ESEA Flexibility

Request

May 21, 2012

New York State Education Department
89 Washington Avenue
Albany, NY 12234

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COVER SHEET FOR ESEA FLEXIBILITY REQUEST

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Signature of the Chief State School Officer:

X _____

Date:
2/28/2012

The State, through its authorized representative, agrees to meet all principles of the ESEA Flexibility.

WAIVERS REQUESTED

By submitting this flexibility request, the SEA requests flexibility through waivers of the ten ESEA requirements listed below and their associated regulatory, administrative, and reporting requirements by checking each of the boxes below. The provisions below represent the general areas of flexibility requested; a chart appended to the document titled ESEA Flexibility Frequently Asked Questions enumerates each specific provision of which the SEA requests a waiver, which the SEA incorporates into its request by reference.

☒ 1. The requirements in ESEA section 1111(b)(2)(E)-(H) that prescribe how an SEA must establish annual measurable objectives (AMOs) for determining adequate yearly progress (AYP) to ensure that all students meet or exceed the State's proficient level of academic achievement on the State's assessments in reading/language arts and mathematics no later than the end of the 2013–2014 school year. The SEA requests this waiver to develop new ambitious but achievable AMOs in reading/language arts and mathematics in order to provide meaningful goals that are used to guide support and improvement efforts for the State, LEAs, schools, and student subgroups.

☒ 2. The requirements in ESEA section 1116(b) for an LEA to identify for improvement, corrective action, or restructuring, as appropriate, a Title I school that fails, for two consecutive years or more, to make AYP, and for a school so identified and its LEA to take certain improvement actions. The SEA requests this waiver so that an LEA and its Title I schools need not comply with these requirements.

☒ 3. The requirements in ESEA section 1116(c) for an SEA to identify for improvement or corrective action, as appropriate, an LEA that, for two consecutive years or more, fails to make AYP, and for an LEA so identified and its SEA to take certain improvement actions. The SEA requests this waiver so that it need not comply with these requirements with respect to its LEAs.

☒ 4. The requirements in ESEA sections 6213(b) and 6224(e) that limit participation in, and use of funds under the Small, Rural School Achievement (SRSA) and Rural and Low-Income School (RLIS) programs based on whether an LEA has made AYP and is complying with the requirements in ESEA section 1116. The SEA requests this waiver so that an LEA that receives SRSA or RLIS funds may use those funds for any authorized purpose regardless of whether the LEA makes AYP.

☒ 5. The requirement in ESEA section 1114(a)(1) that a school have a poverty percentage of 40 percent or more in order to operate a schoolwide program. The SEA requests this waiver so that an LEA may implement interventions consistent with the turnaround principles or interventions that are based on the needs of the students in the school and designed to enhance the entire educational program in a school in any of its Priority and Focus Schools that meet the definitions of "Priority Schools" and "Focus Schools," respectively, set forth in the document titled ESEA Flexibility, as appropriate, even if those schools do not have a poverty percentage of 40 percent or more.

☒ 6. The requirement in ESEA section 1003(a) for an SEA to distribute funds reserved under that section only to LEAs with schools identified for improvement, corrective action, or restructuring. The SEA requests this waiver so that it may allocate section 1003(a) funds to its LEAs in order to serve any of the State's priority and Focus Schools that meet the definitions

of "Priority Schools" and "Focus Schools," respectively, set forth in the document titled ESEA Flexibility.

☒ 7. The provision in ESEA section 1117(c)(2)(A) that authorizes an SEA to reserve Title I, Part A funds to reward a Title I school that (1) significantly closed the achievement gap between subgroups in the school; or (2) has exceeded AYP for two or more consecutive years. The SEA requests this waiver so that it may use funds reserved under ESEA section 1117(c)(2)(A) for any of the State's reward schools that meet the definition of "reward schools" set forth in the document titled ESEA Flexibility.

☒ 8. The requirements in ESEA section 2141(a), (b), and (c) for an LEA and SEA to comply with certain requirements for improvement plans regarding highly qualified teachers. The SEA requests this waiver to allow the SEA and its LEAs to focus on developing and implementing more meaningful evaluation and support systems.

☒ 9. The limitations in ESEA section 6123 that limit the amount of funds an SEA or LEA may transfer from certain ESEA programs to other ESEA programs. The SEA requests this waiver so that it and its LEAs may transfer up to 100 percent of the funds it receives under the authorized programs among those programs and into Title I, Part A.

☒ 10. The requirements in ESEA section 1003(g)(4) and the definition of a Tier I school in Section I.A.3 of the School Improvement Grants (SIG) final requirements. The SEA requests this waiver so that it may award SIG funds to an LEA to implement one of the four SIG models in any of the State's Priority Schools that meet the definition of "Priority Schools" set forth in the document titled ESEA Flexibility.

Optional Flexibilities:

If an SEA chooses to request waivers of any of the following requirements, it should check the corresponding box(es) below:

☒ 11. The requirements in ESEA sections 4201(b)(1)(A) and 4204(b)(2)(A) that restrict the activities provided by a community learning center under the Twenty-First Century Community Learning Centers (21st CCLC) program to activities provided only during non-school hours or periods when school is not in session (i.e., before and after school or during summer recess). The SEA requests this waiver so that 21st CCLC funds may be used to support expanded learning time during the school day in addition to activities during non-school hours or periods when school is not in session.

☒ 12. The requirements in ESEA sections 1116(a)(1)(A)-(B) and 1116(c)(1)(A) that require LEAs and SEAs to make determinations of adequate yearly progress (AYP) for schools and LEAs, respectively. The SEA requests this waiver because continuing to determine whether an LEA and its schools make AYP is inconsistent with the SEA's State-developed differentiated recognition, accountability, and support system included in its ESEA flexibility request. The SEA and its LEAs must report on their report cards performance against the AMOs for all subgroups identified in ESEA section 1111(b)(2)(C)(v), and use performance against the AMOs to support continuous improvement in Title I schools that are not reward schools, Priority Schools, or Focus Schools.

☒ 13. The requirements in ESEA section 1113(a)(3)-(4) and (c)(1) that require an LEA to serve eligible schools under Title I in rank order of poverty and to allocate Title I, Part A funds based on that rank ordering. The SEA requests this waiver in order to permit its LEAs to serve a Title I-eligible high school with a graduation rate below 60 percent that the SEA has identified as a Priority School even if that school does not rank sufficiently high to be served.

ASSURANCES

By submitting this application, the SEA assures that:

☒ 1. It requests waivers of the above-referenced requirements based on its agreement to meet Principles 1 through 4 of the flexibility, as described throughout the remainder of this request.

☒ 2. It will adopt English language proficiency (ELP) standards that correspond to the State's college- and career-ready standards, consistent with the requirement in ESEA section 3113(b)(2), and that reflect the academic language skills necessary to access and meet the new college- and career-ready standards, no later than the 2013–2014 school year. (Principle 1)

☒ 3. It will develop and administer no later than the 2014–2015 school year alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities that are consistent with 34 C.F.R. § 200.6(a)(2) and are aligned with the State's college- and career-ready standards. (Principle 1)

☒ 4. It will develop and administer ELP assessments aligned with the State's ELP standards, consistent with the requirements in ESEA sections 1111(b)(7), 3113(b)(2), and 3122(a)(3)(A)(ii). (Principle 1)

☒ 5. It will report annually to the public on college-going and college credit-accumulation rates for all students and subgroups of students in each LEA and each public high school in the State. (Principle 1)

☒ 6. If the SEA includes student achievement on assessments in addition to reading/language arts and mathematics in its differentiated recognition, accountability, and support system and uses achievement on those assessments to identify priority and focus schools, it has technical documentation, which can be made available to the Department upon request, demonstrating that the assessments are administered statewide; include all students, including by providing appropriate accommodations for English Learners and students with disabilities, as well as alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities, consistent with 34 C.F.R. § 200.6(a)(2); and are valid and reliable for use in the SEA's differentiated recognition, accountability, and support system. (Principle 2)

☒ 7. It will report to the public its lists of reward schools, priority schools, and focus schools at the time the SEA is approved to implement the flexibility, and annually thereafter, it will publicly recognize its reward schools as well as make public its lists of priority and focus schools if it chooses to update those lists. (Principle 2)

☒ 8. Prior to submitting this request, it provided student growth data on their current students and the students they taught in the previous year to, at a minimum, all teachers of reading/language arts and mathematics in grades in which the State administers assessments in those subjects in a manner that is timely and informs instructional programs, or it will do so no later than the deadline required under the State Fiscal Stabilization Fund. (Principle 3)

☒ 9. It will evaluate and, based on that evaluation, revise its own administrative requirements to reduce duplication and unnecessary burden on LEAs and schools. (Principle 4)

☒ 10. It has consulted with its Committee of Practitioners regarding the information set forth in its request.

☒ 11. Prior to submitting this request, it provided all LEAs with notice and a reasonable opportunity to comment on the request and has attached a copy of that notice (Attachment 1) as well as copies of any comments it received from LEAs (Attachment 2).

☒ 12. Prior to submitting this request, it provided notice and information regarding the request to the public in the manner in which the State customarily provides such notice and information to the public (e.g., by publishing a notice in the newspaper; by posting information on its website) and has attached a copy of, or link to, that notice (Attachment 3).

☒ 13. It will provide to the Department, in a timely manner, all required reports, data, and evidence regarding its progress in implementing the plans contained throughout this request.

☒ 14. It will report annually on its State report card, and will ensure that its LEAs annually report on their local report cards, for the "all students" group and for each subgroup described in ESEA section 1111(b)(2)(C)(v)(II): information on student achievement at each proficiency level; data comparing actual achievement levels to the State's annual measurable objectives; the percentage of students not tested; performance on the other academic indicator for elementary and middle schools; and graduation rates for high schools. It will also annually report, and will ensure that its LEAs annually report, all other information and data required by ESEA section 1111(h)(1)(C) and 1111(h)(2)(B), respectively.

If the SEA selects Option A in section 3.A of its request, indicating that it has not yet developed and adopted all the guidelines for teacher and principal evaluation and support systems, it must also assure that:

☐ 15. It will submit to the Department for peer review and approval a copy of the guidelines that it will adopt by the end of the 2011–2012 school year. (Principle 3)

CONSULTATION

An SEA must meaningfully engage and solicit input from diverse stakeholders and communities in the development of its request. To demonstrate that an SEA has done so, the SEA must provide an assurance that it has consulted with the State's Committee of Practitioners regarding the information set forth in the request and provide the following:

1. A description of how the SEA meaningfully engaged and solicited input on its request from teachers and their representatives.

New York State has benefited from the involvement of a large number of diverse stakeholders during the preparation and development of this waiver request. In particular, teachers and their representatives were asked for input at each stage of the process and will remain involved throughout the implementation phase. New York engaged teachers and their representatives during each stage of the development of the waiver as follows:

- The New York State United Teachers (NYSUT), which represents people who work in, or are retired from, schools, colleges, and healthcare facilities throughout New York are participants on the NYSED School and District Accountability Think Tank[1] ("Think Tank"), the Title I Committee of Practitioners, the Bilingual Committee of Practitioners, and the Teacher and Leadership Effectiveness Task Force, each of which contributed to the development of the waiver. NYSED also held a special meeting with NYSUT leadership in January 2012 to solicit input on the draft waiver application.
- The United Federation of Teachers (UFT) which represents teacher members in New York City, the school district that educates over 30 percent of New York's public school students, and more than 60 percent of New York's students served by Title I, also participated on the Think Tank the Bilingual Committee of Practitioners, and the Teacher and Leadership Effectiveness Task Force. NYSED held a special meeting with UFT leadership in January 2012 to solicit input on the draft waiver application.
- Teachers, principals, superintendents of schools, the unions representing teachers and administrators, NYSED staff, and a variety of other stakeholders participated on the Regents Task Force on Teacher and Principal Effectiveness. The Task Force was established to assist in the development of the regulations for the new teacher- and principal-evaluation system. The group made recommendations that were largely incorporated into the regulations that the Board of Regents adopted and which became the basis of New York's response to Principle 3.
- Teachers were active participants in many of the groups that were consulted in development of the waiver, such as the:
    - Title I Committee of Practitioners, which has five teacher members from districts throughout the State, in addition to teacher representatives from both NYSUT and NEA, and
    - Bilingual Committee of Practitioners, which has teacher representatives from both the New York State Association for Bilingual Educators (NYSABE) and the National Association of Bilingual Education (NABE) as well as more than 35 members who are former teachers who are either retired or now serving in other capacities.

[1] A full description of the School and District Accountability Think Tank can be found on page 14 of the Consultation.

- Teachers were invited to participate in a webinar entitled "New York State Education Department ESEA Flexibility Webinar: An Overview" in January 2012. During the webinar, participants raised questions and requested clarification around issues pertinent to them.
- During the final stages of development, NYSED posted the draft waiver request on its website and solicited feedback from stakeholders all over the state. Eight of the comments received were from people who identified themselves as teachers.
- Through NYSED's Network Team Institute, a select group of teachers throughout the state have been extensively involved in the implementation of the reforms associated with the Race to the Top and the Regents Reform Agenda. In particular, hundreds of teachers are receiving support from the Network Teams to build capacity around the Common Core State Standards, which constitutes much of the work referenced in Principle 1 of the application.
- Lastly, in an effort to engage and solicit teacher input in an ongoing manner, the Department is conducting bimonthly webinars and information sessions about ESEA flexibility beginning in May 2012.

2. A description of how the SEA meaningfully engaged and solicited input on its request from other diverse communities, such as students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English Learners, business organizations, and Indian tribes.

New York State's ESEA waiver application provided multiple opportunities for key public stakeholders to participate in this process. The organizations with which the New York State Education Department (NYSED) consulted represent widely diverse communities including students, parents, community-based organizations, civil rights organizations, organizations representing English Language Learners and students with disabilities, and business organizations. The specific organizations include:

- Advocates for Children
- Alliance for Quality Education
- Asian American Legal Defense and Education Fund
- Boards of Cooperative Educational Services (BOCES)
- Commissioner's Advisory Panel (CAP) for Special Education Services
- Conference of Big Five School Districts
- Council of School Supervisors & Administrators (CSA)
- Greece Central School District
- New York Charter Schools Association
- New York City Charter School Center
- New York City Department of Education
- New Rochelle Board of Education - Office of Special Education Start
- New York Schools Data Analysis Technical Assistance Group (DATAG)
- New York State Bilingual and ESL Committee of Practitioners (Bilingual COP)
- New York State Council of School Superintendents (NYSCOSS)
- New York State Parent Teacher Association

- New York State School Boards Association (NYSSBA)
- New York State United Teachers (NYSUT)
- School Administrators Association of New York State (SAANYS)
- Special Act Schools
- Staff/Curriculum Development Network
- State University of New York (SUNY)
- The Business Council of New York State, Inc.
- Title I Committee of Practitioners (Title I COP)
- United Federation of Teachers (UFT)
- Webster Central School District

As a result of the iterative and developmental process undertaken, the following key changes were made to the application:

- **Guiding Principles**: The ESEA waiver application was based on a set of guiding principles adopted by the Board of Regents at their November 2011 meeting. These guiding principles were developed in consultation with NYSED's School and District Accountability Think Tank (described in the next section), which reviewed and commented upon several iterations of the principles. Many of the recommendations of Think Tank members were incorporated into the final guiding principles adopted by the Regents, which then shaped the development of the application.

- **Definition of College- and Career- Readiness:** Based on a number of comments, specifically from several teachers, additional clarification regarding career readiness standards was provided in the application. Consistent with the position of The Association for Career and Technical Education (ACTE), (which states that "career-ready core academics and college-ready core academics are essentially the same, thus creating overlap in the preparation students need to be ready for postsecondary education and careers") and Achieve's American Diploma Project Network, (which states "In the last decade, research conducted by Achieve as well as others shows a convergence in the expectations of employers and colleges in terms of the knowledge and skills high school grads need to be successful after high school") the request clarifies that the academic standards that apply to college readiness are equally appropriate for measuring the academic skill level a student should have to pursue a career upon graduation. In addition, in order to be identified as a reward school, schools must now demonstrate that either their percentage of students graduating with a Regents diploma with advanced designation or their percentage of students graduating with a Regents diploma with CTE endorsement exceeds the State average.

- **Methodologies for Identification of Reward, Focus and Priority Schools and Focus Districts:** Based on modeling of data and public comment, revisions to these methodologies were made. For example, as a result of public comment NYSED incorporated the performance of subgroups of students into its progress standards for identification of Priority Schools and expanded the use of the five year cohort graduation rate as a factor in the identification of Focus districts.

- **Special Act School Districts and Transfer High Schools:** Based on a number of comments, NYSED has clarified the conditions under which Schools in Special Act School

Districts and Transfer High Schools will be identified as Priority Schools. These changes are intended to ensure that these schools are held accountable for results in a way that recognizes the special populations they serve and the unique missions of these schools.

- **Expanded Learning Time and 21st Century Community Learning Center Grants:** Based on comments from a number of organizations, the request has been amended to provide greater clarity on how the optional flexibility that allows these funds to support expanded learning time during the school day will be incorporated into the next 21st Century Community Learning Center grant competition. The request also provides additional information on the requirement that Priority Schools must offer expanded learning time to students.

- **District Comprehensive Improvement Plans and Local Assistance Plans:** Based on comments, the request has been revised to clarify that a district that has both Priority and/or Focus Schools and schools that require a Local Assistance Plan will use its District Comprehensive Improvement Plan to meet the Local Assistance Plan requirement, and will develop one plan – not two plans.

- **Equitable Participation Requirements for Nonpublic Schools:** Based on comments received from organizations representing nonpublic schools, the request has been amended to explicitly state that consistent with USDE's ESEA Flexibility guidelines, no statutory or regulatory requirements related to the equitable participation of private school students and teachers in Title I programs may be waived. Accordingly, nothing in NYSED's ESEA waiver request will affect any applicable obligations governing the equitable participation of students enrolled in private elementary and/or secondary schools in the State's Title I program.

In addition to the above, the request in response to comments now provides a more extensive overview of the state's current accountability system; more details on such elements of the plan as Integrated Intervention Teams and the Diagnostic Tool for School and District Effectiveness; and more information on strategies to address the needs of students with disabilities and English language learners.

Consultation Process

The New York State Board of Regents (Board of Regents or Regents) is responsible for the general supervision of all educational activities within the State, presiding over The University of the State of New York and NYSED. As the administrative arm of the Board of Regents and part of the University of the State of New York, NYSED helps to make up one of the most complete, inter-connected systems of educational services in the United States. As a matter of best practice, the NYSED and the Board of Regents regularly communicate and collaborate with stakeholders in a variety of ways including advisory committees, forums, web postings, listservs, webinars, public meetings, and as needed, individual meetings with key stakeholders regarding specific policy issues.

The Regents Reform Agenda, which has guided NYSED's work for the last several years, addresses the same principles that a state must submit in its flexibility application. For instance, the Board of Regents has adopted the Common Core Standards, put in place a strategy to align state assessments with these standards and established measures of proficiency on the grades 3-8 English language arts and mathematics assessments that are benchmarked to college- and career-ready success. The Board

of Regents has also put in place a new teacher and principal evaluation system that includes student growth as a significant factor. This new evaluation system, required by Education Law §3012-c, provides districts with a powerful tool to support effective teaching and leadership. Throughout the adoption of these various policies and initiatives, NYSED consulted with stakeholders through Regents Forums, public meetings, web postings, and convening of Task Forces. The feedback and comments received were considered and frequently incorporated into Regents' policy and regulatory actions, resulting in a Reform Agenda that brings a sustained systemic focus on improving student achievement in New York State.

In 2010, an advisory committee, known as the Regents Task Force on Teacher and Principal Effectiveness, was established to offer assistance, ideas and expertise in development of the regulations for the new teacher- and principal-evaluation system. The committee had 60 members and was composed of *teachers*, principals, superintendents of schools, school boards, school districts and Board of Cooperative Educational Services (BOCES) officials, the unions representing teachers and administrators, representatives from educator preparation programs, as well as research advisers, NYSED staff, and other interested parties. After six (6) months of collaborating, the group released recommendations in April 2011 that were largely incorporated into the regulations that the Board of Regents adopted in May 2011.

In anticipation that Secretary Duncan would offer ESEA flexibility, NYSED, in August 2011 invited representatives of key stakeholder organizations, as well as experts in accountability systems, to participate in a "School and District Accountability Think Tank" ("the Think Tank"). The Think Tank included representatives from 23 external organizations, in addition to technical experts and NYSED staff. The expertise of the Think Tank members provided NYSED with an opportunity to review and rethink the key elements of New York State's current Differentiated Accountability system. The role of the Think Tank was to advise NYSED on how to build upon best practices that exist within the current accountability system in a way that better supports the efforts of schools and districts to ensure that all students graduate high school, college- and career-ready.

Think Tank members (see Attachment 11 for a listing of member organizations) committed to meeting once per month for day-long, face-to-face meetings where NYSED staff and external members acted as thought partners to envision New York State's Next Generation Accountability System. Meetings were conducted each month between August 2011 and January 2012. In addition to the monthly meetings, the Think Tank held interim teleconference meetings for the purpose of following up or delving deeper. The Think Tank was divided into three (3) subgroups: 1) Accountability Measures, 2) School Classification and Support, as well as 3) Linking Schools and Stakeholders to allow more focused group conversations and feedback from the experts in their respective areas of interest. Extensive documentation of the deliberations of the Think Tank was maintained and members were encouraged to submit written recommendations to NYSED staff either on behalf of their organizations or as individuals with expertise in accountability systems.

Special Education Consultation

In October 2011, NYSED staff met with the Commissioner's Advisory Panel (CAP) for Special Education Services to discuss New York State's application for ESEA Flexibility and presented information, pertaining to the waiver process to the group. The meeting included CAP members representing individuals with disabilities, parents of children with disabilities, *teachers*, State/local education officials, administrators of programs for children with disabilities, State agencies that are

involved in the delivery of related services, a provider of transition services and business/vocational representative, institutions of higher education, private and charter schools, corrections agencies (juvenile and adult), State official representing homeless children, State child welfare agency officials responsible for foster care, and ad hoc members. An additional meeting with this group was held in January 2012 to review NYSED's waiver application and seek comment on the specific proposals.

In October 2011, the Statewide Coordinator for Special Education met with special education directors of central New York State's small city school districts in Syracuse and reviewed the ESEA waiver process. The directors recommended use of a growth model and raised concerns around school choice and students with disabilities.

In November 2011, NYSED staff also discussed New York State's application for ESEA Flexibility with special education directors representing four of the Big 5 city school districts (Yonkers, Syracuse, Buffalo and Rochester) at a meeting in Syracuse, New York. This group of special education directors made a recommendation pertaining to the use of a growth model in the measures. NYSED meets regularly with representatives of the Big 5 city school districts not only because they represent a significant percentage of the State's population, but they also represent some of the largest high-needs communities in the State.

Title I Consultation

In October 2011, the Title I Committee of Practitioners (Title I COP) met to discuss ESEA Waiver Flexibility, and considered a "Next Generation Accountability System" memo from P-12 Deputy Commissioner Ken Slentz to the Board of Regents, which speaks directly to developing the Waiver Request. The Committee met again on January 12, 2012 and January 31, 2012 to review and provide comment on the draft ESEA waiver application. The more than sixty (60) Title I COP members include NYSED staff, school superintendents, district administrators and five (5) teachers, advocacy groups, parents, state and local collective bargaining units for teachers, and representatives from the nonpublic school sector.

Bilingual Education Consultation

In December 2011, the New York State Bilingual and English as a Second Language Committee of Practitioners (Bilingual COP) held its final meeting of the year in Brooklyn, New York. The Bilingual COP was created in 2006 as a response to the Bilingual Community requesting a platform to interact and advise the Commissioner and the Board of Regents on issues related to the educational, social, and cultural needs of English Language Learners (ELLs). Bilingual COP members, over seventy (70), consist of advocacy groups, parents, institutions of higher education, media, school superintendents, district administrators and *teachers*. During the December 2011 Bilingual COP meeting, NYSED staff presented the proposed recommendations for the ESEA Flexibility Waiver that were slated to be presented to the Board of Regents at its December meeting. On January 25, 2012, a statewide conference call was held with the Bilingual COP to review the draft ESEA waiver application.

Meetings of the Education Commissioner

The New York State Education Commissioner conducts regular meetings with the following organizations: New York State United Teachers (NYSUT), New York State Council of School Superintendents (NYSCOSS), School Administrators Association of New York State (SAANYS), Conference of Big 5 School Districts and the New York State School Boards Association

(NYSSBA). Agendas reflect that during the months of October 2011 through February 2012, the Commissioner has regularly updated these stakeholders and constituents on New York State's ESEA Waiver Flexibility Request. In meetings conducted in January and February 2012, each organization was provided the opportunity to review and comment upon the draft waiver application.

Public Meetings of the Board of Regents

NYSED staff began discussing New York State's Next Generation Accountability System with the Board of Regents at its October 2011 meeting and presented reports to the Board of Regents at their November 2011, December 2011, and January and February 2012 meetings. The meetings are held in Albany, New York, and are open to the public. In addition, agendas and materials for all meetings are posted to the NYSED website at: http://www.regents.nysed.gov/meetings/archived-2011.html. Materials available for public review include the Guiding Principles for design of a system for accountability for student success, timelines, an extensive question and answer document outlining the key elements of the waiver application, a summary of the draft application, and a review of the entire application prior to its issuance for public comment.

Statewide Webinar

In January 2012, the Assistant Commissioner for Accountability, Ira Schwartz, conducted a statewide webinar to discuss New York State's Next Generation Accountability System and the ESEA Waiver Flexibility Request. The webinar was available to schools and districts throughout the state. Teachers, in addition to school superintendents and district administrators participated and raised questions pertinent to their issues.

Public Comment Period

Prior to submitting this waiver request, New York State provided all local educational agencies with notice (see Attachment 1) and a reasonable opportunity to comment on this request. New York State provided notification to District Superintendents, School Superintendents, Charter School Administrators, and Title I Coordinators. An e-copy of the notification is found in Attachment 3. The notification was also posted for comment on January 20, 2012.

From January 20, 2012 to January 30, 2012, the New York State Education Department solicited public comment on a draft of the waiver request for regulatory flexibility from provisions of the Elementary and Secondary Education Act (ESEA). Over 450 public comments were received via e-mail and regular mail. Many comments began with endorsements for the Regents' Reform Agenda and commended the Department's work overall. In addition, many comments that contained specific, and oftentimes numerous, recommended changes began with compliments for the overall waiver request plans. Some of the positive comments consist of:

- Compliments on a comprehensive and clear flexibility application.
- Support for the establishment of revised Annual Measurable Objectives.
- Support for setting College- and Career- Ready Standards using a growth model in addition to student achievement.

- Support for not identifying schools if they are above median state growth percentile in ELA and mathematics grades 4-8.
- Support for giving full credit to any student who is or is on track to proficiency using growth measure.
- Support for the Reward school proposal and granting increased flexibility to Reward schools.
- Support for the creation of a single diagnostic tool for school and district accountability.
- Support for the proposal for districts to develop a singular improvement plan.
- Support for the recommendation to no longer mandate the 20 percent set aside for SES as SES is currently executed.
- Support for many of the funding revisions including the transfer of various funding streams into Title I Part A, removing the 40 percent poverty school-wide program threshold, and the waiver of 21st Century Community Learning Centers funds.
- Support for eliminating mandatory set-asides and allowing transfer of funds.

NYSED received comments from individuals, organizations (e.g., LEA, community organizations, and foundations), as well as from regions (i.e., Big 5, Long Island, NYC, Upstate, Westchester, etc.). Comments ranged across and touched on many areas of the ESEA Flexibility Request. Below is a general summary of comments by the topics with the greatest number of responses. These summaries are intended to provide an overview rather than a review of the comments in their entirety. Topics with the greatest number of responses, however, include:

- Supplemental Educational Services
- Annual Professional Performance Review (APPR)
- The Role of Testing
- 21st Century Community Learning Centers

Supplemental Education Services (SES) Comments:

Numerous comments were received from parents, students, service providers and advocacy organizations recommending the Department not change the current mandated set-aside of Title I funds for SES. There were also recommendations that SES tutoring services be continued; that the current number of students receiving SES, students who are predominately both low-income and persons of color, be maintained; that students at Priority Schools should receive SES, as long as the school is not meeting specific academic targets; and that the SES set-aside be reduced or modified, but not eliminated completely.

The comments also included the following feedback on SES: districts that are already underperforming are unlikely to better serve students than if those students participated in SES programs; having service providers reapply to the state will result in a service disruption for students in the upcoming school year; there will be a disproportionate impact of the proposed SES measures on low-income students in underperforming schools, with several saying that the proposed measure will exacerbate gaps between low-income and other students.

Lastly, it should also be noted that in meetings attended by representatives of school districts, almost all of these representatives expressed strong support for this provision of the waiver.

DEPARTMENT RESPONSE:

The waiver does not seek to eliminate the provision of SES services to students. Rather, the Department is proposing to change the set-aside requirements. New York will not require districts to offer SES or set aside a portion of their Title I allocation to pay for SES. Alternatively, districts can choose to offer SES and pay for the services using Title I funds. In order to support districts that choose to continue to provide SES, New York will require all SES providers to reapply for state approval. New York will evaluate whether the SES providers' programs are aligned with the Common Core standards. Districts that wish to offer SES will be allowed to determine the providers that parents in their district may select. The waiver will not eliminate the district's responsibility to provide interventions for students who need support services to increase student achievement. In addition, the Commissioner shall establish, as approved by the Board of Regents, a minimum amount of Expanded Learning Time that must be incorporated into the redesign of the school day, week and/or year for Priority Schools. Districts will be able to use funds from their Title I and Title II set-asides to implement these requirements. NYSED will assist districts by providing technical assistance to support development and implementation of this redesign, including assisting schools to redesign and expand their schedules in partnership with providers that have a demonstrated record of promoting student achievement.

Annual Professional Performance Review (APPR) Comments (Teacher and Principal Evaluations):

A large number of the comments received concerned APPR. The comments included the following feedback: the waiver would generate additional testing and children are already over-tested; the emphasis on testing and accountability is harming education; test-based accountability for teachers, schools, teacher education programs should be opposed; the proposal will perpetuate the flawed APPR system. It was recommended that New York seek a one-year extension of APPR phase-in and requested that stakeholders be engaged in this conversation

DEPARTMENT RESPONSE:

The waiver request does not establish any new policy or requirements in terms of teacher and principal evaluation. The waiver simply documents the actions that have been taken by the Governor and state legislature in enacting New York's new Teacher and Principal evaluation system (3102-c of Education Law), the Board of Regents in adopting conforming regulations (Section 100.2 of Commissioner's Regulations), and the Department in implementing the provisions of regulations. The actions outlined in the State's proposal are consistent with the requirements of the waiver and must be met in order to receive the flexibility requested. In February 2012 Governor Cuomo and New York State Education Commissioner John King, and New York State United Teachers President Richard C. Iannuzzi announced an agreement that gives significant guidance to local school districts for the implementation of a teacher evaluation system that is based on multiple measures of performance including student achievement and rigorous classroom observations. The agreement also, for the first time, gives the SED Commissioner the authority to approve or disapprove local evaluation plans that are deemed

insufficient and specifies that teachers who are rate ineffective on student achievement results must be given an overall rating of ineffective.

Testing Comments (Assessments and Other Academic Measures):

Numerous comments pertaining to testing were received that expressed opposition to the waiver request. The comments included the following feedback: the waiver would generate additional testing and children are already over-tested; the emphasis on testing and accountability is harming education; the Department should not create additional ELA tests in grades 9 and 10; and should not have test-based accountability systems for teachers, schools, or teacher education programs.

Comments were submitted regarding the methodology for calculating adequate yearly progress (AYP) against the Performance Index, when used in the determination of what students in transfer schools have achieved while enrolled.

There were some comments regarding the extension of the length of the Graduation Rate Cohort beyond the four-year cohort for all schools. There was also mention of the inclusion of students who graduate within a "legal time period" as an accountability measure.

DEPARTMENT RESPONSE:

The Department does not intend to impose new tests as a result of the waiver but will use the existing state assessment program to measure school and district performance. The Department believes that the aspirational goal of a score of 75 or above on the English Regents exam and a score of 80 or above on a math Regents exam is a suitable proxy for college and career readiness. The Department acknowledges as new assessments are administered and/or as additional information is captured by our data system, other measures of college and career readiness may become available for consideration by the Regents.

The request has been amended to clarify that the academic standards that apply to college readiness are equally appropriate for measuring the academic skill level a student should have to pursue a career upon graduation. The application has also been amended to revise the way in which transfer high schools as well as special act schools will be held accountable for performance and the use of the five year cohort has been expanded in making accountability determinations.

21st Century Community Learning Centers (CCLC) Comments:

A number of comments were submitted from service providers and advocacy organizations regarding the implications of seeking a waiver that includes the 21st Century Community Learning Centers. A majority of comments spoke to the fear that schools districts would use funds, not for quality after school programming, but to fill gaps in a very limited and strained budget (i.e., replace lost positions). Many after-school providers, students, and families saw the waiver as a threat to 21st CCLC programs. Accordingly, those providing comments noted the strong track record of learning centers providing "high-quality, school-linked expanded learning opportunities." Additionally, there was angst regarding the future of the respective programs if the proposed waiver moved forward as planned.

Comments were made that suggest the waiver emphasize the importance of the addition of significantly more time to the traditional school day to facilitate well rounded curricula and more

individual relationships with adult role models, including the integration of specialists during the school day. Several comments noted the research cited by New York City Commissioner Jeanne B. Mullgrav of the Department of Youth and Community Development, which argued that extended learning time during the school year and in the summer "can reinforce what students learn in school not only through explicit academic support, but also by giving them opportunities to use these basic skills in all their activities."

Specifically, some comments noted:

- Applying for the optional waiver would permit expanded learning time and additional activities during the school day and non-school hours.
- The Request for Proposal process should take into consideration the range of models for expanded learning time (including before school, after school, summer learning programs, and/or expanded learning time programs), as long as the model includes research-based expanded learning opportunities that improve students' academic, social, and emotional outcomes.
- The option for extending the school day in all schools, not just Priority Schools.
- Additional learning opportunities should be responsive to parents' needs and desires, and thereby the Department should further clarify what is meant by "state approved services and programs."

DEPARTMENT RESPONSE:

The Department understands the concerns expressed in the comments. The waiver request has been amended to provide greater clarity on how the Department proposes to incorporate into the next 21st CCLC grant competition the optional flexibility that allows these funds to support expanded learning time during the school day. The request also provides additional information on the requirements that Priority Schools offer expanded learning time to students.

Of the comments received, five were from LEA's and are included in Attachment 2.

EVALUATION

The Department encourages an SEA that receives approval to implement the flexibility to collaborate with the department to evaluate at least one program, practice, or strategy the SEA or its LEAs implement under principle 1, 2, or 3. Upon receipt of approval of the flexibility, an interested SEA will need to nominate for evaluation a program, practice, or strategy the SEA or its LEAs will implement under principles 1, 2, or 3. The Department will work with the SEA to determine the feasibility and design of the evaluation and, if it is determined to be feasible and appropriate, will fund and conduct the evaluation in partnership with the SEA, ensuring that the implementation of the chosen program, practice, or strategy is consistent with the evaluation design.

☒ Check here if you are interested in collaborating with the Department in this evaluation, if your request for the flexibility is approved.

OVERVIEW OF SEA'S REQUEST FOR THE ESEA FLEXIBILITY

Provide an overview (about 500 words) of the SEA's request for the flexibility that:

1. explains the SEA's comprehensive approach to implement the waivers and principles and describes the SEA's strategy to ensure this approach is coherent within and across the principles;
2. and describes how the implementation of the waivers and principles will enhance the SEA's and its LEAs' ability to increase the quality of instruction for students and improve student achievement.

As a Race to the Top winner, New York is well positioned and firmly committed to implementing the principles outlined in the ESEA Flexibility Waiver Request. The USED cited New York's leadership in turning around low-performing schools in its study, *Turning Around Low-Performing Schools: A Guide for State and Local Leaders*. *Education Week*'s annual report, *Quality Counts*, has for the last decade given New York an "A" rating each year for its system of standards, assessments, and accountability, and in the 2012 edition of *Quality Counts,* New York received a perfect score of 100 for its accountability system.

Motivated by a strong sense of urgency to accelerate all students' progress toward college- and career-readiness, the New York State Board of Regents articulated an ambitious reform agenda in December 2009 that continues to shape dramatic changes in regulation, policy, and Department actions. The Regents Reform Agenda is grounded in four core strategies that align with the principles outlined in the Flexibility Request:

- Implementation of the Common Core State Standards (CCSS) and aligned assessments in all NYS schools (as described in Principle 1);
- Building instructional data systems that measure student success and inform teachers and principals how they can improve their practice (as described in Principle 1 and Principle 3);
- Promotion of effective teachers and leaders through the implementation of a multiple measures evaluation tool that incorporates student growth as a significant measure and is aligned with strong supports and professional development (as described in Principle 3); and
- Turning around the lowest performing schools (as described in Principle 2).

These four core areas are all focused on ensuring that students graduate from high school college- and career-ready. It is imperative that New York State succeeds in this mission. We are proud that we have school systems, particularly in our high resourced suburban districts, that are consistently recognized for excellence and that our largest urban school system has received a Broad Award for its reform efforts. We are also encouraged that New York State's graduation rates continue to creep ever higher (73.4% as of June 2010 for students who first entered grade 9 in 2006) even as we have raised graduation standards and that New York is among the leading states on measures such as AP participation. But this is simply not good enough. Far too many students – particularly Black, Hispanic and low-income students, English language learners, and students with disabilities – fail to either graduate or to graduate college- and career-ready. Other student performance data also remain disappointing:

- Only 54 percent of elementary and middle level students met or exceeded English Language Arts (ELA) standards in 2010-11 essentially unchanged from the prior year while in math,

the State increased the percentage of students meeting or exceeding standards by only two percentage points, from 61 to 63 percent.

- The achievement gap in New York State continues to highlight the starkly disparate performance rates for Black and Hispanic students, students with disabilities and English language learners (ELLs) throughout the State.

- Over the past three years, student performance on the National Assessment of Educational Progress has either remained the same or, in some cases, dropped. Between 2009 and 2011, for example, fourth grade NAEP math performance decreased, making New York one of the only states to lose ground.

- There is increasing evidence that a New York State Regents Diploma does not ensure that students, particularly those who graduate by passing at the minimum required levels, are ready for college and career success. Extraordinarily high remediation rates in the State's community colleges are particularly concerning.

We see the strategies described in this Request as an opportunity to bring about a fundamental cultural shift at every level of education, starting within our State Education Department, and moving outward to New York State LEAs, schools and classrooms. We aspire to create a culture of both high individual and organizational accountability for student learning results and well-developed systems of support for achieving dramatic gains in student outcomes.

The work to create this culture has already begun, and will be accelerated by approval of our Flexibility Waiver. The new Common Core standards and aligned assessments are based on substantially higher expectations and goals for student learning. The State's new teacher and principal evaluation system, coupled with an enhanced and refined differentiated institutional accountability system, aligns and expands accountability for student learning to all educators for all students. Our response to each principle in this waiver will describe how the State will use its already established system of supports for all LEAs to transition to the new requirements of Common Core and teacher and leader effectiveness, and provide information on how we will expand this system even further. The Department has used the waiver request as an opportunity to review all current practices and develop plans to make necessary changes to ensure that differentiated support and assistance is provided to the LEAs and schools that and students who need it the most.

Principle 1 will outline how the State will:

- Ensure implementation of the Common Core State Standards in all New York schools, through use of statewide Network Teams.

- Revise and develop assessments aligned to CCSS to allow New York State to promote continuously improved instruction and establish school and district accountability goals at all grade levels that are even better aligned with ensuring college- and career-readiness.

- Evolve accountability measures over the course of the waiver period and beyond. For example, NYSED expects that, in the future, subject to the availability of funds and the approval of the Board of Regents, new assessments in key instructional areas will be administered and that the results of these will be incorporated into the accountability system.

- Use the State's longitudinal data system to capture new data elements or captures existing data elements more fully at the individual student level.

Principle 2 will outline how the State will:

- Incorporate into New York State's accountability system a growth component and standards that are better aligned with college- and career-readiness.
- Create a more coherent system of classification of schools and districts with performance categories better matched to New York State's needs.
- Better align supports and interventions for identified schools and districts with key components of the Regents' Reform Agenda, such as the implementation of the CCSS, the creation of a system of data-driven inquiry in schools, and the promotion of teacher and principal effectiveness through systemic professional development aligned to principal and teacher evaluations.
- Create a Diagnostic Tool for School and District Effectiveness that provides schools and districts with vital information on the needs of schools and a District Comprehensive Improvement Plan that allows districts to approach school improvement holistically and as part of an overall strategy for improving student achievement for all types of schools in the district.
- Revise New York State's consolidated application for Federal funding to incorporate new set-asides that will require districts to demonstrate how they are using funds to comprehensively and coherently to implement the turnaround principles in Priority Schools and the components of the Regents Reform Agenda in all schools along the accountability continuum.
- Develop and align systems to identify and address the needs of English Language Learners and Students with Disabilities within the various intervention efforts.
- Develop a comprehensive plan to provide interventions via targeted technical assistance; support by way of professional development opportunities to schools and districts; and assistance in developing partnerships with organizations with demonstrated success in helping districts and schools to implement proven interventions.
- Use the grades 3-8 ELA and mathematics tests; grades 4 and 8 science assessments; high school ELA and mathematics exams; and four- and five-year cohort graduation rates to hold schools and districts accountable for student results. Rather than create entirely new accountability measures, New York State will build upon existing structures to promote more appropriate and sophisticated identification of schools and districts by:
    - incorporating into New York's accountability system standards that are better aligned with college and career readiness, including revising high school English language arts and mathematics accountability proficiency standards so that they represent a level of performance that means a student enrolling as a freshman in credit-bearing college courses has a high likelihood of being able to receive a grade of C or better;

- modifying how New York's grades 3-8 ELA and mathematics Performance Indices are computed to incorporate both proficiency and growth towards proficiency, using the well-established Student Growth Percentile methodology;
- using growth measures for all students, including ESEA subgroups, to determine which schools and districts are demonstrating progress compared to Statewide median growth percentiles as part of the process of determining Adequate Yearly Progress and identifying Reward, Focus and Priority Schools, and Focus Districts; and
- revising its Annual Measurable Objectives (AMOs) (using Option A) to reflect the rigor required of college and career readiness standards, while at the same time making them realistic and attainable for schools and districts.

Principle 3 will outline how the State will:

- Continue the process of implementing the State's system of teacher and school leader evaluation, based in part on student growth data. The teacher and principal evaluation legislation was signed into law on May 28, 2010 (Education Law §3012-c) and the Commissioner's regulations were adopted in May 2011. On February 15, 2012 Governor Andrew M. Cuomo, New York State Education Commissioner John King, and New York State United Teachers President Richard C. Iannuzzi announced an agreement that gives significant guidance to local school districts for the implementation of a teacher evaluation system that is based on multiple measures of performance including student achievement and rigorous classroom observations. The agreement requires that a majority of the 60 percent of teacher performance points will be based on classroom observations by an administrator or principal, and at least one observation will be unannounced. The agreement further states that 40 percent of a teacher's evaluation will be based on student academic achievement, with 20 percent from state testing and 20 percent from a list of three testing options including state tests, third party assessments/tests approved by the SED and locally developed tests that will be subject to SED review and approval. The agreement also, for the first time, gives the SED Commissioner the authority to approve or disapprove local evaluation plans that are deemed insufficient and specifies that teachers who are rate ineffective on student achievement results must be given an overall rating of ineffective.
- Continue the process of implementing the State's system of teacher and school leader evaluation, based in part on student growth data. The teacher and principal evaluation legislation was signed into law on May 28, 2010 (Education Law §3012-c) and the Commissioner's regulations were adopted in May 2011.
- Develop a comprehensive, complementary set of reforms that will help attract, develop, and retain effective teachers and principals and ensure that they are equitably distributed throughout the State.
- Balance the importance of local context and decision-making authority with the need to ensure that evaluations conducted statewide include design elements that research shows lead to improved teacher practice and student learning. This balance will be achieved through the system's key required components:

- annual evaluations for all classroom teachers and building principals;
- use of multiple measures of effectiveness, including observation against established professional standards;
- significant focus on student growth and achievement;
- differentiated overall performance using four summative rating categories;
- support and timely feedback to educators to enable improvement of their practice; and
- use of evaluation results as a significant factor in teacher and principal development and employment decisions.

As articulated throughout this application, New York State has a comprehensive, robust plan to support districts as they work with their schools to put in place best practices and create the optimal conditions for learning. By implementing the plan contained in this waiver application, we will make significant progress towards our goal of ensuring that every student in New York State high school graduate is college and career ready.

PRINCIPLE 1: COLLEGE- AND CAREER-READY EXPECTATIONS FOR ALL STUDENTS

1.A ADOPT COLLEGE- AND CAREER-READY STANDARDS

Select the option that pertains to the SEA and provide evidence corresponding to the option selected.

Option A

☒ The State has adopted college- and career-ready standards in at least reading/language arts and mathematics that are common to a significant number of States, consistent with part (1) of the definition of college- and career-ready standards.

Attach evidence that the State has adopted the standards, consistent with the State's standards adoption process. (Attachment 4)

Option B

☐ The State has adopted college- and career-ready standards in at least reading/language arts and mathematics that have been approved and certified by a State network of institutions of higher education (IHEs), consistent with part (2) of the definition of college- and career-ready standards.

Attach evidence that the State has adopted the standards, consistent with the State's standards adoption process. (Attachment 4)

Attach a copy of the memorandum of understanding or letter from a State network of IHEs certifying that students who meet these standards will not need remedial coursework at the postsecondary level. (Attachment 5)

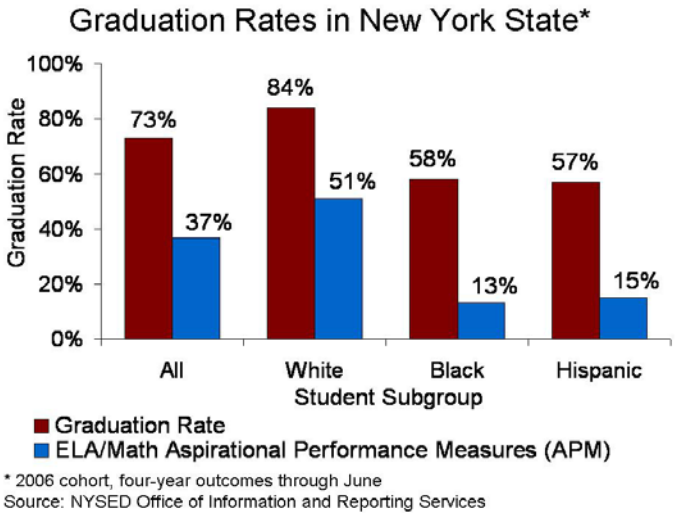
PRINCIPLE 1 OVERVIEW

Although New York has made gains in recent years towards closing achievement gaps among student groups, New York in 2012 remains essentially a state with two school systems. One system is largely suburban, well-resourced and comprised of districts that produce among the very best results in the nation. The other system, which educates most of the state's low-income, Black and Hispanic students fails at very high rates to ensure that these students graduate from high school college and career ready.

