ESEA Flexibility

Request

Originally Approved: May 21, 2012
Updated: June 10, 2015
New York State Education Department
89 Washington Avenue
Albany, NY 12234

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1	Notice to LEAs	
2	Comments on request received from LEAs	
3	Notice and information provided to the public regarding the request	
4	A copy of the average statewide proficiency based on assessments administered in the 2013-2014 school year in reading/language arts and mathematics for the "all students" group and all subgroups	
5	Listing of Reward, Priority, and Focus Schools	
6	A copy of any guidelines that the SEA has already developed for local teacher and principal evaluation and support systems and evidence that the SEA has adopted one or more guidelines of local teacher and principal evaluation and support systems	
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14	Technical information on the process for selection of reward schools	

*Page numbers correspond to the NYSED ESEA Attachments file.

Cover Sheet for ESEA Flexibility Request

Legal Name of Requester: New York State Education Department	Requester's Mailing Address: 89 Washington Avenue Albany, NY 12234
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Chief State School Officer (Printed Name): Elizabeth Berlin	Telephone:
Signature of the Chief State School Officer: X Elizabeth R Berlin	Date: 6/10/15
The State, through its authorized representative, agrees to meet all principles of ESEA flexibility.	

WAIVERS

By submitting this updated ESEA flexibility request, the SEA renews its request for flexibility through waivers of the nine ESEA requirements listed below and their associated regulatory, administrative, and reporting requirements, as well as any optional waivers the SEA has chosen to request under ESEA flexibility, by checking each of the boxes below. The provisions below represent the general areas of flexibility requested.

☒ 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 school-wide 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.

Optional Flexibilities:

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

☒ 10. 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.

☒ 11. 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.

☒ 12. 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 otherwise rank sufficiently high to be served under ESEA section 1113.

☒ 13. 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 in addition to waiver #6 so that, when it has remaining section 1003(a) funds after ensuring that all Priority and Focus Schools have sufficient funds to carry out interventions, it may allocate section 1003(a) funds to its LEAs to provide interventions and supports for low-achieving students in other Title I schools when one or more subgroups miss either AMOs or graduation rate targets or both over a number of years.

If the SEA is requesting waiver #13, the SEA must demonstrate in its renewal request that it has a process to ensure, on an annual basis, that all of its Priority and Focus Schools will have sufficient funding to implement their required interventions prior to distributing ESEA section 1003(a) funds to other Title I schools.

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☒ 14. The requirements in ESEA sections 1111(b)(1)(B) and 1111(b)(3)(C)(i) that, respectively, require the SEA to apply the same academic content and academic achievement standards to all public schools and public school children in the State and to administer the same academic assessments to measure the achievement of all students. The SEA requests this waiver so that it is not required to double test a student who is not yet enrolled in high school but who takes advanced, high school level, mathematics coursework. The SEA would assess such a student with the corresponding advanced, high school level assessment in place of the mathematics assessment the SEA would otherwise administer to the student for the grade in which the student is enrolled. For Federal accountability purposes, the SEA will use the results of the advanced, high school level, mathematics assessment in the year in which the assessment is administered and will administer one or more additional advanced, high school level, mathematics assessments to such students in high school, consistent with the State's mathematics content standards, and use the results in high school accountability determinations.

If the SEA is requesting waiver #14, the SEA must demonstrate in its renewal request how it will ensure that every student in the State has the opportunity to be prepared for and take courses at an advanced level prior to high school.

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ASSURANCES

By submitting this request, the SEA assures that:

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

☒ 2. It has adopted 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 State's college- and career-ready standards. (Principle 1)

☒ 3. It will 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) no later than the 2015–2016 school year. (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 annually make public its lists of reward schools, Priority Schools, and Focus Schools prior to the start of the school year as well as publicly recognize its Reward Schools, and will update its lists of Priority and Focus Schools at least every three years. (Principle 2)

If the SEA is not submitting with its renewal request its updated list of Priority and Focus Schools, based on the most recent available data, for implementation beginning in the 2015–2016 school year, it must also assure that:

☒ 8. It will provide to the Department, no later than January 31, 2016, an updated list of Priority and Focus Schools, identified based on school year 2014–2015 data, for implementation beginning in the 2016–2017 school year.

☒ 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 ESEA flexibility 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 SEA 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 its ESEA flexibility request, and will ensure that all such reports, data, and evidence are accurate, reliable, and complete or, if it is aware of issues related to the accuracy, reliability, or completeness of its reports, data, or evidence, it will disclose those issues.

☒ 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, each subgroup described in ESEA section 1111(b)(2)(C)(v)(II), and for any combined subgroup (as applicable): 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. In addition, it will 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. It will ensure that all reporting is consistent with *State and Local Report Cards Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended Non-Regulatory Guidance* (February 8, 2013).

