will not be identified.	
5	Metrics used for Focus School identification	<p>Within the Focus District, schools that have any subgroup at or below the cut point for Focus District identification become Focus Schools. There could be some Focus Districts without any Focus Schools and some schools identified as Focus for the performance of a subgroup or on an accountability criterion for which the district is not identified.</p> <p>Example: District A is identified for the low-income subgroup. School B within district A is low performing for students with disabilities, but not for low-income students. School B will be identified as a Focus School.</p>	<p>In New York's initial waiver an elaborate methodology was devised to determine how many Focus Schools would be identified with a Focus District and which schools within the district would be so identified. The result of this methodology was that in some cases, districts were required to identify as a Focus School, a school that had no groups performing below the cut point for Focus designation. In other cases, some schools were not designated as Focus that had low-performance for subgroups other than those for which the district was identified. The revised methodology will ensure that all schools within a Focus District that meet the Focus School criteria are identified and only such schools are identified.</p>

6	LAP School identification	In addition to revision of the Progress Filters used to make LAP school identifications, schools will not be cited as LAP Schools until they have failed for two consecutive years to meet the criteria pertaining to having large gaps in performance among groups of students or having low-performance for these groups of students. Once identified a school must make progress for two years to be removed from LAP identification.	Using two years of data will give districts more notice of a school's potential identification as a LAP, as well as more time to work with schools that are identified.
Removals			
7	Priority Schools, Focus Districts/Focus Schools	Two years of progress with <u>NO graduation rate minimum in the first year</u> . School needs to meet other criteria for removal.	This will simplify the removal criteria and allow schools that are now meeting the graduation standard to be removed based on that performance
8	Student Growth Percentile (SGP)	Use one year of SGP rather than the average of the current year and the prior year as a progress measure.	This will simplify the progress measure and allow for the most current data to be used to make a progress determination.
9	Focus School Replacement	The district does not have to make progress to remove Focus Schools that have made two years of progress and met the removal criteria.	Some districts have been reluctant to remove schools from Focus status, if it would require them to place new schools on the Focus list. This will allow schools that have "earned their way off the list" to do so, while other low-performing schools in the district that are LAP Schools may become Focus Schools, if they persist in that status over time.

Attachment B: Proposed Progress Filters to be used for Identification and for Making Yearly Progress

Note:

1. Schools meeting any of the progress filters will not be identified.
2. After identification, schools meeting any of the progress filters will make yearly progress. However, schools and districts cannot be removed unless they also meet minimum criteria.

Progress Filter	Identification				Yearly Progress			
	Priority School	Focus District	Focus School	LAP School	Priority School	Focus District	Focus School	LAP School
Subgroup's ELA and Math Student Growth Percentile (SGP) above State Average *	X	X	X	X	X	X	X	NA
ELA and Math SGP: majority of subgroups SGP above State Avg.*	X	NA	NA	NA	X	NA	NA	NA
Subgroup's 4-Yr or 5-Yr Grad Rate is at or above 60. **	X	NA	NA	NA	NA	NA	NA	NA
Subgroup's 4-Yr or 5-Yr Grad Rate is above State Avg. (GR of >=70 for Priority Schools) †	X	X	X	X	X	X	X	NA
Subgroup makes 10 point gain in Grad Rate from two cohorts prior to current cohort (ex: 2008 4-Yr to 2010 4-Yr). **	X	X	X	X	X	X	X	NA
Subgroup makes two years of AYP for measures that would cause the school or district to be identified. †	X	X	X	X	X	X	X	NA
For LAP Schools identified by gap methodology, the	NA	NA	NA	X	NA	NA	NA	NA

Progress Filter	Identification				Yearly Progress			
	Priority School	Focus District	Focus School	LAP School	Priority School	Focus District	Focus School	LAP School
subgroup is in the top 25 th percentile								
Subgroup makes 10 percent gap reduction in PI from prior year. *	X	X	X	X	X	X	X	NA
Subgroup makes 10 percent gap reduction in 4-Yr Grad Rate from prior cohort. **	X	X	X	X	X	X	X	NA
Subgroup makes 10 point gain from prior year. †	X	X	X	X	X	X	X	NA

* applies only to subgroups identified for Performance Index (PI). ** applies only to subgroups identified for Graduation Rate. † applies to subgroups identified for PI or Graduation Rate.