Through New York State's successful Race to the Top application, the Board of Regents has defined a clear strategy for addressing the gaps between these two disparate systems, which will be supported further by the flexibility offered through the ESEA waiver. First, the Board of Regents is currently in the process of ensuring that all New York's students are assessed based on rigorous, college and career-ready performance standards for high-school and grades 3-8. As a result, teachers and administrators will have an accurate measure of what students need to achieve in order to be college and career ready. Second, the Board of Regents has put in place a comprehensive system of supports and resources for educators as they work with students to meet the new higher standards, particularly those students from the groups in New York that have been the lowest performing. Third, the use of locally developed rubrics and student growth data in conjunction with implementation of New York's new teacher and principal evaluation system as required by Education Law 3012-c will ensure that teachers and principals receive needed professional supports to improve instruction and, therefore, increase the probability that all students graduate from New York high schools ready for college and careers. Lastly, New York, through this waiver application as described in Principle 2, has developed new strategies for building the capacity of districts and their lowest performing schools to make dramatic gains in student achievement.

College and Career-Ready Standards

Even as New York State's graduation rates continue to improve, with 73.4 percent of students who entered high school in 2006 graduating within four years compared to 71.8 percent the prior year, there is increasing evidence that a New York State diploma does not indicate for all students readiness to achieve in college and career. For example, approximately 41 percent of students in two-year colleges across the New York State are in remedial courses[2].



In 2009, the Board of Regents as part of their Reform Agenda and New York State's approved Race to the Top Scope of Work acknowledged the disconnect between graduation rates and college performance data and began the process to create rigorous college and career-ready standards for New York State.

In 2010, State Education Department staff presented the Regents with a review of research that analyzed how performance on the grade 3-8 English language arts and mathematics assessments relate to the National Assessment of Educational Progress (NAEP) exam; how the state's eighth grade math and English tests relate to the Regents exams; how performance on the Regents exams relates to SAT scores; and how performance on the Regents exams relates to first-year performance in college. As a result of this research, Department staff concluded that while the four-year graduation rate for all students in the 2006 cohort was 73.4 percent, only 36.7 percent of graduates scored sufficiently well on the ELA and mathematics Regents to have a high probability of obtaining a C or better in a first year entry-level course credit bearing college course.

In response to this data, in August 2010 the Board of Regents directed the State Education Department to raise the cut scores on grades 3-8 ELA and mathematics assessments and to correlate the cut scores for proficiency with college and career readiness. The new Proficiency standards were developed based on research from the state Testing Advisory Group (TAG) and CTB/McGraw-Hill, the state's testing contractor, to provide a clear indication to parents and schools as to whether a student was on-track for college success. The 8th grade Proficiency cut score is set at a level that offers students a 75 percent chance that they will score at a college-ready level (75 in English and 80 in math) on their Regents exams in high school. The Grade 3-7 Proficiency scores are set so that a

[2] http://www.p12.nysed.gov/irs/pressRelease/20100728/home.html

student making a year's worth of developmental growth for math and ELA will be on track in 8th grade to achieve a Proficiency level indicating readiness for high school work that will lead to success in college.

Using these new higher standards, 2010-2011 data showed that:

- Only 53 percent of students met or exceeded the grade 3-8 ELA standards in 2010-11, unchanged from the 2009-10 school year.
- In mathematics, the percentage of students meeting or exceeding standards the grade 3-8 standards rose only modestly from 61 to 63 percent.
- Only thirty five percent of African American students met or exceeded the grade 3-8 ELA proficiency standard compared with 64 percent of White students. In mathematics, 44 percent met or exceeded the proficiency standard, compared to 73 percent for White students.
- Only 13 percent of ELLs met the proficiency standard in ELA in grades 3-8, a decrease from the prior year. Thirty two percent of ELLs met the mathematics proficiency standard.

In 2011, 14.5 percent of students with disabilities met or exceeded the grades 3 to 8 ELA proficiency standard. In 2011, only 26.9 percent of students with disabilities met or exceeded the grades 3-8 mathematics proficiency standard.

In June 2011, the Board of Regents defined readiness even more clearly by adopting *Aspirational Performance Measures (APMs)*–student achievement levels that highly correlate with success in a first-year credit-bearing college course. Specifically, the *APMs* are the achievement of a 75 on the ELA Regents Exam and an 80 on the Mathematics Regents Exam or the attainment of a Regents Diploma with Advanced Designation. These standards are the basis for New York making decisions under this waiver regarding which schools and districts will make Adequate Yearly Progress (AYP) and be identified for Focus and Priority status.

Supports for Implementing College and Career Ready Standards

The New York State Education Department (NYSED) is dedicated to providing educators the tools, resources, guidance, and training necessary to ensure that students graduate college and career ready. Specifically, the State has organized its efforts into three initiatives: 1) Common Core State Standards, 2) School-Based Inquiry (or Data-Driven Instruction), and 3) Teacher/Leader Effectiveness to drive school-based reforms across 695 districts and more than 170 public charter schools in New York State.

To better ensure that students leave high school ready to succeed in entry level college courses, in 2010, the Board of Regents adopted the Common Core State Standards (CCSS) and created the Network Team structure to assist districts and schools to implement the CCSS with fidelity in all classrooms across the state. Network Teams generally consist of three persons with expertise in curriculum, data analysis, and instruction that serve approximately 25 schools. The purpose of the Network teams is to work directly with educators in

schools to deliver sustained, intensive professional development, which will include strategies for English language learners and students with disabilities; to support implementation of new standards, curriculum and assessments; and provide comprehensive, ongoing support. Network teams:

- Assist schools in implementing the Common Core standards and aligning instruction to the new standards and curricula.
- Support schools in implementing the State's comprehensive assessment program and adapting to more rigorous performance-based assessments.
- Support school-based inquiry teams to analyze student performance data (both quantitative and qualitative) and make adjustments to instructional practices.
- Support schools and districts in the implementation of evidence-based observations and the Annual Professional Performance Review.
- Support Joint Intervention Teams in the evaluation of persistently lowest-achieving schools; facilitate professional development to support the implementation of the turnaround plan.

The State has provided superintendents, district staff, Network Teams, and school leaders a school-level rubric they can use to diagnose the current state of a school's inquiry work and the steps necessary to get it right. The central skills principals are developing in this area are the ones required to run an effective data analysis meeting – creating risk-taking opportunities for teachers to reflect on which students are not yet proficient and what they can do differently to ensure achievement.

New Annual Professional Performance Review System

Education Law 3012-c has provided districts and schools with a powerful mechanism for improving instructional quality. New York State Education Law §3012-c requires a new annual professional performance review (APPR) system for teachers and principals in school districts and boards of cooperative educational services (BOCES). The statute requires implementation of the new system for teachers of grades 4-8 ELA and mathematics and their building principals beginning in the 2011-12 school year. The following year, all teachers and principals will be subject to the new system. Under the new law, New York State will differentiate teacher and principal effectiveness using four rating categories – Highly Effective, Effective, Developing, and Ineffective (referred to as the "HEDI rating categories"). Specifically, Education Law §3012-c(2)(a) requires APPRs to result in a single composite teacher or principal effectiveness score, which incorporates multiple measures of effectiveness. Scores on locally developed rubrics are part of the composite score, and provide teachers and administrators with a valuable tool to view professional practice. Teachers and Principals who are rated Developing and Ineffective are required to receive professional development targeted towards the needs identified through the use of the rubric.

As part of the implementation of the law and regulations associated with the new APPR, the state is encouraging a cultural change that focuses principals' attention on high quality, evidence-based observation. The more principals (and other teacher supervisors) are in classrooms, the more they are collecting valid evidence about teacher practice and student learning, and the more they are giving feedback using that evidence, the more dramatic an impact educators across the State are going to have on outcomes for New York State students. Student growth data are informing summative evaluations of educators across the state as well as regular formative data-driven

instructional analysis cycles in schools to help teachers tailor instruction closely to the needs of all students.

Together these strategies mean that New York's standards and assessments are being aligned with college and career readiness and schools and districts are being provided with the tools they need to transform classroom practice to match these new standards.

1.B Transition To College- And Career-Ready Standards

Provide the SEA's plan to transition to and implement no later than the 2013–2014 school year college- and career-ready standards statewide in at least reading/language arts and mathematics for all students and schools and include an explanation of how this transition plan is likely to lead to all students, including English Learners, students with disabilities, and low-achieving students, gaining access to and learning content aligned with such standards. The Department encourages an SEA to include in its plan activities related to each of the italicized questions in the corresponding section of the document titled ESEA Flexibility Review Guidance, or to explain why one or more of those activities is not necessary to its plan.

1. Standards Alignment

Does the SEA intend to analyze the extent of alignment between the State's current content standards and the college- and career-ready standards to determine similarities and differences between those two sets of standards? If so, will the results be used to inform the transition to college- and career-ready standards?

At the heart of the state's current efforts to tackle its achievement challenges is a realization that our past standards have not challenged students to reach their true potential. In July 2010, the Board of Regents expanded the rigor and depth of college- and career-readiness of its standards by adopting the Common Core Standards in English Language Arts and Literacy and the Common Core Standards in Mathematics. The Board of Regents subsequently approved additions to the CCS based on stakeholder recommendations.[3] As such, the Board of Regents has officially adopted The New York P-12 Common Core State Standards for English Language Arts and Literacy and The New York P-12 Common Core State Standards for Mathematics as its state standards.

New York State is revising its complementary standards. The state has already adopted new Prekindergarten (PreK) Learning Standards, which strengthen instruction in PreK classrooms in all settings, and help administrators and educators align PreK learning standards with the K-12 system. Plans are ongoing to revise the State's other standards. For example, New York is a lead state partner in the development of the Next Generation Science Standards, and is closely monitoring the National Coalition for Core Arts Standards on its development of voluntary national Arts standards. New York State will also ensure that its standards in other areas (e.g., social studies) are aligned to the Common Core.

The state entered into a formal partnership with Student Achievement Partners, a not-for-profit firm which includes several contributing authors of the Common Core, in order to ensure the quality and fidelity of New York's standards implementation. This partnership has deeply informed the work of the State's strategy, policy, assessment design, material resources, and professional development.

More rigorous standards require a teacher corps that can deliver more complex and challenging material. Since adopting the new standards, New York State has begun a comprehensive effort to ensure that educators are fully able to implement the new standards and prepare students for rigorous assessments that provide evidence of student readiness for college and careers. All New York State assessments are undergoing deep revision to ensure that student attainment of the new Common Core standards is measured with fidelity. The state's comprehensive P-20 data system will be used to validate the assessments and to drive expectations for college- and career-readiness.

3 "Approval of recommended additions to the Common Core State Standards (CCSS) for ELA and Literacy and CCSS for Mathematics and approval of new Prekindergarten Learning Standards," January 2011 Board of Regents action item. Accessed from http://www.regents.nysed.gov/meetings/2011Meetings/January2011/111p12swa1.html.

Throughout this process, ongoing professional development statewide will support the implementation and execution of the broader reform agenda.

After adopting the CCSS, NYSED contracted with the College Board to conduct alignment studies. The studies used rigorous methodologies to determine the alignment between the 2005 New York State English Language Arts (ELA) and mathematics standards and the new CCSS for ELA and Literacy and for mathematics. The College Board experts compared the 2005 New York State Core Curricula with the CCSS along multiple dimensions: content, depth-of-knowledge, and breadth of coverage. For both ELA and mathematics, the College Board's alignment studies concluded that while there were areas of agreement between the 2005 New York State Standards and the Common Core, several notable differences existed. The CCSS require educators in New York State to "shift" instructional practices to be consistently aligned with research-driven methods that result in deep learning for students and high, college-ready performance. As such, NYSED has asked that all school districts organize their implementation of the new standards around the 12 Shifts in Instruction demanded by the Common Core.

The ELA/Literacy Standards compel a change in ELA, science, and social studies classrooms in particular, as well as any other discipline that relies on the functional literacy of its students. The shifts in literacy instruction in these classrooms call for close and thoughtful reading of text (including more informational text) and careful, evidence-based treatment of what is read. In mathematics, the shifts call for an intensive focus on fewer, pivotal topics, leading to deep conceptual understanding and balanced emphasis on application of mathematics concepts and fluency in high-impact functions.

The College Board alignment study and the messaging around the 12 Shifts in ELA and mathematics have been used to guide both training and supplemental materials development. The articulation of the Shifts has allowed for trainers and educators to look beyond cursory similarities within the standards to begin a more full exploration of what it will take to change instruction and assessment to be aligned to the Common Core.

For both sets of standards, this means that New York State teachers will require the gift of time: time for them to teach and time for students to learn. Teachers are expected to spend more time on fewer texts and concepts so that they might delve more deeply into the rich and absolute meaning of their content. They are spending time, together, to learn about and develop their own understanding of their content so that they might bring their students more deeply into learning experiences with rigor, curiosity, and joy. These shifts are reflected in the New York State teaching standards and are a central focus of our teacher and principal evaluation training.

Many opportunities currently exist in New York's high schools to provide students with more challenging content in preparation for college and career and expanding access to college-level courses or dual enrollment. College Now and Smart Scholars Early College High School are two examples of structured approaches. Additionally, the Board of Regents is considering expanding its Career and Technical Education policy to provide increased opportunities for accelerated credit-bearing courses beginning at the middle level, integrating academics and articulations with postsecondary institutions for dual credit or advanced standing.

New York State has entered into a contract with The College Board to provide professional development over the next three years to 1,500 middle and high school mathematics and science teachers in high need districts. This professional development is designed to increase teachers'

content knowledge and pedagogical skills with a focus on improving math and science education and provide more students with greater opportunities for advanced mathematics and science. In addition, New York participates in the U.S. Department of Education's Advanced Placement Incentive Program and offers approximately 40,000 test fee waivers for high needs students enabling them to take AP and IB examinations.

New York State has also issued a $75 million Performance Improvement Grant funding opportunity over a three-year period, with priority given to high need Districts. One priority for this grant program is funding for Districts to support college level or early college programs.

2. English Language Learners

Does the SEA intend to analyze the linguistic demands of New York State's college- and career-ready standards to inform the development of English Language Proficiency (ELP) standards corresponding to the college- and career-ready standards and to ensure that English language Learners will have the opportunity to achieve to the college- and career-ready standards? If so, will the results be used to inform revision of the ELP standards and support English Language Learners in accessing the college- and career-ready standards on the same schedule as all students?

For all students, New York State is developing Common Core Curriculum in ELA and Literacy (grades P-2), and curriculum modules in ELA and Literacy (grades 3-12) and in mathematics (grades P-12). All will have built-in scaffolding for ELLs demonstrating how teachers can provide rigorous, grade-level instruction, and techniques for how to provide language support to ELLs so that they can access the same content as non-ELL students in ELA and mathematics classes. Scaffolding will take into account the different language proficiency levels of ELLs, as well as subgroups of ELLs – such as students with interrupted formal education, ELLs with disabilities, and long-term ELLs – and provide tools and resources for teachers to address their unique language and learning needs.

In addition, New York State is developing standards and resources specifically for ELLs that are Common Core-aligned. New English as a Second Language (ESL) and Native Language Arts (NLA) standards will be aligned with the Common Core by 2013. New York State has launched a Bilingual Common Core Initiative, in which we will analyze the language demands of the Common Core and develop English as a Second Language and Native Language Arts indicators that are aligned with the Common Core ELA. In order to do this we have formed a New York State Steering Committee of educators to inform the Department's work, as well as a National Advisory group of ELL experts working on national common core ELL initiatives. The Department has also hired a team of writers that includes teachers of English as a Second Language, Native Language Arts, content area teachers (science, math, social studies, technology, ELA), as well as linguistics and special education experts. The writing team will be working over the next few months to develop bilingual performance indicators and benchmarks for ELLs at different proficiency levels that are aligned to the Common Core ELA Standards for each grade level (P-12). These resources will be presented to our Board of Regents for approval later this year so that they can be distributed to teachers and administrators for use during the 2012-13 school year.

Once the standards are developed, they will be accompanied by curriculum modules for ESL and NLA courses of study that are closely aligned with the ELA modules being developed. NLA modules will be developed in the top five languages spoken in New York State. Our goal is to develop these modules by 2013-14 and pilot them in schools with significant ELL populations throughout the state. Curriculum modules will work together across classes to support ELL

language and content development. The pilot will also include curriculum-based professional development to support school-wide implementation among teachers and across subjects.

New York State is providing two strands of professional development associated with the reforms in program, standards, assessment, and policy for ELL students. First, the needs of ELL learners is one of nine required elements that must be addressed through our teacher and principal evaluation training. The differentiated strategies and skills required for working with English Language Learners are an inherent part of effective teaching and leading for the practitioners who serve them. Therefore, the certification process modeled by the State and included in the regulations associated with the Annual Performance Plan Review require time devoted to this learning. Second, as stated above, a significant aspect of the state's curricular materials plan is to provide the scaffolding necessary to ensure access and achievement for all students. Therefore, the training associated with the modules (which will be turnkeyed by teachers, teacher leaders, principals, and Network Team members across the state) will be layered with and built around the critical instructional techniques teachers will need to make to ensure that the crafted scaffolds are executed in the most effective manner possible.

The state will align its English language proficiency exam, the NYSESLAT, with the Common Core by spring 2013. This alignment process will ensure that students who exit ELL status are prepared to be successful in new Common Core ELA classes. As a result of these efforts, teaching and learning aligned with college and career standards will take place in all public schools in the state for English language learners not later than the 2013-14 school year.

3. Students with Disabilities

Does the SEA intend to analyze the learning and accommodation factors necessary to ensure that students with disabilities will have the opportunity to achieve to the college- and career-ready standards? If so, will the results be used to support students with disabilities in accessing the college- and career-ready standards on the same schedule as all students?

New York State's Common Core curriculum in ELA and Literacy (grades P-2), and curriculum modules in ELA and Literacy (grades 3-12) and in mathematics (grades P-12) will have built-in scaffolding for students with disabilities. This scaffolding will demonstrate how teachers can to provide rigorous grade-level instruction to students with disabilities, and techniques to provide additional supports to students with different learning needs, so that they can access the same content as their non-disabled peers in ELA and mathematics classes. Recommended strategies will align with the Response to Intervention model, to create tiers of intervention addressing both general education and special education students based on their levels of need. Consequently, teaching and learning aligned with college and career standards will take place in all public schools in the state for students with disabilities no later than the 2013-14 school year.

For students with disabilities who take New York State's Alternate Assessment (NYSAA), new Alternate Achievement Standards are under development and will be introduced in conjunction with the new assessments. New York State is also one of 19 state partners in the National Center and State Collaborative (NCSC) Project, which is working to develop a comprehensive assessment system for students with significant cognitive disabilities by 2014-15. An initial part of this process was an analysis of the Common Core to determine the skills required by students with cognitive disabilities. Based on this analysis, NCSC is building a comprehensive system that will include curriculum and instructional modules, comprehensive professional development and an alternate

assessment based on alternate achievement standards (AA-AAS) that were developed from the best practice-oriented and psychometric research available. Statewide implementation is pending Board of Regents approval.

Since NCSC's Alternate Assessment will not be developed until 2014-15, the state is using this process to inform an alignment of our current Alternate Assessment with the new Common Core-aligned Alternate Achievement Standards. The new Alternate Achievement Standards are under development and will be introduced in conjunction with the new assessments. The new Alternate Assessments will be implemented on a rolling schedule, with each series of content area assessments to be implemented one year after the general education equivalent.

4. Outreach and Dissemination

Does the SEA intend to conduct outreach on and dissemination of the college- and career-ready standards? If so, does the SEA's plan reach the appropriate stakeholders, including educators, administrators, families, and IHEs? Is it likely that the plan will result in all stakeholders increasing their awareness of the State's college- and career-ready standards?

As part of its efforts to implement the state's RTTT grant, NYSED developed a phased approach to outreach and dissemination of the CCSS for ELA/literacy and mathematics. This approach establishes a common language at all levels of the State regarding early awareness building and development of a common language around the shifts in instruction, assessment, and content associated with the adoption of the standards. The earlier goal for the initiative is to ensure that every teacher in New York State is working with the Shifts and integrating the standards into their efforts with students in 2011-12. Our early strategy is focused on the building of the understanding and capacity of practitioners through deeply aligned professional development, resources, and sample materials that focus closely on the skills needed to operate in this new context. (A comprehensive curriculum will begin to arrive in school year 2012-13.) From the earliest moments of the project, key stakeholders have been involved in all major implementation efforts.

One of the central ways that schools, districts, families, and institutions of higher education are learning about these shifts at the school and classroom level is by viewing a State-produced video series and participating in the recommended professional development that accompanies each video. The series invites viewers into the shifts and gives them time, together, to align their student learning to the standards. The videos have been viewed and/or downloaded more than 66,000 times since they were unveiled in August 2011.

Additionally, the New York State Commissioner of Education has asked that every teacher experiment with these ideas and implement at least one unit of instruction that embeds these shifts into their practice per semester. The State-provided material on EngageNY.org, high-quality professional development, and the reflective support of their peers is making this a reality in school after school. School year 2011-12 has been characterized as a learning and early implementation year. Principals are being asked to focus on the Shifts in their feedback that they regularly provide to teachers.

Today, New York State has several formal methods of outreach and dissemination to help move the field toward effective implementation. These include:

EngageNY

EngageNY (EngageNY.org) is an evolving, collaborative platform for educators. It is populated and maintained by NYSED and Regents Research Fund staff. This Web site provides shared resources to help educators and schools statewide implement the Regents Reform Agenda (including the Common Core standards and assessments). The site is the primary access point for standards and information on reform efforts. Its myriad resources include but are not limited to:

- documents advising phased and early adoption of the standards;
- sample curricular material;
- a series of professional development videos and accompanying professional development workshop suggestions;
- a professional development "kit";
- extensive professional development hand-outs, teacher practice video (to be added over time), facilitators guides, and power point decks; and
- a compendium of relevant reading.

Stakeholder Engagement Meetings

Since January 2011, NYSED staff made formal presentations to superintendents, district leaders, principals, teachers, and school boards at conferences and professional meetings throughout the State. At each presentation there has been substantive discussion of key implementation plans and distribution of resource materials for stakeholders' constituents. Ongoing formal interaction has taken place with, among others, the following organizations within the State:

- New York State Council of School Superintendents (NYSCOSS)
- Long Island Association for Supervision and Curriculum Development (LIASCD)
- State Council of Higher Education
- State University of New York (SUNY)
- City University of New York (CUNY)
- Commission on Independent Colleges and Universities (CICU)
- The Big Five City School Districts (Monthly meetings of five largest districts)
- Staff/Curriculum and Development Network (SCDN)
- School Administrators Association of New York State (SAANYS)
- Content Advisory Panels

In 2011, NYSED convened Content Advisory Panels. Panels were established for each of the core content areas: math, ELA, science and social studies. Each panel includes representation from early-childhood, ESL and Bilingual teachers, elementary, middle, high-school, special education teachers, as well as post-secondary faculty in Arts and Sciences, and Teacher Education. Members were selected from nominations from all educator professional organizations in the State, including the principal and teacher unions to ensure that New York State has educator expertise from Pre-K through post secondary to ensure rigor and coherence in the development of instructional materials and assessments. The meetings facilitate discussions across the P-20 spectrum to ensure that the rigor expected at the college-levels is translated to high school, middle school, elementary, and Pre-K, and appropriately accounts for the needs of both ELLs and students with disabilities. The Panels will also advise and help New York State in outreach and dissemination efforts, and as such, provide the broader field with direct influence on our reform efforts. Panelists are provided with materials and information to disseminate to the professional network(s) which they represent.

Webinars

The Commissioner and senior staff have contributed to a series of webinars designed to inform the ongoing dialogue in the state. These webinars have served as a convenient, informal setting for the Department to communicate directly with the field. Two of the series, in particular, were devoted to Common Core implementation and were viewed widely.

Memos and Emails to the Field

The Commissioner regularly communicates with educators, families, school boards, and the public regarding the Regents Reform Agenda. At multiple points throughout the spring, summer, and fall of 2011, the Commissioner has communicated directly with all stakeholders in an effort to further the dissemination of the State's message regarding the standards.

Outreach to the general public via press releases, websites and public forums allow New York State's stakeholders to quickly become familiar with the CCSS.

Regionally Based Technical Assistance

The Board of Regents oversees all of the State's educational institutions, both public and private. Part of the Board's portfolio is 37 regional Boards of Cooperative Educational Services (BOCES). Each BOCES is led by a District Superintendent who is both its Chief Executive Officer and the Commissioner's representative in the field. BOCES employ more than 34,000 staff who provide services to school districts and operate 12 Regional Information Centers (RICs) which annually provide districts with over $300 million in technology-related services. The BOCES governance structure, their statewide presence, and their cadre of practitioners and experts in data analysis, assessment, curriculum and instruction, and technology have made BOCES a reliable and consistent infrastructure for the delivery of professional development programs and technical assistance as New York rolls out its educational reform initiative and associated instructional tools and resources.

5. Supporting New York State Educators

Does the SEA propose to develop and disseminate high-quality instructional materials aligned with the new standards? If so, are the instructional materials designed (or will they be designed) to support the teaching and learning of all students, including English Learners, students with disabilities, and low-achieving students?

NYSED is building a comprehensive system of supports for the state's educators through efforts that are creating new instructional resources and tools for teachers and principals, launching a regional infrastructure of Network Teams to provide professional development and coaching, and more tightly focusing the work of existing technical assistance networks such as Teacher Centers and Regional Special Education and Technical Assistance.

By the spring of 2012, NYSED will have released a series of Request for Proposals (RFPs) to commission a comprehensive set of curricular resources designed to guide implementation of the Common Core in 2012-13 and beyond. These resources include robust curricular modules mapped to the Common Core (and aligned to content-area standards) in ELA, mathematics, science, social studies, the arts, native languages, and English as a Second Language as well as a comprehensive video series of over 500 videos depicting exemplary classroom-level implementation of the Common Core. These modules and videos will be available on EngageNY.org for ready access by the field. The state anticipates widespread use of these tools.

The modules will:

- support teaching and learning in Pre-Kindergarten through Grade 12 (P-12) classrooms across New York State and provide access to sequenced, spiraled, content-rich statewide curriculum programming and instructional practices that support the attainment of the New York State P-12 Common Core Learning Standards and align to the Board of Regents' strategic goals;
- include teaching and learning experiences that scaffold P-12 grade levels, are focused on P-12 learning progressions, and project a trajectory of learning standards in each content area (ELA & literacy and mathematics);
- include curriculum maps, lesson plans, performance tasks, scaffolding materials, samples of student work, and other classroom artifacts. Newly developed modules will provide curriculum and instructional resources that are targeted at all learners within any classroom setting; and
- emphasize attention on resources that support the teaching and learning of ELLs, accelerated learners, students achieving and performing below grade level (up to two grade levels behind through grade 8, and up to four grade levels behind in high school grades 9-12), and students with disabilities. Emphasis is also placed on resources that are planned and developed according to the principles of Universal Design for Learning (UDL).

Does the SEA intend to provide professional development and other supports to prepare teachers to teach all students, including English Learners, students with disabilities, and low-achieving students, to the new standards? If so, will the planned professional development and supports prepare teachers to teach to the new standards, use instructional materials aligned with those standards, and use data on multiple measures of student performance (e.g., data from formative, benchmark, and summative assessments) to inform instruction?

In conjunction with the creation of curricular modules, vendors selected pursuant to the RFP process will also design and implement a statewide system of aligned professional development so that the State's teachers, teacher leaders, principals, instructional coaches, and Network Teams have the skills and knowledge necessary to inform and support the implementation of the standards and the State provided materials.

Network Teams

The State's central vehicle for professional development is the Network Teams. Each Network Team works in districts across the state but are also brought together for training at Network Team Institutes (NTI). New York State's NTIs are a source of adult learning, collaboration, and professional development –- essential to statewide reform. Participants return to local districts and BOCES and turnkey their learning, supported by EngageNY.org. The Institutes are intensive learning experiences that build the capacity of Network Team members so that they can, in turn, build the capacity of principals, teachers, coaches, and district leaders on the three school-based initiatives.

Network Teams met as a group for the first time in July 2011 at a well-received Institute. The Institutes have continued throughout 2011 and will continue monthly through 2012 and beyond. The scope and sequence of Network Team learning will encompass the standards, data driven inquiry, and teacher/leader effectiveness. Because of the interconnectedness of these three "school based initiatives," the State ensures that all learning about their implementation remain deeply integrated and spiraled. As a result, the CCSS are central to every discussion and learning experience during the Institutes. In November, for example, Network Team members engaged in discussions of embedded non-fiction with Doug Lemov and the role of vocabulary in complex texts with Marilyn Jager Adams. In January, Network Teams conducted crosswalks between teacher evaluation rubrics with the concepts of data driven instruction and the shifts demanded by adoption of the Common Core. Network Team Institute faculty consist of high performing school leaders, contributing authors and contributors to the Common Core, scholars, coaches, and national thought-leaders.

Network Teams operate under a set of metrics for year one (school year 2011-12) and will operate under metrics for later years of implementation, as well. The metrics for each subsequent year (years 2, 3, and 4) will be released by July of that year. In addition to the evidence that districts collect to ensure quality and fidelity of implementation (as articulated in the metrics document), the State will use several key measures to assess and encourage effective turnkey practice:

- teacher, principal, and district "customer" surveys – designed and conducted to determine:
    - participant learning in delivered professional development;
    - the extent to which practice is changing in classrooms and schools;
    - the support being offered aside from off-site professional development, particularly the extent of job-embedded coaching; and
    - the quality and fidelity of learning experiences, materials, and coaching.

- site visits, observations, and interviews

Finally, as the work of Common Core implementation progresses in New York State, it is becoming increasingly clear, that the State and nation need a common rubric to evaluate the authentic CCSS alignment of pedagogy, content, and assessment. New York State is partnering with Rhode Island and Massachusetts to build and use such a rubric so that the tri-state consortium (at the very least) has a consistent measure against which to assess educator practice and materials. The three states, in partnership with Achieve, conducted a peer review process of draft Common Core item in January and will conduct a second process in March. Materials that were determined to be aligned will be made public shortly.

Teacher Centers

Another major resource for teachers in New York State is the state's network of Teacher Centers.[4] Teacher Centers collaborate with teachers, districts, schools, institutions of higher education and other education stakeholders (including several private sector partners) to provide tens of thousands of professional development opportunities every year. Teacher Centers are primary supporters and trainers of the development and implementation of New York's Professional Development Plan requirement, and its alignment with the New York State Professional Development Standards. Teacher Centers also support NYSED's implementation of APPR requirements.

As part of their renewed funding in 2011-12, all Teacher Centers were asked to provide plans of the following in their Continuation Application:

- Collaboration with the Network Teams and Network Team Equivalents to receive, turn-key, and enhance trainings delivered by these groups as an intentional part of the State's professional development efforts; and
- Programs that specifically relate to RTTT initiatives – particularly the implementation of the standards, teacher/leader evaluation, and data driven inquiry.

Teacher Centers included work plans for each of the three Regents Reform Agenda initiatives.

Their work plan related to standards and assessments (PD in content and pedagogy) includes:

- enhancing and deepening teacher content knowledge of New York State P-12 CCSS and their 12 instructional shifts;
- understanding and applying New York State P-12 CCSS to instruction and ongoing assessment of student learning;
- aligning current practice with P-12 CCSS (lesson plans, etc.);
- developing and using local assessments aligned to P-12 CCSS; and
- integrating technology into curriculum and instruction; and enhancing educators' strategies/skills for "shifting" instruction to meet student learning needs as it supports New York State P-12 CCSS.

In addition to the evidence Teacher Centers collect to ensure quality and fidelity of implementation, the state will use several key measures to assess and encourage effective turnkey practice:

- teacher, principal, and district "customer" surveys – designed and conducted to determine:
    - participant learning in delivered professional development;
    - the extent to which practice is changing in classrooms and schools;
    - the support being offered aside from off-site professional development, particularly the extent of job-embedded coaching; and
    - the quality and fidelity of learning experiences, materials, and coaching.

[4] Information on New York State Teacher Centers is found at http://www.p12.nysed.gov/ciai/teachercenters/home.html.

- site visits, observations, and interviews

Regional Special Education Technical Assistance and Support Centers (RSE-TASC)

The State funds 10 Regional Special Education Technical Assistance and Support Centers (RSE-TASC) coordinated by the Coordinator for Special Education Policy and Professional Development along with BOCES (District Superintendents). RSE-TASC's are staffed with teams of highly trained special education specialists who provide regional training and embedded professional development to school personnel on research-based instructional strategies, particularly in the areas of literacy, behavior, and specially-designed instruction and individualized education program development to support students with disabilities in participating and progressing in the curriculum to meet the common core standards.

Does the SEA intend to provide professional development and supports to prepare principals to provide strong, supportive instructional leadership based on the new standards? If so, will this plan prepare principals to do so?

New York State sees principals as the linchpin in any school based change process. Our efforts, therefore, are targeted at providing principals with four avenues for support and development:

- high-quality online materials, provided through EngageNY.org (some specifically designed for principals, but all designed for school improvement) so that this might guide their own learning and implementation as well as that of their faculty and staff;
- turn-keyed professional development (originally provided by the State) which crisply explains what a principal must do in order to conduct a phased implementation of the standards;
- job-embedded supports provided by Network Teams, district staff, and local coaches; and
- direct training for principals of Priority Schools by external experts, selected through a rigorous review process and funded by Race to the Top, on how to lead the implementation of the ELA and Math Common Core Standards, how to embed a system of data-driven inquiry (DDI) in the instructional cycle used by their own teachers, and how to use Evidence-based Observation of Practice to improve instruction.

6. Preparing New Educators

Does the SEA intend to work with the State's IHEs and other teacher and principal preparation programs to better prepare—incoming teachers to teach all students, including English Learners, students with disabilities, and low-achieving students, to the new college- and career-ready standards; and incoming principals to provide strong, supportive instructional leadership on teaching to the new standards? If so, will the implementation of the plan likely improve the preparation of incoming teachers and principals?

The Board of Regents and NYSED are working with traditional and alternative educator preparation programs across the state to ensure that New York State's next generation of educators is ready to support students in attaining the new college- and career-ready standards. New York State's plan includes an overhaul of New York State's educator certification exams to align them with the Common Core; a new outcomes-based accountability system for educator preparation programs; and capacity building for higher education faculty.

New Certification Exams

In November 2009, the Board of Regents directed NYSED to develop new certification exams for initial and professional certification of teachers and school building leaders. These new exams are consciously designed to reflect the Common Core shifts, with more constructed-response items and a mix of informational and literary text-based prompts. The performance expectations for educators will be significantly higher than on the old certification exams, to reflect the new, higher college- and career-readiness standards for students.

Content Specialty Tests

Research demonstrates the link between student achievement and teacher content knowledge—particularly in math.[5] Accordingly, the Department is developing more rigorous Content Specialty Tests (CSTs), aligned with the Common Core, to assess new teachers' mastery of knowledge in content areas they will be teaching. One of the most significant changes is in the Multi-Subject CST required for elementary teachers. In the past, candidates could compensate for weak performance in one subject (such as math) with stronger performance in other subjects. On the new CST, New York State will ensure that elementary teachers have the content knowledge necessary to effectively teach to the Common Core standards by requiring candidates to separately pass each subtest: ELA/Literacy, math, and arts and sciences.

Academic Literacy Skills Test

The New York State Common Core learning standards in ELA/Literacy require teachers across the disciplines to be critical readers, to engage with informational texts, and to reason using evidence. Thus, a new Academic Literacy Skills Test will demand a high standard of reading comprehension and analysis, written expression, and written analysis.

Educating All Students Test

New York State, like many states, faces persistent achievement gaps for ELLs, students with disabilities, and black and Latino students. Therefore, the new Educating All Students test is designed to ensure that all incoming teachers and school building leaders understand how to address the learning needs of diverse student populations and how to support them in attaining the new college- and career-ready standards.

School Building Leader Performance Assessment

Finally, New York State's paper-and-pencil tests of pedagogy and school leadership will be replaced by new performance assessments that evaluate practice-based pedagogical and instructional leadership skills that have been proven to have a positive impact on student achievement. For the Teacher Performance Assessment, which is grounded in the New York State Teaching Standards, candidates will upload a portfolio of work to a web-based platform and will provide:

- two videos, each of a 15 to 20 minute Common Core-aligned lesson;

[5] Heather Hill, Brian Rowan and Deborah Ball link elementary teacher mathematical content knowledge to elementary student achievement (American Educational Research Journal, 2005). Liping Ma's 1999 book, Knowing and Teaching Elementary Mathematics, documents gaps in mathematics knowledge of elementary teachers in U.S. compared to China.

- a lesson plan that includes intended outcomes and demonstrates an understanding of the students, their prior achievement data, and their learning needs; and
- post-lesson reflection, analysis of student learning data/outcomes, and plans for future lessons.

The School Building Leader Performance Assessment will be aligned with the Interstate School Leaders Licensure Consortium (ISLLC) 2008 standards, and will have a strong emphasis on instructional leadership tasks. Candidates will be required to analyze student achievement data, observe and evaluate classroom instruction using a teacher practice and provide teachers with the feedback and support they need to improve their effectiveness at delivering Common Core-aligned lessons.

Holding Preparation Programs Accountable for Outcomes

NYSED will work to ensure that educator preparation programs will make the major changes that are needed to prepare candidates for these new, higher standards. Consistent with the federal policy direction articulated in ***Our Future, Our Teachers: The Obama Administration's Plan for Teacher Education Reform and Improvement (2011)***, NYSED will hold preparation programs accountable for student outcomes and educator effectiveness in addition to pass rates on certification exams. In our RTTT application, New York State committed to creating "institutional performance profiles" for all teacher- and principal-preparation programs in the State. The profile reports will be designed with Higher Education input and will include program-by-program information about:

- effectiveness of program graduates in promoting student learning, as measured by new teacher and principal evaluation systems;
- performance of graduates on the new certification exams; and
- percent of graduates certified/employed/retained overall and in shortage subjects and high-need schools, to gauge program effectiveness in preparing, placing, and supporting educators in alignment with district needs.

Other states have had success with this type of approach. In Louisiana, for example, which measures and reports a variety of teacher and preparation statistics, some preparation programs are now preparing new teachers whose effectiveness is significantly higher than that of the average experienced teacher in the state.

Building Program Capacity

NYSED is engaging SUNY and CUNY partners to deliver professional development to higher education faculty and administrators in the arts and sciences as well as to those in schools of education. Regional programming, drawing on the Network Team Institutes and Teacher Centers as models, will provide participants with a deep grounding in the Common Core and the new certification requirements.

NYSED will also provide educator preparation programs with new tools and models to enhance their programs. For example, clinical preparation faculty will have access to the web-based Teacher Performance Assessment system, which they can use formatively with candidates to support their

skill development. And NYSED has awarded 11 institutions RTTT-funded grants to develop clinically-rich graduate-level teacher-preparation pilot programs with a focus on preparing candidates to work with students with disabilities and ELLs, and in the sciences, which it will study to identify promising practices that can be replicated and scaled up across the state.

7. Assessment

Does the SEA plan to evaluate its current assessments and increase the rigor of those assessments and their alignment with the State's college- and career-ready standards, in order to better prepare students and teachers for the new assessments through one or more of the following strategies:

> *Raising the State's academic achievement standards on its current assessments to ensure that they reflect a level of postsecondary readiness, or are being increased over time to that level of rigor? (E.g., the SEA might compare current achievement standards to a measure of postsecondary readiness by back-mapping from college entrance requirements or remediation rates, analyzing the relationship between proficient scores on the State assessments and the ACT or SAT scores accepted by most of the State's 4-year public IHEs, or conducting NAEP mapping studies.)*
>
> *Augmenting or revising current State assessments by adding questions, removing questions, or varying formats in order to better align those assessments with the State's college- and career-ready standards?*

An essential step in the adoption of the Common Core is the redesign of all New York State assessments. NYSED has begun a fundamental redesign of the Grade 3-8 mathematics and English Language Arts and Regents assessments in mathematics, ELA, science and social studies. To ensure that New York State assessments are aligned to the Common Core requires an assessment design that measures the standards with fidelity, setting performance standards using contemporary best practice that integrates professional judgment and empirical data, as well as robust, comprehensive and ongoing validation.

Measuring the Common Core with Fidelity

The College Board alignment study and the identification of the 12 Shifts provided a roadmap for the design of the 3-8 mathematics and ELA Common Core-aligned assessments that will be administered in spring 2013, as well as the Regents mathematics and ELA Common Core-aligned assessments that will begin roll-out in spring 2014. The assessments will measure the Common Core with fidelity through rigorous selected-response items that measure conceptual understanding (rather than discrete, decontextualized facts) and performance tasks that require problem-solving (mathematics) and writing in response to text (ELA). For each ELA and mathematics assessment, the instructional Shifts demanded by the Common Core will be reflected in the assessments as described below:

In ELA

- Passages will be authentic and balanced across informational and literary texts.
- Assessment will contain knowledge-based questions about the informational text; students will not need outside knowledge to respond.
- Passage selection will be based on text complexity that is appropriate to grade level as defined by the Common Core.

- Questions will require students to marshal evidence from the text, including from paired passages.
- Students will be tested directly on the meaning of pivotal, common terms, the definitions of which can be discerned from the text. Academic vocabulary will also be tested indirectly through general comprehension of the text.

In Mathematics

- Priority standards will be the focus of the assessments. Other standards will be deemphasized.
- Assessments will reflect the progression of content and concepts as depicted in the standards across grade levels.
- It will be assumed that students possess the required fluencies as articulated through grade 8; as such, calculator use will not be permitted in early grades.
- Each standard will be assessed from multiple perspectives, while not veering from the primary target of measurement for the standard.
- Students will be expected to know grade-level mathematics content with fluency and to know which mathematics concepts to employ to solve real-world mathematics problems.

Although the 2012 assessments will be aligned to the 2005 New York State Standards, New York State will provide educators, students and parents throughout the State with an analysis of how the 2012 assessment results align with the Common Core and NAEP frameworks to signal the upcoming changes demanded by the new standards.

New York State has a thorough test development process that ensures curricular validity and that New York State educators are involved at each step of item development.[6] In addition, the assessment staff of NYSED will benefit from ongoing guidance from the expert Content Advisory Panels. Finally, the assessment staff in NYSED has partnered with nationally-renowned mathematics and ELA experts in the Common Core from both the College Board and Student Achievement Partners. Taken together, New York State is leading the way in determining what it means to measure the Common Core with fidelity within the constraints of large-scale assessment.

Setting Performance Standards

New York State has pioneered the practice of using post-secondary performance data to empirically inform the performance standards on our State assessments. The approach to setting performance standards for New York State in 2010 described here will serve as a roadmap to setting performance standards for the Common Core aligned assessments.

In 2009, nationally-renowned assessment experts and members of the New York State Technical Advisory Group, Drs. Howard Everson (CUNY) and Daniel Koretz (Harvard University) investigated the rigor of the performance standards used for the high school ELA and Algebra I

[6] NYS certified teachers participate in Item Development, Item and Passage Review, Rangefinding, and Final Eyes Review Committees for the Grades 3-8 English Language Arts and Mathematics tests, as well as the Grades 4 and 8 Science Tests and all high school Regents Exams. http://www.p12.nysed.gov/apda/teacher/home.html#process

Regents examinations. Passing scores of 65 are required on Regents exams in order to obtain a high school diploma in New York State. In their analyses, student performance on the two Regents exams was used to predict grades in the comparable credit-bearing courses for first year students at the City University of New York (CUNY), the community college system within NYC. The four-year graduation rate for all students in the 2006 cohort was 73.4 percent; however, based on the research by Everson and Koretz, only 36.7 percent scored high enough on the ELA and mathematics Regents to have a high probability of scoring a C or better in entry-level courses at CUNY. The Regents scores required to achieve a passing score in the CUNY courses were then backmapped to the 3-8 assessments to set the cut-scores for basic proficiency and for proficiency.

This empirically-based approach to setting rigorous, college-ready performance standards for high-school and grades 3-8 assessments will continue to be used as New York State redesigns all of its assessments to be aligned to the Common Core. Through New York State's P-20 data system, student performance at CUNY and SUNY schools can be leveraged to inform the performance standards. In addition, through New York State's data-sharing agreement with the College Board, New York State student performance on PSAT/NMSQT, SAT, and AP assessments can be leveraged to inform the performance standards. A pilot of this empirically-based approach will occur in 2012.

Robust, Comprehensive and Ongoing Validation Strategy

To ensure that the design and implementation of the New York State assessments meet the rigorous expectations demanded by the Common Core, NYSED will design and execute a comprehensive and ongoing empirical validation strategy to collect and analyze a variety of evidence regarding our assessments. This evidence will be used to evaluate the quality, and when necessary, improve the rigor of our assessments. Leveraging the P-20 data system and our data-sharing partnership with the College Board, and under the guidance of New York's Technical Advisory Group and Content Advisory Panels, NYSED has begun to design this validation strategy.

Universal Design Reviews

As New York State's assessments transition to the Common Core, the state's tests will continue to adhere to the rigorous guidelines set forth in the Standards for Educational and Psychological Testing (AERA, APA, NCME, 1999), as well as the United States Department of Education's peer review process. During the State's transition, which begins in the 2012-13 school year, all new assessment content frameworks, test specifications, and items will undergo the scrutiny of full Universal Design reviews prior to operationalization. Additionally, each assessment item and passage is subjected to a 36-part Universal Design Review checklist to ensure the item or passage will perform as expected for all students, especially our state's population of students with disabilities. Finally, NYSED prides itself on its comprehensive accommodations policies and procedures that ensure all students with disabilities will continue to access the state's assessments as the tests transition to the Common Core.

Partnership for Assessment of Readiness in College and Careers

A major component of New York State's assessment reform initiative is New York State's membership in the Partnership for Assessment of Readiness in College and Careers (PARCC). As a Governing member, New York State plays an active role in the design of these new assessments.

New York State readily shares with the other PARCC states the advancements that we have made in understanding how to measure the Common Core with fidelity.