Principle 3 Assurances

Each SEA must select the appropriate option and, in doing so, assures that:

Option A	Option B	Option C

☒ 15.a. The SEA is on track to fully implementing Principle 3, including incorporation of student growth based on State assessments into educator ratings for teachers of tested grades and subjects and principals.	If an SEA that is administering new State assessments during the 2014–2015 school year is requesting one additional year to incorporate student growth based on these assessments, it will: ☐ 15.b.i. Continue to ensure that its LEAs implement teacher and principal evaluation systems using multiple measures, and that the SEA or its LEAs will calculate student growth data based on State assessments administered during the 2014–2015 school year for all teachers of tested grades and subjects and principals; and ☐ 15.b.ii. Ensure that each teacher of a tested grade and subject and all principals will receive their student growth data based on State assessments administered during the 2014–2015 school year.	If the SEA is requesting modifications to its teacher and principal evaluation and support system guidelines or implementation timeline other than those described in Option B, which require additional flexibility from the guidance in the document titled *ESEA Flexibility* as well as the documents related to the additional flexibility offered by the Assistant Secretary in a letter dated August 2, 2013, it will: ☐ 15.c. Provide a narrative response in its redlined ESEA flexibility request as described in Section II of the ESEA flexibility renewal guidance.

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, development, implementation and subsequent renewal 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 ESEA Think Tank ("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. NYSUT is an active participant in both the ESEA Think Tank and the Title I Committee of Practitioners. Both groups have served as thought partners to the Department in the development of the ESEA renewal application for the 2015-16 to 2018-19 school years.

- 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. The UFT is also an active participant in both the ESEA Think Tank and the Title I Committee of Practitioners. Both groups have served as thought partners to the Department in the development of the ESEA renewal application for the 2015-16 to 2018-19 school years.

- 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.

- 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 their discipline and area of expertise.
- During the final stages of development, NYSED posted the draft waiver request on its website and solicited feedback from stakeholders all over the state.
- 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 has regularly conducted webinars and information sessions on activities related to implementation of ESEA flexibility since 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
- Bedford Central School District
- Boards of Cooperative Educational Services (BOCES)
- Commissioner's Advisory Panel (CAP) for Special Education Services
- Conference of Big Five School Districts
- Council of New York Special Education Administrators
- Council of School Supervisors & Administrators (CSA)
- Greece Central School District
- Highland Falls School District
- Learning Disabilities Association of New York State
- 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 Association of School Business Officials
- 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)
- North East Charter Schools Network
- School Administrators Association of New York State (SAANYS)
- Special Act Schools
- Staff/Curriculum Development Network
- State University of New York (SUNY)
- Syracuse City School District
- 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
- Yonkers Public Schools

As a result of the iterative and developmental process undertaken in development of the original ESEA Waiver, the following key changes were made to the original 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 an "ESEA 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 7 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.

In May 2014, the ESEA "Think Tank," which supported the Department in the development of the original ESEA Waiver application and its subsequent renewal, was reconvened. The ESEA Waiver Renewal Think Tank has met eight times since reconvening in May 2014, with various related work groups meeting at least five additional times during that time period. Stakeholders from across the State representing Local Educational Agencies, and organizations representing teachers, administrators, parents, community-based organizations, civil rights organizations, students with disabilities and English language learners have assisted the Department in responding to the requirements of the Renewal application.

The Department also convened representatives of districts with Local Assistance Plan schools to discuss potential changes to the LAP process and provided all districts with LAP Schools an opportunity to complete a survey about the LAP process. The survey received nearly 160 responses representing the majority of districts with current or former LAP Schools.

Representatives of all Focus Districts were provided with an opportunity to discuss the development of the waiver request at the January 2015 DTSDE Institute and discussions regarding the waiver with representatives of the Large Five City School Districts have been an ongoing part of monthly meetings held with these districts.

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 officials 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.

As part of the State's development of the Renewal Request for 2014-15, the Department specifically consulted with stakeholders in the special education community regarding submission of an amendment related to the assessment of students with disabilities (See Attachment 15: Amendments Regarding Testing Requirements for Students with Disabilities). The Commissioner, Deputy Commissioner and Department staff solicited feedback on the amendment through meetings with a wide variety of organizations, including the Commissioner's Advisory Panel for Special Education (of which the majority of members are parents of students with disabilities and individuals with disabilities), representatives of each of the State's 13 Special Education Parent Centers and federal Parent and Training Information Centers (PTIs), Title I Committee of Practitioners, the English Language Learners Leadership Group, the DTSDE Training Group, and the District Superintendents.. Department staff have spoken with the following national groups: National Association of Learning Disabilities; Education Trust; National Association of State Directors of Special Education; Learning Disabilities Association; Council for Advancement and Support of Education; Council on Exceptional Children; lawyers working on the Children's Online Privacy Protection Act; ACCSES (which represents 1,200 disability service providers across the country); Easter Seals; National Disability Rights Network; and the National Council on Learning Disabilities.