Attachment C: ESEA Waiver Renewal, 2015-19
Proposed Revised District Set Asides

Revised Focus District Set-Asides

1. Each Focus District must set aside an amount equal to 1% of its Title I Part A Grant to support parent engagement.
2. Each Focus District must set aside an additional amount equal to 5% to 15% of its Title I Part A, IIA, and Title III Limited English Proficient (if the District is identified for the performance of English language learners) to support improvement activities in the district and the district's identified Title I Priority and Focus Schools. The percentage that the district must set aside is based upon the percentage of the district's Title I students enrolled in its Priority and Focus Schools.
3. 1003(a) School Improvement Grant funds expended by the district on Mandated Activities count towards the district meeting its 5% to 15% set-aside.
4. Focus Districts must first use Title I School Improvement funds 1003(a) to pay for mandated Focus District Mandated Activities 1, 2, and 3.
5. If a Focus District has Title I School Improvement funds 1003(a) remaining after paying for Focus District Mandated Activities 1, 2 and 3, these funds may then be used to support Mandated Activities 4 and 5.
6. 1003(a) funds allocated to districts to support Local Assistance Plan implementation must be used for that purpose only.
7. If a Focus District has exhausted its Title I School Improvement 1003(a) before meeting the requirements for Mandated Activities 1, 2 and 3, then the district must utilize other resources to pay for these activities. These funds count towards meeting the district's 5% to 15% set aside.
8. A district must meet its obligations to provide public school choice to all students who attend Title I Priority and Focus Schools and to provide 200 hours of extended learning time to students who attend Title I Priority Schools (Mandated Activity 4). Expenditures to meet this obligation count towards meeting the district's 5% to 15% set-aside. However,

these services must be provided to all eligible students, even if doing so requires the district to expend funds in excess of its set-aside amount.

9. If a district after having meet its obligations pursuant to Mandated Activities 1-4, has not meet its 5% to 15% set aside, then it must using the remaining set-aside funds to support Mandated Activity 5.

Mandated Focus District Activities:

1. TRAINING

- a. Participation in DTSDE training and implementation of DTSDE reviews, including required surveys.

2. DEVELOPMENT

- a. Participation in training for and development of District Comprehensive Improvement Plan (DCIP) and School Comprehensive Education Plans (SCEPs).

3. EVALUATION

- a. Review of Qualifications of Priority and Focus School Leaders.
- b. Work with an independent evaluator to monitor and evaluate fidelity of program implementation.
- c. Submission quarterly of leading indicators report to NYSED.

4. OTHER MANDATED FOCUS DISTRICT ACTIVITIES

- a. Provision of Public School Choice to students attending Title I Priority and Focus Schools.
- b. Provision of 200 hours of Extended Learning Time Programming to students in Priority Schools.

5. IMPLEMENTATION OF DCIP and SCEPs (as applicable)

- a. Funding to sustain and/or implement a whole school reform model in a Priority School.
- b. Funding to implement a whole school reform model principle in a Focus School.
- c. Funding to implement a community school model or advanced coursework/CTE program in a Priority or Focus School.
- d. Funding to support other DTSDE recommendations.
- e. Funding to support implementation of Local Assistances Plans (LAPs) in Title I LAP Schools (1003(a) Funds only).