New York State Assessment Transition Plan: Science and Social Studies

The next generation of New York State science assessments at grades 4 and 8, and high school Regents examinations in four subject areas, will reflect a greater emphasis on the core ideas and cross-cutting concepts for each discipline, as outlined in the National Research Council's Next Generation Science Frameworks (http://www.achieve.org/next-generation-science-standards). The assessments will move away from testing discrete facts and toward a greater emphasis on testing the understanding and application of the underlying concepts that cut across the disciplines (earth science, life sciences, physical sciences and engineering). New York State serves as a Lead State in the development of the Next Generation Science Standards, and will – subject to their approval by the Board of Regents – leverage these new Standards to inform the design and development of New York State assessments. In social studies, the assessments will reflect the orientation of the CCSS in ELA/Literacy for History and the social sciences, as well as the Common Core for mathematics. This means that the assessments will reflect a move away from the recitation of lists of facts throughout history and toward a greater emphasis on synthesis and evaluation of ideas and concepts as realized through reading and analysis of primary and secondary source documents. The assessments will also reflect a higher proportion of document-based questions to assess the higher-order critical thinking skills necessary for students to be ready for college and careers.

8. Coordination across State Agencies

The New York State Board of Regents sets overall education policy for the State of New York and oversees The University of the State of New York (USNY).[7] While USNY has one main purpose – providing knowledge and skills to all – it carries this policy out in many ways. USNY is the most complete, interconnected system of educational services in the United States. USNY includes:

- more than 7,000 public and private elementary and secondary schools;
- 248 public and private colleges and universities;
- 251 proprietary (for-profit) schools;
- nearly 7,000 libraries, including the New York State Library;
- 750 museums;
- the State Archives;
- vocational rehabilitation and other services for adults with disabilities;
- special education services for pre-school and school-age children and teenagers;
- a School for the Blind;
- a School for the Deaf;
- 25 public broadcasting facilities, including seven public television stations;

[7] Information adapted from http://usny.nysed.gov/about/aboutusny.html.

- more than 750,000 professionals practicing in 48 licensed professions, including, for example, pharmacy, architecture, accounting, and nursing; and
- 240,000 certified public school teachers, counselors, and administrators.

Although these organizations are dedicated to maintaining and improving education, they largely work within their respective sectors. Each entity of this educational system then, is both an official and an organic component of the University of the State of New York. The challenge and the opportunity is for the sectors to work together as a whole, bringing unmatched levels of resources, people, information, facilities, technology, artifacts, and relationships together to address educational issues of the twenty-first century.

1.C Develop And Administer Annual, Statewide, Aligned, High-Quality Assessments That Measure Student Growth

Select the option that pertains to the SEA and provide evident corresponding to the option selected.

Option A

☒ The SEA is participating in one of the two State consortia that received a grant under the Race to the Top Assessment competition.

Attach the State's Memorandum of Understanding (MOU) under that competition. (Attachment 6)

Option B

☐ The SEA is not participating in either one of the two State consortia that received a grant under the Race to the Top Assessment competition, and has not yet developed or administered statewide aligned, high-quality assessments that measure student growth in reading/language arts and in mathematics in at least grades 3-8 and at least once in high school in all LEAs.

Provide the SEA's plan to develop and administer annually, beginning no later than the 2014~2015 school year, statewide aligned, high-quality assessments that measure student growth in reading/language arts and in mathematics in at least grades 3-8 and at least once in high school in all LEAs, as well as set academic achievement standards for those assessments.

Option C

☐ The SEA has developed and begun annually administering statewide aligned, high-quality assessments that measure student growth in reading/language arts and in mathematics in at least grades 3-8 and at least once in high school in all LEAs.

Attach evidence that the SEA has submitted these assessments and academic achievement standards to the Department for peer review or attach a timeline of when the SEA will submit the assessments and academic achievement standards to the Department for peer review. (Attachment 7)

PRINCIPLE 2: STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

2.A DEVELOP AND IMPLEMENT A STATE-BASED SYSTEM OF DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

2.A.i Provide a description of the SEA's differentiated recognition, accountability, and support system that includes all the components listed in Principle 2, the SEA's plan for implementation of the differentiated recognition, accountability, and support system no later than the 2012–13 school year, and an explanation of how the SEA's differentiated recognition, accountability, and support system is designed to improve student achievement and school performance, close achievement gaps, and increase the quality of instruction for students.

In January of 2009, New York was one of nine states that the United States Department of Education (USED) approved to operate a Differentiated Accountability (DA) Pilot (http://www.p12.nysed.gov/accountability/APA/Differentiated_Accountability/DA16toUSED.pdf). Through this pilot, NYSED sought to combine the State's accountability system and the lessons learned about how to support low performing schools with the requirements of ESEA. The State's goal was to create a single cohesive and comprehensive system for school and district accountability, which, in turn, worked to support dramatic gains in student achievement across the state. In December of 2009, the New York State Board of Regents took the next step in creating the conditions for increased student achievement, and approved a bold reform agenda focused on improving the lowest achieving schools and creating excellent schools across the State that prepare all students for college and careers.

This agenda was accelerated with the successful second round RTTT award from the USED and several large federal grant program awards, including a competitive federal Charter School Program grant award; adoption of the NYS Common Core Learning Standards; revision of the system for preparation of, in-service support to, and evaluation of teachers and principals; and alignment of the Schools Under Registration Review (SURR) Process[8] with the identification of persistently lowest achieving schools (PLA) and the four Federal School Intervention Models that are supported by federal School Improvement Grant (SIG) (§1003(g)) funding.

The Regents' Reform Agenda is grounded in four core strategies:

- Implementation of the CCSS in all NYS schools (as described in Principle 1);
- Building instructional data systems that measure student success and inform teachers and principals how they can improve their practice (as described in Principle 1 and Principle 3);

[8] The SURR process was established in 1989 to identify for registration review schools that are farthest from a state standard in English language arts or mathematics and determined by the Commissioner to be most in need of improvement. Identified SURR schools are required to restructure their educational programs, staff, and operations to support increased student achievement. Schools that fail to meet targets established by the Commissioner are at risk of having their registration revoked. In 2009, Commissioner's Regulations were revised to merge the processes for identification of persistently lowest achieving schools and SURR schools so that schools that are identified as PLA are simultaneously preliminarily identified as SURR. In addition, SURR schools are required to implement one of four Federal intervention models and those that demonstrate the ability to fully and effectively implement a model according to the timelines prescribed by the United States Department of Education receive School Improvement Grants. In the future, Priority Schools will be identified as SURR schools if they fail to implement a plan aligned to either the four SIG intervention models or the Turnaround Principles. (See Attachment 21 for Commissioner's Regulations Section 100.2(p) that stipulate the SURR process.)

- Promotion of effective teachers and leaders through the implementation of a multiple measures evaluation tool, with aligned supports and professional development (as described in Principle 3); and

- Turning around the lowest performing schools, through our comprehensive system of identification, supports, and monitoring, as described in Principle 2.

Recent Regents Action Steps Supporting School Turnaround

- Board adopts NYS Common Core Standards including PK standards – January, 2011
- Board adopts NYS Teaching Standards – January, 2011(revised in August, 2011)
- Board adopts Social/Emotional and Developmental Learning Guidelines – July, 2011
- Higher Education Committee endorses the use of the Interstate School Leaders License Consortium (ISLLC) school leadership standards as the basis for the Department's work on the Cohesive Leadership System – June, 2009
- Board adopts policy on Improving Student Achievement and School Performance through Parent and Family Partnerships – January, 2007 (revised from 1991 policy)

NYSED's request for an Elementary and Secondary Education Act (ESEA) waiver is the next logical step in this reform agenda. New York State already has a well established system of differentiated accountability and support to build upon, which is codified in state statute, regulation, and New York's approved USED Differentiated Accountability Pilot. This waiver would provide the State with an opportunity to further align elements of the Regents' Reform Agenda with how we approach and define accountability at both the individual and institutional level, leading to improvements in student achievement and school performance. By clarifying the optimal conditions for learning and desired educational practices that we will support schools and districts in implementing, we can focus resources and efforts on closing achievement gaps and increasing the quality of instruction for all students.

The Board of Regents is committed to shifting NYSED's accountability efforts from a compliance and inputs-based system to one that is performance and outcomes oriented. To do this, NYSED has developed a new theory of action which re-orients our State accountability system at both the individual (teacher and principal) and institutional (school building and district) levels to be better linked with the Regents Reform Agenda and our RTTT approved Scope of Work. We will build our supports based upon how we know effective schools and districts operate, and use transparent communication tools to make our work public and easily accessible to all New Yorkers.

The intervention efforts critical to New York State's achievement will be accomplished by the following key tenets of our new theory of action:

- Incorporating into New York State's accountability system a growth component and standards that are better aligned with college- and career-readiness, including raising the achievement level – at the school level – required for high school proficiency in English language arts and mathematics so that students who obtain this standard are well-prepared to

- Creating a more coherent system of classification of schools and districts with performance categories better matched to New York State's needs.
- Better aligning supports and interventions for identified schools and districts with key components of the Regents Reform Agenda, such as the implementation of the CCSS, the creation of a system of data-driven inquiry in schools, and the promotion of teacher and principal effectiveness through systemic professional development aligned to principal and teacher evaluations.
- Developing additional measures of school success to be used to identify Reward Schools, including reviewing graduation rates for students who begin high school at Levels 1 and 2; percentages of students who receive Regents diplomas with advanced designation and Career and Technical Education endorsements; and in elementary and middle schools, growth of students whose growth percentiles the previous year placed them in the bottom quartile for their school.
- Revising New York State's consolidated application for Federal funding to incorporate new set-asides that will require districts to demonstrate how they are using funds to comprehensively and coherently implement the turnaround principles in Priority Schools and the components of the Regents Reform Agenda in all schools along the accountability continuum.
- Developing and aligning systems to identify and address the needs of English Language Learners and Students with Disabilities within the various intervention efforts.
- Building upon our experiences and knowledge of working with struggling schools to provide schools and districts with interventions via targeted technical assistance, support by way of professional development opportunities, and assistance in developing partnerships with organizations with demonstrated success in helping districts and schools to implement proven interventions.

A table detailing the key changes that will occur in New York's accountability system as a result of approval of this waiver application can be found in Attachment 12.

2. Current Status of Accountability in New York

During the past two decades, New York has pursued dramatic school change through a variety of interventions and policy initiatives, including Chapter 57 of the Laws of 2007, NYSED's Differentiated Accountability system, the Schools Under Registration Review (SURR) process, the actions taken to integrate the ESEA Title I, Title III, and Individuals with Disabilities Education Act (IDEA) accountability systems, and the Board of Regents P–12 Strategy. These initiatives have been supported further in the last five years by a strong statutory and regulatory framework put in place by our Board of Regents and the New York State Legislature, described below.

Chapter 57 of the Laws of 2007, and the New York State Differentiated Accountability Pilot

The State legislature, through the passage of Chapter 57 of the Laws of 2007, increased the focus on intervening in low performing schools to improve achievement and target resources toward school improvement through the Contracts for Excellence program. This legislation also prescribed the intervention actions that were to be undertaken by the Department (described below), and subsequently were included in New York State's approved ESEA Differentiated Accountability pilot.

New York State's differentiated accountability model bases accountability designations on both the degree to which a school manifests systemic failure of groups of students to make AYP and the length of time such failure has persisted. The model creates three distinct phases of improvement, ***Improvement, Corrective Action*** and ***Restructuring***, that are based on the number of years a school fails to make AYP. In addition to these phases, SED identifies for Registration Review (SURR) those schools that are persistently lowest achieving based on combined ELA and mathematics performance and/or high school graduation rate for the all students group. Within each phase a school utilizes the findings of a specific diagnostic and/or support (School Quality Review, Curriculum Audit, and Assignment of a Joint Intervention Team or Distinguished Educator) to create and implement a school improvement plan. A school moves from one phase to the next when it fails to achieve AYP for two years. SURR schools that fail to make progress will be accelerated into the NCLB restructuring phase and may be assigned a Distinguished Educator (More information on the Distinguished Educator program, including the selection and assignment process, is provided in Section 2.D.iii c and can also be found at: http://www.p12.nysed.gov/accountability/iebp/DEProgram.html). Under this system, the rigor of the interventions as well as the intensity of district and SED oversight increases as a school moves from one phase to the next.

The three phases are further differentiated into three categories (differentiated by the number of accountability measures and student groups not making AYP): ***Basic***, for the Improvement phase only; ***Focused***; and ***Comprehensive*** (see Attachment 16 for the chart entitled New York State's Differentiated Accountability Model, prior to the ESEA Flexibility Waiver.) Each category is determined by the degree to which there has been systemic failure of groups of students to make AYP. This model is designed to empower districts and give them the support and assistance necessary to take primary responsibility for developing and implementing improvement strategies in schools that are persistently failing to make AYP with groups of students. In such instances, districts have considerable flexibility to work with schools to design improvement plans that are tailored to the specific circumstances of the school.

The depth, scope, and comprehensiveness of each intervention vary by phase and category, as does the provider of support and oversight:

- Schools in improvement are required to participate in a school quality review (SQR), to include at a minimum a self-assessment of the educational program, using quality indicators in a form and content prescribed by the commissioner (Education Law §211-b; 8 NYCRR §100.2[p][6][iv][a][1]). The LEA and school must develop a school improvement plan to address the findings of the school quality review. The Department has protocols in place for the SQR, which can be found at: http://www.p12.nysed.gov/accountability/School_Improvement/SQR.html .

- Schools in corrective action are required to participate in a curriculum audit, called an External School Curriculum Audit (ESCA) to assess the school's educational program. The school shall be assisted by a school quality review team, with district representation, appointed by the commissioner. (Education Law §211-b; 8 NYCRR §100.2[p][6][iv][b][1]). The LEA and school must develop a corrective action plan to address the findings of the curriculum audit. The Department has protocols in place for the ESCA, which can be found at: http://www.p12.nysed.gov/accountability/School_Improvement/esca.html .

- The Commissioner appoints a Joint Intervention Team (JIT) to conduct an on-site audit of the school program of schools in restructuring. The JIT then provides the LEA with recommendations that must be addressed in a restructuring plan by the LEA., which is subject to the Commissioner's approval. These plans must include fundamental reforms such as significant changes in the staff, governance, or organization of the school, and may include closing or phasing out the school (Education Law §211-b; 8 NYCRR §100.2[p][6][iv][c]). The Department has protocols in place for the JIT Reviews, which can be found at: http://www.p12.nysed.gov/accountability/School_Improvement/JIT.html .

- LEAs with schools identified as persistently lowest achieving (PLA)/SURR are required to develop plans to implement one of the four models (turnaround, closure, restart, or transformation) that are subject to the approval of the Commissioner. (8 NYCRR §100.2[p][10][ii]).

In addition to outlining the interventions for schools in improvement, corrective action, restructuring, and PLA/SURR status, Commissioner's Regulation 100.2[p][8] also defines the methodology for identifying high performing and rapidly improving schools and districts in New York State.

Enhanced Accountability through Education Law

In 2010, as part of a series of legislative reforms aligned with the Board of Regents Reform Agenda and our Race to the Top application, the New York State Legislature enacted Education Law §211-e, which allows the Commissioner to approve a board of education or Chancellor (in New York City) to contract with an educational partner organization (EPO) to intervene in a school designated by the Commissioner as persistently lowest achieving and/or school under registration review. (Education Law §211-e[1]). Under this statute, EPOs assume the authority of a Superintendent, including the ability to make recommendations to the board of education (or Chancellor in New York City) regarding the school's budget, staffing, student discipline decisions, curriculum, daily schedule and school calendar. Contracts between the district and the EPO must include appropriate performance targets with defined sets of instructional and programmatic responsibilities.

Schools Under Registration Review

Under Education Law §210, the Regents have the authority to register New York State educational institutions. Pursuant to §100.2(p) of the Commissioner's regulations, only registered public and nonpublic high schools may issue diplomas and administer Regents examinations. Any public school in a school district that is identified as being among those that are farthest from meeting the benchmarks established by the Commissioner or as being a poor learning environment may be identified as a School Under Registration Review (SURR) (8 NYCRR §100.2[p][9]). A SURR must undergo a resource, planning, and program audit, and is required to develop and implement a

restructuring plan that outlines how the school will implement one of four federal (8 NYCRR §100.2[p][10][i]). If a SURR fails to demonstrate adequate improvement within a specified timeframe, usually two full school years, its registration may be revoked by the Board of Regents (8 NYCRR §100.2[p][10][iii]). Following revocation of a school's registration, the Commissioner has the authority to develop a plan to ensure that the educational welfare of affected students is protected (8 NYCRR §100.2[p][10][iii]). In June 2010, the Board of Regent voted to amend Commissioner's Regulation §100.2(p) to merge the identification of persistently lowest achieving schools with Schools under Registration Review, and to require that SURR schools implement one of the four federal intervention models as part of their required restructuring plan (8 NYCRR §100.2[p][9],[10],[11]).

A SURR must undergo a resource, planning, and program audit, and is required to develop and implement a restructuring plan that outlines how the school will implement one of four federal intervention models (8 NYCRR §100.2[p][10]). If a SURR fails to demonstrate adequate improvement within three academic years, the Commissioner shall recommend to the Board of Regents that its registration be revoked (8 NYCRR §100.2[p][10][vi]). Following revocation of a school's registration, the Commissioner has the authority to develop a plan to ensure that the educational welfare of affected students is protected (8 NYCRR §100.2[p][10][vi]).

Actions to Integrate ESEA Title I, III, and IDEA Accountability Systems

The New York State Education Department has taken steps to align the Accountability Systems under NCLB (Title I AYP), Title III (Annual Measurement Achievement Objectives [AMAOs]), and the Individuals with Disabilities Education Act (IDEA) when identification of a school and/or district is a result of poor performance of the students with disabilities and/or the ELL subgroups. This action will result in greater continuity in the assessment of the needs of these schools/districts and the resulting supports and interventions.

To accomplish this, the Office of Special Education has revised its performance criteria for determination of school districts under IDEA as "Needs Assistance" or "Needs Intervention" to be based primarily on whether a school district has one or more schools not making AYP for the students with disabilities subgroup.

The State is also, to the extent resources allow, assigning a Special Education School Improvement Specialist (SESIS) 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. In addition, for districts determined to be "Needs Intervention," staff from the NYSED P-12 Office of Special Education (OSE) will participate in the Joint Intervention Team reviews. Upon completion of such reviews, a determination will be made as to which school(s) in the district the SESIS will work with through its "Quality Improvement Process" that will lead to systemic instructional improvements particularly in the areas of literacy instruction, behavioral supports and/or the provision of specially designed instruction for students with disabilities. For further information on RSE-TASC, see http://www.p12.nysed.gov/specialed/techassist/rsetasc/ .

For districts not meeting Title III AMAOs, the Office of Bilingual Education and Foreign Language Studies (OBE-FLS) will continue to focus on those schools identified because of the performance of ELL students. The State will continue to direct its technical assistance resources to the schools identified for the ELL subgroup. School districts identified for failing to meet AMAOs under Title

III for two consecutive years are required to submit an Improvement Plan and those failing to make AMAO for four consecutive years are required to develop a Corrective Action Plan. Additional information regarding AMAOs and required plans can be found on the OBE-FLS website: http://www.p12.nysed.gov/biling/NEWTIII.html.

The USED cited New York's leadership in turning around low-performing schools in its study, ***Turning Around Low-Performing Schools: A Guide for State and Local Leaders (1998).*** In that publication, USED highlighted Registration Review as a successful strategy for intervening in chronically low-performing schools. ***Education Week***'s annual report, ***Quality Counts***, has for the last decade given New York an "A" rating each year for its system of standards, assessments, and accountability, and in the 2012 edition of ***Quality Counts***, New York received a perfect score of 100 for its accountability system. Additionally, preliminary findings from a state-commissioned external evaluation of the effectiveness of the current Differentiated Accountability pilot suggest that both Department staff conducting Differentiated Accountability interventions, as well as schools and districts implementing the interventions, have found the processes and interventions useful. According to the evaluators, most schools reported that they found the SQR, JIT, and ESCA helpful in the development and revision of their Comprehensive Educational Plans[9].

From its long experience working with low-performing schools, NYSED has learned valuable lessons regarding the characteristics of these schools and the districts in which they are concentrated, the areas in which these schools struggle, the types of interventions necessary to turn them around, and the challenges of sustaining improvement over time. While these interventions have contributed to New York State's four-year cohort graduation-rate increase in recent years, despite rising graduation standards, far too many students – particularly Black, Hispanic and low-income students, English language learners, and students with disabilities – fail to either graduate or to graduate college- and career-ready.

Despite the successes New York State has realized, and the national recognition we have received, we know that we have room for improvement. While the intent of our current Differentiated Accountability system is to calibrate the diagnosis, plan, and interventions to match the particular needs of schools and districts at each stage of the accountability continuum, we believe that we can reduce the burden upon districts and increase the efficacy of our supports and interventions by consistently using a single diagnostic tool and planning process to track the progress of schools and districts in addressing their areas of need. This effort is consistent with the actions that the Board of Regents has taken as articulated in Principle Four to reduce duplicative and unnecessary burdens upon school districts through a program of mandate relief.

3. Executing the New Theory of Action

New York State's revised comprehensive system of differentiated supports and interventions aligned to the Regents Reform Agenda will provide increased opportunities for improved student achievement and teacher practice. Building upon the strengths of the existing system as described in Section 2.A NYSED has identified the following challenges and complementary strategies that we

[9] The External Evaluation was begun in the winter of 2011 by Measurement Inc. From the 70 DA schools designated for study in Year 1, Measurement Inc. representatively sampled 20 schools for the first round of site visits, drawing from all geographic regions of the state, weighted in favor of the Big Five urban districts (NYC, Buffalo, Syracuse, Rochester, and Yonkers). The first round of site visits occurred between December 2011 and January 2012.

are currently pursuing to ensure that all students receive a high-quality education and that all families and communities are well served by our P-12 public schools.

CHALLENGE: ***Ensure the capacity of districts to support school turnaround.*** A turnaround strategy must encompass not only individual schools, but also districts. A school is frequently identified as persistently lowest-achieving because a district does not optimally utilize resources to support all of its schools.

> **STRATEGY:** ***Identify Focus Schools in a two stage process.*** First, the Commissioner will identify the districts with the lowest performing subgroups that are not demonstrating growth as Focus Districts. Second, Focus Districts will, with the Commissioner's approval, identify Focus Schools within the district. (See Section2.E.ii for a more information on the identification methodology.) In addition, districts not identified as Focus Districts, but that have schools that either have unacceptably large gaps in performance among groups of students or that persistently fail to make AYP for a group of students, will be required to develop a Local Assistance Plan to help the school address such issues (see Section 2.F).

CHALLENGE: ***Ensure that low-performing schools engage in whole-school reform, not a mere check-list of disconnected activities.***

> **STRATEGY:** ***Use a systematic approach to ensure that all students, both high and low performing, are college- and career- ready.*** While districts and schools will operationalize their approach to addressing these issues in different ways, New York State will require that Priority Schools implement the turnaround principles not in isolation, but rather through the adoption of systemic, whole-school reform models. (Section 2.D.iii provides detailed information on the standards that New York State will use to guide districts in the adoption of such models.)

CHALLENGE: ***Ensure that the support provided fits the needs of schools and districts.*** Due to variations in school and district capacity, there is no single intervention strategy that works in all situations. Schools and districts vary in their ability to devise and implement effective turnaround strategies. School districts must be viewed as whole systems and interventions should be built systemically, taking into consideration the capacity of the delivery chain(s). Brady (2003) ensures that an important aspect of building capacity is ensuring that the people working together provide a positive synergy towards improving schools.(See also Brinson & Rhim, 2009.) Again, building the systematic capacity of districts to support their persistently lowest-achieving schools is a key ingredient to success. Schools most typically succeed in large part because of effective district support. Districts must have a broad strategy, not just a school-by-school approach. In some cases, support external to the district may need to be leveraged to assist a school (see Fullan, 2003). It is critical that schools have assistance in coordinating the many and different resources available to them (see Murphy & Myers, 2008; Brinson & Rhim, 2009; Hess, 2008). It is equally critical that New York State works to assist districts and schools in determining the best intervention strategies matched to the needs of the school communities and to the district as a whole.

> **STRATEGY:** ***Employ a range of differentiated interventions and supports.*** New York State has developed a range of interventions that vary from the requirement for the development of a Local Assistance Plan by districts with strong capacity to support

schools, to the Commissioner's ability to assign a Distinguished Educator to assist low-performing districts in improving their academic performance, to the ability of districts with low-performing schools to contract with an Educational Partnership Organization to assume the role of the superintendent in such schools. New York State's Diagnostic Tool for School and District Effectiveness, comprehensive improvement plans, professional development offerings, and external partnership brokering will all have strands geared towards district support. (Please see Section 2A.5 for more information on the development of the Diagnostic Tool for School and District Effectiveness.)

New York will also require districts with identified schools to develop a District Comprehensive Improvement Plan that articulates how the district will use the full range of its resources, which may include Title I, Title II, and/or Title III funding to support improvement efforts in identified schools (see Section 2.D.iii for more information on the District Comprehensive Improvement Plan).

Both the Diagnostic Tool for School and District Effectiveness and the District Comprehensive Improvement Plan will provide an effective framework for managing the range of interventions and supports being provided by the State.

CHALLENGE: ***Ensure that teachers and leaders receive the support they need to be effective.*** School turnaround or transformation of a learning community, as a concept, has not proven itself at scale here in the US. Merely changing the administration and a significant percentage of a school's staff will not typically, in itself, engender dramatic school improvement.

STRATEGY: ***Encourage continuous improvement of teacher and leader effectiveness.*** Where appropriate, New York will insist that the use of a federal SIG/RTTT turnaround model that focuses on staff replacement be accompanied by a strategic plan to ensure the new vision of the school is actualized by employing a rigorous process to ensure that highly qualified and effective staff are selected and matched well with the school's needs, and that the needs of new staff members for curriculum, instructional, and student engagement professional development are fully met. (See Section 2.D.iii for how the State will employ this strategy.)

CHALLENGE: ***Ensure that the support is sustained.*** The gains that transformed schools make are often fragile. It takes continued sustained support to ensure that changes in the school's culture become institutionalized (see Hess, 1999). After schools improve performance, it is critical that they create viable strategic plans for sustainability that focus on those system elements described above, to avoid relapse into performance patterns that initially led to intervention.

STRATEGY: ***Continue State support after removal from status.*** Given the fragile nature of federal SIG/RTTT turnaround schools, New York State will continue to support model implementation. Schools that meet the conditions for removal from priority status and that have started to implement a whole-school reform model will continue to receive full support through the initial three years of program implementation. Focus Districts will continue to receive full support for one year following removal from focus status.

4. A New Approach to Differentiated Accountability and Recognition

New York State's goal for districts and schools is not for students to simply graduate from high school, but rather to be able to pass college-level course work without the need for remediation and/or to be able to be successfully employed in a position that requires technical skills and provides the opportunity for a career with advancement opportunities. New York recognizes that there are currently large gaps in high school graduation rates among the various ESEA accountability groups and that these gaps are even more pronounced when measured against college and career readiness standards.

The Regents' Reform agenda and New York State's new theory of action regarding accountability allows New York State to better focus on this goal of College and Career Readiness and closing gaps in student performance. At present, New York State uses the grades 3-8 ELA and mathematics tests; grades 4 and 8 science assessments; high school ELA and mathematics exams; and four- and five-year cohort graduation rates to hold schools and districts accountable for student results. Rather than create entirely new accountability measures, New York State will build upon existing structures to promote more appropriate and sophisticated identification of schools and districts by:

- incorporating into New York's accountability system standards that are better aligned with college and career readiness[10], including revising high school English language arts and mathematics accountability proficiency standards so that they represent a level of performance that means a student enrolling as a freshman in credit-bearing college courses has a high likelihood of being able to receive a grade of C or better;

- modifying how New York's grades 3-8 ELA and mathematics Performance Indices are computed to incorporate both proficiency and growth towards proficiency, using the well-established Student Growth Percentile[11] methodology, which is also the basis for computing for teachers of grade 4-8 ELA and math and their principals the growth measure component of their annual evaluation rating as described in Principle 3;

- using growth measures for all students, including ESEA subgroups, to determine which schools and districts are demonstrating progress compared to Statewide median growth percentiles as part of the process of determining Adequate Yearly Progress and identifying Reward, Focus and Priority Schools, and Focus Districts;

- revising its Annual Measurable Objectives (AMOs) (using Option C) to reflect the rigor required of college and career readiness standards, while at the same time making them realistic and attainable for schools and districts; and

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10 The Association for Career and Technical Education (ACTE) has stated that "career-ready core academics and college-ready core academics are essentially the same, thus creating overlap in the preparation students need to be ready for postsecondary education and careers." (See: http://www.acteonline.org/uploadedFiles/Publications_and_Online_Media/files/Career_Readiness_Paper.pdf) While readiness for careers also requires students to use academics in context as well as to acquire employability and technical skills, NYSED believes that the academic standards that apply to college readiness are equally valid for measuring the academic skill level a student should have to pursue a career upon graduation.

11 For detailed information on NY's Growth model, its use and its impact on accountability determinations Attachment 21 New York State Student Growth Percentile Methodology -A Technical Overview and Impact and "A Technical Overview of the Student Growth Percentile Methodology for the New York State Education Department" By Damian W. Betebenner. T he National Center for the Improvement of Educational Assessment Dover, New Hampshire February 3, 2012.

- ensuring strong accountability for improving subgroup graduation rates by identifying districts as Focused based on graduation rates for subgroups, identifying schools as requiring Local Assistance Plans based on their failure to make AYP for graduation rate for subgroups, making the number and percent of students from identified subgroups who fail to graduate a factor in determining the number of Focus Schools within the district and which specific schools are designated as Focus, and using the graduation rates of subgroups as a factor in the identification of reward schools. (See Section 2B for further details on how New York holds schools and district accountable for improving graduation rates.)

New York State's accountability measures will continue to evolve over the course of the waiver period and beyond. For example, NYSED expects that, in the future, subject to the availability of funds and the approval of the Board of Regents, new assessments in ELA in grades 9 and 10 will be administered and that the results of these will be incorporated into the accountability system. As other assessments are revised or developed (see Principle 1), they will allow New York State to establish school and district accountability goals at all grade levels that are even better aligned with ensuring college- and career-readiness. In addition, as New York State's longitudinal data system begins to capture new data elements or captures existing data elements more fully at the individual student level, there will be opportunities for the Regents to consider including in the accountability system measures of post-secondary readiness such as: college retention and credit accumulation; performance on measures of college readiness (e.g., Advanced Placement (AP), International Baccalaureate (IB), SAT and American College Testing (ACT)); Career and Technical Education (CTE) program completion and industry certification; and high school course credit earned in middle school and college credit earned in high school. Over the term of the waiver period, we expect to present these additional measures of post-secondary readiness to the Board of Regents for their consideration. If the Regents approve additional measures, NYSED will seek amendments to our approved State Accountability workbook to incorporate such measures as elements of our State accountability system. Alternatively, the Regents may choose to include these measures in New York's public reporting system[12] but not make them ESEA accountability measures.

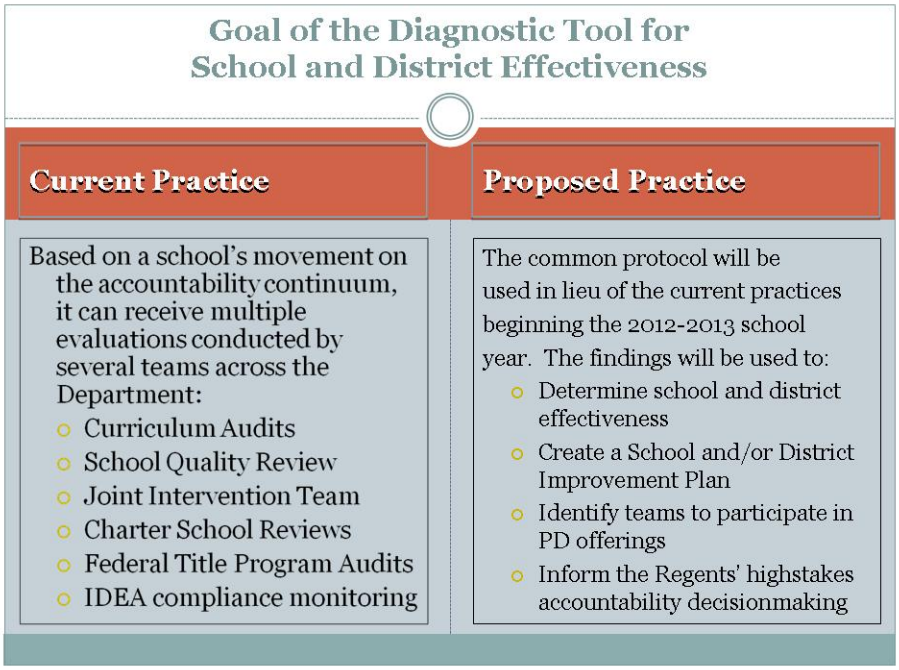
5. Differentiated Interventions and Supports

As previously described, NYSED currently provides differentiated interventions and supports by conducting district- and school-level visits that provide qualitative information on instructional practices to accompany the findings of the State's accountability system. Moving forward, as we align the Regents Reform Agenda, New York State's new theory of action for accountability, and revisions pursuant to this waiver, support and intervention in our schools and districts will be made more systematic and cohesive.

To do this, NYSED is building upon the best elements of its current differentiated accountability system as described in the introduction of Section 2A and what we know about effective school and district reviews and accountability. NYSED is working with national experts and New York

[12] New York State's accountability reporting system consists of a series of district- and school-level reports that provide users with the opportunity to verify data before they are finalized and preview outcomes before they are released to the public. Districts and schools can update data daily, and reports are refreshed at least once per week. Over the period of the waiver and in order to support the next generation of accountability measures, the reporting system will be enhanced to report data at the classroom level (in addition to districts and schools) and deliver results, including rosters and growth/value-added scores, directly to classroom teachers. An example of how NY will report accountability results under this waiver is provided in Attachment 23.

educators to identify best practices for all of the elements to be incorporated into a common Diagnostic Tool for School and District Effectiveness that is aligned to the Regents Reform Agenda.

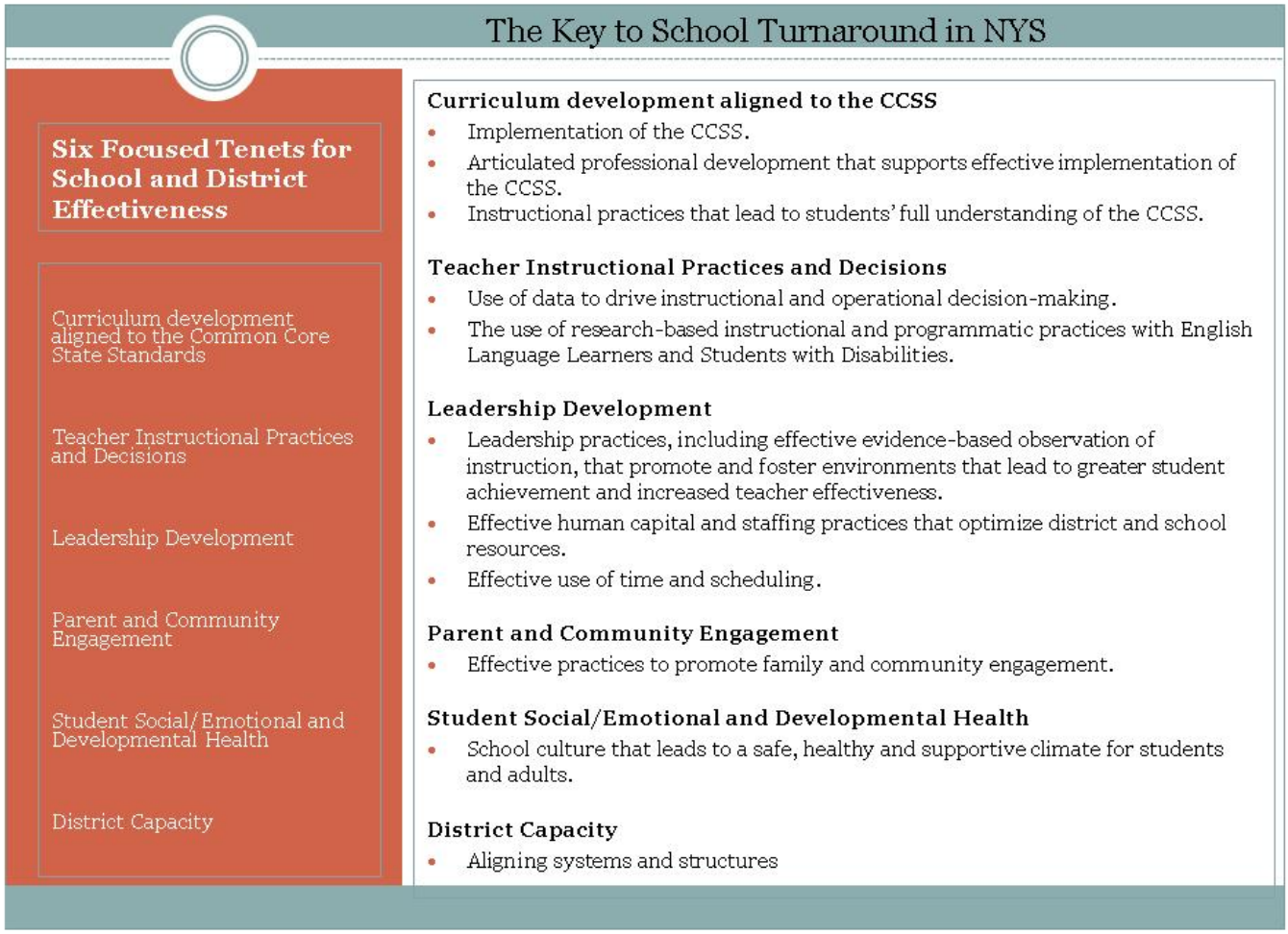


The Diagnostic Tool for School and District Effectiveness will build upon NYSED's current structures and systems by synthesizing the varied diagnostic tools currently used by NYSED program offices (such as the tools used in the Joint Intervention Team visits, School Quality Reviews, and Curriculum Audits). Incorporated in the Diagnostic Tool for School and District Effectiveness will be NYSED's articulation of the optimal conditions for district and school effectiveness so that NYSED, LEAs, schools, and the general public have a common understanding and language to communicate districts' and schools' next steps for improvement and/or sustainability efforts. Six tenets have been identified as the guiding principles of effective schools and districts. These tenets are at the core of the Diagnostic Tool for School and District Effectiveness and are closely aligned to the Federal Principles for School Turnaround. A chart comparing the tenets to the Principles follows:

COMPARISON OF TENETS TO THE TURNAROUND PRINCIPLES	
Diagnostic Tool Tenets	**Federal Turnaround Principles**
School Leadership Practices and Decisions	• Providing strong instructional leadership • Utilizing real time data to improve teaching and learning • Redesigning the school day
Teacher Practices and Decisions	• Ensure all teachers are effective and able to improve instruction • Using data to inform instruction

Implementation of the Common Core Standards	• Strengthening the school's instructional program
Student Social Emotional Development and Health	• Establishing a school environment that improves safety, discipline, and other non-academic factors
Parent and Community Engagement	• Providing an on-going mechanism for increased parent and community engagement
District Capacity	• Assisting schools to address all of the Turnaround Principles

The graphic below further explores the Six Tenets for the Diagnostic Tool for School and District Effectiveness, which will serve as the fundamental principles linking our accountability, recognition, intervention, and support systems. An additional key component of the diagnostic is that it will focus not just on school-level conditions but also on measuring the capacity of the district to support school improvement over time.



NYSED will begin to use this tool in the 2012-13 school year and will integrate all of the current review teams into a single entity that looks at schools and districts holistically. School Quality

Review Teams[13] and Joint Intervention Teams will be deployed as Integrated Intervention Teams to aid districts in planning and implementing systematic SIG/RTTT turnaround models. These teams will be comprised of NYSED staff and external educational experts, as well as administrators and educators from the district and, if one has been appointed, a Distinguished Educator (see Section 2). The teams will be appointed by the Commissioner of Education and will conduct on-site resource, program and planning reviews of Focus and Priority Schools and Districts, reviews which will aid schools and districts in the development of improvement plans based on the Diagnostic Tool for School and District Effectiveness reviews, and will monitor and assist in the implementation of those plans. These teams, with input from educators (including administrators, teachers and Distinguished Educators), will also advise the Commissioner in developing district-wide strategic plans as well as school-based plans for intervention in SURR schools that fail to demonstrate progress on established performance measures and may be targeted for closure. Such plans may include alternatives and strategies to reorganizing, restructuring or reconfiguring schools.

NYSED will work with external partners to develop resources and protocols for use of the Diagnostic Tool for School and District Effectiveness by the on-site teams, and to support the teams' capacity to conduct district and school visits. The plan for development will encompass:

Actions	What	How
Develop the new Diagnostic Tool for School and District Effectiveness that measures performance against the optimal conditions for effective schools and districts (spring 2012).	The Diagnostic Tool for School and District Effectiveness is created and piloted in districts and schools[14], where principals volunteer to have a low-stakes review conducted in their school, to ensure that all relevant priorities and components are addressed and measured by the tool.	Led by Senior Staff from NYSED and the Regents Research Fund and supported by: - Advisory members from NYSED's existing School and District Accountability Task Force; - Experts in the evaluation of programs for English language learners and students with disabilities; and - Educational experts from universities and colleges.
Engage an external partner to train and mentor members of the Integrated Intervention Teams (summer 2012).	In spring 2012, NYSED engages, through a competitive RFP process, an external partner, with a proven record in successfully creating, conducting and documenting school/district visits, to assist NYSED in conducting school visits using the newly developed Diagnostic Tool for School and District Effectiveness.	NYSED staff oversees the development of the RFP and selection of an external partner.
Appoint and Train	The Commissioner appoints	The appointed Integrated

[13] Currently, School Quality Review Teams and Joint Intervention Teams may be comprised of outside educational experts, persons with subject area expertise, experts in the provision of services to students with disabilities and English language learners, Department staff and District representatives. Depending on the reason for the school's identification and the type of district in which the school is located, the mix of representatives may vary. A Joint Intervention Team is always led by an Outside Educational Expert and includes district administrators and educators, as well as any Distinguished Educator appointed by the Commissioner.

[14] It should be noted that identified schools and districts will use the results of the SQR, ESCA, and JIT for creating the plans that they will implement in the 2012-2013 school year. During the 2012-13 school year districts will be able to use the results of the Diagnostic Tool for School and District Effectiveness to develop the plans that they will implement in the 2013-14 school year.

Integrated Intervention Teams (fall 2012).	Integrated Intervention Teams and the external partner provides training and mentoring.	Intervention Teams receive professional development and are mentored by the external partner.
Conduct visits to Priority Schools and Focus Districts and Schools (fall 2012)	Integrated Intervention Teams begin using the single diagnostic tool to conduct site visits.	NYSED staff and the external partner oversee the process.
Complete Process of building within NYSED the knowledge base necessary to sustain a system of high quality school and district reviews using the Diagnostic Tool for School and District Effectiveness as implemented by the Integrated Intervention Teams [15](2013-14 school year).	The external partner transitions to NYSED staff the responsibility for professional development and mentoring of appointed Integrated Intervention Teams.	A robust plan is implemented to shift to NYSED staff the best practices knowledge base necessary for staff to assume full responsibility for professional development and mentoring of appointed Integrated Intervention Teams.

During the remainder of the 2011-12 school year, as a bridge from our current approved State Accountability Workbook, Differentiated Accountability System and current practice of school review and grant and program monitoring, SED will be piloting revised and improved school site visit protocols that will field test critical elements of the common diagnostic tool in order to assure that all critical components are included.

NYSED will also conduct annual on-site visits to Priority Schools with approved SIG plans, and Priority Schools with approved Comprehensive Education Plans (aligned to the Turnaround Principles) during their implementation period. This will ensure that NYSED is fully aware of each school's progress toward implementation of a SIG intervention model or their Comprehensive Education Plan. The information gathered during these visits will inform NYSED's efforts to work with Priority Schools to ensure full compliance with SIG plans or Comprehensive Education Plans. These visits will enable NYSED to differentiate the types of interventions provided to districts and schools as described below. It will also enable NYSED to determine if amendments need to be made to implementation plans.

NYSED will provide differentiated supports to schools and districts based on their accountability status to ensure that districts and schools are on track to fully and effectively implement the Regents Reform Agenda:

- Regional network teams, which are funded by local and RTTT dollars and consist of more than 700 professionals throughout the State, will be continuously trained in the areas of

[15] By the 2013-2014 school year NYSED will be able to deploy Integrated Intervention Teams that can draw on offices across P-12 to assist in staffing the teams with persons with expertise in school improvement, finance, human capital development, curriculum, assessments and services to students with disabilities and English language learners as required by the needs of the districts and schools. These persons may also be deployed to support a more comprehensive and coordinated approach to program monitoring. Integrated Intervention Teams will also leverage the expertise of NYSED supported partners such as BOCES Professional Development resources, the Teacher Centers, the RBE-RNs, and RSE-TASCs to provide appropriate content and specialty expertise to the teams.

Common Core Standards, Data Driven Inquiry, and Teacher and Principal Evaluation. Network Teams are more fully described in 2.D.ii and 2.F of this waiver application.

- The School Turnaround Office (STO) will continue to work with schools and districts as outlined in our approved RTTT application (please see description of the STO under 2G, Building SEA Capacity). The STO will continue to administer incentive-based grant funds designed to interrupt the downward trajectory of failing schools; match external turnaround resources to schools; and provide professional development for PLA school and district leaders across the State.

- NYSED's Commissioner is in the process of appointing, where appropriate, Distinguished Educators to selected districts that have failed to make AYP for four years. Where appointed, the Distinguished Educators will be members of the Integrated Intervention Teams and will work closely with the superintendents and boards of education to assure that reform initiatives are being deployed systematically and with fidelity. See Section 2.D.ii.c for a full discussion of the Distinguished Educator program.

- New York State has a long history of providing extensive specialized Technical Assistance to identified subgroups of students through External Technical Assistance Centers. Regional Special Education Technical Assistance Support Centers (RSE-TASC) and Regional Bilingual Education Resource Networks (RBE-RNs) will continue to provide high-quality technical assistance, professional development, information dissemination (materials) to school districts with Priority and Focus Schools.

To ensure there is a coordinated and consistent effort, LEA representatives involved in providing direct supports to Priority Schools will participate in monthly professional development sessions discussed in Principle 1 and additional staff development offered by the School Turnaround Office. The professional development sessions will align to the tenets outlined in the Diagnostic Tool for School and District Effectiveness and the Regents Reform Agenda. During these regular sessions, Department and LEA staff will "check-in" to ensure that the supports that the LEA chooses to receive are being provided in a consistent and coherent manner. At the same time, Department staff and other external support providers will meet regularly to strategize around the best method of support delivery to Priority Schools, and ensure that the menu of supports offered are connected with results from school/district diagnostic reviews and achievement data.

Communication Strategy: Informing Districts and Schools

NYSED has been in consistent communication with districts about the differentiated recognition, accountability and support system proposed under New York State's ESEA Flexibility Request. This communication has informed the development of the request and continued as the request was formalized and submitted. NYSED also has a robust plan to continue effective communication with districts regarding implementation of the new system, which will be initiated when the request is approved by USDE.

Since September 2011 NYSED has conducted monthly School Improvement Grant and ESEA waiver update meetings with the largest five school districts in the state: Buffalo, New York City, Rochester, Syracuse, and Yonkers. These districts account for over 71 percent of the Priority Schools and 76 percent of the Focus schools to be identified under the waiver. NYSED has also conducted bi-monthly School Improvement Grant and ESEA waiver update meetings with five

other districts with schools implementing a SIG approved plan: Albany, Greenburgh Eleven, Poughkeepsie, Schenectady, and Roosevelt. These districts account for another 4 percent of the Priority Schools and 7 percent of the Focus Schools to be identified under the waiver. Reoccurring agenda items for these monthly and bi-monthly meetings included SED updates on the development of the application, updates on State policy changes that could be expected in the coming months (e.g., policy recommendations regarding extended learning time), and updates on which schools districts could expect would be identified as Priority or Focus Schools once the waiver was approved.

When the waiver is approved, NYSED has a comprehensive strategy for providing details to districts regarding identification of schools, interventions, and supports. First, letters will be sent to districts that provide a timeline for waiver implementation, a summary of related regulatory and policy changes that will occur to support implementation, and a list of schools that meet the criteria for priority and focus designation. Second, senior staff will be presenting twice-monthly webinars to the field, focused on delivery of key information and required actions, as well as on providing districts with an opportunity to ask questions about implementation. Finally, SED liaisons from each office within the department that have regular contact with the field will be on-demand resources for districts to contact when they have implementation or policy questions.

Principle Two Communication with Districts Projected Timeline

(Depending on the Date of Potential Waiver Approval)

Action	Date
SED will publish Field Guidance on new Extended Learning Time requirements for Priority Schools	May/June 2012
SED will publish Field Guidance on new flexibility regarding Choice and SES	May/June 2012
Publish Field Guidance on new set asides to support Focus and Priority Schools	May/June 2012
SED will provide LEAs with a list of preliminarily identified Priority and Focus Schools, as well as the methodology that LEAs should use in making Focus School determinations	May 2012
LEAs will submit a list of the Focus Schools that they will serve in 2012-13, as well as any petitions for schools to be removed from either the Priority or Focus preliminary lists	June 2012
SED will confirm the final list of Priority and Focus Schools, and publicly announce the lists	June 30, 2012
SED will propose emergency regulations to codify proposed accountability system and supports for Board of Regents consideration and adoption	June 2012
SED will issue new Consolidated Application and District Comprehensive Improvement Plan	June 2012
LEA will notify SED regarding which Priority Schools will be implementing a SIG Model or a Turnaround Principle CEP in 2013-14, and which schools will implement in 2014-15	September/October 2012

2A.ii Select the option that pertains to the SEA and provide the corresponding information, if any.

Option A

☒ The SEA includes student achievement only on reading/language arts and mathematics assessments in its differentiated recognition, accountability, and support system and to identify reward, priority, and focus schools.

Option B

☐ If the SEA includes student achievement on assessments in addition to reading/language arts and mathematics in its differentiated recognition, accountability, and support system or to identify reward, priority, and focus schools, it must:

a. provide the percentage of students in the "all students" group that performed at the proficient level on the State's most recent administration of each assessment for all grades assessed; and

b. include an explanation of how the included assessments will be weighted in a manner that will result in holding schools accountable for ensuring all students achieve college- and career-ready standards.

Notes:

While accountability in New York State is based on reading/language arts and mathematics, through this waiver, we are proposing an additional criterion for an elementary or middle school to receive a reward designation: an eligible school must achieve Adequate Yearly Progress in science, as measured by the elementary and middle level science assessments, administered in Grade 4 and 8, (which are currently New York State's approved third academic indicator in its NCLB accountability workbook). This additional criterion for Reward School designation is discussed further in 2.C below, along with other additional criteria for Reward School designation, such as percentage of students earning Regents diplomas with advanced designation or career and technical certification.

2B. Set Ambitious But Achievable Annual Measurable Objectives

Select the method the Sea will use to set new ambitious but achievable annual measurable objectives (AMOs) in at least reading/language arts and mathematics for the State and all LEAs, schools, and subgroups that provide meaningful goals and are used to guide support and improvement efforts, If the SEA sets AMOs that differ by LEA, schools, or subgroup, the AMOs for LEAs, schools, or subgroups that are further behind must require great rates of annual progress.

Option A

☐ Set AMOs in annual equal increments toward a goal of reducing by half the percentage of students in the "all students" group and in each subgroup who are not proficient within six years. The SEA must use current proficiency rates based on assessments administered in the 2010–2011 school year as the starting point for setting its AMOs.

i. Provide the new AMOs and an explanation of the method used to set these AMOs.

Option B

☐ Set AMOs that increase in annual equal increments and result in 100 percent of students achieving proficiency no later than the end of the 2019–2020 school year. The SEA must use the average statewide proficiency based on assessments administered in the 2010–2011 school year as the starting point for setting its AMOs.

i. Provide the new AMOs and an explanation of the method used to set these AMOs.

Option C

☒ Use another method that is educationally sound and results in ambitious but achievable AMOs for all LEAs, schools, and subgroups.

i. Provide the new AMOs and an explanation of the method used to set these AMOs.

ii. Provide an educationally sound rationale for the pattern of academic progress reflected in the new AMOs in the text box below.

iii. Provide a link to the State's report card or attach a copy of the average statewide proficiency based on assessments administered in the 2010~2011 school year in reading/language arts and mathematics for the "all students" group and all subgroups. (Attachment 8)

New York plans to use the methodology established in Option A to reset its AMO's and will in addition give a subgroup credit on an accountability measure for making AYP as described below.

New York State's current AMOs are established in such a way that the AMO for 2013-14 for English language arts and mathematics measures requires that all students be proficient. The baseline for 2010-11 school year performance for grades 3-8 ELA and mathematics will be reset to reflect the incorporation of student growth (i.e., a student in grades 4-7 is on track to become proficient within three years or by grade 8 whichever is earlier) into the Performance Index, and the baseline for 2010-11 school year performance for high school ELA and mathematics will be reset to reflect the use of the higher aspirational performance measures on Regents examinations as the cut scores for proficiency.

- Once the revised baselines are calculated for grades 3-8 and high school ELA and math, New York State will increase Annual Measurable Objectives (AMOs) for these measures and grades 4 and 8 science in annual equal increments toward the goal of reducing by half, within six years, the gap between the Performance Index for the "all students" group and each subgroup in 2010-11 and a Performance Index of 200, which indicates that all students are at or above proficiency. A Performance Index is a value from 0 to 200 that is assigned to an accountability group, indicating how that group performed on a required State test (or approved alternative) in English language arts, mathematics, or science. Student scores on the tests are converted to four performance levels, from Level 1 to Level 4. Each student scoring at level 1 is credited with 0 points, each student scoring at Level 2 with 100 points, and each student scoring at level 3 or 4 with 200 points. The Performance Index[16] for each accountability group is calculated by summing the points and diving by the number of students in the group.

New York State's proposed new Annual Measurable Objectives (AMOs) for grades 3-8 English language arts, grades 3-8 math, high school English language arts, high school mathematics, and grades 4 and 8 science are as follows:

Grade 3 - 8 English Language Arts								
		Targets by Year						
Measure	Group	*2010 - 2011 Baseline*	*2011 - 2012*	*2012 - 2013*	*2013 - 2014*	*2014 - 2015*	*2015 - 2016*	*2016 - 2017*
Subject and Grade Level	Accountable Group							
Grade 3-8 ELA	All Students	145.98	150	155	159	164	168	173
Grade 3-8 ELA	Students with Disabilities	92.32	101	110	119	128	137	146
Grade 3-8 ELA	American Indian/Native American	131.72	137	143	149	154	160	166
Grade 3-8 ELA	Asian or Pacific Islander	162.25	165	169	172	175	178	181
Grade 3-8 ELA	Black (not Hispanic)	123.45	130	136	143	149	155	162
Grade 3-8 ELA	Hispanic	125.94	132	138	144	151	157	163
Grade 3-8 ELA	White	160.39	164	167	170	174	177	180
Grade 3-8 ELA	English Language Learners	101.67	110	118	126	134	143	151
Grade 3-8 ELA	Economically Disadvantaged	128.26	134	140	146	152	158	164
Grade 3-8 ELA	Mixed Race	154.36	158	162	166	170	173	177

[16] New York's High School Performance Index is based upon a student's best performance on a state examination within four years of their first entry into grade 9. The Regents examinations are not census tests but a condition for graduation in New York State. While most Regents examinations are typically given to students in particular grades, for example the Comprehensive Regents Exam in Comprehensive English is given to most students in Grade 11, some students take these examinations either in lower or higher grades than when they are typically administered based upon whether students are doing accelerated coursework, need additional time to prepare, or are retaking the examination because of failure or a desire for a higher score.

Grade 3 - 8 Math								
			Targets by Year					
Measure	Group	*2010 - 2011 Baseline*	*2011 - 2012*	*2012 - 2013*	*2013 - 2014*	*2014 - 2015*	*2015 - 2016*	*2016 - 2017*
Subject and Grade Level	Accountable Group							
Grade 3-8 Math	All Students	160.26	164	167	170	174	177	180
Grade 3-8 Math	Students with Disabilities	114.96	122	129	136	143	150	157
Grade 3-8 Math	American Indian/Native American	147.57	152	156	161	165	169	174
Grade 3-8 Math	Asian or Pacific Islander	183.17	185	186	187	189	190	192
Grade 3-8 Math	Black (not Hispanic)	136.36	142	147	152	158	163	168
Grade 3-8 Math	Hispanic	145.21	150	154	159	163	168	173
Grade 3-8 Math	White	172.02	174	177	179	181	184	186
Grade 3-8 Math	English Language Learners	134.45	140	145	151	156	162	167
Grade 3-8 Math	Economically Disadvantaged	146.27	151	155	160	164	169	173
Grade 3-8 Math	Mixed Race	162.72	166	169	172	175	178	181

Grades 4 and 8 Science								
			Targets by Year					
Measure	Group	*2010 - 2011 Baseline*	*2011 - 2012*	*2012 - 2013*	*2013 - 2014*	*2014 - 2015*	*2015 - 2016*	*2016 - 2017*
Subject and Grade Level	Accountable Group							
Grade 4 and 8 Science	All Students	177.50	179	181	183	185	187	189
Grade 4 and 8 Science	Students with Disabilities	149.61	154	158	162	166	171	175
Grade 4 and 8 Science	American Indian/Native American	171.46	174	176	179	181	183	186
Grade 4 and 8 Science	Asian or Pacific Islander	185.42	187	188	189	190	191	193
Grade 4 and 8 Science	Black (not Hispanic)	157.67	161	165	168	172	175	179
Grade 4 and 8 Science	Hispanic	162.32	165	169	172	175	178	181
Grade 4 and 8 Science	White	189.81	191	192	192	193	194	195
Grade 4 and 8 Science	English Language Learners	145.91	150	155	159	164	168	173
Grade 4 and 8 Science	Economically Disadvantaged	165.42	168	171	174	177	180	183
Grade 4 and 8 Science	Mixed Race	187.36	188	189	191	192	193	194

High School English Language Arts								
			Targets by Year					
Measure	Group	*2010 - 2011 Baseline*	*2011 - 2012*	*2012 - 2013*	*2013 - 2014*	*2014 - 2015*	*2015 - 2016*	*2016 - 2017*
Subject and Grade Level	Accountable Group							
High School ELA	All Students	155	159	163	166	170	174	178
High School ELA	Students with Disabilities	87	97	106	116	125	134	144
High School ELA	American Indian/Native American	138	143	148	153	158	164	169
High School ELA	Asian or Pacific Islander	170	172	175	177	180	182	185
High School ELA	Black (not Hispanic)	128	134	140	146	152	158	164
High School ELA	Hispanic	131	137	143	149	154	160	166
High School ELA	White	171	174	176	178	181	183	186
High School ELA	English Language Learners	92	101	110	119	128	137	146
High School ELA	Economically Disadvantaged	135	141	146	152	157	162	168
High School ELA	Mixed Race	162	165	168	171	175	178	181

High School Math								
			Targets by Year					
Measure	Group	*2010 - 2011 Baseline*	*2011 - 2012*	*2012 - 2013*	*2013 - 2014*	*2014 - 2015*	*2015 - 2016*	*2016 - 2017*
Subject and Grade Level	Accountable Group							
High School Math	All Students	130	136	142	148	154	159	165
High School Math	Students with Disabilities	72	82	93	104	114	125	136
High School Math	American Indian/Native American	107	115	123	130	138	146	154
High School Math	Asian or Pacific Islander	161	164	168	171	174	177	181
High School Math	Black (not Hispanic)	94	103	112	121	129	138	147
High School Math	Hispanic	100	108	117	125	133	142	150
High School Math	White	149	154	158	162	166	170	175
High School Math	English Language Learners	92	101	110	119	128	137	146
High School Math	Economically Disadvantaged	107	115	123	131	138	146	154
High School Math	Mixed Race	136	141	147	152	157	163	168

Upon approval of this waiver, New York State will seek Regents approval to revise its regulatory definitions of student performance as follows:

- Below Standards will be defined as the performance of a student who scores Level 1 on State assessments in grades 3-8 English language arts, grades 3-8 mathematics; grades 4 and 8 science or scores Level 1 on a State alternate assessment; or scores less than a 65 on the Regents Comprehensive Examination in English or a Regents mathematics examination; or fails to take the Regents Comprehensive Examination in English or a Regents mathematics examination; or receives a failing score on a State-approved alternative examination for those Regents examinations.

- Meets Basic Standards will be defined as the performance of a student who scores Level 2 on the State assessments in grades 3-8 English language arts, grades 3-8 mathematics; grades

4 and 8 science; or scores Level 2 on a State alternate assessment; or scores between 65 and 74 on the Regents Comprehensive Examination in English or a Regents mathematics examination[17].

- Meets Proficiency Standards will be defined as the performance of a student who scores Level 3 on State assessments in grades 3-8 English language arts, grades 3-8 mathematics; grades 4 and 8 science[18]; or scores Level 3 on a State alternative assessment; or scores between 75 and 89 on the Regents Comprehensive Examination in English or between 80 and 89 on a Regents examination in mathematics; or passes a State-approved alternative to those Regents examinations[19];

- Exceeds Standards will be defined as the performance of a student who scores Level 4 on State assessments in grades 3-8 English language arts; grades 3-8 mathematics, grade 4 and 8 science or scores Level 4 on a State alternate assessment; or scores 90 or higher on the Regents Comprehensive Examination in English or a Regents mathematics examination[20].

- For all of the above accountability measures New York State is currently approved to use a Performance Index which gives schools and districts "partial credit" for students who score basic proficient and "full credit" for students who are proficient.

Pursuant to this waiver, New York State will revise its Performance Indices as follows:

- Students who perform at Level 1 or Level 2 on a grade 4-8 ELA or mathematics assessment but are determined to be on track to proficiency within three years, or by grade 8, whichever is earlier, based on their student growth percentile will be weighted in the Performance Index in the same way as are students who meet or exceed proficiency standards. Student Growth Percentiles will be assigned based on how a student achieved compared to all students with similar test histories in New York State. As discussed in New York Technical Overview and Impact Report, the incorporation of growth changes on average the Performance Index for ELA by three index points and for mathematics by four index points. Thus, the percentage of students who meet or exceed proficiency standards will be the overwhelming factor in determining the Performance Index for the groups of students for which a school or district is accountable.

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[17] Basic proficient (meets basic standards) is currently defined for elementary and middle grades as a score of level 2 on State assessments in English language arts, mathematics and science or a score of level 2 on a State alternate assessment; and for high school as a score between 55 and 64 on the Regents comprehensive examination in English or a Regents mathematics examination; a passing score on the Regents competency test in reading and writing; a passing score on the Regents competency test in mathematics; or a score of Level 2 on a State alternate assessment for students with severe disabilities recommended by the committee on special education.

[18] Students who pass a Regents exam in science in lieu of taking the Grade 8 Science exam are also considered proficient.

[19] Proficient (meeting proficiency standards) is currently defined for elementary and middle grades as a score of level 3 on State assessments in English language arts, mathematics and science or a score of level 3 on a State alternate assessment for students with severe disabilities recommended by the committee on special education; and for high school as a score of between 65 and 84 on the Regents comprehensive examination in English or a Regents mathematics examination; a passing score on a State-approved alternative to the Regents examinations; or a score of level 3 on a State alternate assessment for students with severe disabilities recommended by the committee on special education.

[20] Advanced (exceeding standards) is currently defined for elementary and middle grades as a score of level 4 on required State assessments in English language arts, mathematics and science or a score of Level 4 on a State alternate assessment for students with severe disabilities recommended by the committee on special education; and for high school a score of 85 or higher on the Regents comprehensive examination in English or a Regents mathematics examination or a score of Level 4 on a State alternate assessment for students with severe disabilities recommended by the committee on special education.

- The High School Performance Index will be revised to better align with standards of college- and career-readiness so that the standard for basic proficiency in English and mathematics will be raised from 55 to 65; the standard for proficiency in English language arts will be raised from 65 to 75, and in mathematics from 65 to 80; and the standard for advanced in ELA and mathematics will be raised from 85 to 90. In addition students with disabilities who pass the Regents Competency Tests, which are given as a part of a safety net for students with disabilities to demonstrate basic competency in required subjects for graduation purposes, will no longer be considered to have achieved basic proficiency.[21]

At the elementary/middle level for English language arts and mathematics, the Performance Index will be calculated using the following equation:

- 100 × [(Count of Continuously Enrolled at Levels 2) + (2 X the Count of Students on Track to Proficiency + Students at Levels 3 and 4)/Count of All Continuously Enrolled Tested Students]

For elementary/middle level science, the Performance Index is calculated using the following equation:

- 100 × [(Count of Continuously Enrolled at Levels 2) + (2 X the Count of Students at Levels 3 and 4)/Count of All Continuously Enrolled Tested Students]

At the secondary level, the Performance Index is calculated using the following equation:

- 100 × [(Count of Cohort Members Performing at Levels 2, 3, and 4 + the Count at Levels 3 and 4)/ Count of All Cohort Members][22]

Using the above formulas, New York State will continue to compute the statewide Performance Index for the 2010-11 school year for each of the following groups for grades 3-8 ELA and mathematics, high school ELA and mathematics and grades 4 and 8 science:

- All Students
- Asian
- Black or African-American

[21] Please note that New York State is currently exploring as an alternate option to the one described above subdividing the definition of Basic Proficiency into two components: Meets Basic Standards A and Meets Basic Standards B. Meets Basic Standards A would be a score on a Regents examination or an RCT that meets the requirements for a Local Diploma (i.e., a score of 55-64 on a Regents exam or a score of passing the RCT in Reading and Writing or in Mathematics.) Meets Basic Standards B would be a score on the ELA Regents exam of between 65 and 74 and a score of between 65 and 79 on a mathematics Regents exam. Students who first enter grade nine in September 2007 must attain a score of 65 or above on four of the five required Regents examinations and a score of 55 or above on the one remaining required Regents examination in order to earn a local diploma. For students with disabilities who first enter grade nine in September 2005 and thereafter, a score of 55-64 may be considered a passing score on any Regents examination required for graduation with a local diploma. General education students who first enter grade 9 in 2008 and thereafter must pass all five Regents examinations with a score of 65 or above, and may only earn a local diploma through an appeal process. In the event that NY decides to use this methodology, we will request permission to amend our application and submit a revised list of Reward and Priority Schools and Focused Districts.

[22] Please note that if New York State uses the alternative option described above, then the PI at the secondary level will be calculated using the following equation: 100 × [(.5 X Count of Cohort Members Performing at Levels 2A) + (Count of Cohort Member Performing at Levels 2B, 3, and 4 + the Count at Levels 3 and 4)/ Count of All Cohort Members.

- Hispanic
- American Indian or Alaskan Native
- Native Hawaiian or other Pacific Islander
- White
- Economically Disadvantaged Students
- Students with Limited English Proficiency (including students previously identified as limited English proficient students during the preceding one or two school years)
- Students with Disabilities (including students no longer identified as students with disabilities but who had been so identified during the preceding one or two school years)

New York State will then set AMOs in annual equal increments toward the goal of reducing by half, within six years, the gap between the Performance Index for the "all students" group and each subgroup in 2010-11 and a Performance Index of 200, which would represent all students achieving Level 3, meeting proficiency standards, or better. Credit is awarded equally for students meeting or exceeding proficiency standards.

An example of how the Performance Index would be computed follows:

Computation of Performance Index for Grade 3-8 ELA Results

Performance Level	On Track to Proficiency?	Number of Students	Multiplier	Total Points
1 (Below Standards)	No	30	0	0
1 (Below Standards)	Yes	10	200	2,000
2 (Meeting Basic Standards)	No	40	100	4,000
2 (Meeting Basic Standards)	Yes	40	200	8,000
3 (Meeting Proficiency Standards)	NA	60	200	12,000
4 (Exceeding Proficiency Standards)	NA	20	200	4,000
Total		200		30,000

Since there are 200 students in the school, we divide 30,000/200 = 150. The Performance Index for this group in this school would be 150. If 150 equals or exceeds the school's Effective Annual Measurable Objective for this group or represents the closure of ten percent of the gap between the group's prior year performance and a Performance Index of 200 and the group has met the 95 percent participation requirement, the group will have made AYP. On track to proficiency means that if the student continues to show growth at the same rate, the student will be proficient within three years or grade eight, whichever is earlier.

Computation of Performance Index for High School Mathematics Results

Performance Level	Regents Score	Number of Students	Multiplier	Total Points
1 (Below Standards)	0 – 64	30	0	0
2 (Meeting Basic Standards)	65 - 79	40	100	4,000
3 (Meeting Proficiency Standards)	80 - 89	60	200	12,000
4 (Exceeding Proficiency Standards)	90 -100	20	200	4,000
Total		150		20,000

Since there are 150 students in the school, we divide 20,000/150 = 133. The Performance Index for this group in this school would be 133. If 133 equals or exceeds the school's Effective Annual Measurable Objective[23] for this group or represents the closure of ten percent of the gap between the group's prior-year performance and a Performance Index of 200 and the group has met the 95 percent participation requirement, the group will have made AYP. The student's level represents the student's best performance within four years of the student's first entry into grade nine.

As noted above, an additional way in which a group may make AYP is through the use of Safe Harbor. Safe Harbor provides an alternate means to demonstrate AYP for accountability groups that do not achieve their EAMOs in English, mathematics, or science. The safe harbor targets are calculated using the following equation: prior year PI + (200 – the prior year PI) × 0.10. In order for a group to make AYP, the group must also meet the 95 percent participation requirement. For Transfer High Schools the alternative high school cohort will be used in addition to the regular high school cohort to determine whether AYP has been made.

New York concludes that these new Annual Measurable Objectives are ambitious but achievable. They are ambitious in that they require beginning with 2012-13 school year that the vast majority of schools demonstrate improvement with one or more accountability groups in English language arts and/or mathematics. For example, with the exception of the Asian and Pacific Islanders for Grade 3-8 ELA and mathematics and High School ELA, the majority of schools in the state have a 2010-11 school year base performance that is below the 2012-13 AMO targets established for each accountability group on ELA and mathematics measures. In the most extreme case, 80 percent of schools have a 2010-11 base year performance that is below the 2012-13 AMO target for black students in high school math. This means that with the exception of three instances noted above, for each subgroup the majority of schools in order to make AYP will need to show improvement between their 2010-11 baseline performance and their 2012-13 performance. This improvement must either be sufficient to meet the subgroup's EAMO or for groups that are far below their EAMO to close the gap between the goal of a Performance Index of 200 and the group's prior year performance by at least ten percent. Each year, thereafter, an increasing percentage of schools will

[23] The Effective Annual Measurable Objective is the Performance Index (PI) value that each accountability group within a school or district is expected to achieve to make AYP. The Effective AMO is the lowest PI that an accountability group of a given size can achieve in a subject for the group's PI not to be considered significantly different from the AMO for that subject. If an accountability group's PI equals or exceeds the Effective AMO,it is considered to have made AYP. This use of confidence interval to make AYP determinations is part of NY's approved NCLB Accountability workbook. For more information see: http://www.p12.nysed.gov/irs/accountability/amos/confidence-intervals.html

be required to show improvement in subgroup performance in order to continue to make AYP.[24] At the same time, we know that these targets are achievable because our highest performing schools are already meeting them. With the exception of the American Indian/Native American and Mixed Race groups, for which the sample size is small, there are only three groups – Black students for high school mathematics and English language learners for high school ELA and mathematics – where there are not at least ten percent of the schools in the state whose 2010-2011 base line performance does not already exceed the 2014-15 AMO target. In summary, while these AMO's will require the vast majority of our schools to demonstrate progress during the waiver period, the level of performance that schools will be expected to achieve is not inconsistent with that which are highest performing schools have been able to obtain.

Use of High School Graduation Rates to Make Accountability Determinations

New York uses high school graduation to inform decisions throughout the school and district accountability continuum:

- **Priority Schools**: Any school that has a four year graduation rate below 60 percent for the all student group on the 2004, 2005, and 2006 high school accountability cohort is preliminarily identified as a Priority School. Transfer schools are removed from consideration if they have a five or six year graduation rate on the 2006 cohort that is above 60 percent. Schools may also be removed from identification as Priority Schools if their 2007 high school graduation rate cohort is above 60 percent or they provide evidence that their graduation rate is the result of extraordinary or extenuating circumstances.

- **Focus Districts:** A district whose four year graduation rate is among the lowest five percent in the State for any subgroup will be identified as a Focused District, except that if the subgroup's five year graduation rate exceeds the State median for the group or the group has made a minimum ten percentage point gain during the past three years the district will not be identified for graduation rate. In addition a district will not be identified as a Focus District for ELA and math performance for any subgroup whose four year graduation rate exceeds the state average for that group.

- **Focus Schools:** The percentage of students in a subgroup for which a district has been identified as a Focused District will be a consideration in determining the minimum number of Focus Schools that a district must serve.

- **Local Assistance Plan Schools:** A school that has failed to make AYP for graduation rate for three consecutive years with a subgroup of students and that is not otherwise identified as a Priority or Focus School will be identified as a Local Assistance Plan School. To make AYP for graduation rate, a group must either have a graduation rate on the four of five year cohort that equals or exceeds the State graduation rate goal of 80 percent or the group must

[24] It should be noted that NY has been previously approved to use Effective Annual Measurable Objectives (i.e., confidence intervals) in making AYP determinations. It should also be noted that the inclusion of a growth towards proficiency in the Performance Index results in a higher 2010-11 baseline for calculating AMO's and therefore does not affect the rigor of the system. In addition, while NY has proposed to eliminate the requirement that in order to make Safe Harbor in ELA or math a school must make AYP in science at the elementary/middle level and on graduation rate at the high school level, NY has also raised substantially the requirements for making AYP in science and graduation rate. Consequently, while more schools may be able to make AYP in ELA and math because of the elimination of this "third academic" indicator requirement, more schools are likely to fail to make AYP on these third academic indicators because of the more rigorous standards that apply to them under the wavier.

meet the four year graduation rate progress target (10% gap reduction) or five year graduation progress target (20% gap reduction).

- **Reward Schools:** To be identified as a high performing reward school, the percentage of students who graduated with a Regents diploma must equal or exceed 80 percent and the percentage of students who have graduated with a Regents diploma with advanced designation or CTE endorsement must exceed the State average. To be identified as a high progress reward school, the percentage of students who graduated with a Regents diploma must equal or exceed 60 percent and the percentage of students who have graduated with a Regents diploma with advanced designation or CTE endorsement must exceed the State average.

2.C REWARD SCHOOLS

2.C.i Describe the SEA's methodology for identifying highest-performing and high-progress schools as reward Schools. If the SEA's methodology is not based on the definition of Reward Schools in ESEA flexibility (but instead, e.g., based on school grades or ratings that into account a number of factors), the SEA should also demonstrate that the list provided in Table 2 is consistent with the definition, per the Department's "Demonstrating that an SEA's Lists of Schools meet ESEA Flexibility Definitions" guidance.

Currently, New York State identifies a school as high performing if the "all students" group achieves all applicable State standards, and the school makes AYP on applicable performance measures. A school can be identified as rapidly improving if the school makes AYP on applicable performance measures and the school demonstrates a specified amount of improvement (8 NYCRR §100.2[p][8]).

New York State will revise this process so that criteria to become a Reward School are significantly[25] more rigorous and the benefits of identification as a Reward School are more meaningful. New York State will identify both highest performing and high progress reward schools.

New York will identify Reward Schools in a significantly more rigorous way than previously done for high performing schools.

At the elementary and middle level, New York will use the following criteria to designate a school as highest performing:

- the school's combined ELA and mathematics Performance Index places it among the top twenty percent of public schools in the State for each of the past two years;
- the school has made AYP with all groups and all measures for which it is accountable for each of the past two years;
- the school's student growth percentile for the past two years in ELA and mathematics exceeds fifty percent;
- the school's student growth percentile for ELA and mathematics in the most recent year for its bottom quartile of students, as measured by their student growth percentile in the previous year, exceeds fifty percent in the current year; and,
- the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of the subgroup.

At the high school level, a school will be considered highest performing, if all of the following conditions are met:

- the school's combined ELA and mathematics Performance Index places it among the top twenty percent of public schools in the State for each of the past two years;
- the school has made AYP with all groups on all measures for which it is accountable for each of the past two years;

25 The State standard is a specified Performance Index for Elementary/Middle and High School English Language Arts and mathematics established annually by the Commissioner. For the 2010-11 school year, the State Standard was a Performance Index of 175 at the elementary/middle level and 185 at the high school level using the Performance Index in place at that time.

- the percentage of students who graduated with a Regents diploma equals or exceeds 80 percent and the percentage of students who have graduated with a Regents diploma with advanced designation or CTE endorsement exceeds the State average;
- the percentage of the students who scored Level 1 or Level 2 on an ELA or mathematics exam in Grade 8 who subsequently graduated within four years of first entry in Grade 9 exceeded the State average for these students; and
- the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of the subgroup.

At the elementary and middle levels, a school will be considered a high progress school, if all of the following conditions are met:

- the school's combined ELA and mathematics Performance Index places it among the top ten percent of public schools in the State in terms of gains between the most recent assessment data and the data from the previous year;
- the school has made AYP with all groups and all measures for which it is held accountable for each of the past two years ;
- the school's student growth percentile for the past two years in ELA and mathematics exceeds 50 percent;
- the school's student growth percentile for ELA and mathematics in the most recent year for its bottom quartile of students, as measured by their student growth percentile in the previous year, exceeds fifty percent in the current year; and,
- the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of the subgroup.

At the high school level, a school will be considered high progress if all of the following conditions are met:

- the school's combined ELA and mathematics Performance Index places it among the top ten percent of public schools in the State in terms of gains between the most recent assessment data and the data from the previous year;
- the school has made AYP with all groups for which it is accountable for each of the past two years;
- the percentage of students who graduated with a Regents diploma equals or exceeds 60 percent and the percentage of students who have graduated with a Regents diploma with advanced designation or CTE endorsement exceeds the State average;
- the percentage of the students who scored Level 1 or Level 2 on an ELA or mathematics exam in Grade 8 who subsequently graduated within four years of first entry in Grade 9 exceeded the State average for these students; and,

- the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of the subgroup.[26]

All Title I schools identified as Reward Schools meet the requirements for being highest performing or high progress schools.

To identify the highest-performing Reward Schools, New York rank ordered schools based on aggregate performance in reading/language arts and mathematics for the "all students" group for the 2009-10 and 2010-11 school years. Schools that failed to make AYP for the "all students" group and all subgroups were removed from the list, as were schools with significant gaps among subgroups that are not closing and high schools with graduation rates below 80 percent. Schools were then eligible to be identified as highest performing if the school's aggregate performance in ELA and math placed it among the top 20 percent of schools statewide in both 2009-10 and 2010-2011. However, elementary and middle schools were also required to meet the additional criteria that their average Student Growth Percentile in 2009-10 and 2010-11 were above the 50th percentile in 2009-10 and 2010-11 and the bottom quartile of students in terms of Student Growth Percentile in 2009-10 needed to have a Student Growth Percentile that exceeded 50 percent in 2010-11. Highest-performing high schools were also required to demonstrate that students who scored at Level 1 or Level 2 in grade 8 on an ELA or math assessment had graduation rates that exceeded the state average and that the graduation rate for students with advanced designations or CTE endorsement exceeded the state average.

To identify the highest-progress Reward Schools, New York rank ordered schools based on the greatest gains in performance index ELA and mathematics for the "all students" group between the 2009-10 and 2010-11 school years. School were then eligible to be identified as highest performing if the school's progress placed them among the top 10 percent of schools statewide. Additional criteria were then applied to the remaining schools, which included that these schools were required to make AYP in both 2009-10 and 2010-11 for all accountability groups. Elementary and middle schools needed their average Student Growth Percentile in 2009-10 and 2010-11 to be above the 50th percentile in 2009-10 and 2010-11 and the bottom quartile of students in terms of Student Growth Percentile in 2009-10 needed to have a Student Growth Percentile that exceeded 50 percent in 2010-11. Highest-progress high schools needed to have a graduation rate above 60 percent and demonstrate that students who scored at Level 1 or Level 2 in grade 8 on an ELA or math assessment had graduation rates that exceeded the state average and that the graduation rate for students with advanced designations or CTE endorsement exceeded the state average.

Based on the minimum criteria established by USDE for identification of highest-performing Reward Schools, 159 schools met the criteria. The inclusion of New York's additional criteria for designation of Reward Schools reduced that number to 77. For highest progress Reward Schools, 188 schools met the criteria, and the inclusion of New York's additional criteria reduced this to 24, primarily because New York requires that its highest-progress schools demonstrate that have made AYP in all accountability measures for the past two years.

[26] Please see Attachment 23 for additional technical information on the process for selection of reward schools.

2.C.ii Provide the SEA's list of Reward Schools in Table 2.

The list of Reward Schools is provided in Attachment 9. All schools identified as Reward Schools will meet the criteria described in Section 2.C.i. In total 208 schools have been identified as Reward schools: 129 schools based on grade 3-8 assessment results, 14 for high school results, and 65 for grade 3-8 and/or high school results. Of these schools 174 have been designated as high achieving schools and 36 as high progress schools. (Two schools were both high achieving and high progress.) In total 135 Local Educational Agencies in New York had one or more schools identified as reward schools.

2.C.iii Describe how the SEA will publicly recognize and, if possible, reward highest-performing and high-progress schools.

NYSED will identify Reward Schools annually and will publicly recognize these schools with a press release and a posting of the list to NYSED's website. Reward Schools will be eligible to compete for a Commissioner's Schools Dissemination Grant of up to $100,000, which is currently funded through NYSED's State-share of our RTTT award. NYSED will recommend that districts with Reward Schools receive bonus points for the competitive School District Performance Improvement Awards Grants, a State-funded grant program developed in collaboration with the Governor, beginning with the 2012-2013 award cycle.

Additionally, after consultation with representatives of Reward Schools, New York State will create a process by which Reward Schools may obtain flexibility by, for example, seeking expanded and/or expedited variances from certain provisions of the Commissioner's Regulations beginning in the 2013-14 school year.

NYSED will also consult and partner with Reward Schools to determine best practice initiatives that can be highlighted on our instructional support website, www.EngageNY.org , so that other schools can learn from and implement the practices used in Reward Schools.

2.D PRIORITY SCHOOLS

2.D.i Describe the SEA's methodology for identifying a number of lowest-performing schools equal to at least five percent of the State's Title I schools as priority schools, If the SEA's methodology is not based on the definition of priority Schools in ESEA Flexibility (but instead, e.g., based on school grades or ratings that take into account a number of factors), the SEA should also demonstrate that the list provided in Table 2 is consistent with the definition, per the Department's "Demonstrating that an SEA's Lists of Schools meet ESEA Flexibility Definitions" guidance.

New York State will identify Priority Schools through the following methodology:

Pursuant to USDE's methodology, New York is required to identify 175 Title I schools as Priority Schools. It is New York State's intent to identify a minimum of five percent of all schools in the state (235 schools) as Priority Schools, of which at least 175 will be Title I schools.

First, New York will identify the 75 schools that were awarded a 1003(g) School Improvement Grant in the 2011-12 school year.

Second, New York will identify high schools that have had graduation rates below 60 percent for three consecutive years on the 2004, 2005, and 2006 high school graduation cohorts (i.e., students who first entered ninth grade in these years and their high school completion status four years later). There are 15 Title I high schools and one Title I eligible secondary schools in this category.

Third, New York will identify schools that are among the lowest achieving in the State in ELA and math combined for the all students group and that have failed to demonstrate progress over a number of years. There are 110 Title I elementary and middle schools and 29 Title I high schools in this category, after removing Transfer high schools[27], schools in Special Act School Districts, and schools that are in the process of closing as described below.

Elementary and middle schools that have a combined Performance Index in ELA and mathematics of 111 and below and high schools that have a combined Performance Index in ELA and math of 106 or below in the 2010-11 school year will be considered among the lowest achieving in the State.

An elementary or middle school will be considered to have failed to show progress if:

- the school is in improvement, corrective action or restructuring in the 2011-12 school year;
- the school has made a ten point gain or less in its 2010-11 Performance Index compared to its 2009-10 Performance Index;
- the school's combined median student growth percentile in ELA and math for the 2009-2010 and 2010-11 school years combined is 50 percent or below; and
- the majority of subgroups in the school did not have 2010-2011 SGP's that exceeded the statewide median SGP for that subgroup.

[27] A transfer high school is one in which the majority of students have not articulated from middle school but have previously attended another high school. All or almost all of the students who attend transfer high schools are under credited and/or over age for their grade and number of years of high school attendance. Transfer high schools also include schools in which more than 50 percent of currently enrolled students are ELL's who 1) were born outside of the United States and 2) have attended school in the United States for less than three years.

A high school will be considered to have failed to show progress if:

- the school is in improvement, corrective action or restructuring in the 2011-12 school year; and
- the school has made less than a four point gain or less in its 2010-11 Performance Index compared to its 2009-10 Performance Index;

For Transfer high schools, New York State will use the combined Performance Index based upon either the regular high school cohort or the transfer high school cohort definitions.[28]

Before identifying a transfer high school as a Priority School the Commissioner reviewed the performance of the school on a case-by-case basis, giving careful consideration to the mission of a particular school, student performance, and the intent of the Priority School requirements. In particular for these schools, the Commissioner took into account when reviewing graduation cohort data the age and number of credits that members of the cohort had upon admission to the school and the success of the school in graduating students up to the age of 21.

Special Act public school districts were created by an act of the New York State legislature to provide transitional, intensive intervention to special student populations. These school districts educate both day and residential students referred by medical and mental health professionals, parents, school districts (CSE referrals), and social service agencies: i.e., Administration of Children Services (ACS), Office of Children and Family Services (OCFS) and Office of Mental Health (OMH). The population of the Special Act School Districts is highly transitory, with many students placed for less than one year. In addition the majority of students have either been classified as students with a disability and/or as Neglected or Delinquent and typically enroll in a Special Act schools with literacy and mathematics skills that are well below grade level. Because Special Act School Districts will by the nature of the population they serve typically be among the lowest five percent in performance in the state, the Commissioner will not identify a Special Act school as a Priority School unless the school meets both the criteria to be identified as a Priority School and is further identified by the Commissioner as a School Under Registration Review because of a poor learning environment.

In addition schools that are not currently implementing a school improvement grant and that are in the process of closing will not be identified as Priority Schools.

Based on this methodology, New York State has preliminarily identified as Priority Schools 75 Tier I and Tier II Schools that have received SIG grants, 15 Title I and 1 Title I eligible high schools for graduation rates below 60 percent for three consecutive years, 29 Title I high schools for being among the lowest achieving in the State and failing to show progress, and 110 Title I elementary schools for being among the lowest achieving schools in the state and failing to show progress. In total, New York has preliminary identified 230 Title I schools and Title I eligible secondary schools

[28]Commissioner's Regulations §100.2(p)(16) defines the annual high school cohort as, beginning in the 2005-06 school year, consisting of those students who first enrolled in ninth grade three school years previously anywhere and who were enrolled in the school on the first Wednesday in October of the current school year. The high school alternative cohort in any given year shall consist of those students enrolled in the high school on the first Wednesday of October three years previously who were still enrolled in the school on the first Wednesday of October two years previously. Use of the alternative high school cohort has been approved by the United States Department of Education in New York's NCLB accountability workbook.

as Priority Schools. Both public schools and charter schools that meet the criteria have been identified as Priority Schools.

New York's definition of Priority School is consistent with the definition, per the Department's "Demonstrating that an SEA's Lists of Schools meet ESEA Flexibility Definitions" guidance. All identified **schools are either:**

- Among the lowest five percent of Title I schools in the State based on both achievement and lack of progress of the "all students" group;
- A Title I-participating or Title I-eligible high school with a graduation rate less than 60 percent over a number of years; or
- A currently-served Tier I or Tier II SIG school.

At the elementary and middle school level 125 of the 169 schools with the lowest combined Performance Index in ELA and math that are not in the process of closing have been identified as Priority Schools. The other 44 schools that were not identified did not fail to make progress, primarily because the schools either were in Good Standing in the 2011-12 school year and/or showed more than 10 point gain in their combined ELA and math Performance Index between 2009-10 and 2010-11. Only 18 schools were removed from priority status based on the school's and/or its subgroups Student Growth Percentile performance in relation to statewide performance.

At the high school level, 62 of the 158 schools with the lowest combined Performance Index in ELA and math that are not in the process of closing have been identified as Priority Schools. Of the schools not identified, 34 were transfer high schools that were removed from consideration after a case-by-case review of their data and the remaining 62 were removed because the schools either were in Good Standing in 2011-12 school year and/or showed more than 4 point gain in their combined ELA and math Performance Index between 2009-10 and 2010-11. None of these 62 schools had a graduation rate below 60 percent for the 2004, 2005, and 2006 graduation rate cohorts.

Prior to making the priority list final, New York will remove any schools whose 2007 graduation rate cohort exceeds 60 percent and any schools deemed to have extenuating or extraordinary circumstances.[29] However, in no case will the final list of Priority Schools equal less than five percent of the state's Title I schools as New York's preliminary list contains 55 more Title I and Title I eligible secondary schools than New York is required to identify to meet the five percent minimum, and New York has not received more than 18 appeals in any year during the past four years and has not granted any more than 10 appeals of a school's accountability status during that time.

New York will inform districts of the preliminary status of their schools in May and offer school districts the opportunity to appeal the identification of any preliminarily identified schools. A final list of schools will be made public upon the approval of New York's waiver application.

29 An example of an extraordinary circumstance is a school began instruction in the fall, asbestos was discovered in the building, students had to be relocated to several other buildings in the district, and then the building was reopened in the Spring after abatement work was completed. The disruption caused a significant drop in student performance compared to prior year performance.

In the event that ESEA is not reauthorized prior to the 2015-2016 school year, the Department will establish a new list of Priority Schools. In creating that list, New York will modify its Performance Index so that students who do not participate in State assessments in ELA and mathematics will be counted at Level 1.

2D.ii Provide the SEA's list of Priority Schools in Table 2.

This list is contained in Attachment 8. See attachment 18 for more information on the identification of Priority Schools.

2D.iii Describe the meaningful interventions aligned with the turnaround principles that the NEA with Priority Schools will implement.

NYSED is working to bridge our current approved Differentiated Accountability system with our new approach to school and district accountability as proposed in this waiver application. We understand the need to link current and future practice. NYSED has taken the Secretary's turnaround principles, our approved §1003(g) SEA and LEA SIG applications, and cross-walked these indicators to design prompts and quality indicators that lead districts and schools through the process of developing improvement plans consistent with the waiver turnaround principles and New York State's expectations for creation of the optimal conditions for learning and utilization of best educational practices. Through processes and regulations already in place, we have a strong foundation to ensure that Priority Schools implement meaningful interventions aligned with the turnaround principles.

Schools that are fully and completely implementing an approved SIG plan will be deemed to be meeting the requirements for Priority School status. Districts may submit §1003(g) SIG applications for each Priority School. These SIG applications must propose how the school will:

- Meet the requirements of one of the four federal models (turnaround, restart, closure, or transformation), consistent with Commissioner's Regulations §100.2(p), which consolidates the processes for identifying and intervening in PLA schools and Schools Under Registration Review (SURR).
- Implement a systematic whole school reform model. Schools and LEAs may wish to propose a new school or partnership.
- Work in collaboration with partner organizations, Integrated Intervention Teams and Distinguished Educators to implement the proposed plan.

Current NYS SIG LEA recipients may amend their implementation plan in order to better align with the tenets outlined in the Diagnostic Tool for School and District Effectiveness. Schools implementing SIG plans must demonstrate that they have:

- Selected a leader for the Priority School that has the necessary turnaround skills and competencies to implement the chosen model successfully;

- For a school implementing the Transformation and Restart Models, begun to implement a new teacher and principal evaluation system consistent with Education Law §3012-c and Commissioner's regulations[30] (described in detail in Principle 3);
- Aligned job imbedded professional development for teachers with the needs identified by the district and SED;
- Engaged in collective bargaining with local teachers and principals unions to implement Education Law 3012-c, the teacher and principal evaluation system (described in detail in Principle 3);
- Engaged in any necessary additional collective bargaining related to extending the school day and implementation of a system of rewards for high-performing teachers and administrators; and
- Developed a plan for engaging parents and community organizations in the creation and implementation of the chosen model.

LEAs that fail to provide a SIG plan that addresses each of these issues in a comprehensive and focused manner will not be approved for SIG funding.