**ATTACHMENT D: ESEA Waiver Renewal
Proposed 2015-19 School and District Accountability Matrix**

School Accountability Status on Current List	School Accountability Status on New List for 2015-19 Waiver Renewal (Accountability determinations are based on 2014-15 assessment data.)				
	Reward School	School in Good Standing	Local Assistance Plan School (LAP)	Focus School	Priority School
Reward School – Annual Identification	No mandated planning requirement – The school and district should always be engaged in a rich school planning process, and utilize the Diagnostic Tool for School and District Effectiveness (DTSDE) rubric as necessary to provide the language for discussions regarding school improvement.	No mandated planning requirement - The school and district should always be engaged in a rich school planning process, and utilize the DTSDE rubric as necessary to provide the language for discussions regarding school improvement.	School develops LAP plan, and the district is eligible for a 1003(a) School Improvement Grant (SIG) if the school receives Title I funds. If the district is in Good Standing, the district must post the Board-approved plan on its website. If the district is a Focus district, the plan should be included in the submitted District Comprehensive Improvement Plan (DCIP).	School develops School Comprehensive Education Plan (SCEP) focused on the needs identified through an Integrated Intervention Team (ITT), district-led, or School-led with district oversight review of the school based on the DTSDE. The district is eligible for 1003(a) SIG grant to support the school plan, if the school receives Title I funds.	School develops School Comprehensive Education Plan (SCEP) focused on the needs identified through an IIT review of the school based on the DTSDE. No later than the beginning of the 2017-18 school year, the school must implement a whole school reform model (WSRM) aligned with the ESEA Flexibility Waiver Turnaround Principles. This requirement may also be met

School Accountability Status on Current List	School Accountability Status on New List for 2015-19 Waiver Renewal (Accountability determinations are based on 2014-15 assessment data.)				
	Reward School	School in Good Standing	Local Assistance Plan School (LAP)	Focus School	Priority School
	If a Title I School, the school is eligible for a Reward School Grant.				through implementation of a School Innovation Fund (SIF) or a 1003(g) School Improvement Grant (SIG) model. The district is eligible for 1003(a) and/or a 1003(g) school improvement grant if the school receives Title I funds.
School in Good Standing	No mandated planning requirement- The school and district should always be engaged in a rich school planning process, and utilize the DTSDE rubric	No mandated planning requirement - The school and district should always be engaged in a rich school planning process, and utilize the DTSDE rubric	School develops LAP plan; eligible for 1003(a) grant if the school receives Title I funds.	School develops School Comprehensive Education Plan (SCEP) focused on the needs identified through an IIT, district-led, or School-led with district oversight review of the school	School develops School Comprehensive Education Plan (SCEP) focused on the needs identified through an Integrated Intervention Team review of the school based on the DTSDE. No

School Accountability Status on Current List	School Accountability Status on New List for 2015-19 Waiver Renewal (Accountability determinations are based on 2014-15 assessment data.)				
	Reward School	School in Good Standing	Local Assistance Plan School (LAP)	Focus School	Priority School
	as necessary to provide the language for discussions regarding school improvement. If a Title I School, the school is eligible for a Reward School Grant.	as necessary to provide the language for discussions regarding school improvement.		based on the DTSDE. The district is eligible for 1003(a) grant to support the school plan, if the school receives Title I funds.	later than the beginning of the 2017-18 school year, the school must implement a whole school reform model aligned with the ESEA Flexibility Waiver Turnaround Principles. This requirement may also be met through implementation of a School Innovation Fund or a 1003(g) School Improvement Grant model (closure, turnaround, transformation, or restart). The district is eligible for 1003(a) and/or a 1003(g) school improvement grant

School Accountability Status on Current List	School Accountability Status on New List for 2015-19 Waiver Renewal (Accountability determinations are based on 2014-15 assessment data.)				
	Reward School	School in Good Standing	Local Assistance Plan School (LAP)	Focus School	Priority School
					<p>if the school receives Title I funds.</p> <p>District must complete a school leader checklist in conjunction with implementation of a whole school reform model.</p>
Local Assistance Plan School (LAP) – Annual Identification	No mandated planning requirement - The school and district should always be engaged in a rich school planning process, and utilize the DTSDE rubric as necessary to provide the language for discussions regarding	No mandated planning requirement - The school and district should always be engaged in a rich school planning process, and utilize the DTSDE rubric as necessary to provide the language for discussions regarding	School develops LAP plan. If the school is eligible for a 1003(a) grant and the district accepts the grant, the school will be required to complete a SCEP in lieu of a LAP plan. after three consecutive years of identification as a LAP School,	School develops School Comprehensive Education Plan (SCEP) focused on the needs identified through an IIT, district-led, or School-led with district oversight review of the school based on the DTSDE. The district is eligible for 1003(a) grant to support the	School develops School Comprehensive Education Plan (SCEP) focused on the needs identified through an Integrated Intervention Team review of the school based on the DTSDE. No later than the beginning of the 2017-18 school year, the school must implement a