Priority Schools that are not implementing one of the four SIG intervention models will be required to construct a Comprehensive Education Plan (which will be submitted as part of the District Comprehensive Improvement Plan) that addresses all of the Turnaround Principles outlined in this waiver and the tenets outlined in the Diagnostic Tool for School and District Effectiveness. Upon approval of this waiver, NYSED will recommend regulatory amendments to the Board of Regents so that Schools Under Registration Review will become a subset of Priority Schools. If an LEA fails to meet the Department's quality bar during the application review process to receive SIG funding for a Priority School, that school may be identified as a School Under Registration Review. The Department believes that if a district and school cannot meet the quality bar established in our SIG application review process, this is an indication of larger, more systemic problems at both the district and school. In order to meet the requirements of Commissioner's Regulation §100.2(p), and to dramatically increase the chances that students in these schools receive the supports and services that they need and deserve, these schools will be required to implement systematic whole school reforms that fully implement the Secretary's Turnaround Principles.

For all Priority Schools, the SEA and LEA on-site reviews guided by the Diagnostic Tool for School and District Effectiveness will form the basis for all school and District Comprehensive Improvement Planning. The needs identified by the diagnostic will also serve as a guide for SEA and LEA technical assistance for and monitoring of plan implementation.

As indicated in the chart below, New York has carefully calibrated its interventions to align with The Secretary's seven turnaround principles.

1. providing strong leadership by: (1) reviewing the performance of the current principal; (2) either replacing the principal if such a change is necessary to ensure strong and effective leadership, or demonstrating to the SEA that the current principal has a track record in

[30] Principle 3 provides additional information on the development of standard teacher competencies, and the work that the State is engaging in to ensure that these competencies can be used as a starting point for local discussions.

improving achievement and has the ability to lead the turnaround effort; and (3) providing the principal with operational flexibility in the areas of scheduling, staff, curricula, and budget;

2. ensuring that teachers are effective and able to improve instruction by: (1) reviewing the quality of all staff and retaining only those who are determined to be effective and have the ability to be successful in the turnaround effort; (2) preventing ineffective teachers from transferring to these schools; and (3) providing job-embedded, ongoing professional development informed by the teacher evaluation and support systems, and tied to teacher and student needs[31];
3. redesigning the school day, week, or year to include additional time for student learning and teacher collaboration;
4. strengthening the school's instructional programs based on student needs and ensuring that the instructional programs are research-based, rigorous, and aligned with State academic content standards;
5. using data to inform instruction and for continual improvement, including the provision of time for collaboration on the use of data;
6. establishing a school environment that improves school safety and discipline, and addressing other non-academic factors that have an impact on student achievement, such as students' social, emotional, and health needs; and
7. providing ongoing mechanisms for family and community engagement.

Note: Public charter schools in New York State are considered schools for accountability purposes. Please see Note in 2.E.iii that describes the technical assistance, support and intervention expected from charter authorizers and the schools they oversee in New York State.

[31] Please see Principle 3 for an in-depth discussion of how the State is currently and will in the future support districts in providing on-going professional development informed by the teacher evaluation and support systems.

New York State's Organizing Framework for Dramatic School Turnaround:
Quality Indicators that Evidence Turnaround Principle/SIG Requirements Implementation

NYSED has merged the Secretary's turnaround principles and USDE's requirements for SIG, in order to define quality indicators that lead districts and schools through the process of developing improvement plans consistent with the waiver turnaround principles and New York State's expectations for creation of the optimal conditions for learning and utilization of best educational practices. We believe strongly that the quality indicators described below and the support we will provide districts to implement them will increase the quality of instruction in Priority Schools; improve the effectiveness of leadership and teaching in these schools; and improve student achievement and graduation rates for all students including English Language Learners, students with disabilities, and the lowest achieving students.

Turnaround Principle elements from ESEA waiver (also aligned with USDE SIG Requirements)	Quality Indicators that will be used by SED as Evidence of Turnaround Principle/SIG Requirements Implementation	Supports for Districts and Schools for Achievement of Quality Indicators
Overall Capacity	The district has: • A clear and cogent theory of action guiding logical key district-level redesign strategies that are likely to ensure that all students graduate high school ready for college and careers. • Completed an analysis of the root causes of poor student achievement and the current strengths and weaknesses of the systems and structures at the district and school level, in order to match identified needs to model selection and turnaround principle implementation for each PLA/Priority School. • Completed an assessment and analysis of the districts' student population, and identified clear pathways for recruiting, retaining, and moving students to the school of their choice. • Articulated a strategic and robust district plan for continual improvement that includes putting in place or improving systematic district and school level processes and procedures for: - The implementation of the common core learning standards, Data-Driven inquiry (DDI) and student assessment, and the performance review and evaluation of teachers in PLA/Priority and Focus Schools. - Frequent monitoring of leading indicators and student achievement outcomes for PLA/Priority Schools. - Implementation of defined policies and procedures for monitoring and acting on leading and lagging indicators or student achievement metrics. - Matching specific models and turnaround principles/strategies to school and student-specific data. • Identified annual goals matched to each PLA/Priority School within the district. • Articulated a rigorous process for identifying, selecting, matching,	The New York School Turnaround Office (STO) – housed in the Office of School Innovation – has as its mission to implement the following core strategies to support LEAs with Priority Schools: • Provide LEAs with access to information and models of best practice, • Create professional communities of practice across the State, • Connect districts and schools to key change partners and partner organizations, and • Promote high quality school design through funding and outreach. The STO is planning to support Priority Schools/districts through: • Statewide professional development events for PLA principals and district administrators. These events are being planned in collaboration with the Offices of Curriculum, Instruction and Field Services; Accountability; and Special Education. These events are being planned to complement the statewide Network Team trainings. The principals, key staff members instrumental to leading the school's work outlined in the School Improvement Grant (SIG) plans, and district level staff members will be required to attend the quarterly professional development sessions. • Quarterly statewide meetings with district improvement and turnaround offices and NYSED to share information and resources geared toward improving district capacity to support PLA and Priority Schools and to provide guidance on SIG implementation and partner selection. • The launch of a web-based communication platform for PLA principals to share information, tools, and resources across districts. • Provision of guidance on external partner selection and matching.

	and evaluating turnaround partner organizations, which includes requesting evidence of a proven track record of success with the targeted sub-groups. • Articulated performance expectations for partner organizations and the means by which the LEA will hold the partner organization accountable for meeting those expectations. The school has: • A compelling 1-2 sentence vision statement that defines the purpose of the school. • A clear plan for how the school will achieve the goals articulated in the vision, based upon the school's key design elements and unique characteristics. • Identified 3-5 key interim benchmark indicators that will provide evidence of early change, as well as a plan to track these indicators. • If the school design draws on existing models: historical evidence that the design, or at least components thereof, has led to positive outcomes in existing schools**.** If the school design does not have a precedent: a clear rationale for the design, and any research or other supporting information that provides plausible evidence that the model will likely meet the needs and outcomes identified for the school. • An understanding of how the school's plan fits within the larger district strategy and approach to district and school redesign.	
1. Providing strong leadership by: (1) reviewing the performance of the current principal; (2) either replacing the principal if such a change is necessary to ensure strong and effective leadership, or demonstrating to the SEA that the current principal has a track record in improving achievement and has the ability to lead the turnaround effort; and (3) providing the principal with operational flexibility in the areas of scheduling, staff, curricula, and budget.	The district has: • Systems and processes for anticipating and addressing school staffing, instructional, and operational needs in a timely, efficient, and effective way. These systems can be optimized by key partnerships. • Provided operational autonomies for all of its PLA/Priority and Focus Schools in terms of human resource practices, school-based budgeting, and use of time strategies that are matched to the needs of the schools. The district has articulated how these autonomies are different and unique from those of the other schools within the district, and outlined the accountability measures that were put in place in exchange for these autonomies. • A designated office/structure charged with directing district-wide turnaround, innovation, improvement, or choice efforts; including the management of a cluster or PLA/Priority and/or Focus schools. • Formalized policies and procedures for providing schools the appropriate autonomy, operating flexibility, resources, and support to reduce barriers through adoption by the local Board of Education. • Evidence of labor-management collaboration, such as formally executed thin-contracts or election-to-work agreements, which outline the conditions for work that match the needs of PLA/Priority and Focus Schools.	• Through a competitive process the STO will select successful educational consultants skilled at improving struggling schools and developing teacher practices to provide comprehensive professional development to district personnel. This professional development will be specifically focused on strategies to increase operational flexibility and recruit and retain strong leadership. • Selected educational consultants will also provide schools with the tools and resources to think about effective restructuring of the schedule, staff, curricula, and budget. In some cases, consultants may work with the districts and their schools to complete an analysis of the current district structure, and identify the most important operational flexibilities to grant a particular school or set of schools. • In the area of scheduling, the Commissioner shall establish the minimum amount of Expanded Learning Time that must be incorporated into the redesign of the school day, week, and/or year for Priority Schools. Districts may use funds from their Title I and Title II set-asides to implement these requirements. Schools and districts will be required to show how this expanded learning time is being used for professional development for teachers as well as academic support of students. • The findings of the Diagnostic Tool for School and District Effectiveness may direct districts and schools to seek out support partners and implement strategies for issues related to scheduling, staff, curricula, and budget. • The State is overhauling its school leadership certification requirements to include a performance assessment of a candidate's ability to observe teaching practice. <u>Under Education Law § 3012-c:</u> • NYSED has established a list of principal evaluation rubrics that that have been approved through a rigorous RFQ process.

		• Evaluators for the principal evaluation system must be trained. The State will provide the turn-key training and online resources for evaluator training. This training will ensure that superintendents and their designees evaluate principals based upon rigorous standards and rate principals on the HEDI (Highly Effective, Effective, Developing, Ineffective) scale. • HEDI ratings will provide Superintendents and district administrators with data regarding the effectiveness of principals, which can be used to ensure that priority Schools are staffed with leaders with appropriate Turnaround skills. • Districts can use the new Title I and Title II set-asides to support leadership professional development, for screening and outreach to recruit qualified individuals, and other activities associated with increases in leadership capacity. • Network Teams and Institutes provide Superintendents and other district administrators with training on the teacher/principal evaluation system. • EngageNY (http://www.engageny.org) – rich web-based toolkits of resources, such as webinars, to support implementation of the teacher/principal evaluation system.
2. Ensuring that teachers are effective and able to improve instruction by: (1) reviewing the quality of all staff and retaining only those who are determined to be effective and have the ability to be successful in the turnaround effort; (2) preventing ineffective teachers from transferring to these schools; and (3) providing job-embedded, ongoing professional development informed by the teacher evaluation and support systems and tied to teacher and student needs.	The district has: • A clear understanding of the type and nature of staff that are needed to create dramatic improvements in PLA/Priority Schools. • Articulated a robust human capital strategy, with a comprehensive pipeline for recruiting, training, and retaining teachers and school leaders who are highly qualified to work in PLA/Priority Schools. This strategy includes, but is not limited to: - Marketing attractive characteristics of the district and its schools to teachers; - Identification of teacher quality and quantity recruitment goals for the district as a whole; - Identification of teacher quality recruitment goals and strategies for high poverty and high minority schools, to ensure that students in those schools have access high-quality teachers; - Identification of schools within the district that have challenges in teacher recruitment, with plans to overcome those challenges; - Altered district hiring procedures and budget timelines to ensure that the appropriate number/types of teachers and principals can be recruited and hired in time to bring schools through dramatic change; and - Creation of key partnerships with universities and colleges that provide teacher and leader preparation. • A system for the annual professional review and evaluation of school leaders and teachers in a manner that takes into account student growth (Ed Law § 3012-c).	• Through initiatives outlined in Principles 1 and 3, NYSED plans to: overhaul the State's educator certification exams to align with Common Core State Standards; develop a new outcomes-based accountability system for educator preparation programs; and increase capacity for higher education faculty. • New certification exams will be designed to reflect Common Core shifts, and expectations for high performance. • NYSED will continue the practice of ensuring that SIG or CEP plans submitted 1) provide assurances that the school will only retain teachers who are determined to be effective and have the ability to be successful in the turnaround effort; and 2) contain a comprehensive, on-going job-embedded professional development plan that is based on the identified needs of the teachers, and student needs. • NYSED will also continue to monitor implementation of professional development through site visits and teacher interviews, in order to ensure that the professional development is job-embedded, on-going, and informed by the teacher evaluation and support systems and tied to teacher and student needs. <u>Under Education Law § 3012-c:</u> • NYSED has established a list of teacher evaluation rubrics that have been approved through a rigorous RFQ process. • Evaluators for the teacher evaluation system must be trained. The State will provide the turn-key training and online resources for evaluator training. This training will ensure that Principals and school administrators evaluate teachers based upon rigorous standards, and rate teachers on the HEDI (Highly Effective, Effective, Developing, Ineffective) scale. • HEDI ratings will provide Principals and school administrators with data regarding the effectiveness of teachers, which can in turn be used as a significant factor in teacher development and employment decisions such as promotion, retention, tenure determination, termination, and supplemental compensation. • Districts can use the new Title I and Title II set-asides to support professional development, for screening and outreach to recruit qualified individuals, and other activities that are informed by the results of the teacher evaluation and support systems and tied to teacher and student needs. • Network Teams and Institutes provide Principals and other school administrators

		with training on the teacher/principal evaluation system. • EngageNY (http://www.engageny.org) – rich web-based toolkits of resources, such as webinars, to support implementation of the teacher/principal evaluation system.
3. Redesigning the school day, week, or year to include additional time for student learning and teacher collaboration.	At the school: • The plan for additional time for student learning and teacher collaboration is aligned with the school's overall academic focus. • Additional time is used to accelerate learning in core academic subjects, by making meaningful improvements to the quality of instruction in identified areas of need. • Additional time is used (either in core and/or specialty classes) to offer enrichment opportunities that connect to state standards, build student skills and interests, and deepen student engagement in school/learning in identified areas of need. • Additional time is used to build a professional culture of teacher leadership and collaboration, (e.g., designated collaborative planning time, on-site targeted professional development) focused on strengthening instructional practice and meeting school-wide achievement goals.	• Through a competitive process, the STO will select successful educational consultants skilled at improving struggling schools and developing strategies to increase student and teacher time for learning. • The Commissioner shall establish as approved by the Board of Regents the minimum amount of Expanded Learning Time that must be incorporated into the redesign of the school day, week, and/or year for Priority Schools. Districts may use funds from their Title I and Title II set-asides to implement these requirements. • Districts and/or schools may be required to participate in an audit of scheduling as a result of diagnostic tool findings. • Priority Schools will be given special consideration for 21st Century Community Learning Center programs. The Request for Proposals fro this program will allow additional hours of learning time, as well as additional collaborative planning time and professional development for teachers and community partners who provide expanded learning in core academic subjects for 21st Century Community Learning Center program recipients.
4. Strengthening the school's instructional program based on student needs and ensuring that the instructional program is research-based, rigorous, and aligned with State academic content standards.	At the school, and supported by the district: • There is a curriculum and accompanying instructional practices in place that are clearly aligned to the Common Core learning standards. Research-based instructional practices will ensure successful implementation of the curriculum with the identified sub-groups • The curriculum and instructional practices are presented in a logical flow, with enough specificity to provide confidence that all students (including identified sub-groups) will achieve standards at each grade level and graduate high school college- and career-ready. • The professional development reflects a streamlined focus on improving instruction and the implementing the Common Core learning standards. • Teachers and administrators understand what classroom instruction will look like as a result of proper implementation of the Common Core learning standards and the school's curriculum.	• In July 2010, the Board of Regents approved the Common Core State Standards in English Language Arts and Literacy and the Common Core State Standards in Mathematics. • New York State is developing Common Core Curricula in ELA and Literacy (grades P-2), and curriculum modules in ELA and Literacy (grades 3-12) and in Mathematics (grades P-12). All will have built-in scaffolding for ELLs and for students with disabilities, demonstrating for teachers how to provide grade-level and rigorous instruction based on student needs. • New York State is developing standards and resources specifically for ELLs that are Common Core-aligned. We expect to seek Regents approval of new English as a Second Language (ESL) and Native Language Arts standards that are aligned with the Common Core by 2013. • The State, its providers and Network Teams provide Superintendents, District administrators, Principals and other school administrators with training on the Common Core Standards and their implementation. • NYSED has created Engage NY (http://www.engageny.org) – rich web-based toolkits of resources which include documents advising phased and early adoption of the standards; sample curricular material; a series of professional development videos and accompanying professional development workshop suggestions; a professional development "kit"; extensive professional development hand-outs, teacher practice video, facilitators' guides, and power point decks; and a compendium of relevant reading. • NYSED expects to release (by the spring of 2012) a series of RFPs that will commission a comprehensive set of curricular resources designed to guide implementation of the Common Core beginning in the fall of 2012. These resources include robust curricular modules mapped to the Common Core (and aligned to content area standards) in ELA, Mathematics, Science, Social Studies, the Arts, Native Languages, and English as a Second Language, as well as a comprehensive video series (500+ segments) depicting exemplary classroom-level

		implementation of the Core. These modules and videos will be available on EngageNY.org so that they can inform, support, and articulate and model truly aligned instruction, content, and assessment. • Teacher Centers will collaborate with Network Teams to develop professional development work plans in support of implementation of the Common Core Standards in schools and districts. • 10 Regional Special Education Technical Assistance and Support Centers (RSE-TASC) staffed with teams of highly trained special education specialists will provide support to Priority Schools. These specialists provide regional training and embedded professional development to school personnel on research-based instructional strategies, particularly in the areas of literacy, behavior and specially-designed instruction and individualized education program (IEP) development to support students with disabilities in participating and progressing in the curriculum to meet the Common Core Standards.
5. Using data to inform instruction and for continual improvement, including the provision of time for collaboration on the use of data.	At the school, and supported by the district, there is: • A school-wide system of diagnostic, formative, interim, and summative assessments varied in type and frequency. The system provides staff with confidence in identifying the areas that students need improvement in order to achieve standards at each grade level. There is an early warning system, which allows staff to tailor instruction to bring students to proficiency. • A plan to evaluate the progress of individual students, cohorts over time, and the school as a whole, as they work toward meeting requirements under New York State's accountability system. • A set of policies and criteria for promoting students to the next level and for graduation from the school that are aligned with college- and career-ready standards. • Evidence that the school uses Data-Driven inquiry (DDI) and assessment information to modify the educational program and improve instruction, student learning, and staff development.	• Network Teams and Institutes provide training and materials to school and district personnel to ensure a clear path and the resolutions to many questions as schools establish systems to collect real-time data on student performance, analyze that data, and make logical, action oriented progress towards addressing the gaps highlighted in student learning. • NYSED has created Engage NY (http://www.engageny.org) – rich web-based toolkits of resources, which include a school-level rubric that superintendents, district staff, Network Teams, and school leaders can use to diagnose the current state of data inquiry work in a school and the steps necessary to get it right. • NYSED will continue the practice of ensuring that SIG or CEP plans submitted 1) provide a description of how the school will use data to inform instruction; and 2) include a plan for the provision of time for collaboration on the use of data. • NYSED will also continue to monitor implementation of data driven instruction through site visits and teacher interviews. • Selected educational consultants will also provide schools with the tools and resources needed to implement data driven instruction. In some cases, consultants may work with the districts and their schools to complete an analysis of the current implementation of data driven instruction, and identify an action plan for supporting development of a data driven culture in a school or set of schools.
6. Establishing a school environment that improves school safety and discipline and addressing other non-academic factors that have an impact on student achievement, such as students' social, emotional, and health needs.	At the school, and supported by the district, there is: • Evidence that the school has strategies for ensuring a safe, supportive school climate that is strengths-based, aligned with the school's overall educational goals, consistent with evidence-based best-practices, which are encouraged and fully supported by parents and community. • Evidence that the school encourages parent/family involvement and communication to support student learning. There is a plan in place to gauge parent satisfaction with school climate.	• Priority Schools will be required to implement a systematic whole school reform model, which can be based upon a Full Service School model with wrap-around social and health services. • As a condition for meeting the turnaround principles, priority Schools must also work in collaboration with partner organizations to implement the proposed plan. These partners may be selected based upon their competencies in improving school safety and discipline and addressing other non-academic factors that impact student achievement, such as students' social, emotional, and health needs. • The findings of the Diagnostic Tool for School and District Effectiveness may direct districts and schools to seek out support partners and implement strategies for issues related to safety, community, and discipline.
7. Providing ongoing mechanisms for family and community	At the district level, and seen within the school, there are: • Processes and procedures for regularly communicating with municipal and civic leaders, community and faith-based organizations, and parent groups in the restructuring and planning	• Districts are required by Commissioner's Regulation Part 100.11 to implement plans for school based management and shared decision making. In New York City, State Education Law requires that each public school have a school leadership team that includes parent representatives.

engagement.	efforts of the school. • Processes for assisting school leaders in networking with the community partners and engaging parents.	• NYSED as part of its monitoring protocols ensures that Title I schools have in place parent compacts. • Districts will be required to set aside up to 2 percent of their total Title I allocation, based on student enrollment in Priority and Focus Schools, for parent involvement and engagement activities. The plans for this set-aside must be made in collaboration with district parent organization leadership.

To support implementation of the quality indicators, New York State will require districts with Priority and Focus Schools to develop a single District Comprehensive Improvement Plan, which addresses each type of school in the district, in the context of the district's overall plan for improving instruction in the district and the identified needs of the schools. For the 2012-13 school year, this plan will be based upon the results of SQR, ESCA, and Joint Intervention Team visits currently being conducted in the 2011-12 school year. Once the Diagnostic Tool for School and District Effectiveness is fully implemented in the 2012-13 school year, districts and schools will be given opportunities to amend their earlier plans to ensure that their efforts are addressing the findings from the employment of the new tool. Beginning in the 2013-14 school year and thereafter, schools will base their improvement plans on the results of the diagnostic tool.

NYSED will continue to require districts to document how they will use federal funds and the mandatory set-asides in a revised Federal consolidated application with the goal that Title I, Title II, and Title III funds will be used synergistically to support implementation of the comprehensive education plan. In addition, the consolidated application will be used to document how funding from a new system of mandated set-asides will be used to implement the Regents Reform Agenda in Priority and Focus Schools and address the findings from the Diagnostic Tool for School and District Effectiveness, while reducing the burden on school districts to develop multiple educational plans aligned with each funding stream. As described in the differentiated support section, in districts struggling to make improvements in their Priority Schools, the Commissioner will appoint a Distinguished Educator, whose expenses will be funded from local resources, to aid in the development and implementation of systematic plans for reform. In addition, Commissioner-appointed site visit teams and Distinguished Educators may recommend that the district utilize other federal, state or local funds to implement reform models in these schools.

2.D.iii b. Describe the identified practices to be implemented that meet the turnaround principles and are likely to:

increase the quality of instruction in Priority Schools

improve the effectiveness of the leadership and the teaching in these schools; and

improve student achievement and, where applicable, graduation rates for all students, including English Language Learners, students with disabilities, and the lowest-achieving students.

To improve student achievement, low achieving schools must typically address most, if not all, of the following issues: low academic standards, inadequate instructional leadership, curriculum deficiencies, ineffective instructional methods, many inexperienced and/or ineffective teachers, lack of alignment between professional development and staff needs, assessment data not used to plan instruction, inefficient use of time, lack of proper programming and supports for ELLs and students with disabilities, lack of parent and community involvement, ineffective classroom management practices, and lack of strategic social supports or effective college goal-setting with students.

In order to ensure that schools are addressing these issues, the Department will consider amending its regulations to require that LEAs with Priority Schools will be required by regulation to either submit an approvable SIG plan or a Comprehensive Education Plan based on the turnaround principles. These plans will be reviewed to ensure that they are focused on increasing the quality of

instruction, improving the effectiveness of the leadership and teaching; and improving student achievement and graduation rates for all students. The high quality bar set by the Department for approval of these plans makes it highly likely that districts will present comprehensive plans based on the turnaround principles that lead to dramatic increases in student achievement and teacher instruction. The Department will provide LEAs with the differentiated supports to achieve successful implementation (as described in 2A) and will monitor LEA implementation. Each of these activities will support the effective implementation of the turnaround principles.

In addition, the Department has several current and new initiatives that are targeted to produce positive outcomes at Priority and Focus schools:

- The Department will continue its work to integrate and align ESEA Title I, Title III, and the IDEA accountability systems. By aligning accountability measures, the Department can ensure that LEAs are focusing intervention strategies on students with disabilities and English language learners in a cohesive and coherent manner, within the context of an overall improved academic achievement for all students.

- Through its approved Race to the Top plan, the Department will continue to utilize the Network Teams (as described in 2.D.iii and 2.F) to provide districts with professional development on the three core areas of the Regents Reform Agenda: implementation of the Common Core Standards (as described in Principle 1); building instructional data systems that measure student success and inform teachers and principals how they can improve their practice; and promotion of effective teachers and leaders through the implementation of a multiple measures evaluation tool, with aligned supports and professional development. Principle 3 covers our work in the area of setting high expectations for teachers and leaders. Districts and schools are expected to use the elements of the new teacher and leader evaluation protocols to inspire educators to be reflective about their practice in an effort to provide students with improved learning opportunities. This reform agenda is supported by a partnership with the Regents Research Fund, Network Team Institute participants, NYSED staff, and external partnerships.

- The Department will continue to utilize the resources and expertise offered by the State's Regional Special Education Technical Assistance Support Centers (RSE-TASC) Special Education Technical Assistance Network and the Regional Bilingual Education - Resource Network (RBE-RN). These Regional Networks improve the teaching in schools with Special Education and English language learner populations by going into schools and providing vital resources and support to teachers and school leaders. The Special Education Technical Assistance Center for New York State is one of the most extensive in the United States.

- The Department will continue to use IDEA funding to assign a Special Education School Improvement Specialist (SESIS) from the RSE-TASC to provide technical assistance and participate as a subgroup specialist during the various differentiated accountability reviews. In addition, for districts identified for Needs Intervention, staff from the NYSED P-12 Office of Special Education (OSE) will participate in the Joint Intervention Team reviews. http://www.p12.nysed.gov/specialed/techassist/rsetasc/.

- The Department will also direct technical assistance resources to the schools identified for the ELL subgroup. School districts identified for not meeting their AMAOs under Title III for two consecutive years are required to submit an Improvement Plan and failing to meet their AMAOs for four consecutive years are required to develop a Corrective Action Plan. Additional information regarding AMAOs and required plans can be found on the OBE-FLS website: http://www.p12.nysed.gov/biling/NEWTIII.html. These plans will be aligned with and eventually integrated into the District Comprehensive Improvement Plan

- As approved in New York's RTTT Scope of Work, the State Turnaround Office will scale up current professional development offerings in the first half of 2012 by selecting through a competitive process, educational consultants with proven records of success improving struggling schools and developing teacher practices to provide comprehensive professional development. The focus of the winter 2012 (and subsequent) professional development opportunities will be the tenets identified in the Diagnostic Tool for School and District Effectiveness. The delivery of professional development to Priority Schools will be a two-pronged approach. All Persistently Lowest Achieving (PLA) schools will be required to participate in quarterly professional development opportunities that will focus on instructional best practices aligned to the Common Core State Learning Standards and intended to develop common understandings of what rigorous instructional practices look like in effective schools. Staff members of PLA schools will also be encouraged to participate in comprehensive professional development sessions focused on the areas for improvement noted in visits to the school. The comprehensive sessions will consist of a combination of face-to-face professional development, online support, inter-visitations of schools, and on-site coaching. Priority Schools that are not PLA will be strongly encouraged to attend the quarterly professional development sessions and have staff members participate in the comprehensive professional development opportunities. These opportunities will be delivered by competitively selected external partners that have a proven record of success in the identified areas, Regents Research Fund staff, and NYSED staff.

- A leadership academy will be created to assist districts in developing leadership capacity throughout the State with Priority School leaders being required to attend. The focus of the professional development will be instructional practices focused on the Common Core State Learning Standards, Data Driven Inquiry, Teacher/Leader Effectiveness, and school culture. The participants will have face-to-face sessions during the quarterly professional development, and have follow-up sessions of online support, inter-visitations, and on-site coaching. These sessions will assist school leaders to create and target specific teaching development needs that will lead to increased student achievement.

- When partnering with external experts to deliver professional development opportunities, school leaders and staff members will participate in comprehensive trainings focused on the specific sub-groups of students that may be identified. This provides a mechanism for monitoring the effectiveness of the professional development via the State accountability system and the NYSED review visits, using the Diagnostic Tool for School and District

Effectiveness. These efforts, particularly in the high school grade levels, will lead to increased graduation rates.

Supporting Implementation of Turnaround Principles in Priority Schools

Goals of Comprehensive Professional Development Opportunities

Assist schools and districts to build capacity around best practices so that NYSED-driven PD and teacher and school leader preparation courses become better aligned.

Provide school leaders and teachers exposure to national conferences focused on topics pertinent to improving student achievement and teachers'/school leaders' practices.

Conduct school and district visits that lead to direct instructional and operational improvements and benefits.

The following steps will be taken to achieve these goals:

- Courses will be intensive year-long offerings consisting of quarterly in-person sessions that are complemented by interspersed on-site coaching, school intervisitations, and online support and communications.
- The possibility of offering credit for successful completion of coursework is being explored.
- Participants will be exposed to national and timely research concerning topics that are important to improving their schools.
- Visits to schools and districts will take place on an on-going basis and provide recommendations for immediate and direct instructional and operational improvements.

New York State's successful efforts to increase student achievement, combined with the flexibilities offered through the ESEA waiver, provide the opportunity for New York State to create increased synergy between our differentiated accountability system and our implementation of the Regents Reform Agenda. This will lead to improved student achievement for all of the students in New York State, including English language learners, students with disabilities, and our lowest-performing students.

Note: Public charter schools in New York State are considered schools for accountability purposes. Please see Note in 2.E.iii that describes the technical assistance, support and intervention expected from charter authorizers and the schools they oversee in New York State. Identified public charter schools may access any and all support resources from the Department outlined in this section, as appropriate.

2.D.iii c. The SEA ensures that each of its Priority Schools implements the selected intervention for at least three years.

Upon approval of this waiver, NYSED will recommend regulatory amendments to the Board of Regents so that Schools Under Registration Review will become a subset of Priority Schools. LEAs that fail to submit SIG applications for their Priority Schools that meet the Department's quality bar to receive SIG funding may be identified as Schools Under Registration Review. As SURR Schools, the Commissioner of Education and Board of Regents will have the authority (as they do now with LEAs with PLA/SURR schools) to compel LEAs with Priority Schools to implement a

Comprehensive Educational Plan based upon the turnaround principles (as described in 2.D.iii.b), through Commissioner's Regulation 100.2(p). Under this regulation, if, after thee academic years of implementing a plan, the school has not demonstrated sufficient progress, the Commissioner shall recommend to the Board of Regents that the school's registration be revoked and the school be declared an unsound educational environment (8 NYCRR §100.2[p][10][vi]).

It should be noted that in 2011, the Commissioner, under the current Commissioner's Regulation §100.2(p), required two districts that had not submitted approvable applications for SIG funding for its SURR/PLA schools, to submit SURR plans to implement one of the federal intervention models, which include requirements in the areas of leadership, job-embedded professional development, teacher evaluation, and use of data to inform instruction. These districts were informed that if SURR plans were not submitted that met these standards, the Commissioner would recommend to the Board of Regents that the schools' registrations be revoked.

SED will review each SIG and CEP submitted by LEAs for Priority Schools, as it has in the past with restructuring plans for PLA/SURR schools, to ensure that the LEA has a comprehensive intervention plan that employs all the necessary monetary and human capital resources needed for effective implementation over the course of a three year period. SED's differentiated system of supports, described in 2A, will be geared towards ensuring that districts have the resources, support and information needed to create sustainable plans.

One of the new resources available to LEAs are Educational Partnership Organizations (EPO). Under Education Law 211-e, with the approval of the Commissioner, LEAs now have the ability to contract with EPOs to implement an intervention model in identified schools. EPOs assume the powers and duties of a Superintendent, including the ability to make recommendations to the board of education (or Chancellor in New York City) regarding the school's budget, staffing, student discipline decisions, curriculum, daily schedule and school calendar. In order to receive approval from the Commissioner to enter into contract with the EPOs, LEAs must demonstrate that they have in place a strong system to recruit, evaluate and oversee EPOs. Additionally, contracts between the LEA and the EPO must include appropriate performance targets with defined sets of instructional and programmatic responsibilities.

The Department will also deploy Commissioner-appointed site visit teams to identified schools and districts to ensure implementation of selected interventions for at least three years. SED will build on effective on-site review strategies already being used with PLA schools, where SED staff interview administrators regarding leadership support; staff on the effectiveness of job-embedded professional development and use of data; students on the rigor of instruction and academic supports provided; and parents on the efforts of school administrators and teachers to involve them in increasing the quality of instruction.

In addition, the expert support of a Distinguished Educator appointed by the Commissioner will be crucial to schools/districts in ensuring that intervention plans are implemented. The Distinguished Educator Program was established in accordance with Education Law §§211-b and 211-c to provide assistance to low-performing districts and schools. Priority schools and Focus Schools and districts may need additional assistance from a Distinguished Educator to work with district administration and the local board of education to improve the performance of all student groups. Multiple

measures of quantitative and qualitative information will be gathered through the school and district review process and recommendations will be made to the schools and districts that will inform the development (or modification) of a Priority School's SIG application or School Under Registration Review plan. Consistent with law and regulations, Distinguished Educators will be appointed to a district or assigned to a school in circumstances where there are acute issues that have remained unresolved, despite prior intervention efforts.

An appointed Distinguished Educator serves as an ex-officio, non-voting member of the board. In the City School District of the City of New York, a Distinguished Educator serves as an ex-officio, non-voting member of the community district education council or the city board, as applicable. An appointed Distinguished Educator is responsible for assessing the learning environments of schools in the district; reviewing or providing assistance in the development and implementation of any district comprehensive plan and/or any corrective action, restructuring, or comprehensive plan of any school within the district to which the Distinguished Educator is assigned; endorsing without change or making recommendations for modifications to any such plan to the board of education, trustees, or chancellor and the Commissioner; and participating in summer training and ongoing professional development, as directed by NYSED. The general responsibilities of a Distinguished Educator appointed to a district include conducting an intensive review of district and school systems, structures, operations, and facilities and developing an action plan; assessing the district's capacity to promote and support teaching and learning within all schools in the district; working with district administration and the board of education to review data, analyze district and school structures, plan for improvement, and assist in targeting district priorities; facilitating increased student performance across the district; and recommending administrative and operational improvements to strengthen systems. Distinguished Educators assigned to a school is responsible for assessing the learning environment of the school; identifying or confirming systemic or instructional barriers and critical gaps to improving student achievement; and improving curricula, instructional and assessment strategies.

> Note: Public charter schools in New York State are considered schools for accountability purposes. Please see Note in 2.E.iii that describes the technical assistance, support and intervention expected from charter authorizers and the schools they oversee in New York State.

2D.iv Provide the timeline the SEA will use to ensure that its LEAs that have one or more Priority Schools implement meaningful interventions aligned with the turnaround principles in each Priority School no later than the 2014-15 school year and provide a justification for the SEA's choice of timeline.

Barring a significant increase in Federal SIG §1003(g) funding, NYSED will identify Priority Schools only once during the three-year waiver period. This identification will occur in the 2011-12 school year for implementation beginning in the 2012-13 school year.

Districts with large numbers of Priority Schools, to be determined by the Commissioner, may find it beyond their capacity to implement a SIG intervention or whole-school reform model in all identified schools beginning in the 2012-13 school year. All Priority Schools that are receiving SIG grants for the 2012-13 school year will implement one of the four USDE intervention models in

2012-13. NYSED anticipates that schools implementing SIG will constitute the majority of the Priority Schools that will begin full implementation of all turnaround principles in the 2012-13 school year. For the remainder of the Priority Schools, 2012-13 will be primarily a planning year, and full implementation of their models will begin in the 2013-14 and 2014-15 school years as described above. By the beginning of the 2013-2014 school year, each district with a Priority School must implement a SIG intervention model or implement a whole school reform model based on the turnaround principles in at least two-thirds of its Priority Schools. By the beginning of the 2014-15 school year, all districts will be required to implement a SIG intervention model or implement a whole school reform model based on the turnaround principles in all of its Priority Schools.

As part of the phase-in approach, Priority Schools must follow the requirements for Focus Schools until they begin implementing a whole-school reform model. Districts may petition the Commissioner to adjust these specified timeframes to best meet local need and capacity, or to phase in implementation of the turnaround principles over more than one year. The Commissioner will grant such requests only when there is compelling justification that such modification of the above timelines will allow a district to best utilize its resources and result in implementation of the turnaround principles with greater fidelity. However, all districts must ensure that each Priority School implements the interventions defined in the turnaround principles no later than the 2014-15 school year. In the fall of 2012, each district with a Priority School must provide the Commissioner with a commitment regarding the school year in which each of its Priority Schools will begin implementation of its SIG or whole school reform model aligned to the turnaround principles.

The following timeline will be applied for newly identified Priority Schools that are not already implementing one of the four Federal SIG intervention models:

Identification Period	State Action	School/District Action
Schools identified as PLA, and receiving SIG funds, prior to 2012.	NYSED will ensure that SIG funded PLA schools are implementing a state-approved plan, and will conduct annual site visits to ensure implementation fidelity.	LEA will continue to implement one of the four federal models, as outlined in their state-approved SIG plan. Schools in this category will generally be in their 2nd or 3rd year of model implementation in 2012-13.
Identification of Priority Schools that are not PLA	NYSED distributes SIG Planning Applications to districts/schools and schedules the Integrated Intervention Team to conduct reviews in newly identified Priority Schools.	Schools/districts complete a planning application that details what, who, and how different components of the school/district efforts towards the areas identified as inadequate will be assessed.
End of Planning Period	NYSED releases report findings from site visits. NYSED reviews, and makes award decisions, on LEA and school SIG applications, District Comprehensive Improvement	Schools/districts will use the information gathered and agreed upon during the planning sessions and the findings from the Integrated Intervention Team review to complete their District

	Plans and Local Assistance Plans[32].	Comprehensive Improvement Plans, School Comprehensive Education Plan and SIG Implementation Application.
Year 2 (2013-14 SY for most schools)	NYSED schedules a school visit for all Year 2 Priority Schools.	Schools/districts implement their plans with full fidelity and district conducts periodic district level assessments to determine any adjustments necessary to ensure the goals in the plans are achieved.
Year 3 (2014-15 SY for most schools) Year 3 (2014-15 SY for most schools)	Based on the results of the team visit, NYSED will either conduct an additional visit or allow the district to conduct a self-assessment of the progress made in the school using NYSED's Diagnostic Tool for School and District Effectiveness. Based on the results of the team visit, NYSED will either conduct an additional visit or allow the district to conduct a self-assessment of the progress made in the school using NYSED's Diagnostic Tool for School and District Effectiveness.	Schools/districts implement their plans with full fidelity and conducts periodic check-ins to determine any adjustments necessary to ensure the goals in the plans are achieved.

2D.v Provide the criteria the SEA will use to determine when a school that is making significant progress in improving student achievement exits Priority status and a justification for the criteria selected.

Schools may be removed from Priority status if they meet performance targets established by the Commissioner, which will at a minimum require that the school have a combined Performance Index in ELA and mathematics and graduation rates that exceed the thresholds for identification of Priority Schools for two consecutive years by at least ten index points. (For example, since the cutpoint for identification of an elementary or a middle school is a Performance Index of 111, an elementary or middle school would need to achieve a Performance Index of 121 to be eligible for removal.) For high schools, the four year graduation rate must equal at least 70 percent, except for transfer high schools. These criteria will ensure that the school is no longer among the lowest performing in the State and that the school is on a path towards sustained improvement. LEAs will be able to petition SED for removal of schools from Priority status that meet these minimum criteria. SED will then use additional leading and lagging indicator data to determine if the school

[32] Under this waiver application a Local Assistance Plan will be developed by districts not designated as Focused that have one or more schools that a) have persistently failed to make AYP for a specific subgroup on a specific measure, b) have large gaps in student performance among subgroups that are not closing or c) are among the lowest performing in the state for a subgroup on a academic measure and are not improving. In a Focused District, the district will meet the Local Assistance Plan requirements for any schools that meet these criteria that are not priority or focused by incorporating supports and interventions for these schools into its District Comprehensive Improvement Plan.

has made enough progress to warrant removal from Priority designation. In addition, to be eligible for removal from Priority designation, Priority Schools must meet the 95 percent participation requirement in ELA and mathematics for all subgroups for which the school is accountable.

However, once a school begins fully implementing an intervention or whole-school reform model, it must complete implementation of the model, even after removal from Priority designation. Consequently, no intervention model will be implemented in a Priority School for a period of less than three years. Schools that are removed from Priority status before they begin implementation of a model will not be required to implement the model.

Note: Public charter schools in New York State are considered schools for accountability purposes. Please see Note in 2.E.iii that describes the technical assistance, support and intervention expected from charter authorizers and the schools they oversee in New York State.

2.E FOCUS SCHOOLS

2.E.i Describe the SEA's methodology for identifying a number of low-performing schools equal to at least 10 percent of the State's Title I schools as Focus Schools. If the SEA's methodology is not based on the definition of Focus Schools in ESEA Flexibility (but instead, e.g., based on school grades or ratings that take into account a number of factors), the SEA should also demonstrate that the List provided in Table 2 is consistent with the definition, per the Department's "Demonstrating that an SEA's Lists of Schools meet ESEA Flexibility Definitions" guidance.

New York State seeks to identify Focus Schools in a two-stage process under which the Commissioner would first identify the districts with the lowest-performing subgroups as Focus Districts and those districts would in turn, with the Commissioner's approval, identify a specified minimum number of Focus Schools within the district. Districts with Priority schools automatically become Focus Districts.

Because district policies often contribute to the reasons that schools have low performance for specific groups of students, districts must play a lead role in helping schools to address their issues. As described with Priority Schools above, we believe that systematic change is the only mechanism to ensure that these schools will progress. For example, districts, rather than schools, have primary control over enrollment policies, allocation of resources, recruitment and assignment of staff, and the myriad of issues such as work rules, compensation, and evaluation that are subject to collective bargaining. The degree to which a district equitably distributes resources and human talent and has created an infrastructure to support full access to educational services for its students in traditionally underserved groups and communities is particularly important to raising achievement for students with disabilities, English language learners, low income students, and students from racial/ethnic subgroups with lagging academic performance. To those ends, New York State proposes to identify Focus Districts as a means to ensure that districts take dramatic and systematic actions in support of their schools in which the performance of disaggregated groups of students is among the lowest in the State. Focus Districts are those whose combined Performance Index in English language arts and mathematics for Grades 3-8 and high school ELA and mathematics or high school graduation rate places the district among the lowest five percent of districts in the State for that subgroup of students. In addition, any District that has a Title I or Title I eligible secondary school that is a Priority School will also be automatically identified as a Focus District, except that Special Act school districts will only be identified as a Focus District based upon whether the district has a Priority School. Once identified, a Focus District will then be required to identify a specified minimum number of schools upon which it will focus its support and intervention efforts based on similar criteria. The total of the minimum targets of schools that Focus Districts must identify will equal ten percent of the schools in the State, exclusive of those already identified as Priority Schools.

New York State plans to identify a district as a Focus District if any of its student subgroups have a combined ELA and mathematics Performance Index or graduation rate that places the subgroup among the lowest five percent of districts in the State for racial/ethnic subgroups, low-income students, students with disabilities, or English language learners. A district will not be identified for that subgroup's performance if that subgroup has a graduation rate above the State average on the four year graduation cohort or the group's median Student Growth Percentile in ELA and mathematics has been above the combined Statewide Median Growth Percentile for that group in

the past two years combined. For purposes of identification of Focus Districts, each of New York City's 32 community school districts will be treated as a separate district. In addition to identifying ten percent of the state's school districts as Focus Districts, the Commissioner will use the same methodology to identify ten percent of the total number of charter schools (both Title I and non-Title I) in the State as Focus Schools.

Because New York is first identifying Focus Districts and then Focus Schools within those districts, there are some schools in non-Focus Districts that would have been identified as Focus Schools if the Focus methodology had been applied directly to all Title I schools in the State. In total there are 70 Title I schools or Title I eligible middle schools located in non-Focus districts that would have met the criteria for a Focus School if that criteria had been applied directly to schools rather than first to Districts. These schools will be identified as Local Assistance Plan Schools.

Based on these criteria, the cut points for potential identification as a focused district and the number of districts identified for each subgroup is as follows:

Performance Index for Elementary/Middle and High School
English language arts and Mathematics

Subgroup	Criteria for Identification (Performance Index for Grade 3-8 and high school ELA and math at or below this Performance Index)	Number of Districts Identified
American Indian/Pacific Islander	112	2
Asian	112	5
Black	112	24
Hispanic	112	22
White	112	0
Multiracial	112	1
Students with Disabilities	70	34
Limited English Proficient	77	8
Low-Income	122	34

Four Year Graduation Rate

Subgroup	Criteria for Identification (Graduation Rate at or below this Percent)	Number of Districts Identified
American Indian/Pacific Islander	54	1
Asian	54	1
Black	54	20
Hispanic	54	24
White	54	4

Multiracial	54	0
Students with Disabilities	26	13
Limited English Proficient	28	2
Low-Income	56	18

(See Attachment17 for the step by step process for identification of Focus Districts.)

When a district is identified as a Focus District, all of the schools in the district are preliminarily identified as Focus Schools. Commissioner-appointed site visit teams will work with the Focus District using the Diagnostic Tool for School and District Effectiveness to help districts identify gaps and intervention strategies. Based on the data gathered, a Focus District may either choose to provide support to all of its schools to address the performance of subgroup(s) on the accountability measure(s) that caused the district to be identified, or the District may choose to identify a subset of schools as Focus Schools. Districts identifying all of their schools as Focus Schools will deploy similar mechanisms as described above for Priority Schools to create total system reform. If the district chooses the latter option, the district must use the rank order lists provided by the Commissioner based on the number or the percentage of students who are not proficient in ELA or mathematics; number or percent of non graduates in the subgroup(s) that caused the district to be identified, and then use that rank ordered list to identify the minimum, required number of Focus Schools. If a district believes there are extraordinary circumstances and that a school should not be identified as a Focus School, the district may seek permission from the Commissioner to identify a school with subgroup performance that is higher than that of the school with special circumstances.

The number of schools that a Focus District must identify is based upon whether the district has been identified as a Focus District because of its district wide performance in ELA and math and/or graduation rate, or because the district is identified solely because there are one or more Priority Schools in the district.

If the district has been identified as a Focus District solely because it has one or more Priority Schools in the district, then the schools in the district that are identified as Focus Schools will be those whose performance for a subgroup is below the cut points listed in the aforementioned tables and which are not making progress for that subgroup. Progress is determined using the same criteria as is used in the Focus District methodology. If a school has fewer than a total of 15 non-proficient student results in the group(s) for which it could be potentially identified or 15 non-graduate results in the group(s) for which it could be potentially identified, then the school will not be identified as a Focus Group. In addition, if a school has more than 60 percent of its students proficient in ELA and math or a graduation rate of more than 60 percent for all subgroup(s) for which the school could be identified, then the school will not be identified as a Focus School. Transfer Schools are not identified as Focus School until after additional analysis is conducted.

Once the Focus Schools in these districts are identified, it is necessary to then determine the minimum number of schools that each remaining Focus District must identify. This number of Focus Schools is based upon the number of non-proficient results and non-graduate results in the district for students who are members of the district's identified subgroups as a percentage of such students in all of the Focus districts in the State. In determining a district's proportion of the non-

proficient or non-graduate students within the Focus Districts in the State, results for students who are enrolled in Priority Schools are not included in making this determination. The minimum number of schools that a district must identify will not exceed 85 percent of the elementary and middle schools and 85 percent of the high schools in the district that have not been identified as Priority Schools.

Before the minimum number of schools that the district must identify as Focus Schools is determined, certain schools are removed from consideration as Focus Schools. These include schools in which there are a cumulative total of fewer than 15 non-proficient student or 15 non-graduate results in the subgroup(s) for which the district is identified as well as any schools in which the percentage of students who are proficient in all of the group(s) for which the district is identified is above 60 percent, and for high schools, the graduation rate for all such groups is above sixty percent. In the event that all schools in the district meet the criteria for removal from consideration, the district must choose a school in the district to be the district's Focus School. Transfer Schools are not identified as Focus School until after additional analysis is conducted.

After these schools are removed from consideration, the remaining schools are ranked ordered twice, once by the total number of non-proficient student or non-graduate results for the subgroup(s) for which the district was identified and once based upon the weighted percentage of non-proficient or non-graduate results for the subgroup(s) identified. On each list, schools are identified as Focus Schools based on their rank on the list until a number of schools equal to the District's minimum requirement is reached.

If a district believes there are extraordinary circumstances and that a school should not be identified as a Focus School, the district may seek permission from the Commissioner to identify a school with subgroup performance that is higher than that of the school with special circumstances. This will not reduce the minimum number of schools that the district must identify; it will simply allow the district to substitute a school that has a lower number or percent of students not proficient for a school that has a higher number or percent.

The total minimum number of schools the Commissioner will require districts to identify will be equal to at least ten percent of the Title I public schools in the State. In New York, identification of ten percent of the State's Title I Schools requires that 350 schools be identified as Focus Schools. Preliminarily, the 102 districts that have been identified as Focus Districts will be required to identify a minimum of 445 schools as Focus in addition to 14 Focus Charter Schools, resulting in a minimum total of 459 schools. All but 21 of the schools that are on the lists based on cumulative number of non-proficient or non-graduate students are Title I schools and all but 35 of the schools that are on lists based on cumulative percent of non-proficient or non-graduate students are Title I schools. Therefore no matter which lists a district chooses the total number of Title I schools that districts select must be well over the required statewide number of 350. Consequently, the schools selected by Districts will result in more than ten percent of the Title I schools in the state being selected as Focused Schools. (See Attachment 17 for the number of schools that each Focus District must identify.)

Districts may petition to be removed from identification if they meet performance targets established by the Commissioner, which requires that the school at a minimum have a combined

Performance Index in ELA and mathematics and graduation rates that exceed the thresholds for identification of focused districts for two consecutive years. NYSED will then use additional leading and lagging indicator data to determine if the district has made enough progress on a majority of the indicators to warrant removal from Focus designation.

In the event that ESEA is not reauthorized prior to the 2015-2016 school year the Department will establish a new list of Focus Districts. In creating that list, New York will modify its Performance Index so that students who do not participate in State assessments in ELA and mathematics will be counted at Level 1.

Note: Public charter schools in New York State are considered schools for accountability purposes. Please see Note in 2.E.iii that describes the technical assistance, support and intervention expected from charter authorizers and the schools they oversee in New York State.

2.E.ii Provide the SEA's list of Focus Schools in Table 2.

Attachment 9 contains a list of Focused Districts and the minimum number of Focused Schools that the District must identity.

2.E.iii Describe the process and timeline the SEA will use the ensure that its LEAs that have one or more Focus Schools will identify the specific needs of the SEA's Focus Schools and their students and provide examples of and justifications for the interventions Focus Schools sill will required to implement the performance of students who are the furthest behind.

During the 2012-13 school year, all Focus Districts will participate in the review process using the Diagnostic Tool for School and District Effectiveness. Integrated Intervention Teams will review district-level systems and initiatives available at a system-wide level.

These reviews will aid districts at multiple levels, including allocation of resources, and will enable them to take a systematic approach to school improvement for all students, while placing a special emphasis on the subgroup(s) of students for which the district was identified. In addition to the district-level analysis, Integrated Intervention Teams will visit all Focus Schools in districts with small numbers of schools and a sample of Focus Schools in districts with larger numbers of schools. At least one Focus School with each grade configuration (elementary, middle, and high school) will be visited and teams will visit schools that have been cited for each of the subgroups that caused the District to be identified as a Focus District. Follow-up visits will be conducted on a regular schedule, and will occur at least annually during the period that a district is identified as a Focus District. In instances where a Focus School's performance declines to the level of a Priority School, a Distinguished Educator may be appointed to conduct a review of the school which may include external partners. In those Focus Schools that Integrated Intervention Teams do not visit, the District will be required to ensure that a self-assessment is administered, using the Diagnostic Tool for School and District Effectiveness

Focus Districts will be required to develop a comprehensive plan based on the results from the Diagnostic Tool for School and District Effectiveness to address the performance of subgroups on the accountability measures for which the district has been identified in those schools that have been designated as Focus Schools. Beginning in the 2012-13 school year, the plan must be based upon the recommendations contained in the Integrated Intervention Team's findings, using the Diagnostic Tool for School and District Effectiveness. For Focus Schools and Districts identified during the 2001-12 school year, the plan implemented in the 2012-13 school year must be based on the results of the current system of diagnostics (SQR, JIT, and ESCA). Schools and districts will then be able to revise these plans after the finalization of the Diagnostic Tool for School and District Effectiveness.

Depending on the percentage of students enrolled in the district who are members of the subgroup(s) whose results caused the district to be identified, a Focus District will be required to spend an amount equal to between five and fifteen percent of its Title I, Basic; Title II A; and Title III allocations, if the district is identified for English language learners, to support implementation of a systematic plan centered around the Regents Reform Agenda in Focus Schools. Districts may use these funds to procure specific programs and services that are aligned with best practices and

research. The list of allowable expenditures and activities, which also specifies the extent to which Title I, II and/or III funding may be used to meet the set aside requirement, includes:

- Costs associated with deploying on-site visit teams that will use the Diagnostic Tool for School and District Effectiveness to identify a school's or district's current position relative to desired educational practices (Title I Section 1003(a) only).
- Reasonable and necessary expenses associated with appointment of a Distinguished Educator to assist the district and schools in implementing systemic, whole-school reform and effective turnaround strategies (Title I Section 1003(a) only).
- Costs (e.g., substitutes, stipends) associated with participation in New York State-sponsored professional development activities to implement the CCSS, curriculum-embedded formative assessments based on enhanced New York State Standards (including the CCSS), including professional development in using information systems that track assessment outcomes (Title II A only).
- Costs (e.g., substitutes, stipends) associated with participation in New York State-sponsored professional development activities to implement Positive Behavioral Interventions and Supports (PBIS) (Title II A only).
- Costs (e.g., substitutes, stipends) associated with participation in New York State-sponsored professional development activities to implement Response to Intervention (RtI) that are aligned with academic intervention services.
- Costs associated with training/certifying teacher evaluators, instructional coaches, teacher leaders etc in conducting evidence based observations using the District's teacher practice rubric, training in coaching and feedback on instructional practice, and developing/assessing student learning objectives as part of teacher evaluation system.
- Development of local formative and summative assessments across all grade levels and subject areas, consistent with New York State Standards, the provisions of Education Law § 3012-c, related to academic intervention services and applicable Commissioner's regulations (Title II A funds not allowed).
- Professional development for teachers (and their principals/ instructional supervisors) who will implement CTE courses in which increased percentages of historically underserved students will enroll (Title I funds not allowed).
- Costs associated with professional development and planning for teachers (and their principals/instructional supervisors) and state approved partner organizations who will implement Expanded Learning Time (ELT) opportunities that may include art, music, remediation and enrichment programs.
- Costs associated with implementing ELT programs that improve student academic, social, and emotional outcomes, in which increased percentages of historically undeserved students will enroll.

- Equipment and other curricular materials for CTE courses used by teachers in which increased percentages of historically underserved students will enroll (Title I funds not allowed).
- Training and professional development for teachers (and their principals/instructional supervisors) who will implement Advanced Placement (AP), International Baccalaureate (IB), and/or Cambridge (Advanced International Certificate of Education [AICE] or International General Certificate of Secondary Education [IGCSE]) courses in the subjects for which, as of September 30, 2010, NYSED has approved an alternate assessment pursuant to 8 NYCRR §100.2(f), in which increased percentages of historically underserved students will enroll (Title II A only).
- Virtual/Blended AP, IB, and/or Cambridge (AICE or IGCSE) courses and related training and professional development for teachers (and their principals/instructional supervisors) in the subjects for which, as of September 30, 2010, NYSED has approved an alternative assessment pursuant to 8 NYCRR §100.2(f), in which increased percentages of historically underserved students will enroll (Title II A only).
- Training in the use of data systems, aligned course sequences and early college and career school models, between post-secondary institutions and P-12 systems (Title II A only).
- Costs associated with implementing school-based Inquiry Teams as defined in the state's RTTT application.
- Provision of supplemental compensation, consistent with local collective bargaining agreements, through a career ladder program, to highly effective teachers providing academic intervention services in hard-to-staff subjects or specialty areas in high-needs schools who mentor, coach, or provide professional development to student teachers, new teachers, or teachers rated as ineffective, developing, or effective in high-needs schools.
- Provision of supplemental compensation, consistent with local collective bargaining agreements, for teachers providing academic intervention services through a career ladder program, to effective or highly effective teachers in hard-to-staff subjects or specialty areas who transfer from low- or moderate-needs schools to high-needs schools.
- Implementation of one of the four school intervention models (turnaround model, restart model, school closure, or transformation model) and the Secretary's turnaround principles, consistent with the requirements of the New York State SIG application and the State's theory of action of intervening and supporting low-performing districts and schools (Title I Sections 1003(a) and (g), Title II A).
- Supporting LEA and State-approved partner organization arrangements (EPO, CMO, charter school operator) planning activities for implementation of one of the four school intervention models or a whole-school change model aligned with the Secretary's turnaround principles in the year following school re-design (Title I Sections 1003(a) and (g), Title II A).

- Costs related to providing academic intervention services as well as costs associated with creating professional development for all teachers working with English Language Learners, on research-proven strategies for those students; costs associated with hiring additional staff to develop or expand programs for English Language Learners or targeted programs for high-needs English Language Learners such as Long-term ELLs, SIFE, or ELLs with disabilities; costs associated with integrating bilingual instruction into ELL programs; costs associated with materials that promote English and native language development (Title I and Title III only).

- Costs of training for and/or hiring of internal/external trained evaluators to conduct teacher observations and complete the processes for HEDI documentation and recommendations for teacher professional growth as indicated (Title II A only).

- Costs associated with operating a preschool program for eligible children consistent with Title I requirements (see USDE's April 16, 2012 non-regulatory guidance regarding the use of Title I, Part A funds to serve preschool children).

Note on charter schools identified as Focus Schools: Given the operational autonomy granted to each charter school under New York State's Charter Schools Act, and as formalized through the charter agreement that each charter school has with its charter-authorizing entity, any interventions to be implemented in these charter schools will be deferred to the charter school's board of trustees, in consultation with the charter school's authorizer. New York State's 2011-2016 federal Charter Schools Program (CSP) grant has established the New York State Quality Charter Authorizer Partnership, through which each of the state's major active charter authorizing entities has agreed to national best practice-authorizing standards for holding charter schools accountable for performance, while respecting autonomy. The following new assurances (outlined below) required by the federal CSP program also require the highest levels of accountability for charter schools, and NYSED is already working actively with the other authorizing entities to ensure that practices and policies align:

- 3A: Each authorized charter school in the State operates under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and demonstrate improved student academic achievement; and

- 3B: Authorized public chartering agencies use increases in student academic achievement for all groups of students described in §1111(b)(2)(C)(v) of the ESEA as the most important factor when determining whether to renew or revoke a school's charter.

Pursuant to State law and the contracts between charter schools and chartering entities, charter schools remain fully accountable for academic and operational performance. Specifically, under State law, grounds for revocation or termination of a charter include: when a charter school's outcome on student assessment measures adopted by the Board of Regents falls below the level that would allow

the commissioner to revoke the registration of another public school, and student achievement on such measures has not shown improvement over the preceding three school years; serious violations of law; and material and substantial violation of the charter.

2.E.iv Provide the criteria the SEA will use to determine when a school that is making significant progress in improving student achievement and narrowing achievement gaps exists Focus Status and a justification for the criteria selected.

Although the list of Focus Districts will be established once based on 2010-11 school year results each year, the Commissioner will provide a Focus District with a new rank ordering of the schools in the district based on the performance of their subgroups. Districts may choose to continue to serve the schools that they identified in 2011-12 or they may use the new lists to identify new schools within the district on which to focus. In the event that a Focus District exceeds the criteria for identification by at least ten index points and by at least ten percentage points for graduation and each school that was identified as a Focus School the prior school year meets those same criteria, the District will continue to be required to implement a Comprehensive District Plan, but will no longer be required to serve a minimum number of schools and will no longer be subject to the minimum five-to-fifteen percent set-aside requirement. (For example, since the cutpoint for identification of a district for the low-income student group is a Performance Index of 132, a district identified for low-income students and each of its Focus Schools would need to achieve a Performance Index of 132 to be eligible for removal.) However, districts and schools will not be removed from Focus designation unless all groups for which the district or school is accountable in ELA or math meet the 95 percent participation requirement. In the event that a Focus District exceeds the criteria for identification by at least ten index points and by at least ten percentage points for graduation but one or more schools that were identified as a Focus School the prior school year do not meet these same criteria, the District will continue to be required to implement a Comprehensive District Plan, and the Commissioner will adjust the minimum number of schools to be served and the set-aside requirement will be reduced to reflect the number of schools that the district must serve. This will ensure that Focus Schools that have not made progress within Focus Districts that have made overall improvement continue to receive support and assistance. Focus Schools that have failed to make progress during the period of the waiver may be identified as Schools Under Registration Review as described in Section 2G.

Focus Districts and Schools will be monitored for continual improvement by the Integrated Intervention Teams for one year after being removed from a list.

2.F. PROVIDE INCENTIVES AND SUPPORTS FOR OTHER TITLE I SCHOOLS

Describe how the SEA's differentiated recognition, accountability, and support system will provide incentives and supports to ensure continuous improvement in other Title I schools that, based on the SEA's new AMOs and other measures, are not making progress in improving student achievement and narrowing achievement gaps, and an explanation of how these incentives and supports are likely to improve student achievement and school performance, close achievement gaps, and increase the quality of instruction for students.

Through this waiver, we propose to develop a comprehensive feedback loop to inform and target supports to ensure continuous improvement in other Title I schools that, based on the State's new AMOs and other measures, are not making progress in improving student achievement and narrowing achievement gaps. In addition to identifying Priority and Focus Districts and schools, the State will also identify schools that must, as a result of significant achievement gaps between subgroups, submit a Local Assistance Plan focused on closing those gaps. (In districts that also have one or more Focus or Priority Schools, the Local Assistance Plan will be a component of the District Comprehensive Education Plan.) A district that does not have any Priority or Focus Schools -- but instead has schools that have persistently failed to make AYP with one or more subgroup(s) on an accountability measure, or that have large gaps in student achievement among subgroups -- will be required to develop a Local Assistance Plan for these schools. The Local Assistance Plan shall specify:

- the process, by which the plan was developed and how school leadership, staff, parents, and students, if appropriate, were given meaningful opportunities to participate in the development of the plan;
- the additional resources and professional development that will be provided to each school to support implementation of the plan; and
- the timeline for implementation of the plan.

In determining the schools for which a Local Assistance Plan must be developed the Department will count a year in which a subgroup failed to meet the 95 percent participation rate requirement in ELA and math and the 80 percent participation requirement in Science when determining whether a subgroup has failed to make AYP for three consecutive years.

The plan must be approved by the board of education. The Department will propose regulatory changes to the Board of Regents to require that the District post the plan to its website. For those schools, as well as Priority and Focus Districts and Schools, NYSED will utilize the Diagnostic Tool for School and District Effectiveness that will then be used to inform creation of a District Comprehensive Improvement Plan and/or a Local Assistance Plan based on a common template. NYSED will then support districts in making systemic, sustainable changes through the State's comprehensive system of supports. Finally, the Department will propose regulatory changes to the Board of Regents to update its school and district reporting processes in order to report school and district performance in a way that aligns with the common language that exists as part of our single diagnostic tool and common improvement planning templates.

Our proposed plan first seeks to strengthen the common language and expectations around what makes effective districts and schools function through the school/district diagnostic tool and NYSED's optimal conditions for effective schools and districts. NYSED is working to articulate these common conditions for district and school effectiveness that will serve as a guide for all recognition, accountability, and support activities for all schools and districts. These common conditions will be aligned with: (1) the Regents Reform Agenda; (2) research on what effective schools and districts look like and their practices; and (3) research on how to organize systems for success. The common language will also drive:

- public accountability and reporting – through school and district report cards – linked to our improved longitudinal data systems and data dashboard system; and
- a more streamlined, uniform protocol for on-site district- and school-level review that will be both diagnostic and summative in assessing school and district performance.

The second component of New York State's plan is, as noted above, to create and use of a school district diagnostic tool (Diagnostic Tool for School and District Effectiveness) that is closely aligned to the implementation of the key components of the Regents Reform Agenda, in all districts with Priority or Focused Schools. The diagnostic tool will highlight the areas that the school and the LEA will need to address in the development of their annual educational plan and budgets in a systematic manner.

The intent of the diagnostic tool will be to help LEAs identify how student performance, instructional programs and services, and teacher and leader effectiveness compare to the ideal performance levels sought. In addition, common conditions, both academic and nonacademic, for school and district success will be integrated into this protocol. The intent is that NYSED staff and/or designated representatives will make regular visits, using the Diagnostic Tool for School and District Effectiveness to determine the progress that schools and districts are making in implementing their plans and improving educational results. A key purpose of the diagnostic tool is to measure the degree to which there is a strong and sustainable delivery chain from the State to the district to the school leadership to support the implementation of the key elements of the Regents Reform agenda in the classroom. This is NYSED's first step in moving towards a system of performance management for the schools and districts in New York State. To build a true performance management system, we know that we need a more robust method to drive the collection and reporting of individual and institutional accountability metrics, and a more integrated way to speak about performance. With this waiver, the State will be on a trajectory to do exactly that.

A district with one or more Focus Schools must develop a District Comprehensive Improvement Plan for these schools. This plan must be informed by the recommendations of the Commissioner-appointed site visit team, and must identify the programs and services that will be provided to schools from the list promulgated by the Commissioner. School leadership, staff, parents, and students, if appropriate, must have a meaningful opportunity to participate in the development of the plan and comment upon it before it is approved. The plan must be approved by the school

board and posted to the district's website. A Focus District will incorporate into its plan the actions it will take with any school that requires a Local Assistance Plan.

District Comprehensive Improvement Plans and Local Assistance Plans developed as a result of the diagnostic report will describe how the proposed curricula, instruction, professional development and associated expenditures (supplies, materials and equipment) will be aligned to the Regents Reform Agenda, including implementation of the Common Core; the use of a data-driven instructional model; and the development and evaluation of teachers and principals as articulated in each district's Annual Professional Performance Review Plan. NYSED plans to create District Comprehensive Improvement Plan and Local Assistance Plan templates that are aligned with the common performance language, the Regents Reform Agenda, and set the expectation that LEAs and schools will report publicly on indicators, measures, and metrics that are focused on student academic performance and organizational viability. The LEAs will also be required to determine how the activities being developed and funded will have positive impacts on student achievement and instructional practices in the school. The expectation is that educational plans will demonstrate how strategies around teacher and leadership development lead to successful implementation of the six instructional Shifts in ELA and Mathematics in the Common Core, as well as the implementation of the National Standards for Science and integrated Social Studies standards (described in Principle 1), if adopted by the Board of Regents. As a part of all comprehensive planning, LEAs will also be expected to embed detailed information on how student data will be used to improve instructional practices. District Comprehensive Improvement Plans will be required to articulate how plans to support Priority and Focus Schools align with the district's Annual Professional Performance Review Plans, as explained in Principle 3.

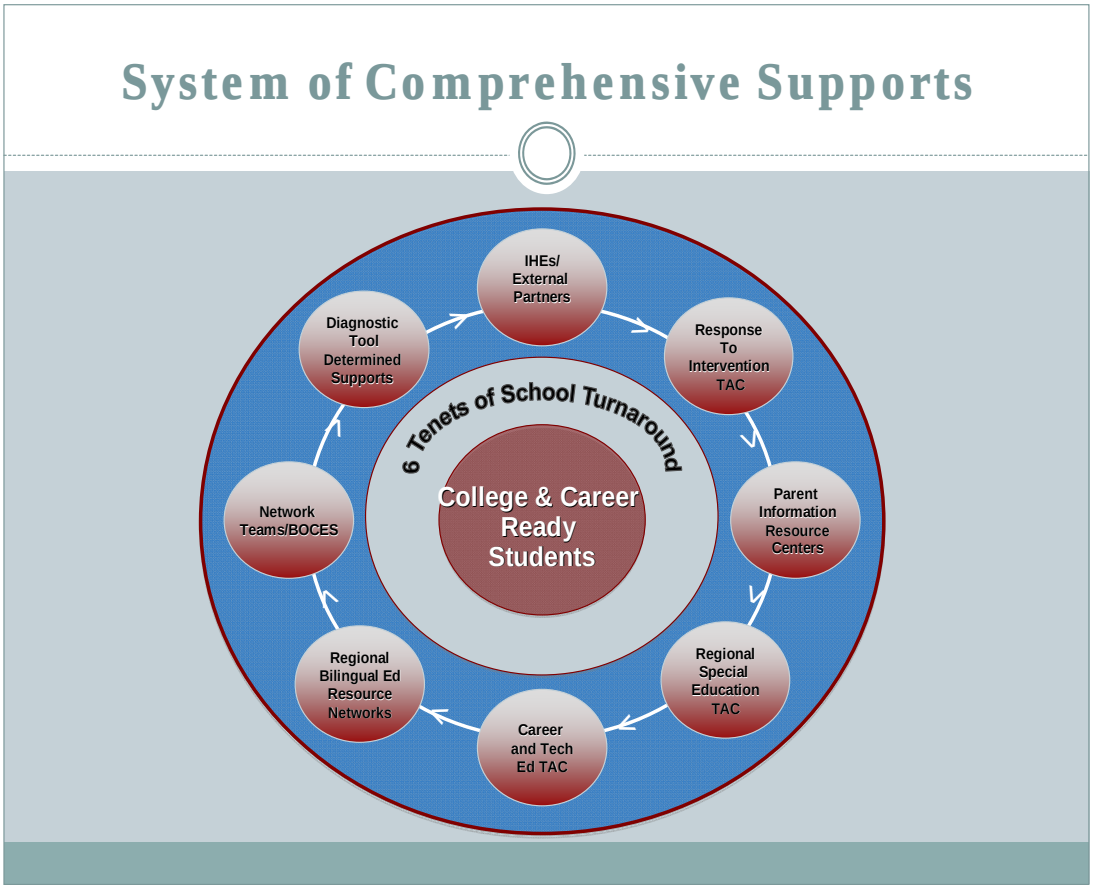
Districts targeted by SED for technical assistance as a result of their outcomes for students with disabilities will ensure alignment between the Comprehensive Plan and any Special Education Quality Improvement Plan that is also in place. District Comprehensive Improvement plans will also need to demonstrate collaborations between general and special education teachers and support staff in the support of all students. Components of the Comprehensive Plan will include instruction, curricula, and professional development opportunities that emphasize scaffolding techniques that will be implemented to target the needs of all students at the school, particularly students who need extra supports. Wherever appropriate, the plan should include information on how funds from other sources, including the Individuals with Disabilities Education Act (IDEA), support these efforts for the relevant sub-groups.

For LEAs with schools identified for the academic performance of students with disabilities, the educational plan should demonstrate how Response to Intervention and Positive Behavior Intervention and Supports will be integrated into a school-wide plan. School-wide plans should also demonstrate efforts to allow for collaborations between general and special education teachers and support staff on how to better support their students with disabilities

For LEAs with schools identified for the academic performance of English Language Learners, the education plan should demonstrate how the integration of language and content instruction, and native language support, will be incorporated into all ELL programs in the school. School-wide plans should also demonstrate efforts to allow for collaborations between content and ESL and

bilingual teachers to better support the needs of ELLs across language and content classes. Comprehensive plans will include instruction, curriculum and professional development opportunities that emphasize scaffolding techniques that will be implemented to target ELL needs in content area classes, and English language development and native language development techniques to support ELLs in their language classes (ESL and Native Language Arts) and their content area classes. Schools should also provide an analysis of their subgroup ELL populations (SIFE, Long-Term ELLs, ELLs with Disabilities, Newcomers), including disaggregated performance data by subgroup, and provide details on additional supports and services that will be provided to target the needs of these subgroups.

Supports



NYSED currently has a system in place that can help support the implementation of these plans. The State's Boards of Cooperative Educational Services (BOCES), which offers resources to all New York State schools, will be utilized in component districts for both Focus Schools and Districts and Priority Schools. NYSED has a network of 37 BOCES, which provide professional services and technical assistance to LEAs Statewide. Each of New York State's 37 BOCES is led by a District Superintendent, who is both the Chief Executive Officer of the local BOCES and the Commissioner's representative in the field. This structure is unique within the United States, and it allows NYSED to have unparalleled statewide impact at the local level. The BOCES are linked

together through a formal network that includes the Assistant Superintendents of Instruction from each BOCES, instructional administrators from each of the Big 5 city school districts, and NYSED senior staff. These representatives convene and communicate regularly, serving as a conduit for the exchange of information and best practices across the State. As part of the BOCES, Regional Information Centers (RICs) provide instructional and technology support services to LEAs. Collectively, the BOCES and RICs comprise over 34,000 instructional and technical professionals.

In building the 2010 RTTT application and the Regents Reform Agenda, NYSED described the construction of a statewide platform for professional development for all teachers, schools, and districts. These statewide network teams, which are also described in Principle 1, are comprised of teachers and administrators from all of the regions in New York State, and are connected to either the BOCES or to the larger city school districts statewide. Network teams contain, at a minimum, professionals who are experts in curriculum, data analysis, and instruction. These network teams are currently being utilized by NYSED to aid the field in implementation of the Regents Reform Agenda and RTTT activities. Each team currently serves a network of approximately 25 schools within their districts. Small districts and public charter schools in the State have also pooled their local share RTTT resources to form consortia and collaborations to support network team structures for their schools.

Beginning with our statewide kick-off in the summer of 2011, our Network Teams have been working directly with educators in schools, and are providing comprehensive, ongoing support throughout the RTTT grant period. The members of the Network Teams will continue to receive monthly professional development from NYSED in an effort to build capacity. NYSED is also working to build structures and financial incentives for LEAs to maintain network teams with Title II funds after the RTTT grant period ends. The Assistant Superintendent of Curriculum and Instruction or equivalent within each BOCES and in each of the Big 5 City School Districts is responsible for hiring and managing the network teams. Under his or her guidance, network teams:

- Assist schools in implementing the Common Core standards and aligning instruction to the new standards and curricula;
- Support schools in implementing the State's comprehensive assessment program and adapting to more rigorous performance-based assessments;
- Support school-based inquiry teams (described in Section C of New York State's RTTT application) to analyze student performance data (both quantitative and qualitative) and make adjustments to instructional practices. The inquiry team approach has been well documented as a successful and sustainable development method in New York City, Southern California, and several other places;
- Assist schools in interpreting and using/designing formative assessments closely tied to the curricula;
- Work closely with principals and key faculty leaders to provide school-based and network-level intensive, on-going, real-time coaching and professional development according to the needs of each school;

- Help principals find outside service providers based on the needs of each school's faculty and students; and
- Support NYSED in the evaluation of persistently lowest-achieving schools, as described in Section (E)(2) of New York State's RTTT application and facilitate professional development to support the implementation of a school's turnaround plan.

In addition to providing ongoing guidance and support, the network teams will monitor the professional development activities and results in the schools for which they are responsible. The network teams will aid the districts' systematic planning and implementation by providing continuous feedback to Superintendents and Boards of Education. The network teams will also report to the BOCES District Superintendent concerning the results of their work in Focus Schools and Districts. This structure is in place to ensure continual and systematic improvement in all schools within New York State. NYSED also operates technical assistance centers to support schools and districts in serving the needs of English language learners and student with disabilities.

Differentiated Supports for Schools that are not Priority or Focus

Using the Diagnostic Tool for School and District Effectiveness, NYSED will ensure that differentiated assistance is provided to schools that are not identified as Focus or Priority. The Diagnostic Tool will provide the district and school with a clear road map of areas that must be addressed in order to improve the academic performance of students. These areas will then be addressed through a District Improvement Plan or a Local Assistance Plan where curricula, instruction, professional development and associated expenditures will be aligned to the Regents Reform Agenda, to the specific needs of the teachers and students at that school, and that utilizes NYSED's extensive network of technical assistance resources.

For example, a Local Assistance Plan schools that is identified for the performance of students with disabilities will receive technical assistance and support from the **Regional Special Education Technical Support Centers (RSE-TASC).** SED has a network of 10 Regional Special Education Technical Assistance Support Centers, with approximately 142 special education specialists regionally and locally-based, to provide technical assistance and support to low performing schools. The RSE-TASCs include 181 individuals including special education school improvement specialists, regional trainers, transition specialists, behavior specialists, bilingual special education specialists and technical assistance providers for approved private schools. These teams are provided with ongoing professional development by the State. Support to schools through the RSE-TASC is at no cost to districts. Special Education School Improvement Specialists (SESIS) from the RSE-TASC currently, and will in the future, provide targeted support to schools and districts that are not making academic progress with their students with disabilities, to help them improve their instructional, curriculum, and professional development practices for teachers working with these populations. In addition, New York State's Positive Behavior Interventions and Supports Technical Assistance Center (NYS PBIS-TAC) and the New York State Response to Intervention Technical Assistance Center (NYS RtI-TAC) are leveraged based on need, to provide support to schools and districts. Effective July 1, 2012, each school district in New York State must have an RtI program in place as part of its evaluation process to determine if a student in grades K-4 is a student with a learning disability in

the area of reading. NYSED has devoted extensive resources to assisting districts and schools in implementing Response to Intervention in anticipation of this change, including the development of detailed guidance, which can be found at: http://www.p12.nysed.gov/specialed/RTI/guidance/cover.html. The NYS RtI-TAC develops and disseminates professional development materials, maintains a website (http://www.nysrti.org), and provides training for specialists who work with districts and schools throughout New York State. New York State was recently awarded a federal grant through OSEP that will fund capacity building and replication of RtI models in districts throughout the State.

A Local Assistance Plan school that is identified for the performance of English language learners will receive technical assistance and support from the **Regional Bilingual Education Resource Network (RBE-RN).** The primary tasks of the RBE-RN technical assistance network are to bring research-based practices for LEP/ELLs to identified schools and districts[33], and provide schools/districts with direct assistance or interventions to improve outcomes for LEP/ELLs. RBE-RN staff spends a majority of their time working directly with targeted school(s) and district(s) either in small group(s) or individually with teachers, administrators, parents, and community members to develop and strengthen best educational and instructional practices for LEP/ELLs.

The RBE-RN also offers professional development opportunities that enhance the skills and competencies of all educators so they can assist LEP/ELLs students in meeting the New York State Learning and Performance Standards in the core subjects (including ESL and Native Language Arts (NLA), provide technical assistance to districts and schools on the interpretation of policies and regulations and the development of Comprehensive Reports and Data Plans (such as NCLB Title III and AMAO Plans), as well as information on the availability of State and federal funding, and instructional resources pertaining to the education of LEP/ELLs in New York State. The RBE-RN Network also provides schools and districts with technical assistance in the following areas:

- Completing Needs Assessments - The regional RBE-RN provides training and technical assistance to districts and schools that have completed, or will be engaging in a self-assessment monitoring process through the LEP/ELL Program Evaluation Toolkit (LEP/ELL-PET); work with groups of districts and schools to prepare them for the self-assessment process; and provide technical assistance and/or professional development to groups of districts and schools with common issues, as determined by the self-assessment process. Once the Diagnostic Tool for School and District Effectiveness is implemented, the RBE-RN's will assist district and schools with a review of their programs for English language learners using the tool.

- Increasing school/district understanding of and ability to analyze assessment data(to inform teaching and learning).

- Assisting districts and schools in developing/aligning curricula for LEP/ELLs (e.g., alignment with NYS ELA/ESL learning standards, Native Language Arts standards) for

[33] These schools/districts have been identified through either Title III Accountability measures (Annual Measurable Achievement Objectives); and/or through New York State's Differentiated Accountability System. With approval of this wavier, their work will be concentrated in Focus Districts that have been identified for the performance of their English language learners.

Transitional Bilingual Education, Two-Way Bilingual Education, ESL, NLA, specialized and targeted Newcomers and Students with Interrupted Formal Education (SIFE) programs.

- Assisting districts/schools in the analysis of current and projected enrollment of LEP/ELLs to design and implement appropriate instructional models.

Improved Reporting

In order to report school and district performance in a manner that is consistent with the Regents' Reform Agenda, NYSED will seek Regents approval to amend its regulations on district reporting. Over the next three years, NYSED will propose that data reporting will be enhanced to show growth targets and trajectories toward growth as well as proficiency as it is defined in section 2B above. NYSED's improved report cards will:

- Be written in clear language that can be easily understood by the public – communities, parents, and families;
- Display information in a user-friendly format;
- Provide information on academic, organizational, fiscal, operational, and local governance; and
- Provide information on progress toward meeting outcomes tied to implementation of the Common Core Standards; data driven instruction; and teacher and leader effectiveness.

2.G. BUILD SEA, LEA, AND SCHOOL CAPACITY TO IMPROVE STUDENT LEARNING

2.G Describe the SEA's process for building SEA, LEA, and school capacity to improve student learning in all schools and, in particular, in low-performing schools and schools with the largest achievement gaps, including through:

i. timely and comprehensive monitoring of, and technical assistance for, LEA implementation of interventions in Priority and Focus Schools;

ii. ensuring sufficient support for implementation of interventions in priority schools, Focus Schools, and other Title I schools identified under the SEA's differentiated recognition, accountability, and support system (including through leveraging funds the LEA was previously required to reserve under ESEA section 1116(b)(10), SIG funds, other Federal funds, as permitted, along with State and local resources); and

iii. holding LEAs accountable for improving school and student performance, particularly for turning around their Priority schools.

Explain how this process is likely to succeed in improving SEA, LEA, and school capacity.

i. Timely and comprehensive monitoring of, and technical assistance for, LEA implementation of interventions in Priority and Focus Schools

New York State's process for building SEA, LEA, and school capacity to improve student learning in all schools, and in particular, low performing schools and schools with the largest achievement gaps is based on a comprehensive system of monitoring, technical assistance, accountability, funding support, and proposed legislation regarding intervening in chronically underperforming school districts.

Technical Assistance

Over the course of the past 24 months, NYSED has opened new offices and redeployed staff and resources to better align with the Regents Reform Agenda and to support schools and districts. NYSED has worked with external partners to help us strategically re-frame work inside NYSED. These partnerships have included, for example, formal relationships with MassInsight through the State Development Network, and American Institutes for Research and The Center for Assessment to help us construct student growth metrics and redesign our State accountability systems noted in this application. We have also consulted with Public Impact and other partner state education agencies in our efforts to re-think how we support and hold LEAs and schools accountable for serving students well.

The State Turnaround Office, housed within the Office of School Innovation, was established in January 2011 to support New York State's approved RTTT Scope of Work in the area of persistently lowest-achieving schools. NYSED's creation of the STO was heavily informed and influenced by research and practice work of MassInsight and Public Impact, as well as states with leading next generation accountability systems like Colorado and Massachusetts.

The mission of the STO is to provide a comprehensive system of support for school innovation and the turnaround of low achieving schools. The STO partners closely with NYSED's Office of Accountability and the Office of Curriculum and Instruction and Field Services. The STO has

implemented, and will continue to implement, the following core strategies to support LEAs with Priority Schools:

- Provide LEAs with access to information and models of best practice;
- Create professional communities of practice across the State;
- Connect districts and schools to key change partners and partner organizations; and
- Promote high quality school design through funding and outreach.

In order to build a foundation of support for districts with PLA schools and for successful implementation of SIG plans, the STO has already engaged in a series of focus groups and information sessions designed to asses the current landscape of support, determine current needs, and plan a network of support opportunities to be offered over the next three years. In the past year, STO has held statewide and regional meetings and conducted focus groups targeted at district-level administrators, building-level principals in PLA schools, and external partnership organizations. Additionally, a Web-based survey was issued to all PLA principals to determine priority needs.

As the result of focus groups and the ongoing needs assessment data collected, the STO is planning the following actions for the coming year to support PLA and Priority schools:

- Statewide professional development events for PLA principals and district administrators. These events are being planned in collaboration with NYSED's Offices of Curriculum and Field Services, Accountability, and Special Education and will complement the statewide Network Team trainings.
- A structure of quarterly statewide meetings with district improvement and turnaround offices and NYSED to share information and resources geared toward improving district capacity to support PLA and Priority Schools and to provide guidance on SIG implementation and partner selection.
- Launch of a web-based communication platform for PLA principals to share information, tools, and resources across districts.
- Creation of statewide guidance on external partner selection and matching.
- Technical support site visits to PLA/priority districts and principals.

There are two Requests for Proposals (RFPs) under development to support districts with PLA and Priority Schools that we expect to issue in summer 2012. First, there is a capacity-building RFP in development designed to provide annual targeted training to district turnaround offices and PLA principals in the implementation of SIG plans. This RFP will complement the work of the statewide Network Team infrastructure, and will focus within the PLA/Priority School context on the three key areas of the statewide professional development platform of the Regents reform agenda (Common Core learning standards, Data-Driven Inquiry, and teacher/leader effectiveness). This work emphasizes and amplifies the State's intention to bring LEAs into a larger role in both the

conversation around individual and institutional accountability, as well as holding a share of accountability for student and school performance.

The second RFP under development will provide external support to NYSED in the areas of on-site school review, NYSED application review and protocol development consultation. Through additional support in these areas, NYSED will be able to meet the demands of the potentially larger number of newly identified PLA and other low-performing schools, public charter schools, and schools that are funded through the School Innovation Fund.

Under the direction of our Board of Regents and Commissioner, NYSED is becoming a more unified organization. Staff and offices are working toward a common vision of effective school and district practice and toward the goal of ensuring unified practice and common goals. Similarly, we believe that creation of a one-stop system of accountability, monitoring, and supports for districts (via Integrated Intervention Teams, Diagnostic Tool for School and District Effectiveness, and the alignment of resources) will clearly articulate to identified schools and districts that systematic change must take place in order for students to be College and Career Ready. This integration of site visits, report production, budgeting, and grant application will greatly increase and enforce the common expectations and vision for effective school and district practice, as well as solidify resources and supports to LEAs and schools.

Monitoring

In order to take action and provide supports to LEAs and schools, NYSED will undertake timely and comprehensive monitoring of schools in the State, including Priority and Focus Schools and districts. Monitoring actions will be linked with transparent reporting, and will be aligned with the Common Conditions for School and District Effectiveness. The updated accountability monitoring proposed in this waiver includes:

- Implementation of a common on-site school and district review, using the Diagnostic Tool for School and District Effectiveness ;
- Updated District reporting;
- School reviews conducted by the Integrated Intervention Teams; and
- Monitoring and Support via Commissioner-appointed site visit teams.

On Site Visits

The primary purpose for the reviews is to provide information to NYSED, the district, and the school related to the school's operations. These operations include curriculum planning, deployment of local and state assessments, professional development for teachers and leaders, and performance evaluations. The assessment reviews, site visits and subsequent reports will gather qualitative and quantitative evidence specifically related to: effective staffing; planning; professional development; curriculum and teaching; student support; transformational leadership; school climate; community engagement; funding sources; and, district support. The evidence will be used to document the school's performance for the

purposes of continued SIG and other grant funding, as well as to determine if the school or district is on a trajectory toward implementing the optimal conditions for learning and best instructional practices.

Focus School/District Monitoring and Support

The theory of action that SED has outlined for monitoring and supporting Priority Schools is the same for its plan for Focus Schools and Districts. The goal is to empower districts and give them the support and assistance necessary to take primary responsibility and have greater latitude in developing and implementing improvement strategies to address the needs of Focus Schools.

Focus Schools and districts will be visited by a Commissioner-assigned Integrated Intervention Services Team at least once a year. During these visits, the Integrated Intervention Team will, along with district staff, use the School and District Effectiveness Diagnostic Tool to identify the core issues preventing student academic success across the district, and specifically within identified Focus schools. The areas identified as needing improvement or attention will form the basis for SED's work with the district, and will serve as the starting point for the District Comprehensive Improvement Plan.

This visit will be the first stage in the comprehensive assessment feedback loop that NYSED will use to determine if Focus Schools are making adequate improvement. The annual check-up will be followed up with frequent district visits and analysis of school performance data, and which will result in revised achievement goals. This process will ensure that the district continues to make student achievement gains.

Focus Schools/Districts will be supported in implementation of the District Comprehensive Improvement Plan in three ways:

1. NYSED will leverage the "lessons learned" from the State Turnaround Office's work with Priority Schools to provide Focus Districts/Schools with resources designed to support the unique identified needs of the district. In the case of many highly-populated districts, the State Turnaround Office will already be working to support the district's overall improvement plan for Priority Schools.

2. As previously described, NYSED will be issuing a Request for Proposals that will provide districts with an opportunity to seek funding to increase district capacity in the areas of the Regents Reform agenda. Districts will partner with organizations that have proven track records in the areas of implementation of Common Core learning standards and curriculum, creating cultures of data-driven inquiry, and development of teacher/leader effectiveness professional development and evaluation protocols.

3. SED staff will serve as liaisons between the district and NYSED, and will ensure that districts have access to the wide network of support centers and NYSED instructional specialists that may be needed to support implementation of the District Comprehensive Improvement Plan.

The Department is committed to ensuring that accountability determinations about schools and districts reflect participation by all students on State assessments. Therefore, in the schools in which one or more accountability group fail to meet the 95 percent participation requirement for a number of years, SED will conduct an audit of state assessment participation and require that a plan be developed to address student non-participation in assessments.

District Comprehensive Improvement Plans

The District Comprehensive Improvement Plan is an improvement support and intervention strategy for Focus Districts. Any comprehensive planning must involve the development of a culture of review and ongoing improvement to guide schools and districts on a continuous journey of improvement. A research-based, reflective self-assessment process provides identified districts with guidance on key factors that affect school success. We envision starting with Districts with Priority Schools and/or Focus Schools, and then expanding this practice to all schools in the State.

Districts with Priority Schools will be required to submit an integrated District Comprehensive Improvement Plan, which, in addition to the areas noted above, defines the school performance objectives for each Priority School over a specified time period. The Plan will:

- Track growth on academic and leading indicators, as defined by the SIG guidelines;
- Require LEAs to address indicators that are lagging; and
- Track progress toward non-negotiable performance targets that LEAs must meet within Priority Schools in order to continue to receive funding.

A summary of how planning requirements will change as a result of the waiver is provided below:

Comparison of Accountability Systems: Current Approved Differentiated Accountability System v. System Proposed through the ESEA Waiver

Accountability Status and Required Plans: Approved Differentiated Accountability System, Pre-waiver	
High Performing	No plan required.
Rapidly Improving	No plan required.
In Good Standing	No plan required.
In Improvement	School Level: Comprehensive Education Plan (CEP) Informed by the results of the School Quality Review.
	District Level: District Comprehensive Education Plan (DCEP)
Corrective Action	School Level: CEP Informed by the results of the External Curriculum School Audit.
	District Level: DCEP
Restructuring	School Level: CEP Informed by the Joint Intervention Team Report.
	District Level: DCEP
Districts in need of Improvement	District Comprehensive Improvement Plan, informed by the results of the District Curriculum Audit.
Persistently Lowest Achieving/ School Under Registration Review	School Level: School Under Registration Review (SURR) plans; in School Improvement Grant (SIG) schools, approved SIG plan with addendums in lieu of SURR plan.
	District Level: DCEP
Public Charter School	Plan driven by accountability status

Accountability Status and Required Plans: System Proposed in the ESEA Flexibility Waiver	
Reward	No plan required.
Recognition	No plan required.
In Good Standing	No plan required.
Local Assistance Plan (LAP)	School Level: Plan format determined by District. Must address identified area.
	District Level: District Local Assistance Plan (DLAP), or District Comprehensive Improvement Plan (DCIP) in Focus Districts.
Focus District/Focus Schools	School Level: CEP Must address identified areas, and findings of Integrated Intervention Team visit using Diagnostic Tool for School and District Effectiveness.
	District Level: DCIP; Consolidated Application aligned to DCIP; DLAP, if only LAP schools;
Priority Schools	School Level: CEP; in SIG schools, approved SIG plan with addendums in lieu of CEP. Must address identified areas, Turnaround Principles or SIG requirements, and findings of Integrated Intervention Team. Can be developed with

	Distinguished Educator.
	District Level: DCIP
Public Charter School	Improvement planning and accountability driven by authorizer oversight and contract with charter authorizer, and point in charter term

ii. Holding LEAs accountable for improving school and student performance, particularly for turning around their Priority Schools

NYSED and the Commissioner have or have proposed multiple levers to hold LEAs and schools accountable for student and organizational performance, including but not limited to:

Commissioner's Regulations – SURR

Pursuant to Commissioner's Regulation §100.2(p), the Commissioner may recommend that the Board of Regents revoke the registration of any School Under Registration Review that, after three full academic years of implementing a restructuring plan, has not demonstrated sufficient progress. Under this waiver, we propose that the Regents consider amendments to Commissioner's regulations such that if an LEA fails to meet the Department's quality bar during the application review process to receive SIG funding for a Priority School, that school may be identified as a School Under Registration Review. In addition, Priority and Focus Schools that fail to demonstrate improvement during the waiver period may be subject to identification for Registration Review.