School Accountability Status on Current List	School Accountability Status on New List for 2015-19 Waiver Renewal (Accountability determinations are based on 2014-15 assessment data.)				
	Reward School	School in Good Standing	Local Assistance Plan School (LAP)	Focus School	Priority School
	<p>school improvement. If a Title I School, the school is eligible for a Reward School Grant.</p>	<p>school improvement.</p>	<p>the school will be identified as a Focus School, and must have a DTSDE review. The identification of the school may also result in the district becoming a Focus District. The results from the DTSDE review must be used as the basis for development of an SCEP that meets all requirements for a Focus School.</p>	<p>school plan, if the school receives Title I funds.</p>	<p>whole school reform model aligned with the ESEA Flexibility Waiver Turnaround Principles. This requirement may also be met through implementation of a School Innovation Fund or a 1003(g) School Improvement Grant model (closure, turnaround, transformation, or restart). The district is eligible for a 1003(a) and/or a 1003(g) school improvement grant if the school receives Title I funds. District must complete a school</p>

School Accountability Status on Current List	School Accountability Status on New List for 2015-19 Waiver Renewal (Accountability determinations are based on 2014-15 assessment data.)				
	Reward School	School in Good Standing	Local Assistance Plan School (LAP)	Focus School	Priority School
					leader checklist in conjunction with implementation of a whole school reform model.
Focus School	<p>If a Title I school, the school will receive one year of transitional 1003(a) funding and must develop a plan for use of this funding. If Title I eligible, the school is also eligible for a Reward School Grant. The school and district should always be engaged in a rich school</p>	<p>If a Title I school, the school will receive one year of transitional 1003(a) funding and must develop a plan for use of this funding. The school and district should always be engaged in a rich school planning process, and utilize the DTSDE rubric as necessary to provide the</p>	<p>School develops LAP plan; eligible for 1003(a) grant if the school receives Title I funds.</p>	<p>School must revise its School Comprehensive Education Plan (SCEP) to focus on the needs identified through its most recent IIT, district-led, or School-led with district oversight DTSDE review. District must complete a school leader checklist for the re-identified Focus School, if principal has been leader of school for more</p>	<p>School must revise its School Comprehensive Education Plan (SCEP) to focus on the needs identified through an IIT review of the school based on the DTSDE. District must complete a school leader checklist, if principal has been leader of school for more than two full academic years. School must begin implementing at least some ESEA waiver principles in the 2016-17 school</p>

School Accountability Status on Current List	School Accountability Status on New List for 2015-19 Waiver Renewal (Accountability determinations are based on 2014-15 assessment data.)				
	Reward School	School in Good Standing	Local Assistance Plan School (LAP)	Focus School	Priority School
	planning process, and utilize the DTSDE rubric as necessary to provide the language for discussions regarding school improvement.	language for discussions regarding school improvement.		than two full academic years. School must begin implementing at least one ESEA turnaround principle in the 2016-17 school year. District eligible for 1003(a) grant if school receives Title I funds.	year. No later than the beginning of the 2017-18 school year, the school must implement a whole school reform model aligned with the ESEA Flexibility Waiver Turnaround Principles. This requirement may also be met through implementation of a School Innovation Fund or a 1003(g) School Improvement Grant model (closure, turnaround, transformation, or restart). The district is eligible for 1003(a) and/or a 1003(g) school improvement grant

School Accountability Status on Current List	School Accountability Status on New List for 2015-19 Waiver Renewal (Accountability determinations are based on 2014-15 assessment data.)				
	Reward School	School in Good Standing	Local Assistance Plan School (LAP)	Focus School	Priority School
					if the school is Title I eligible. District must complete a school leader checklist in conjunction with implementation of a whole school reform model.
Priority School	School must continue to implement whole school reform model, if school has been implementing model for less than three years. School is eligible to continue to receive SIG/SIF grant. If Title I school is not receiving SIG/SIF grant,	School must continue to implement whole school reform model, if school has been implementing model for less than three years. School is eligible to continue to receive SIG/SIF grant. If Title I school is not receiving SIG/SIF grant, school will	School must continue to implement whole school reform model, if school has been implementing model for less than three years. School is eligible to continue to receive SIG/SIF grant. If Title I school and not receiving SIG/SIF grant, school must develop LAP	School must continue to implement whole school reform model, if school has been implementing model for less than three years. School is eligible to continue to receive SIG/SIF grant. If school has completed implementation of the required whole school	School will be preliminarily identified for Registration Review. If identified, IIT team will visit school and make recommendation to Commissioner regarding whether the school should: i) continue to implement its current improvement plan, as modified by