Proposed Board Intervention Legislation

In the 2011 and 2012 legislative sessions, the Board of Regents has proposed legislation that would allow NYSED to intervene in chronically underperforming school districts. Specifically, our proposed legislation would permit the Board of Regents and the Commissioner of Education to put school districts into three levels of Academic and/or Fiscal Restructuring Status, with tools and supports to help them get on track and remove them from oversight.

Such tools and supports would include:

- The assistance of Joint School Intervention Teams.
- Requiring these districts to develop a plan with specific, measurable goals. Removal from oversight if plan goals are met for three consecutive school years.
- Giving more troubled districts the assistance of a Distinguished Educator and/or a Fiscal Administrator to review and monitor the district's operations, including school academic and fiscal systems, structures, projects, operations and facilities, and recommend measures to the board.
- Appoint an independent review team for the most troubled school districts to review the board of education's actions and/or omissions and make a recommendation to the Board of Regents.

- Upon a determination by the Board of Regents that governance problems are a substantial factor in a district's chronic underperformance, allowing the Regents to appoint a three-member Education Oversight Board with all the powers and duties of the board of education. Such a finding would result in the removal of the board of education and, upon recommendation of the Oversight Board, the superintendent as well. An education oversight board would report directly to the Commissioner and the Board.

Ability to Revoke or Non-renew the Charter of a Public Charter School

The Regents are committed to honoring the public trust and holding public charter schools in New York State accountable. The Regents will do this through closing poor performing public charter schools in the state. The Board of Regents is one of the two active charter authorizers, the other being the State University of New York, legally empowered to approve new public school charters in the State of New York at this time. New York State's 2011-2016 federal Charter Schools Program (CSP) grant has established the New York State Quality Charter Authorizer Partnership, through which the state's charter authorizing entities have agreed to national best practice-authorizing standards for holding charter schools accountable for performance, while respecting autonomy. The Regents have ultimate authority over the 184 operating public charter schools in the state and direct authorizing authority over the 30 operating public charter schools in their portfolio. Over the last two years, the Regents have engaged in an extensive overhaul of the NYSED Charter School Office, housed in the Office of School Innovation. The Charter School Office has engaged in a strategic planning process, re-issued a new Charter Application Kit, and made improvements to site visit and accountability protocols. In 2011, the Regents revoked the charter of a school that they directly authorize. This was the first time in the 12-year history of charter authorizing that the Regents actively engaged in revoking the charter of a school in their portfolio. In 2012, the Regents will consider revoking and/or non-renewing the charters of additional schools in their portfolio.

Continuation of Public School Choice in Priority and Focus Schools

New York State believes that in order to ensure a high-quality education for all students, public school choice must continue to be offered to students who attend focus and Priority Schools. By approving New York State's ESEA Flexibility Waiver Proposal, the Board of Regents has signaled its agreement with the following statement from the USDE guidance on Public School Choice (1/14/09): "When schools do not meet State targets for improving the achievement of all students, parents need to have options, including the option to send their child to another school. Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), responds to that need by giving parents of students enrolled in Title I schools that have been identified for school improvement, corrective action, restructuring (because they have not met State achievement targets) the opportunity to transfer their children to a public school that has not been so identified."

The public school choice program in New York has been mostly utilized in large urban districts, since they have the capacity to move students from one school to another. In order to expand public school choice options in districts with fewer schools, New York is considering advancing

legislation to expand choice options to include BOCES programs (offered by a consolidated group of districts).

Integrated Intervention Teams

An Integrated Intervention Team will be assigned to each Focus District. The role of the Integrated Intervention Team will be to assess district and identified schools using the Diagnostic Tool for School and District Effectiveness, and publish findings that inform the development of a District Comprehensive Improvement Plan, a School Improvement Grant application, or a Comprehensive Education Plan based on the Turnaround Principles. The team will consist of NYSED staff, district staff, external educational experts, and content and/or subgroup specialists.

The ratio of intervention team to schools (both priority and focus) will be contingent on the number of identified schools within the district. However, each Integrated Intervention Team will conduct anywhere from 1 to 20 school visits a year within their assigned districts. Follow up visits will be conducted by instructional or subgroup specialists and district personnel. Based on school needs and the findings of the Diagnostic Tool members of the team, particularly the Special Education School Improvement Specialists, the Regional Bilingual Education Resource Network Specialists, and the District staff will provide technical assistance and support to the school. New York anticipates that approximately 30 FTE of State Education Staff will be reassigned to Integrated Intervention Teams. These staff will in turn be supported by over 200 State-funded network staff whose primary responsibility will be to provide on-site technical assistance and support to schools in Focus Districts.

iii. Ensuring sufficient support for implementation of interventions in priority schools, Focus Schools, and other Title I schools identified under the SEA's differentiated recognition, accountability, and support system (including through leveraging funds the LEA was previously required to reserve under ESEA section 1116(b)(10), SIG funds, and other Federal funds, as permitted, along with State and local resources).

It is NYSED's intention to support districts so that Priority Schools will be successful in implementing selected intervention models and accompanying strategies in systematic ways. To that end, NYSED staff will be working closely with the districts (as described above) to support their progress toward increasing student academic achievement. This will be supported by and integrated with the activities of Network Teams, the Distinguished Educator Program, and the work of the STO under the Office of School Innovation. Additionally, SED will ensure sufficient support for implementation of interventions through the following:

Fiscal Consolidation

Through this waiver, NYSED is proposing to more effectively deploy and monitor federal and state resources to amplify and concentrate resources in our schools and districts that need it the most. In order to be good stewards of public funds and ensure that they are utilized for students most at risk, NYSED seeks to develop structures that focus all resources on programs and strategies that improve student achievement. In the past, this has meant adding additional grant programs for

disparate and disconnected activities. In New York State, this will now mean that systematic planning tools and Integrated Intervention Teams are critical components of this initiative that aids districts in building the capacity to improve the achievement of all students. Human and fiscal resources at the State and local level are clearly leveraged in this system to focus the SEA's effort on building capacity in our schools and districts that need it most.

We must be more strategic about how we plan, integrate, and deploy resources so that comprehensive systematic action plans are carried out in LEAs. We must be clear about our expectations that these systems must focus on what is most important – educating students within effective and efficient systems. Starting in the 2011-12 school year, NYSED has been smarter and more streamlined about how we administer grant programs, looking for efficiencies in how monies can complement each other and amplify intent to make a greater impact in classrooms. We have, for example, effectively been able to "amplify" federal Charter School Program grant funds with SIG funds for the launch of new schools. We have started to look into the number of grant programs administered, and are searching for ways to combine similar initiatives across program offices; and shift grant awards from allocation to competitive awards based on criteria aligned with conditions for school and district effectiveness and the Regents Reform agenda.

By means of this waiver, we are asking to target and focus resources – integrating and aligning so that the field and the SEA are using federal and state resources on efforts and activities aligned with our statewide platform of reform as identified in New York State's RTTT application and in the adoption of the Regents Reform Agenda.

This waiver will allow NYSED to streamline compliance reporting at the same time that we are assuring that identification, intervention and supports are aligned both internally (SEA) and are focused externally (at the LEA or school level). Clear, concise systems will allow both the SEA and LEAs to focus on mechanisms that improve student achievement and produce meaningful data that will continue to drive these systemic improvement initiatives.

Please see Principle 4 for additional examples of burden reduction.

SEA Resources

NYSED seeks to reframe the existing set-asides in ESEA. These funds will be used to support the implementation of the Comprehensive Improvement Plans. Under an approved ESEA waiver, New York State will not require districts to provide SES; rather, districts may choose to continue to do so.

NYSED will revise its grant approval processes to ensure greater alignment in how ESEA Title funds (Title I, Title IIA, and Title III) are used to support implementation of the Regents Reform Agenda.

Beginning in 2012 and contingent on USDE approval of our Flexibility Waiver application, New York State will revise its annual Consolidated Application, which is currently used to disburse federal funds to LEAs. New York State will maintain the risk-based approach by which it currently receives and accepts Consolidated Applications from LEAs whose schools are in good fiscal and academic health.

The new application process will allow LEAs whose schools are in good fiscal and academic health to submit a significantly abbreviated application that includes all of their required assurances. These assurances will affirm their intention to comply with all existing program requirements and regulations, as well as a program plan that demonstrates how the use of allocated funds will be aligned to the Regents Reform Agenda and systematic improvement of schools and school districts. Required activities will include implementation of the Common Core State Standards, Data-Driven Instruction and practices, and Teacher and Principal effectiveness initiatives. More specifically, the assurances will address how the LEA's educational plan will embed the 12 Instructional Shifts, (6 in ELA and 6 in mathematics) as currently described in the Common Core State Standards, into the educational program. Additionally, the fiscal components of the application, budget narrative, and FS-10 form will require the LEA to demonstrate how the proposed program activities being funded are aligned to the educational plan and communicate how the activities will have a positive impact on student achievement within Title areas.

Districts will be required to offer public school choice for students attending either Title I Priority or Focus Schools. However, as noted above, New York State seeks to no longer require districts to offer SES or set aside a portion of the district's Title I allocation to pay for SES. However, districts can choose to offer SES and pay for the services using Title I funds. New York State intends to advance legislation to expand choice options to include BOCES programs specifically for CTE programming.

Under the current system, districts are required to set aside a percentage of their Title I allocation for SES and Public School Choice (20%); professional development at identified schools (10%); and for parent involvement activities (1%). New York State seeks to have these set-asides eliminated and replaced by two new set-asides.

- Districts will be required to set aside an amount equal to between 5 percent and 15 percent of the total Title I; Title IIA; and Title III allocations (if identified for the performance of the district's English language learners) based on student enrollment in Priority and Focus Schools, to provide State-approved programs and services in these schools. This will allow for a statewide economy of scale.

- Districts will be required to set aside an amount equal to up to 2 percent of the total Title I allocation, based on student enrollment in Priority and Focus Schools, for parent involvement and engagement activities. This will provide greater support for robust parent engagement. The plans for this set-aside must be made in collaboration with the district's parent organization leadership.

Consistent with USDE's ESEA Flexibility guidelines, no statutory or regulatory requirements related to the equitable participation of private school students and teachers in Title I programs may be waived. Accordingly, nothing in the Department's ESEA waiver request will affect any applicable obligations governing the equitable participation of students enrolled in private elementary and secondary schools in the State's Title I program

As an incentive to adopt whole school reform models that align with the Regents Reform Agenda, New York State will offer districts with low-performing and Focus Schools the opportunity to

compete for a School Innovation Fund grant. The purposes of the School Innovation Fund are to increase high school graduation, college persistence, and college graduation rates by increasing the availability of new high quality seats for students at most risk for dropout, disengagement, and poor academic performance. Through this grant application, NYSED will identify LEAs and key partner organizations that are jointly committed to the rigorous work required to redesign and turn schools into high-performing, high-quality organizations. Eligible LEAs must collaborate with partner organizations on proposals to launch whole new schools or a total re-design of an existing school within any one of the following design frameworks:

- College Pathways School Design;
- Full-Service (wrap-around services) Design;
- Arts and/or Cultural Education School Design;
- Industry Partnership Design;
- Dual language and New Comer Schools;
- Virtual/Blended/Online School Design; and
- Education Partnership Organization/Charter Management Organization (EPO/CMO) Design.

Commitment and capacity to support dramatic whole-school change, from beginning to end, can be fully embedded within essential district – external partner relationships for new school launch / school redesign. With the right match of district and external partners, school systems, structures, and supports, school and district plans will be cohesively and fully integrated into the fabric of the comprehensive educational program, increasing the likelihood of sustainability and student success.

In addition to the School Innovation Fund, New York State is providing additional incentives for LEAs to voluntarily implement bold new education options that significantly increase student achievement in low-performing schools. NYSED has extended the reach of intervention efforts by fostering innovative schools and practices through the creation of opportunities for virtual and blended learning, the recognition of successful innovations through the Commissioner's Schools[34] program, which is closely linked to our new classification of Rewards Schools (see 2.C.i), and the implementation of a regulatory variance process to remove barriers to innovation. In order to sustain and scale up effective school interventions, NYSED is exploring funding innovative new school models in collaboration with higher education institutions, local leaders in business and

[34] The Commissioner's Schools program provides a mechanism to acknowledge Reward Schools that have leveraged school autonomies, innovation, and accountability to raise student academic achievement and create streamlined, efficient operational programs. These schools will be "Commissioner's Schools" and will receive special recognition by the Department for their efforts and successes. Commissioner's Schools will be successful examples of autonomy, accountability, and performance. Through conferences, webinars, and public television programs, these schools will be highlighted as leaders in New York and the nation, showcasing how schools that are responsive and adaptable transform into successful organizations that meet the needs of students. Commissioner's Schools will share best practices for increasing student achievement within all student groups, and in every context. Through RTTT funding , NYSED will make available dissemination grants to Commissioner's Schools and planning grants to schools wishing to replicate a Commissioner's School model.

industry, full service school partners, and other organizations. These innovations will target at-risk students, and will be designed to dramatically increase graduation rates in targeted schools, particularly in large urban high schools.

Expanded Learning Time and 21st Century Community Learning Center Funds

The NYSED is applying for the optional waiver to utilize 21st CCLC funds to incorporate expanded learning time into the redesign of the school, day, and/or week, especially for Priority Schools. NYSED is committed to upholding the core principles of exemplary expanded learning opportunities and believes that these opportunities can be achieved both during the school day and afterschool, through comprehensive strategic planning, with input from community partners. The use of 21C funding under the ESEA waiver will embody these core principles and will provide for the goals of 21C programs to be met both during and after school. Furthermore, the NYSED recognizes that expanded learning opportunities, including high-quality afterschool, summer, and other expanded learning time approaches are an essential dimension of an education system that supports student success in school, work, and life. For schools to succeed, they must partner with families and the community to harness the human and financial resources of the education and human services sectors in order to significantly improve outcomes for children. NYSED further recognizes that active parent involvement in their children's education is a factor in student success, and community-based organizations partnering with schools on expanded learning opportunities and comprehensive school turnaround can help facilitate that involvement.

Since 2003, a percentage of 21st CCLC funding in New York State has been allocated to schools identified for improvement. In the next 21st CCLC Request for Proposal, NYSED will continue to allocate a percentage of available funds to Priority Schools while ensuring that funds will also be available to support programs in eligible schools that are not in priority status. All Priority Schools, regardless of whether they receive 21st CCLC funding, will incorporate expanded learning opportunities into their reform plans. This includes additional time for student learning and may also include opportunities for teachers to collaborate with each other and with community partners.

Consistent with principles in the Elementary and Secondary Education Reauthorization Act of 2011 as reported by the U.S. Senate Committee on Health, Education, Labor and Pensions on October 20, 2011, NYSED will allow multiple options to expand learning time, including before school, after school, summer learning programs, expanded learning programs, and comprehensive school redesigns for all schools receiving funding under the. 21st CCLC grant. Models must be implemented through a partnership that includes one or more nonprofit organizations with a demonstrated record of success in designing and implementing before school, after school, summer learning, or expanded learning time activities. Either partner (the local educational agency or the nonprofit organization) can be the lead fiscal agent for 21st CCLC grants.

Community-based partners bring a wealth of distinct approaches that support academic enrichment as well as social and emotional growth, which is essential to academic achievement. Community partners complement the instructional approaches of teachers by customizing experiences that build background knowledge and allow students to activate learning, while also building the foundational skills for success in school, college, and careers.

The next 21st CCLC Request for Proposals will allow a range of models and approaches, provided that any specific model a school, community, or district considers for implementation embodies the research-based principles of exemplary expanded learning opportunities that improve students' academic, social, and emotional outcomes. Within that framework, the Request For Proposal will allow additional hours of learning time as well as additional collaborative planning time and professional development for teachers and community partners who provide expanded learning for 21st Century Community Learning Center program recipients. Proposed program models will be directly related to the three tenets of 21st CCLC programming: academic enrichment, youth development and family literacy/engagement.

21st CCLC programs should enrich and complement, not duplicate, what is happening during the traditional school day. Activities must be high quality; reflect the significant body of research and practice in successful summer and after-school initiatives; meet specific student needs and deliver measurable results. Programs must include high-quality, community-based partners that have a track record of providing similar services and demonstrating positive results.

NYSED will incorporate into the RFP as "Quality Indicators that Evidence Turnaround Principle/SIG Requirements Implementation" that the school will use additional time and/or expanded learning time to:

- support the school's overall academic focus.
- accelerate and enrich learning in core academic subjects by making meaningful improvements to the quality of instruction in support of school-wide achievement goals.
- partner with a high-quality community partner, to offer enrichment opportunities that align with state standards, build student skills and interests, and deepen student engagement in school/learning in support of school-wide achievement goals.
- build a professional culture of teacher leadership and collaboration (e.g., designated collaborative planning time, on-site targeted professional development, coordination with community partners) focused on strengthening instructional practice and enrichment opportunities and meeting school-wide achievement goals.

The school in using additional time should:

- Include a high-quality, high-capacity community-based partner;
- Ensure the integration of academics, enrichment, and skill development through hands-on experiences that make learning relevant and engaging;
- Offer a range of activities that capture student interest and strengthen student engagement in learning, which promotes higher attendance, reduces risk for retention or drop out, and promotes graduation; and

- Actively addresses the unique learning needs and interests of all types of students, especially those who may benefit from approaches and experiences not offered in the traditional classroom setting.

Finally, the NYSED will require that the next Request for Proposals reflects and embodies the principles of exemplary expanded learning opportunities that include:

- Essential outcomes that include academic and youth development outcomes that affect short- and long-term success in school. These include academic, social and emotional, health and wellness, and college and career readiness measures.

- Engaged learning for students that includes hands-on, school-linked activities that reflect a well-rounded curriculum in formal or informal settings. Learning needs to reflect an appropriate mix of remediation for specific students, and enrichment and acceleration for all program participants.

- Meaningful partnerships between schools and high-quality, high-capacity community organizations, especially in the domains of delivering relevant and engaging learning opportunities, planning and preparation, information and data sharing, and joint professional development.

- Significantly more learning time before, during, and after school, as well as in the summer, in a way that matches students' needs with their interests and results in positive impacts on attendance, engagement, and academics, all of which are critical to student success.

- Systemic quality and effectiveness that ensures programs are cost-effective and purposeful, target resources properly, and operate with a clear approach to program quality standards.

- Family engagement that creates meaningful opportunities for families to be active participants and in student experiences in ways that deepens their connections to curriculum, teaching and learning, and the programs in which their children participate.

Principle 2 Conclusion

As articulated throughout this application and in this section, New York State has a comprehensive, robust plan to support districts as they work with their schools to put in place best practices and create the optimal conditions for learning. This plan includes incorporating into New York State's accountability system a growth component and standards that are better aligned with college- and career-readiness, creating a more coherent system of classification of school and districts, and better aligning supports and interventions for identified schools and districts with key components of the Regents Reform Agenda. The plan further calls for developing a uniform diagnostic tool for statewide use beginning in the 2012-13 school year that identifies a school's or district's proximity to the State's optimal conditions for effective schools and districts, revising New York State's consolidated application for Federal funding and building upon our experiences and knowledge of working with struggling schools to develop a comprehensive plan to provide interventions via

targeted technical assistance and support by way of professional development opportunities to schools and districts.

The accountability system described in Principle 2 is not the culmination of New York's work to build its next generation system, but rather the next logical step in a continuing process to anchor our work to the goal of college and career readiness for all students graduating New York's high schools. We expect in coming years to be able to incorporate into our accountability system additional measures of school and district success that expand beyond ELA, mathematics, and science and the boundaries of elementary, middle, and secondary education.

In carrying out our plan, we will build the capacity of districts to support school turnaround; ensure that low-performing schools engage in whole-school reform in collaboration with high quality external providers; match supports and interventions to the needs of schools and districts, and work to sustain improvements in schools over time. By doing these things, we will make significant progress towards our goal of ensuring that every student in New York State graduates high school college and career ready.

PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

3.A DEVELOP AND ADOPT GUIDELINES FOR LOCAL TEACHER AND PRINCIPAL EVALUATION AND SUPPORT SYSTEMS

Select the option that pertains to the SEA and provide the corresponding description and evidence, as appropriate, for the option selected.

☐ Option A

If the SEA has not already developed and adopted all of the guidelines consistent with Principle 3, provide:

i. the SEA's plan to develop and adopt guidelines for local teacher and principal evaluation and support systems by the end of the 2011-12 school year;

ii. a description of the process the SEA will use to involve teachers and principals in the development of these guidelines; and

iii. an assurance that the SEA will submit to the Department a copy of the guidelines that it will adopt by the end of the 2011-12 school year (see Assurance 14).

☒ Option B

If the SEA has developed and adopted all of the guidelines consistent with Principal 3, provide:

i. a copy of the guidelines the SEA has adopted (Attachment 10) and an explanation of how these guidelines are likely to lead to the development of evaluation and support systems that improve student achievement and the quality of instruction for students;

ii. evidence of the adoption of the guidelines (Attachment 11); and

iii. a description of the process the SEA used to involve teachers and principals in the development of these guidelines.

New York State recognizes the importance of having effective teachers and leaders in every classroom and school throughout the State. It is because of this that we began the process of reforming the State's system of teacher and school leader evaluation, while also planning a comprehensive, complementary set of reforms that will help attract, develop, and retain effective teachers and principals and ensure that they are equitably distributed throughout the State.

In designing and implementing teacher and principal evaluation and support systems, the State has had to balance the importance of local context and decision-making authority with the need to ensure that evaluations conducted statewide include design elements that research shows lead to improved teacher practice and student learning. While districts have the flexibility to make a number of decisions locally, the system's key components are required:

- annual evaluations for all classroom teachers and building principals;
- use of multiple measures of effectiveness, including observation against established professional standards;
- significant focus on student growth and achievement;
- differentiated overall performance using four summative rating categories;
- support and timely feedback to educators to enable improvement of their practice; and

- use of evaluation results as a significant factor in teacher and principal development and employment decisions.

The teacher and principal evaluation legislation that was signed into law on May 28, 2010 (Education Law §3012-c) and the Commissioner's regulations adopted in May 2011 reflect the balance between these required elements and local flexibility. Subsequent to their adoption by the Board of Regents, the regulations were challenged on several grounds, including that the State exceeded its statutory authority in promulgating them, in litigation by the State teachers' union (NYSUT), slowing progress on implementation for almost a year. On February 16, 2012, Governor Andrew Cuomo, the Board of Regents, NYSED, NYSUT and New York City's teachers' union, the UFT, announced an agreement to end the litigation. The Governor immediately filed new statutory language codifying the agreement as part of the 30-day budget amendment process. On March 14, 2012, the Assembly and Senate passed the teacher and principal evaluation law proposed by the Governor (S. 6732/A. 9554). The Governor signed the bill into law on March 27, 2012 (Chapter 21 of the Laws of 2012). At its March and April 2012 meetings, the Board of Regents adopted a revised emergency rule to make Subpart 30-2 of the Regulations consistent with the new statute. (See: http://www.regents.nysed.gov/meetings/2012Meetings/March2012/312bra6.pdf for evidence of Board adoption in March 2012 and http://www.regents.nysed.gov/meetings/2012Meetings/April2012/412BRCA3.pdf for evidence of Board adoption in April 2012.)

New York State Education Law §3012-c requires a new annual professional performance review (APPR) system for teachers and principals in school districts and boards of cooperative educational services (BOCES)[35.] The statute requires implementation of the new system for teachers of grades 4-8 ELA and mathematics and their building principals beginning in the 2011-12 school year. The following year, all teachers and principals will be subject to the new system

Under the law, New York State will differentiate teacher and principal effectiveness using four rating categories – Highly Effective, Effective, Developing, and Ineffective (referred to as the "HEDI rating categories"). Specifically, Education Law §3012-c(2)(a) requires APPRs to result in a single composite teacher or principal effectiveness score, which incorporates multiple measures of effectiveness.

- Student achievement measures – 40 percent of composite effectiveness score
    - 20 percent is based on student growth on State assessments or other comparable measures of student growth if such growth data are not available (increased to 25 percent upon implementation of a value-added growth model in 2012-13 or thereafter); and

[35] In New York State, a BOCES is one of 37 regionally-based public organizations that provide shared educational and operational services to school districts, acting as educational service orgranizations within the meaning of the ESEA.. BOCES also operate a number of instructional programs including career and technical education (CTE) programs, specialized programs for students with disabilities, etc., that are also subject to the new evaluation system. In this Request, BOCES are referenced at times in their role as operators of instructional programs where they have similar responsibilities for instructional programming and student learning that Districts have. BOCES also play an important role providing professional development and other services to "component" Districts in their Regions. Under Race to the Top, BOCES house "network teams" of seasoned educators charged with training and support for Districts, schools and teachers around the entire Regents Reform Agenda and many activities described in principles 1,2 and 3 in this Request.

- 20 percent is based on locally-selected measures of student achievement that are determined to be rigorous and comparable across classrooms (decreased to 15 percent upon implementation of a value-added growth model in 2012-13 or thereafter)

- Other measures of effectiveness – 60 percent of evaluation
  - The remaining 60 percent is based on other measures of teacher/principal effectiveness, using an evaluation rubric aligned with the relevant standards (i.e., New York State Teaching Standards or ISLLC 2008 Standards), and includes multiple classroom observations and can include other measurement approaches such as observations by independent evaluators, State-approved surveys of students, parents, or (for principals) teachers, or structured reviews of teacher artifacts of practice.

See response to question 3.A.ii, below, for a detailed explanation of New York State's teacher and principal evaluation system and how it meets the criteria of Principle 3.

See response to question 3.B for a description of New York State's process for ensuring high-quality implementation of the system.

Note: In New York State, public charter schools are considered LEAs for many aspects of accountability purposes. Charter school accountability is guided by Article 56, the Charter Schools Act, and the performance contracts that charter school governing boards enter into with their authorizers. Local decisions such as staffing are a hallmark of charter school autonomy. New York has worked diligently to protect charter school autonomy, while holding these LEAs to high performance standards and expecting these public schools to embrace the Regents' Reform Agenda.

- Unionized charter schools - Education Law §3012-c and the implementing Commissioner's regulations apply to public charter schools that are unionized and collectively bargain their contacts.

- Non-unionized charter schools - New York State expects non-unionized public charter schools to create and implement evaluation and support systems for leaders and teachers that is based, in part, on student academic achievement; and is aligned with the broad theory of action behind Education Law §3012-c, Commissioner's regulations adopted in May 2011, and the Governor's proposed regulatory language. Charter schools must comply with all data collection and reporting requirements as determined by our Information and Reporting Systems Office; including reporting out on the four HEDI rating categories. IRS regularly updates reporting requirements through field memos (http://www.p12.nysed.gov/irs/sirs/documentation/guidance-Teacher-n-Courses.html)

3.A.i.(C)(ii): Evidence of the Adoption of the Guidelines

See Attachment 9 for the regulations adopted by the Board of Regents in April 2012 to implement §3012-C, as amended by Chapter 21 of the Laws of 2012. See Attachment 10 for evidence of the

adoption of the regulations in the summary of the May 2011 and March 2012 Board of Regents meetings.

Following the Board of Regents adoption of the regulations in May 2011 and March and April 2012, the State has worked to establish policies and provide guidance and technical assistance to ensure that all measures used in evaluations by individual Local Educational Agencies (LEAs) are valid and reliable. Given New York State's strong emphasis on local control and the need for districts to collectively bargain many aspects of our evaluation system, the State has sought to provide as much guidance and support as possible to assist districts in doing so while meeting the requirements of law and regulation. With the revisions based on our new legislation, the range of allowable local options is now more focused in order to increase rigor and simplify choices for LEAs. As we complete the revisions to regulations and guidance required by the statutory amendments, SED's efforts to support implementation will redouble. Our role here includes:

- approving locally-selected 3rd party assessments, educator practice rubrics and survey tools to collect student, parent and teacher feedback;
- developing statewide measures of student growth;
- determining how growth will be measured in subjects where State assessments do not exist;
- delivering training and rich web-based toolkits of resources to regionally-based "network teams" comprised of over 700 educators who will provide turn-key local training; and
- providing ongoing guidance and technical support to districts as they plan their systems.

The vast majority of LEAs (91%) and collective bargaining units in the State formally committed to implementation of the new system by 2013-14 when they signed on to the State's RTTT plan. Timely district implementation of the new system is a requirement of several major grant programs – including the RTTT district allocations, Teacher Incentive Fund (TIF), SIG, NYSED-issued RFPs under RTTT (e.g., School Innovation Fund (SIF), Model Induction Programs, etc.), and the Governor's School District Performance Improvement Awards[36] initiative.

In January 2012, the Commissioner formally suspended SIG funds from the 2011-12 school year grant for all 10 Districts receiving these funds because none had successfully produced documentation of complete agreements to implement the new evaluation system in their SIG schools in 2011-12. The NYSUT litigation and other issues around completing §3012-c collective bargaining, especially in the largest districts, also contributed to USED's warning to New York State in January 2012 that the State's RTTT grant could be at risk unless implementation of evaluation systems accelerated. In January, Governor Andrew Cuomo, in his 2012 Executive Budget address,

[36] Governor Cuomo's School District Performance Improvement Awards program, launched in fall 2011, is designed to transform New York State's education system by incentivizing student achievement and encouraging school districts to implement innovative reforms to improve student performance. The performance awards will be granted to school districts in the state that have demonstrated the most success in increasing student performance, narrowing the achievement gap, and increasing academic performance among students with the greatest educational needs. The awards will also be available to school districts that exhibit the greatest potential for continued improvements in student performance. Up to $75 million in grants will be distributed over the next three years, with additional awards to be distributed in future years.

stated that if agreement was not reached within 30 days, he would use his authority to submit a 30-day budget amendment provision that would impose needed changes to the existing evaluation statute. As an additional incentive, he tied two years of 4 percent increases in State aid to district implementation of the new teacher and principal evaluation systems. This move added an additional $805MM incentive for districts to complete evaluation deals with their collective bargaining agents.

As noted above, on February 16, 2012, an agreement was reached and Governor Cuomo immediately filed new statutory language codifying the agreement as part of the 30-day budget amendment process (see Attachment 9).

The agreement left much of the original structure of New York's system, as described in the May 2011 regulations, in place while strengthening key provisions and removing the uncertainty caused by pending litigation. This clarity, now codified in statute, coupled with the substantial financial incentives tied to 2012-13 implementations of evaluation agreements, will accelerate Districts toward completion.

3.A.i.(C)(iii): A Description of the Process the SEA used to Involve Teachers and Principals in the Development of the Regulations Supporting Education Law §3012-c

Both the 2010 legislation creating New York State's new teacher and principal evaluation system and the May 2011 regulations to implement the new law were developed with substantial stakeholder involvement.

The May 2010 legislation was the culmination of extended and thoughtful discussion between NYSED leadership and the leaders of the State's teachers' unions along with other key stakeholders. State officials and union leaders jointly hailed passage of the legislation as an advance for both students and educators. The legislation laid the fundamental framework for a system based on multiple measures that incorporates student learning as a significant factor and differentiated educator performance on four performance levels, with a primary focus on use for instructional improvement. Evaluations must also be a significant factor in educator development and employment decisions.

As required by Education Law §3012-c, NYSED convened an advisory committee drawn from the ranks of teachers, principals, superintendents of schools, school boards, school districts and BOCES officials, the unions representing teachers and administrators, representatives from educator preparation programs, as well as research advisers, NYSED staff, Regents Research Fund Fellows, and other interested parties, to aid in development of the regulations. This group of more than 60 members[37], known as the Regents Task Force on Teacher and Principal Effectiveness ("Task Force"), began meeting in September 2010, and the recommendations they released in April 2011 were largely incorporated into the regulations that the Board of Regents adopted in May 2011 (see Report of the Regents Task Force on Teacher and Principal Effectiveness). The regulations establish criteria and standards for each of the multiple measures and for determining educator summative ratings, and set requirements for training of evaluators.

[37] Appendix A—List of Task Force Members and Workgroup Assignments

The Task Force met at least monthly until the regulations were adopted (see Attachment 13, Timeline of Task Force Meetings). Subgroups focused on different aspects of the system (growth measures, teacher practice measures, principal evaluation, "non-tested subjects," training and implementation, etc.), so that expertise in each area could be leveraged for the benefit of the whole group. Throughout its deliberations, the Task Force has been supported by the active participation of teams of research advisors, and numerous experts have made presentations to the group. Research and best practice examples were disseminated and discussed at length, both in person and via a collaborative online workspace.

During the 2011-12 school year, the Task Force has continued to meet at least quarterly to advise NYSED and the Board. By statute, the Task Force has a continuing consultative role in NYSED's development of the value-added models to be used in the student growth component of teacher and principal evaluation. NYSED has also asked the Task Force to advise on implementation of the new system, particularly with regard to training; locally selected measures of student achievement; measures of student growth in grades and subjects where no State-provided growth measure exists; and special issues for teachers of English language learners and students with disabilities.

One recommendation of the Task Force, adopted into the May 2011 regulations, was to base 60 percent of a teacher's evaluation on the New York State Teaching Standards, which were themselves developed over the course of a year in a collaborative process similar to that of the Task Force (see Appendix 14, participant list and meeting schedule). The New York State Teaching Standards workgroup was comprised of over 43 stakeholders from all sectors of education, including teachers, principals, New York State United Teachers (NYSUT), deans of teacher preparation from public and private institutions, faculty, parent organizations, educational managers, and NYSED staff from P-12 and the Office of Higher Education.

Similarly, for principal evaluations, the Task Force chose to draw heavily from the work of a previous statewide task force, supported by a grant from the Wallace Foundation, to shape a cohesive system of support for leadership development, evaluation, and retention (see Attachment 15).

As noted in the introduction of the final report of the Task Force:

> *"This new system will be a comprehensive restructuring of how teachers and principals are evaluated and New York State is leading the way. It is all new, and there is no existing, comparable system that can provide a blue-print for us to follow. What we do know, and all stakeholders share, is the understanding that the new system must be fair, transparent and result in meaningful evaluations for teachers and principals. It must be comprehensible to those being evaluated and also to the public. While there is an ideal and a vision to our work, there is also a practical aspect in its implementation. For meaningful reform to occur, it must be flexible to ensure it is embraced at the local level. We know that no two districts are alike in population, geography, size, capacity, or economics. The collaborative approach used by the Task Force to reach consensus is a model for how the new evaluation system should be implemented in our schools. With clear and ambitious definitions, rigorous rubrics aligned to New York Teaching Standards or grounded in the Interstate School Leaders Licensure Consortium (ISLLC) standards for principals, and the integrity of professional educators, we can implement a meaningful evaluation system."*

Section 3A: Design of New York's State's Evaluation System and Supports for Instructional Improvement.

3.A.ii.a Purpose: Continual Instructional Improvement

As detailed in New York's successful RTTT application, NYSED sees the primary purposes of the new evaluation system as (1) improving teaching and learning and (2) fostering a culture of continual professional growth by providing teachers with meaningful feedback on their practice. Education Law §3012-c(1) requires that evaluation results be *"a significant factor in teacher and principal development, including … coaching, induction support, and differentiated professional development*."

New York State has adopted a system based on multiple measures in which educators are assessed annually within three subcomponents (student growth on state assessments or other comparable measures; locally-selected measures of student achievement; and other measures of teacher and principal effectiveness) and given, for each subcomponent, one of four ratings (Highly Effective, Effective, Developing, or Ineffective (HEDI)). The results of the three subcomponents will combine into a single composite score and associated HEDI rating to be assigned to each educator.

By including multiple measures – both quantitative measures of student learning and other, more diagnostic assessments of educator practice – New York State's system ensures that educators will receive a variety of feedback about their practice and how to improve. When all three measures align, these multiple measures can confirm the actions they are taking in the classroom, or provide information about an area where they may need to improve when they do not align. The 60 percent "other measures of teacher and principal effectiveness" subcomponent relies on observation and other assessments of professional practice against a rigorous rubric from a State-approved list that is aligned with either the NYS Teaching Standards or, for principals, the ISLLC 2008 leadership standards. In the 2012 agreement, the State now requires that at least a majority of the 60 points be assigned to multiple observations of classroom practice by principals or other trained administrators, and that at least one observation be unannounced. As part of the process of assessment, evaluators are required to give feedback and support, which are essential to improving instructional practice. Much of the training that has been provided at the State's Network Team Institutes has focused on evidence collection, rating against a professional standard, and providing feedback to educators on their practice. As a next step in the continuous improvement process, educators can access resources and materials on EngageNY.org related to areas where they need to strengthen their instructional practice. This recommendation is grounded in research that supports the use of multiple and rigorously designed classroom observations as an effective means of evaluating teacher performance.[38]

[38] The Measures of Effective Teaching (2012). Gathering Feedback for Teaching: Combing High-Quality Observations with Student Surveys and Achievement Gains. Seattle, WA: Bill & Melinda Gates Foundation. Retrieved from: http://www.metproject.org/downloads/MET_Gathering_Feedback_Research_Paper.pdf

3.A.Ii.b: Differentiating Performance into Four Performance Levels and the Role of Student Growth Measures in Performance Level Descriptions.

Under New York State's new evaluation system, each educator will receive a numerical score for each subcomponent, a composite score, and an overall performance rating in one of the four HEDI categories (Highly Effective, Effective, Developing or Ineffective). Districts will be required to report these scores via NYSED's data system, and this information will feed into the State's monitoring protocol, described in Section 3B.

The proposed new legislation would set in statute minimum and maximum scoring ranges in each of the rating categories (Highly Effective, Effective, Developing, Ineffective) for the 2011-12 and 2012-13 school years. The proposed statute now explicitly requires that an educator who earns an Ineffective rating on both of the student learning subcomponents must receive a composite rating of Ineffective.

2011-12 and for 2012-13 where no State-provided growth measure applies	Measures of student growth	Local measures of student achievement	Other 60 Points		Overall composite score
Ineffective	0 – 2	0 – 2	Ranges determined locally		0 – 64
Developing	3 – 8	3 – 8			65 – 74
Effective	9 – 17	9 – 17			75 – 90
Highly Effective	18 – 20	18 – 20			91 – 100

The proposed new legislation would establish scoring bands to apply to those teachers and principals for whom a State-provided value-added growth measure will apply in 2012-13. For these educators, the student growth subcomponent will be worth a maximum of 25 points, with the local subcomponent being reduced to a maximum of 15 points. These scoring bands are below:

2012-13 for educators WITH a State-provided value-added measure	Measures of student growth	Local measures of student achievement	Other 60 Points		Overall composite score
Ineffective	0 – 2	0 – 2	Ranges determined locally		0 – 64
Developing	3 – 9	3 – 7			65 – 74
Effective	10 – 21	8 – 13			75 – 90
Highly Effective	22 – 25	14 – 15			91 – 100

For the 2013-14 school year and annually thereafter, The Commissioner can recommend to the Board of Regents refinements and calibrations to the bands/scoring ranges as needed, based on NYSED's monitoring and data analysis. NYSED will monitor scoring to identify schools, districts, or BOCES with unacceptably low correlation results between overall composite scores and the student growth subcomponent (see Section 3B for more detail on monitoring).

While the State sets scoring bands, as described above, Districts still have local decisions to make with their collective bargaining units around how to assign points to educators based on results of the local assessments and "other measures" Subcomponents. For example, Districts must agree

locally on how to determine the level of performance on a district's benchmark assessment of ELA or Math that constitutes "effective" practice for teachers, or how to use a teacher practice rubric to assign from 0-60 points to a teacher. To ensure reliable scoring (as recommended by the Regents Task Force), the numerical scoring ranges are accompanied by narrative performance level descriptions that define Highly Effective, Effective, Developing and Ineffective (HEDI) for each subcomponent, as summarized in the table below (see Report of the Regents Task Force on Teacher and Principal Effectiveness, p. 68). The February 2012 proposed amendments to the evaluation statute specify that local agreements must make it possible for educators to earn any possible points, including 0, in a subcategory and in the overall rating categories and requiring superintendents and union leaders to certify that the standards defining the HEDI scoring categories will be used to differentiate performance in each of the subcomponents and in the overall ratings to improve student learning and instruction. In addition, the Commissioner would now have the statutory authority to reject District APPR plans that do not rigorously adhere to the statute and applicable regulations.

Table 1. Performance level descriptions for subcomponents

Level	**State Assessment Growth (20 points in 2011-12; 25 points upon Regents approval of value-added model)**	**Local assessment growth or achievement (20 points in 2011-12; 15 points upon Regents approval of value-added model)**	**Other (Teacher and Leader standards (60 points))**
Ineffective	Results are well-below state average for similar students (or district goals if no State test).	Results are well-below District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results do not meet standards.
Developing	Results are below state average for similar students (or district goals if no State test).	Results are below District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results need improvement in order to meet standards.
Effective	Results meet state average for similar students (or district goals if no State test).	Results meet District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results meet standards.
Highly Effective	Results are well-above state average for similar students (or district goals if no State test).	Results are well-above District or BOCES -adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results exceed standards.

The State provides training to Network Teams and districts about how to arrive at valid and reliable judgments about educator effectiveness. Training involves practice in reaching decisions about the level of teacher or principal performance represented by the evidence (be it an observation, assessment results, student learning objectives, etc.) and incorporating their assessments into sample HEDI scoring models. Participants will then adapt this knowledge to introduce the evaluators they are training to the decisions made locally about how points are to be awarded to individual educators based on locally-selected measures of student learning or educator practice. It is important to note that an educator may perform at different levels for each of the three subcomponents. The numerical subcomponent scores are the basis for calculating the composite score and assigning the overall rating.

3.A.Ii.c(I-Iii): Guidelines and Process For Ensuring Multiple Valid Measures

In this section, we will describe the State's processes for ensuring that all measures included in determining performance levels are valid measures, are clearly related to increasing student academic achievement and school performance and are implemented in a consistent and high-quality manner across schools within an LEA. This section is organized by the three subcomponents of our evaluation system, the 60 percent "other" measures of teacher and principal effectiveness; student growth on state assessment or other comparable measures; and locally-selected measures of student achievement. We specifically address students with disabilities and English language learners, and how their teachers and principals are accountable for their learning and assessed on the practices that have proven successful with these students. We will address training of evaluators in question 3B.

60 Percent "Other Measures"

For the largest category of educator evaluation, the 60 percent "other measures" subcomponent, New York State's regulations require that evaluators assess teachers against the New York State Teaching Standards. The Standards (and the elements and performance indicators that they comprise) include explicit focus on skills and practices that have been shown in research to relate to student achievement.

While New York State's system requires use of common standards statewide, our regulations permit some choice by local districts among specific teacher or principal practice rubrics approved by NYSED. To ensure comparability across schools in a District, Districts must utilize the same rubric for all classroom teachers in a specific grade/subject and all building principals across the district or BOCES. To ensure that these rubrics lead to valid assessments of teacher or principal practice, New York State has developed a list of approved, expert-developed practice rubrics from which districts may choose. Each rubric on the list has been screened through a rigorous "request for qualifications" process to ensure that it is aligned with State standards for teacher and principal practice, has a solid research basis and is likely to lead to differentiated assessments of educator practice that promote student learning. One approved rubric on the list, the Teacher and Learning Framework, and currently used in the District of Columbia Public Schools, supports teachers of English language learners and students with disabilities through guidebooks that evaluators can use to ensure they are able to identify effective practices specific to teachers with different student

populations. The current lists of approved rubrics can be found at http://usny.nysed.gov/rttt/teachers-leaders/practicerubrics/home.html.

In addition, our regulations include a variance process for districts that want to use an existing rubric or a new, innovative rubric that is NOT on the approved list. Such variances may be granted if the rubric meets the same criteria for research-basis and alignment to NYS teaching or leadership standards set for the State-approved list of rubrics. In addition, Districts have to prove that they are seeking a variance for a rubric in which the District has made a significant investment and has a history of use that would justify continuing the use of the rubric. Alternatively, Districts may request a variance for a new, "innovative approach to assessing practice that could be conditionally approved based on its research basis until further data about its use in practice could be collected" (see Teacher and Principal Practice Rubric Variance Application). To date, few districts with self-developed or adapted rubrics have met the high bar that NYSED set for variances.

In the February 2012 statutory additions and related new guidance, several important requirements were confirmed that will ensure more consistently valid and reliable measures across Districts in this collectively-bargained subcomponent. Now, at least a majority of the 60 points for teachers must be based on the results of multiple classroom observations by principals or other trained administrators, at least one of which must be unannounced. Any remaining points may be assigned to a limited list of additional research-based options including observations by trained evaluators independent of the school, trained in-school peer observers, state-approved surveys of students or families, and structured reviews of lesson plans, student portfolios and teacher artifacts.

Evaluations of principals will follow a similar framework. At least a majority of the 60 points must be based on multiple school visits by supervisors or other trained administrators (at least one visit must be unannounced and at least one must be performed by the principal's supervisor) and at least two sources of evidence from state-approved surveys of students, families or teachers and school data and records. Any remaining points for principals must be assigned to one or more ambitious and measurable goals, at least one of which must address the principal's contribution to improving teacher effectiveness as measured by retention of high performing teachers, the correlation between student growth scores and teachers granted or denied tenure, or improvements in the proficiency ratings of principals on specific teacher-effectiveness standards in the practice rubric. Any other goals must be based on quantifiable and verifiable improvements in academic results or the school's learning environment (e.g., student or teacher attendance).

3.A.ii.c(ii): Measures of Student Growth on State Assessments

The State will construct and provide, for the 2011-2012 school year, a State-determined measure of each educator's contribution to student learning, as measured by growth on State assessments in grades 4-8 ELA and mathematics. Over time, we expect to be able to provide these results for additional grades and subjects including our alternate assessment for the 1 percent of students with severe cognitive disabilities. We also plan to analyze how best to include growth on the test of English language proficiency, the NYSESLAT.

New York State's law distinguishes between a "growth model" for the 2011-12 school year and a "value-added model" that can be used, with Board of Regents approval, in 2012-13 and beyond.

Whether we use a "growth" or "value-added" model in either year, our objective is to compare the growth a teacher's students make in a year to growth achieved by similar students statewide. Much of the complexity in these kinds of models revolves around the empirical and policy considerations involved in defining "similar students." New York State's 2011-12 growth model compares each student's growth to students with similar academic histories as represented by their prior year test scores, and teacher and principal student growth percentile scores will be determined after one or more of the following student characteristics are taken into consideration: poverty, disability status, and English language learner status. By 2012-13, after consultation with the Task Force, and if the Board of Regents approves, New York State expects to include in a value-added model additional student, classroom, school, or teacher characteristics that are empirically determined to be significant contributors to variations in assessment scores or to be important based on policy or other considerations. By using additional factors in the analysis, we can make a fair assessment of the teacher's or school's effect that is not advantaged or disadvantaged by the characteristics of the students who attend the school or are assigned to the class.