School Accountability Status on Current List	School Accountability Status on New List for 2015-19 Waiver Renewal (Accountability determinations are based on 2014-15 assessment data.)				
	Reward School	School in Good Standing	Local Assistance Plan School (LAP)	Focus School	Priority School
	<p>school will receive one year of transitional 1003(a) funding and must develop a plan for use of these funds. If a Title I school, the school is also eligible for a Reward School Grant.</p>	<p>receive one year of transitional 1003(a) funding.</p>	<p>plan and will receive one year of transitional 1003(a) funding.</p>	<p>reform model, school must develop a SCEP that is focused on addressing the areas of identification. The school is eligible for 1003(a) funding to support implementation of the SCEP.</p>	<p>recommendations of the integrated intervention team; (ii) implement a new school comprehensive education plan or “out of time” plan, which may contain a new whole school reform model; or (iii) be phased out or closed. If the district is allowed to continue its current plan or implement a new plan, the district must: 1) complete a school leader checklist, if principal has been leader of school for more than two full academic years; 2)</p>

School Accountability Status on Current List	School Accountability Status on New List for 2015-19 Waiver Renewal (Accountability determinations are based on 2014-15 assessment data.)				
	Reward School	School in Good Standing	Local Assistance Plan School (LAP)	Focus School	Priority School
					ensure that the school has extended learning time, and 3) ensure that the staff at the school participate in mandatory professional development. District must complete a school leader checklist in conjunction with implementation of a WSRM model.

District Accountability Status on New List for 2015-19 Waiver Renewal (Accountability determinations are based on 2014-15 assessment data.)			
District in Good Standing	Focus District, but all schools in Good Standing	Focus District, with only Focus Schools OR mixture of Focus and/or Priority Schools and/or LAP Schools	Focus District, with only Priority Schools
No mandated District Comprehensive	Districts must complete a District	Districts must complete a District Comprehensive	Districts must complete a District

District Accountability Status on New List for 2015-19 Waiver Renewal (Accountability determinations are based on 2014-15 assessment data.)			
District in Good Standing	Focus District, but all schools in Good Standing	Focus District, with only Focus Schools OR mixture of Focus and/or Priority Schools and/or LAP Schools	Focus District, with only Priority Schools
<p>Improvement Plan (DCIP) – If District has a LAP school, the district must develop a plan focused on the area of identification, and post the plan on the district’s website.</p> <p>The district should always be engaged in a rich planning process, and utilize the DTSDE rubric as necessary to provide the language for discussions regarding school and district improvement.</p>	<p>Comprehensive Education Plan (DCIP) that addresses area of identification. The DCIP must focus on work to be done at the district level. Eligible for district level 1003(a) grant to support plan implementation. If district has a LAP school, plan must be included in DCIP.</p>	<p>Education Plan (DCIP) that addresses area of identification. The DCIP must include work to be done at the district level, and include the SCEPs for the Focus and Priority Schools, which address the work to be done at the school level. Eligible for both district level and 1003(a) grants to support plan implementation. Focus and Priority Schools must complete required plans and interventions listed on the 2015-19 School Accountability Matrix. If district has a LAP school, plan must be included in DCIP.</p>	<p>Comprehensive Education Plan (DCIP) that addresses area of identification. The DCIP must include work to be done at the district level, and include the SCEPs for the Priority Schools, which address the work to be done at the school level. Eligible for both district level and 1003(a) grants to support plan implementation. Priority Schools must complete required plans and interventions listed on the 2015-19 School Accountability Matrix.</p>