NYSED purposely chose a growth model in 2011-12 that would allow for a more seamless transition to a value-added model in 2012-13, if approved by the Board of Regents. One aspect of our teacher and principal growth model for 2011-12 is a mixed (or GLS) model that lends itself to the addition of the value-added characteristics mentioned above without significant structural changes to the model itself.

The American Institutes for Research (AIR), the value-added vendor for the State of Florida and the City of Baltimore, was selected through the State's procurement process to provide all services related to providing teachers and principals with growth or value-added measures on State assessments. These include calculating growth and value-added scores, performing feasibility analyses for assessments in subject areas not included in ESEA (expansion areas), calculating value-added analyses for these expansion areas, and reporting the results of their analyses to all educators. AIR will also recommend how to best account for test measurement error and statistical uncertainty in modeling results in determining scores for individual educators, and to provide research and analysis to inform policy decisions as necessary.

It is important to note that both the institutional accountability system described in Principle 2 and the teacher and principal growth/VA measures described here, are rooted in the same initial calculation of a student's growth compared to similar students based on prior test histories. A given student, for example, Johnny, will have a single student growth percentile (SGP), for example 42 percent, that becomes part of the institutional accountability system and the teacher/principal evaluation system. If Johnny is an English Language Learner, that fact will be considered for Institutional accountability in the subgroup calculations, and for teacher and principal evaluation as an additional factor in comparing the educator's results to those of similar students. Business rules for inclusion of students, handling missing data, etc., will be the same for institutional accountability and educator evaluation purposes.

New York State is far along in ensuring that our data systems contain accurate records linking students to teachers and to any State assessments in order to deliver these growth and value-added results. As an active participant in the national Data Quality Campaign Coalition, we are following

closely their 10 Essential Elements of a State Longitudinal Data System. When the Regents Task Force began in 2010, we involved them deeply in issues around how to fairly and accurately attribute students to teachers and to set "teacher of record" policies.

We have instructed our current student and human resources management systems serving New York State's districts and schools that they must implement changes to their systems to enable valid and reliable teacher and principal evaluation data. New York State is now requiring districts to link teachers with the students in every course that leads to a State assessment (e.g., grades 3-8, and core high school subject areas)[39]. It is important to note that, by 2012-13, districts and schools will provide us with these data for multiple "teachers of record" for any student with information about the amount of instructional time a student spends with each teacher. This will allow us to provide reliable growth data in a variety of complicated situations including teachers who provide instruction to students with disabilities and/or ELLs in addition to the student's content or subject area teacher. It will also help us handle the many students who switch classrooms, schools, and even districts during an academic year or determine a fair way to ascribe growth if one teacher replaces another in a class during the year. By ensuring reliable data collection from classrooms and nuanced data about teacher-student linkages, we expect that we will increase the validity and reliability of our evaluation results. Because teachers will have personally verified critical inputs to the calculations, they will have greater trust in the outputs.

3.A.ii.c(iii): Comparable Growth Measures for Teachers Without State-Provided Growth or Value-Added Measures

Currently, New York State estimates that only about 15 to 20 percent of teachers will have State-provided measures of growth or value-added – those in grades 4-8 ELA and mathematics. Almost all elementary and middle school principals will have state provided growth measures in 2011-12. This is one reason the State decided to begin implementation of the new evaluation system in 2011-12 with only these "tested" grades and subjects. In 2012-13, all teachers and building principals will be evaluated under the new law. Accordingly, the State plans to extend its growth/value-added modeling as feasible to its high school Regents exams, and expects to add State assessments in middle school science and social studies and in high school English; therefore, we anticipate that the share of teachers with State-provided growth measures will rise to as much as 50 percent over time.

For teachers where there is no State-provided measure of student growth, under Education Law §3012-c, teacher evaluations must utilize a "comparable measure" for the student growth component. The regulations call this a "State-determined district-wide growth goal setting process" to be used with a range of allowable assessments. New York State is finalizing guidance describing the State's requirements for what we now refer to as Student Learning Objectives (SLOs). The guidance was informed by collaboration with other states and districts that are using a similar type of approach, and drafts were reviewed by the Task Force and district/BOCES curriculum and assessment leaders.

[39] The full list of grades and courses can be found in Updated Guidance on the Collection and Reporting of Teacher and Course Data in the Student Information Repository System (SIRS).

SLOs for teachers must be built around one of the following assessment options:

- State assessment, if one exists, (or NYSED-approved alternatives to Regents examinations) including NYSAA, the alternate assessment for those students with the most severe cognitive disabilities, or NYSESLAT, to assess English proficiency for English Language Learners, if applicable.
- District-determined assessment from list of State-approved 3rd party assessments and Regents equivalents.
- District- or BOCES-developed assessments, provided the district or BOCES verifies rigor and comparability across classrooms; and
- School-wide results based on State assessments.

The State's guidance on SLOs recognizes that many decisions about SLOs for each subject must be made by districts, but the State provides both rules and recommendations to strengthen the validity of the student learning objective process. For example, districts must ensure that each SLO covers all students in a course, regardless of achievement level or special needs, and must determine specific district expectations for growth in each grade/subject aligned to the State-determined HEDI scoring rubric. Districts must address assessment security issues and create processes to ensure that assessments are not scored by teachers and principals with a vested interest in their outcome. The State requires districts to use common assessments across a grade or subject within the district, where available, and to increase the number of high-quality assessments that are utilized across grades/subjects within the district. Through a competitive process, the State has chosen The Community Training and Assistance Center in Boston to develop and deliver training to network teams and District leaders around setting and assessing valid and rigorous SLOs. CTAC is highly experienced with SLOs from work around the country. New York State will also require Districts to describe their SLO process and provide sample SLOs in their APPR plans which require State approval.

3A2c: Ensuring that Student Growth Measures include Students with Disabilities and English Language Learners

New York State is committed to ensuring that teachers are held accountable for all students in their classes. Specifically, as we implement the complex work of measuring student growth for the purposes of teacher and principal evaluations, we are giving special attention to teachers of students with disabilities and to teachers of ELLs. We have consulted repeatedly over the last two years with New York's Advocates for Children organization, specifically about issues of measuring student growth for students with disabilities and ELLs. In addition, both Commissioner's advisory groups for students with disabilities and for English Language Learners have provided, and will continue to provide input on these critical issues. While the principles we are following are made in earlier sections of this Request, we want to call them out explicitly here.

- Most students with disabilities and English Language Learners in grades 3-8 take the same State assessments given to all other students. The State will include their assessment results in

- New York State's sophisticated "data linkage" policies described above, when fully implemented in 2012-13, will allow us to provide student growth measures to teachers who are not the main content teachers for ELLs or students with disabilities who have Individualized Education Programs, but who provide additional instruction to them for part of a school day or week. We will also be able to provide student growth scores when two teachers team-teach in a single classroom. In this circumstance, we propose to hold both teachers equally accountable for the learning of all students in the class.

- Business rules, like allowing for atypical grade progressions or including students who are missing one prior test score, will ensure that an appropriate minimum N size of students is applied to avoid making invalid inferences about teacher effectiveness, but our emphasis on inclusion of all students through nuanced enrollment duration information (also called "dosage" by some in the field) will ensure broadest possible coverage of teachers with these growth measures.

- In drafting State guidelines for subjects where no state-provided growth measures exist, the State is specifically requiring that all students in a course be included in a teacher's "student learning objective." No exclusions are allowed for disability or ELL status.

- For students who take New York State's test of English proficiency, the NYSESLAT, New York State will analyze whether it is feasible to measure growth on the NYSESLAT using our State growth model methodology in time for the 2013-14 school year. If so, it will become a component of the growth measures for all teachers of "tested" subjects if they teach a to-be-determined minimum number of ELL students to provide a reliable measure. Until that work is complete, the NYSESLAT will be included in Student Learning Objectives for teachers of ELLs who do not have other State-provided growth measures, according to rules that are detailed in the SLO guidance.

- Students with severe disabilities take New York State's Alternate Assessment (NYSAA). Teachers of these students will be required, by 2012-13, to set one Student Learning Objective based on student growth on NYSAA performance tasks. Additional SLOs are also set that are based on subject area taught. One criterion for any new iterations of New York's alternate assessment will be suitability for use in our State growth models.

Locally-Selected Measures of Student Achievement

State law and regulations require that all teacher and principal evaluations include use of locally-selected measures of student achievement. These measures must be "rigorous and comparable" across classrooms in a District or BOCES. The locally-selected measures of the evaluation systems provide Districts an opportunity to assess their students on District instructional priorities. By including these measures as part of the evaluation system, this also allows Districts the opportunity to provide educators feedback on their progress in improving student learning that is aligned to the District's instructional priorities. The February 2012 proposed amendments to statute confirm that

Districts must locally bargain the selection of these measures and the process for assigning points to educators. The February agreement also confirmed a focused list of allowable options including State tests, which had been the topic of greatest dispute in the litigation. Allowable options include:

- Measures based on State assessments, Regents examinations and/or Department-approved alternatives to Regents examinations provided that the measures are different than the measures used for the Growth subcomponent above. As per the February agreement, the following would constitute "different" measures:
    - teacher-specific change in percentage of students who achieve a specified level of performance on State assessments (e.g., 3 percentage point increase in number of students earning the proficient level 3 or better on the seventh grade State math test compared to those same students' performance on the sixth grade State math test);
    - teacher-specific measure based on percentage of students who achieve a State-determined level of growth. (e.g., average or better compared to similar students)
    - Other teacher-specific growth or achievement measure using State assessments or approved alternatives as determined locally

- Measures based on State-approved list of 3rd party assessments.

- Measures based on District, regional or BOCES-developed assessments provided that the district or BOCES verifies comparability and rigor.

- School-wide growth or achievement results based on:
    - State-provided school-wide growth score for all students in a school taking the State ELA or math assessment in grades 4-8.
    - Locally-computed measure based on District, regional or BOCES-developed assessment for which the district or BOCES verifies comparability and rigor or a State assessment.

- Student Learning Objectives with any State, State-approved, or District/BOCES-developed assessment that is rigorous and comparable across classrooms.

For principals, districts may choose school-wide measures based on:

- Student performance on any or all district-wide, locally selected measures approved for use in teacher evaluations;

- Achievement on State assessments in ELA and/or mathematics in grades 4-8 (e.g., percent proficient or advanced);

- Growth or achievement on State or other assessments in ELA and/or mathematics in grades 4-8 for student subgroups (e.g., students with disabilities, ELL) or progress of groups of students with specific prior achievement levels (e.g., students moving out of lowest achievement category or from proficient to advanced, etc.);

- Student performance on any or all of the district-wide, locally selected measures approved for use in teacher evaluations;

- Percent of a high school cohort achieving specified scores on Regents exams and/or NYSED-approved alternative examinations (e.g., AP, IB);
- Graduation rates (4, 5, 6 years) and/or drop-out rates;
- Graduation percent with Regents diploma with advanced designation and/or honors; or
- Credit accumulation (e.g., 9th and 10th grade) or other strong predictors of progress toward graduation.

The list of State-approved, third party assessments (http://usny.nysed.gov/rttt/teachers-leaders/practicerubrics/home.html) is one lever the State has to ensure that the locally-selected measures chosen by each LEA meet the requirements for valid and reliable measures. If a District does not choose a local assessment measure from the list of State-approved, third-party assessments, the district or BOCES must verify that the assessment selected is both "rigorous"—defined as valid, reliable, and aligned to the New York State learning standards—and "comparable across classrooms"—in other words, the same measure must be used across a subject and/or grade level within the school district or BOCES. These State-approved, third party assessments can also be used for some grades and subjects by districts within their growth SLOs where no State-provided measures exist. As New York State did with its teacher and principal practice rubrics, the State issued a Request for Qualifications (RFQ) for third party assessment providers to submit applications proving that their assessments met State requirements. Through this process, reviewers determined whether or not these assessments were aligned to the New York State Common Core Learning Standards, have been administered on a scale similar to that found in New York State and could be administered securely to successfully differentiate student performance, and have the potential to successfully differentiate teacher performance as a result of student achievement results. The RFQ adhered to guidelines for content validity, minimized subgroup differences, and bias review outlined in the assessment industry's Standards for Educational and Psychological Testing for ensuring that tests yield valid inferences for English language learners and students with disabilities. In the first round of applications, the State received 40 applications and approved 21 assessments. Another RFQ is nearing completion as of April 30, with the goal to add third-party assessments that can be used for grades and subjects not covered in the first RFQ. This RFQ would allow districts and BOCES to submit third-party assessments (with the approval of the assessment vendor) that they would like to have reviewed for placement on the approved list. Assessments can be removed from the approved list if there is evidence the assessment is no longer in compliance with one or more approval criteria set forth in the Commissioner's regulations, if NYSED determines that the assessment is not identifying meaningful and/or observable differences in performance levels across teachers, schools, and/or classrooms; and/or high quality academic research calls into question the correlation between high performance on the assessment and positive student learning outcomes.

Anticipating district needs, NYSED provided technical assistance to approved assessment vendors via a November 2011 webinar to ensure that they are prepared to support districts in using their assessments in ways that result in valid and reliable measures of educator effectiveness. During the webinar, NYSED provided background information on the use of the HEDI ratings and scoring bands for educator evaluation and discussed examples of areas where vendors could assist districts,

including: mapping assessment data to the four student performance levels used for State assessments, defining performance level descriptors, and providing normative information about the vendor's assessment.

3.A.ii.d: New York State's Law and Regulations Requires Annual Evaluations for all Educators

New York State's law requires annual evaluations for teachers and principals. The phase-in of the new system in 2011-12 and 2012-13 is described in Section 3B, below.

3A.ii.e: Providing Clear, Timely, and Useful Feedback, Including Feedback that Identifies Needs and Guides Professional Development

The State's evaluation system, as discussed earlier in 3.A.ii.a (on instructional improvement), is centered on State teacher and principal practice standards, and puts 60 percent of evaluation weight on assessment of these practices. As detailed above, statutory amendments to the original legislation require multiple observations of teacher practice using State-approved practice rubrics, including at least one unannounced observation, to gather information that can be used to provide feedback to educators on their professional practice. Also allowed under regulation is the use of evaluators other than the principal, so districts can allow for assistant principals or lead evaluators to perform observations and to provide feedback to educators on how they can improve. Educators can then access resources and materials on the EngageNY.org website for the areas where they may need additional support, as identified in their classroom observations or some other aspect of the District's evaluation system. The Student Learning Objectives process also encourages a mid-year progress check. Our law and regulations require that evaluation results be used as "a significant factor in teacher and principal development, including … coaching, induction support, and differentiated professional development."

The most effective professional development is provided locally and is highly tailored to the specific needs of each educator, job-embedded and involves educators in self-reflection and guided practice. For well over a decade, New York State has required each school district and BOCES to ensure that teachers participate in substantial professional development in order that they remain current with their profession and meet the learning needs of their students.[40] The evaluation system will yield information that can be used to identify areas in which teachers need to improve their instruction, including whether they need additional professional development in order to master the Common Core shifts. As will be described in section 3B, our training for Network Teams has already included several sessions where participants "find the shifts" in the teacher and principal practice rubrics, and consider what to look for to find evidence of the shifts during classroom observations or school visits. In section 3B, we will also elaborate on the State's activities to build local capacity to deliver feedback and differentiated professional development based on evaluation outcomes to all educators.

To ensure that educators who most need to improve have the opportunity to do so, both the statute and the regulations require that those educators most in need of support and improvement, those

40 Section 100.2(dd) of Commissioner's Regulations.

rated Ineffective or Developing, must be provided with a teacher or principal improvement plan (TIP or PIP). Specifically, the proposed amendments to Education Law §3012-c(4) would require:

> "Notwithstanding any other law, rule or regulation to the contrary, upon rating a teacher or a principal as developing or ineffective through an [APPR] … the school district or [BOCES] shall formulate and commence implementation of a teacher or principal improvement plan for such teacher or principal as soon as practicable but in no case later than ten school days after the opening of classes for the school year. Such improvement plan shall be consistent with the regulations of the commissioner and developed locally through negotiations …. Such improvement plan shall include, but need not be limited to, identification of needed areas of improvement, a timeline for achieving improvement, the manner in which improvement will be assessed, and, where appropriate, differentiated activities to support a teacher's or principal's improvement in those areas."

3.A.2.f. Use to Inform Personnel Decisions

New York State's statute requires that evaluation results be a significant factor in employment decisions (including, but not limited to, promotion, retention, tenure determinations, termination, and supplemental compensation), as well as teacher and principal development (including coaching, induction support, and differentiated professional development).

The statute also states that, for purposes of disciplinary proceedings, a pattern of ineffective teaching or performance is defined as two consecutive annual 'ineffective' ratings. Accordingly, teachers and principals with a pattern of ineffective teaching or performance can be charged with incompetence and considered for termination through an expedited hearing process. The expectation is that the results of the evaluation system will be used to expedite the disciplinary hearing process, which, in turn, will allow for the more efficient termination of chronically ineffective teachers who fail to improve, despite support.

3.B ENSURE LEAS IMPLEMENT TEACHER AND PRINCIPAL EVALUATION AND SUPPORT SYSTEMS

3.B Provide the SEA's process for ensuring that each LEA develops, adopts, pilots, and implements, with the involvement of teachers and principals, including mechanisms to review, revise, and improve, high-quality teacher and principal evaluation and support systems consistent with the SEA's adopted guidelines

Overview

In Section 3A, we described how New York State worked with teachers, principals, and other stakeholders to develop teacher and principal evaluation guidelines that reflect broad agreement on the key elements of the new system. New York State's school districts differ significantly in size and culture—ranging from the largest city in the country, which educates over 1.1 million students annually, to the multitude of rural districts, many of which have only one school—and each one has a different history of teacher and principal evaluation practices. Therefore, NYSED's process for implementing the new system is designed to capitalize on that diversity by:

- building on the lessons of early adopters who piloted the use of evidence-based observation and student outcomes in their evaluation systems;
- involving teachers and principals in tailoring system components to local needs;
- fostering the development of innovative evaluation tools by districts, education associations, and vendors; and
- ensuring transparency while minimizing reporting burdens.

At the State level, NYSED's role is to establish a policy environment that holds districts to a high standard of accountability, while providing the support they need to implement the system consistently and successfully. Setting a high bar for approval of LEA's evaluation plans, and monitoring results will be important NYSED roles as well. Pursuant to the anticipated statutory changes, NYSED will have the authority to approve LEA APPR plans and to require corrective action where analysis of District evaluation results shows implementation that is not sufficiently rigorous.

NYSED understands that the new evaluation system demands a major shift to embed clear performance expectations into New York State's educational culture, a shift that is challenging in the best of times, and in the current economic environment of layoffs and tough cutbacks, adds to the complexity of shifting culture. With the settlement of the almost year-long NYSUT lawsuit, the unions and NYSED both expect rapid acceleration of Districts' ability to complete collective bargaining and move into full implementation. NYSUT has stated publicly that they believe as many as 300 of our 700 Districts are "close" to completion and have been waiting for the uncertainty of pending litigation to lift.

New York is addressing the implementation challenges in multiple ways—from broad, statewide messaging to in-person district forums with top State officials and stakeholder groups in the following areas:

- providing support for consistent and valid implementation, most notably through the Network Team turnkey training process; and
- providing approximately $800 million in financial support to districts that implement the new evaluation system expeditiously, through the Teacher Incentive Fund (TIF), SIG, NYSED-issued RFPs, funded by Race to the Top, and the Governor's School District Performance Improvement Awards; and developing a risk-based process for monitoring local evaluation results to ensure fidelity of implementation.

As noted above, in January 2012, the Governor also tied two successive years of 4 percent state aid increases to LEA implementation of evaluation systems in 2012-13.

Phase-in, Pilots, and Timeline for Full Adoption of Evaluation Systems, with the Involvement of Teachers and Principals

New York State Education Law §3012-c provides for the phase-in of the new evaluation system in a logical sequence that reflects a clear understanding of important parameters. As noted, the system takes effect in the 2011-12 school year for teachers of English language arts and mathematics in grades 4-8 and their building principals. Annual State testing in grades 3-8 ELA and mathematics makes it possible to measure student growth immediately in these grades and subjects. This encompasses approximately 15-20 percent of the teachers in New York State and most principals in elementary and middle schools. Beginning in the 2012-13 school year, the evaluation system covers all classroom teachers and building principals.

Education Law §3012-c and the implementing regulations do not abrogate conflicting provisions of any collective bargaining agreement in effect on July 1, 2010 during the term of such agreement and until the entry into a successor collective bargaining agreement. Not only does this guarantee that teachers and principals are involved in tailoring system components to local needs; this is also another mechanism by which New York State's new system is being phased in. The timing of each district's negotiations depends on a number of factors, including the date on which its previous contract expires, its readiness to implement the new system's multiple measures, and the degree to which the district is motivated by financial incentives linked to implementation (these are discussed in Section 3BX, below).

A majority of districts' contracts will open before 2012-13, and the evaluation law requires that any new contract must be consistent with the new evaluation regulations. To monitor negotiation of contracts consistent with Education Law §3012-c and Commissioner's Regulations, NYSED will review and approve APPR plans detailing specifics of local agreements around teacher and principal evaluation and will reject those that do not rigorously adhere to the law and regulations. All APPR plans must also certify that they differentiate educator performance in a rigorous way consistent with advancing student learning.

At the leading edge of implementation are several major pilot projects throughout the State:

- New York City, which educates approximately 1.1 million of our 3.2 million students annually, began in 2010-11 to implement a "no-stakes" pilot of teacher evaluation aligned with the evaluation legislation. Initially piloted in 20 schools, it has grown to over 100 schools, and is providing both management and labor with valuable information as they work toward broader implementation.

- For principal evaluation, New York City implemented a comprehensive principal evaluation system several years ago including multiple performance levels, measures of student growth and achievement, and other measures of learning environment, leadership and school-wide practices for all principals. The system is a factor in personnel decisions and compensation. New York City has since launched a pilot to modify this system to be fully compliant with the terms of the new principal evaluation law.

- In 2010-11, through an AFT-sponsored "Investing in Innovation" grant, seven districts with diverse populations and serving more than 30,000 students across New York State piloted an approach to teacher evaluation based on the new legislation and collaboratively developed by superintendents, principals, and teachers under the leadership of NYSUT. Dubbed "TED" (Teacher Evaluation and Development), the now publicly available teacher practice rubric and implementation handbook is being promoted by NYSUT as one potential model for implementation more broadly across the State. Pursuant to the RFQ process described in Section 3.A.Ii.c (I-Iii): NYSED has approved the teacher practice rubric developed under this pilot, so that it may be adopted within the TED framework or on its own. Districts included in the development and implementation of the "no-stakes" pilot of the TED system include Albany City School District, Hempstead Union Free School District, Marlboro Central School District, North Syracuse Central School District, Plattsburgh City School District, and Poughkeepsie City School District.

- During the second half of the 2011-12 school year NYSED is working with a group of districts from around the state in a no-stakes pilot of the Student Learning Objectives (SLO) process. The pilot offers districts an opportunity to test and refine the SLO Road Map and Guidance Document. District leaders are receiving targeted support as they determine their district-wide approach to SLOs. At the same time, approximately 60 teachers and 20 principals and department chairs are engaging with a professional learning community and learning from their peers from other parts of the State. Educators' pilot SLO results will not be used for evaluation purposes; NYSED will collect data solely for research purposes and will post exemplars on EngageNY.org. Districts included in the pilot are Allegany-Limestone Central School District, Ballston Spa Central School District, Niskayuna Central School District, and Syracuse City School District. Ballston Spa participated in a panel at the APPR technical assistance workshop as an "early implementer" of SLO's, after having successfully completed the pilot.

As mentioned above, the Department has also set a deadline of July 1st for submission of all APPR plans for review by staff, in preparation for the Governor's deadline for negotiating new APPR

plans in the winter. Without negotiated agreements, districts will be ineligible for increases in State aid.

SEA Guidance and Technical Assistance to Ensure Consistent and High-Quality LEA Implementation of Valid Evaluation Measures

As we increase the level of accountability for New York State educators, we are also increasing the level of support for their continued improvement of instruction and student learning. In Section 3A2c of this Flexibility Request, we described ways the State is either providing or approving rigorous, valid, and reliable measures and assessment tools for LEA use in their evaluation systems. In addition to these processes, the State is also ensuring rigorous and consistent implementation through our training and support resources for LEAs and their educators. We have taken a high-support technical assistance approach for all districts, including turnkey training, a website that educators can visit for resources (EngageNY.org), regularly-updated guidance to the field, a vetting process for assessments, rubrics and surveys used for teacher and principal evaluation, webinars, and videos.

New York's evaluation regulations require districts to provide training in the following areas to those individuals who are primarily responsible for conducting and completing teacher and principal evaluations ("lead evaluators"):

- New York State Teaching Standards, and their related elements and performance indicators and the Leadership Standards and their related functions, as applicable,
- Evidence-based observation techniques that are grounded in research,
- Application and use of the State-provided measures of student growth or value-added growth model
- Application and use of the State-approved teacher or principal rubric(s) selected by the school district or BOCES for use in evaluations, including training on the effective application of such rubrics to observe a teacher's or principal's practice,
- Application and use of any assessment tools that the school district or BOCES utilizes to evaluate classroom teachers or building principals, including but not limited to, structured portfolio reviews; student, parent, teacher and/or community surveys; professional growth goals and school improvement goals, etc.,
- Application and use of any State-approved, locally selected measures of student achievement used by the school district or BOCES to evaluate its teachers or principals,
- Use of the Statewide Instructional Reporting System (our student-level data warehouse and reporting system which will play an increasing role supporting linkages of students to teachers, teachers to their IHEs, and providing expanded reporting to all key audiences.)
- The scoring methodology utilized by the State and/or the school district or BOCES to evaluate a teacher or principal, including how scores are generated for each subcomponent, and the composite effectiveness score and application and use of the scoring ranges prescribed by the Commissioner for the four designated rating categories used for the teacher's or principal's overall rating and their subcomponent ratings, and
- Specific considerations in evaluating teachers and principals of English language learners and students with disabilities.

Network Teams – Described earlier in Principle 1, New York State has invested over $200MM of our $700MM RTTT grant to train a corps of "Network Teams," which has been deployed since the start of the 2011-12 school year to support districts in improving instruction by implementing the Regents Reform Agenda—i.e., Common Core standards and curriculum, data-driven instruction, and the new teacher and principal evaluation systems.

Given that New York State has nearly 700 school districts spread across one of the largest states in the U.S., we decided to build upon our long-established regional structure of 37 BOCES plus the

Big 5 largest city school districts. Each Network Team, consisting of 3 to 5 seasoned educators with a variety of expertise, provides turnkey training and support to approximately 25 schools within its BOCES region or large city school district. The State is training a smaller group of regional and district representatives to support principal evaluation. The turnkey training that these teams provide to administrators and teachers in their districts emphasizes the interconnectedness of the Regents Reform Agenda initiatives and the overriding goals of ensuring that our students leave school ready for college and careers.

The State is providing an intensive, year-long series of workshops called Network Team Institutes (NTI) to ensure that the Network Teams are fully ready to provide turnkey training to district principals and to other trainers on teacher evaluation. NTI is designed to give Network Teams and district leaders the skills they need not only to ensure that teacher evaluation ratings are fair and equitable but also that classroom practice changes in ways that dramatically advance college- and career-readiness for New York State's students. So far, NTI has been well attended and positively received. See http://engageny.org/wp-content/uploads/2011/10/calendar-institute-2011-12.pdf for the NTI schedule.

Districts are required under our regulations to describe in their APPR plans their process for ensuring that lead evaluators for teachers or principals maintain inter-rater reliability over time and their process for recertifying all lead evaluators. As one part of the NTI training related to teacher and leader evaluation, evaluators are able to access a vendor-hosted website to rate educators against a standard, and determine the extent to which their ratings align with professional ratings of educator practice. NTI participants will also receive training at the May institute on how to use the State's APPR submission platform, Review Room, which will support districts in structuring their APPR plans in alignment with state statute and Commissioner's regulations.

NTI goes well beyond the technical aspects of inter-rater reliability and evaluation scoring to emphasize a culture of professional growth based on feedback and continual improvement of practice. NTI sessions specifically emphasize the provision of feedback and coaching to educators based on observation and data collected during the evaluation process. Participants make connections between the shifts in instruction called for in the Common Core, the insight obtained from formative data assessments cycles, and evidence-based observation, and the best ways to coach educators to improve their practice.

Under the Common Core, students are expected to demonstrate higher-order thinking through deep conceptual understanding and reading text closely, which can happen only if a teacher has deep content knowledge. Higher-order thinking takes place when students make meaning out of the text, and when teachers drive deep, rigorous conversations about what the author actually means. NY's Teaching Standards reinforce our transition to the Common Core by demanding that teachers:

- have required content knowledge;
- use instructional techniques that encourage higher order thinking in students;
- incorporate a variety of formal and informal assessment techniques into their planning and instructional delivery to ensure that all students are grasping the content;

- address common student misconceptions about the content area; and
- design learning experiences that foster student understanding of key disciplinary themes.

These teaching standards (and the performance indicators they comprise) also insist, in many places, on differentiated instruction and support for all learners, and for demonstrating understanding of students' diverse cultures and backgrounds. For instance, teachers must demonstrate understanding of linguistic diversity that influences their students' learning, and requires that they are able to support all learners. Similarly, teachers are required to design instruction that reflects the multiple experiences, strengths and learning needs of all their students, and to provide differentiated instruction and support for all learners (including English language learners and students with disabilities), and will require teachers to know and implement scaffolding techniques to help all students meet grade-level standards.

For principals, the "other measures" subcomponent requires assessment using the ISLLC 2008 standards, which have been adopted by 35 states as the standards toward which principals should work. The most recent version was revised because of the evolving role of the principal, and because the research had evolved enough to provide a solid foundation from which to base a more accurate reflection of what a principal should be able to know and do. They reflect a focus on instructional leadership, organizational management, school culture, engagement with the community, and acting with integrity. Similarly, they reinforce the skills required to lead the transition from the previous version of learning standards to the CCSS, and to foster significant shifts in instructional practice in both ELA/literacy and mathematics in order to ensure learning progressions, which in turn lead to college- and career-readiness. For instance, one of the ISLLC standards requires that principals "create a comprehensive, rigorous, and coherent curricular program." This standard echoes the spirit of the Common Core in that it requires a conscious and comprehensive progression of skills, concepts, and knowledge across grade levels so that, year after year, students become increasingly ready for college and careers. By implementing ISLLC with quality and fidelity, Districts can ensure that the principal role makes the transition from building leader to instructional leader, and that principals serve on the front lines of the transition to CCLS in every classroom in the State.

Similar to the New York State Teaching Standards, the ISLLC standards require that principals focus on ensuring that every student, including those from diverse communities and backgrounds, learns in an environment of high expectations, collaboration, and trust. Principals are also expected to promote understanding, appreciation, and use of the community's diverse cultural, social, and intellectual resources.

To date, the Network Team Institutes have been led by recognized national experts in evidence based observation, Common Core Standards and data-driven instruction. At the November 2011 Institute, Diane August and Peter Kozik each led a session on understanding the principles that undergird instruction for English language learners and students with disabilities, as well as understanding the shifts in instructional strategies under the Common Core for ELLs and students with disabilities. For Institutes beginning February 2012 through 2013, the State has competitively-selected expert training providers including Duffy Miller's Teaching Learning Solutions for teacher

evaluator training, Cambridge Education for principal evaluator training, and Community Training and Assistance Corp (CTAC) for Student Learning Objectives..

Additional Technical Assistance - The State recognizes that the train-the-trainer model of our Network Team Institutes cannot be the only approach to providing information and tools to LEAs and principals. And teachers and principals need other places to turn for support if their supervisors and colleagues cannot give them the help they need to implement this work or improve their own practice. Given that, we have used a variety of technical assistance support strategies through the process:

- **EngageNY.org:** As described in Principle 1 under Outreach and Dissemination, the State developed a website where teachers, principals, and network team members can access content related to all aspects of the Regents Reform Agenda, including implementation of teacher and principal evaluation systems and improving teacher and principal instructional practice. EngageNY.org resources support the objectives of instructional improvement covered in Principle 3.

- **APPR Training:** NYSED invited BOCES, SIG districts and education stakeholders from across the state to a two-day technical assistance workshop, where they received support from NYSED in developing their evaluation systems, which also ensured consistency in the major elements of each district's system. Districts that are further along in adopting or developing an aspect of the evaluation system were highlighted during the workshop, providing an opportunity for these districts to explain to others what they had done to ensure aspects were adopted early and in a high-quality way. NYSED staff was also present to answer questions and provide guidance to participating districts.

- **Evaluation-specific webinar series:** The State has produced several webinars to explain the overall evaluation system requirements and to dive more deeply into specific topics, most recently the subject of SLOs. These webinars allow audiences from around the State to participate remotely and ask questions for immediate response. They are also archived on EnageNY.org for others to watch at their convenience.

- **Guidance to the field:** An email inbox for all questions related to educator evaluation has been set up, and is regularly monitored by NYSED staff. Extensive questions and answers covering all aspects of teacher and leader evaluation have been published on EngageNY.org, and have been updated several times since the initial guidance was published along with the evaluation regulations. These questions are answered by senior NYSED staff, and are logically grouped together in common evaluation system themes, like how will student growth be measured, what is allowable for local assessments, or exactly who is covered under each phase of implementation.

- **Leveraging New York's professional development networks:** NYSED will continue to work with our Staff and Curriculum Development Network and Regional Bilingual Education Resource Network, which provide high quality technical support through professional

- **Focus on high needs Districts and schools:** Ten Districts in New York State had schools receiving School Improvement Grant funds in 2011-12. Following intensive technical assistance to these Districts, the Commissioner recently agreed to restart the SIG funding in 5 of the 10 districts, suspended when they could not reach an evaluation agreement for their SIG schools. This experience has led NYSED to plan to continue intensive technical assistance to the highest need Districts as they evolve their evaluation agreements to meet the new requirements for 2012-13.
- **Initiatives to Ensure that the Next Generation of Principals is Prepared to Develop and Retain Effective Teachers:** Many of New York's principals were trained and selected at a time when the principalship was less widely viewed as an instructional leadership role. The focus in our new principal evaluation system on student learning growth and on practices around developing and retaining effective teachers will clarify the State's expectations for effective practice.

At the same time as the new evaluation system is being phased in, the Board of Regents and NYSED are working with alternative and traditional educator-preparation programs across the State to ensure that New York State's next generation of principals are true instructional leaders. As described earlier, New York State is overhauling school building leader certification requirements to include a performance assessment of a candidate's ability to observe video of teaching practice, accurately assess the teacher's strengths and weaknesses, and provide meaningful feedback.

Incentives to Ensure Timely Implementation

Education Law §3012-c requires that all collective bargaining agreements entered into after July 1, 2010 be consistent with the terms of the new evaluation law. However, in difficult economic times, it may not be possible for all districts to reach new agreements, leaving them with current contracts that are not compliant with the new law. In an effort to encourage agreements to move forward with evaluation implementation, New York State has a number of additional incentives in place.

Half of New York State's $700MM in RTTT funds was granted proportionately to LEAs to use for a focused set of local initiatives in support of the goals of our RTTT application. Any districts that have not implemented a new teacher evaluation system by 2013-14 will not be able to access 25 percent of their RTTT money. As the State continues to issue Requests for Proposals to distribute other RTTT funds connected to teacher- and leader-effectiveness initiatives, we have been consistent in requiring participants to demonstrate completion of the collective bargaining required to implement rigorous teacher and principal evaluations in participating schools, and, when possible, districts. In addition, we have required the 10 Districts with schools receiving 2011-12 federal SIG funds to implement Transformation and Restart models as well as those participating in New York State's Teacher Incentive Fund grant to agree to implement teacher- and principal-evaluation systems that are in compliance with the State statute in those schools. In 2011, the Governor created two competitive grant programs funded at a combined $500MM called the School District Performance Improvement and the School District Management Efficiency Awards Grants for

school districts that demonstrate improvements in student achievement, narrowing the achievement gap, improving educational outcomes for students with the greatest needs, and implement comprehensive and innovative programs to improve overall efficiency. To be eligible for these grants, applicants must be implementing Education Law §3012-c. in 2012-13.

Finally, in his January 2012 Executive Budget address, the Governor coupled a 30-day deadline for an end to the litigation regarding the teacher and principal evaluation system regulations with a significant incentive to LEAs to complete their own collective bargaining. The Governor tied 4 percent increases in State aid (for each year 2012-13 and 2013-14) to full implementation of the educator evaluation system.

With the end of litigation-related uncertainty, and the incentives described above, NYSED expects to see many districts move rapidly toward full implementation.

Monitoring, Reporting, and Corrective Action—To Ensure That Measures Are Valid and Implementation is Consistent with SEA Guidelines

The State has plans in place to monitor LEA implementation of the evaluation system and provide support where needed to ensure that implementation is likely to lead to instructional improvement and student learning growth.

The proposed 2012 statutory amendments will give the Commissioner the authority to approve or reject LEAs plans for educator evaluation. The need for this provision became obvious when the ten Districts that were awarded 2011-2012 School Improvement Grant funds to implement the Transformation and/or Restart Models failed to meet a December 31, 2011 State deadline to submit rigorous evaluation plans for these schools consistent with the applicable law and regulations. SED's review of the plans that were submitted revealed the need for more intensive technical support for these Districts and a strict standard of rigor before lifting the suspension on SIG funds the Commissioner imposed when the deadline was missed.

As of February 28, 2012, the Commissioner has accepted re-negotiated 2011-2012 labor-management agreements from five districts that are in alignment with SIG principles, 3012-c and Commissioner's Regulations related to teacher and leader evaluation and support. The Commissioner has lifted the SIG fund suspension in these five districts. The APPR review process developed for these SIG districts will now be the model for a scaled-up review of all 700+ New York State districts. Pursuant to the anticipated statutory amendments, districts will have to adopt their APPR plans by July 1, 2012 and submit such plans to the Commissioner for approval. The Commissioner will approve or reject the plan by September 1, 2012 or as soon as practicable thereafter.

To facilitate this process, SED has developed a standardized template for LEAs to complete as their APPR plans (which previously were not standardized) and by design requires that Districts meet State guidelines for structuring the major components of their evaluation systems. The platform's requirements for the entry of information are reflective of statute and regulations, so districts can go to one place for all this information as they negotiate all components of their APPR plans. SED will add internal capacity to review the APPR plans as they arrive, especially in July and August 2012.

Rejected plans will be returned with explanations of deficiencies in rigor or compliance with statute and/or regulation, and LEAs will revise, returning as necessary to the bargaining table, until they reach an acceptable agreement.

Among other requirements, the APPR plan must describe:

- details of the measures to be used in each subcomponent of the evaluation system, cut points used for each measure, and the process Districts used to assign points to educators in each subcomponent based on those cut points (except where the State assigns points based on State-provided growth or value-added measures);
- how the district or BOCES will provide timely and constructive feedback to teachers and principals;
- the LEA's process for ensuring that NYSED receives accurate teacher and student data and verification of rosters and course linkage data;
- how the district or BOCES will report scores to NYSED;
- assessment development and security and scoring processes;
- the appeal procedures utilized; and
- any required certifications required under the regulations.

NYSED will compile key information from the APPR plans to ascertain trends in district choices of evaluation instruments and procedures, to assist the State in providing ongoing training to district and BOCES Network Teams and in determining what additional State guidance should be provided or whether changes to the regulations are needed.

As an additional monitoring tool to assess the validity of the system, the State will annually monitor and analyze trends and patterns in teacher and principal evaluation results and data to identify districts, BOCES, and/or schools where evidence suggests that a more rigorous evaluation system is needed to improve educator effectiveness and student learning outcomes. To address this, the State requires that districts submit subcomponent ratings for each educator (i.e., ratings for growth, local measures of student achievement and "other" measures) as well as the composite score to the State. As outlined in the Commissioner's regulations, this allows the State to analyze data provided by districts to identify:

- schools, districts, or BOCES with unacceptably low correlation results between student growth on the State assessment or other comparable measures subcomponent and any other measures of teacher and principal effectiveness used by the district or BOCES to evaluate its teachers and principals; and/or
- schools, districts, or BOCES whose teacher and principal composite scores and/or subcomponent scores and/or ratings show little differentiation across educators and/or the lack of differentiation is not justified by equivalently consistent student achievement results.

A school, district or BOCES that has unacceptably low correlation results or an unjustified lack of differentiation can be highlighted in public reports and/or the Commissioner can order a corrective action plan. This authority is now embedded in the February statutory amendments. A corrective action plan can include requirements for additional professional development, additional in-service training and/or the use of independent trained evaluators to review the efficacy of the evaluation system.

These analyses, and the collection of APPR information through our standardized template, also allows for the Department to determine the extent to which each component measure, as well as, aspects within a component measure, are accurately measuring teacher effectiveness. For instance, NYSED is collecting information on the results a teacher would have to achieve on the locally-selected measures, the practice rubric, and on the State-provided growth measure to determine the extent to which any of the three measures can be externally validated.

Principle 3 Conclusion

NYSED and NYSUT worked together in developing the groundbreaking 2010 legislative agreement that would ensure significant changes to teacher and principal evaluation in New York State. From there, the vast majority of the State's school districts, in collaboration with their collective bargaining units, committed to implement teacher and leader evaluation as part of our RTTT application. All have different needs for teacher evaluation that will lead to differing adoption timelines for each of the components of evaluation, but all will adopt the key elements required in statute and the Commissioner's regulations. With the resolution of litigation, the expected adoption of statutory and regulatory amendments strengthening and clarifying key provisions of the evaluation system, and the substantial financial incentives tied to implementation of educator evaluation systems, NY State expects to move rapidly toward full implementation in the 2012-13 school year.

New York State's evaluation framework, which allows for a substantial degree of local control, presents implementation complexity for the State and LEAs, but it also allows for more buy-in and a better fit with local needs, while simultaneously driving innovation in the marketplace of ideas and evaluation tools. We fully expect that aspects of our approach and the choices made by individual LEAs will evolve as best practices continue to emerge here and in other states, and we are confident that New York State's new teacher- and principal-evaluation system – together with the entire Regents Reform Agenda – has placed New York State on the path to major improvements in teaching and learning for our 3 million students.

PRINCIPLE 4: REDUCING DUPLICATION AND UNNECESSARY BURDEN

NYSED has taken three major actions to reduce duplicative and unnecessary burdens upon school districts.

First, NYSED launched the 2011-12 School Reporting Requirements (SRR) web-based system. The SRR system provides school districts, charter schools, and Board of Cooperative Educational Services (BOCES) with a single access point for all PreK through 12 plans, applications, reports, and data that must be submitted to NYSED throughout the year. The web site is located at: Use the Web-Based System for 2011-12 School Reporting Requirements (SRR).

Second, NYSED took significant steps toward implementing its mandate-relief program. The Regents have submitted a comprehensive Mandate Relief Proposal to the Legislature and Governor. The proposal would repeal or amend more than 40 statutes eliminating ineffective requirements related to school facilities, student transportation, procurement of goods and services, and special education. The program is focused on eliminating burdensome and obsolete regulations and statutes based on process rather than performance that have hindered school district efforts to improve student achievement. NYSED is continuing to work with the school administrators, teachers, and parents to identify regulations and statutes that should be repealed or modified. The Statutory and regulatory changes that provided some mandate relief to school districts in 2011 are listed below.

Related, in November 2011, the Board of Regents reviewed and accepted a list of mandate-relief recommendations for special education services. In response to a May 2011 proposal, public hearings were conducted across the State, and over 700 comments were received in response to these mandate-relief items. The proposed regulatory and legislative amendments would align State requirements for special education students with the Federal Individuals with Disabilities Education Act (IDEA). Currently, State laws and regulations exceed those provisions mandated by IDEA.

Statutory Mandate Relief Recommended by the Board of Regents and Subsequently Enacted

- Preschool Census every other year, rather than annually;
- School bus planning based on actual ridership;
- Flexibility in auditing claims by allowing a deputy claims auditor and risk-based claims auditing;
- Comptroller review and report on effectiveness of risk-based claims audit methodology;
- Shared superintendent program for small districts;
- Regional transportation services;
- Mandate Relief Council; and
- Regional transportation pilots.

Regulatory Mandate Relief Enacted or Proposed by the Board of Regents

- Emergency repeal of requirement for school facility report cards in 8 NYCRR 155.6;
- Emergency repeal of requirement for school bus idling reports in 8 NYCRR 156.3(b);
- Flexibility with scheduling school bus driver safety training in 8 NYCRR 156.3(h);
- Proposed repeal of 8 NYCRR 136.3(e) relating to vision screenings for hyperopia; and
- Proposed amendment to 8 NYCRR 80-4.3 to provide additional certification flexibility with regard to the assignment of teachers in school districts and BOCES to provide for more cost-efficient operations.

The Regents support continued mandate relief to school districts, including but not limited to legislative and regulatory changes in the provision of special education programming previously delineated. The changes sought are expected to relieve school districts of some special education mandates that exceed those required by federal law without demonstrably reducing the services provided to students and providing greater flexibility to strengthen the overall general education programming for all students, including special education students.

Third, NYSED is developing a new school/district single diagnostic tool described in Principal 2 that measures performance against the optimal conditions for effective schools and districts. The tool will be ready in spring 2012. The new single diagnostic tool replaces a number of different diagnostic tools that were used on multiple monitoring visits to the same districts in the past. The single diagnostic tool will allow NYSED to consolidate multiple monitoring visits, reduce school/district burdens responding to multiple monitoring visits and allow schools/districts to look at using their resources strategically to close the achievement gap.

The single diagnostic tool will be created and piloted in districts and schools, where principals volunteer to have a low-stakes review conducted in their school, to ensure that all relevant priorities and components are addressed and measured by the tool. Integrated Intervention Teams begin using the single diagnostic tool to conduct site visits in fall 2012. NYSED will complete the process of building within NYSED the knowledge base necessary to sustain a system of high quality school and district reviews using the single diagnostic tool as implemented by the Integrated Intervention Teams[41] (2013-14 school year).

Schools and districts will be encouraged to use the findings of their respective reviews using the single diagnostic tool to determine which offerings available to them will be most helpful with closing the gap between their current performance and the State's definition of optimal conditions of effective schools and districts. Initially, the intended audience for the professional development offerings will be staff members of Priority and Focused Schools and their supporting districts, but as

41 By the 2013-2014 school year, NYSED will be able to deploy Integrated Intervention Teams that can draw on offices across P-12 to assist in staffing the teams with persons with expertise in school improvement, finances, human capital development, curriculum, assessments and services to students with disabilities and English language learners as required by the needs of the districts and schools. These persons may also be deployed to support a more comprehensive and coordinated approach to program monitoring.

the initiative advances, staff members of all New York State schools will be allowed to participate on a first come, first serve basis.