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 included 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.

In October 2013, the Title I COP met to discuss the ESEA Renewal Request for 2014-15.

In January 2015, Department staff had two phone conferences with the State's Title I Committee of Practitioners to discuss the ESEA Waiver, with a third in-person meeting on March 2, 2015.

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.

As part of the development of the ESEA Renewal Request for 2015-19, in addition to the stakeholders mentioned above, the Department has consulted with various partner organizations such as the New York State Association of Bilingual Education (NYSABE), the NYS Teachers of English to Speakers of Other Languages (TESOL), the United Federation of Teachers (UFT), the New York State United Teachers (NYSUT), the New York Immigration Coalition, Advocates for Children (AFC), Asian American Legal Defense and Education Fund (AALEDEF), American Institute for Research (AIR) and the International Schools Network.

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.

Throughout February and March 2015, the Commissioner, Senior Deputy Commissioner, Deputy Commissioner for P-12 and other Department staff discussed the proposed Waiver Renewal for 2015-19 as part of regular meetings held with stakeholders.

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.

Since the initial approval of the Waiver in May 2012, offices within the Department have provided frequent updates on core Waiver activities such as the implementation of teacher and principal evaluation systems, implementation of the Common Core Learning Standards, creation of Common Core aligned assessments, and implementation of the Diagnostic Tool for School and District Effectiveness (DTSDE). In preparation of the renewal application for the 2015-16 to 2018-19

school years, the Board of Regents discussed the ESEA waiver at their public meetings conducted in December 2014, and February and March 2015.

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.

Throughout the initial waiver period and continuing through the Renewal period of 2015-19, the Department has and will continue to conduct webinars related to implementation of New York's approved ESEA Flexibility Waiver. These webinars can be found at: http://www.p12.nysed.gov/accountability/Webinars.html.

Public Comment Period for ESEA Renewal for 2015-19

Prior to submitting this waiver renewal 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 February 13, 2015.

From February 13, 2015 to February 26, 2015, the New York State Education Department solicited public comment on a draft of the waiver renewal request for regulatory flexibility from provisions of the Elementary and Secondary Education Act (ESEA).A notice that public comments were being accepted was posted on the State Education Department's Office of Accountability website. In addition, the Office of Accountability emailed notification regarding the opportunity to comment to New York State District Superintendents, superintendents of school districts, charter and nonpublic school principals, district Title I directors, and members of the ESEA Renewal Think Tank and the Title I Committee of Practitioners. Other Department offices also shared the notification with list serves that they maintain. It should be noted that because of the extensive interaction with the ESEA Think Tank and other groups prior to the formal issuance of the draft application for public comment, many key stakeholder groups had already shared their perspectives on ESEA flexibility with the Department. A detailed summary of the public comments received and the Department's response are included in the appendixes. Comments were received from eight organizations, one district, and two individuals during this period.

As a result of the comments received from the public and feedback received from the Board of Regents on the renewal waiver request, the Department has revised or provided additional information on the following waiver provisions:

- Re-identified Local Assistance Plan Schools - Under the proposed ESEA Renewal Waiver, after three consecutive years of identification as a LAP School, the school will be identified

as a Focus School, unless a successful appeal is submitted by the district, and must have a DTSDE review. The identification of the school may also result in the district becoming a Focus District. The results from the DTSDE review must be used as the basis for development of an SCEP that meets all requirements for a Focus School.

- Refinement of the District Comprehensive Improvement Plan, School Comprehensive Education Plan, and Required Set Asides - These refinements, made in connection with a larger process to refine the DCIP and SCEP templates, will ensure that districts and identified schools have a laser-like focus on instructional programs, professional development, and staffing initiatives. For example, districts will be required as part of implementation of a whole school reform model in a Priority School to specifically address the organizational structure that the district will put in place to implement the model, the researched based curriculum that the school will implement, the incentives that will be offered to recruit high performing teachers to work in the school, and the scheduling of the school to ensure that common planning time for professional development is a structured part of the school day.

- Clarified language around Supplemental Educational Services - With respect to SES, New York's ESEA waiver application for the 2015-16 to 2018-19 school years proposes that, rather than being required to provide parents the choice to have their children receive tutorial services from any vendor on the State's approved list that has agreed to serve that district, the district would decide the vendors from among whom parents could choose. As is now the case, districts that wish to enter into contracts with vendors to provide tutorial services to students who attend Priority or Focus Schools could continue to do so using Title I funds. Alternatively, districts could choose to instead use these funds to provide students with expanded learning time or other services. The Department proposes that it would no longer maintain a list of approved SES providers and would remove the current list from its website. Accordingly, staff recommends that the Board of Regents, in conjunction with submission of New York's ESEA waiver application for the 2015-16 to 2018-19 school years, seek a legislative amendment to remove the State statutory requirement that the Commissioner approve SES providers.

- Clarified policy regarding Expanded Learning Time – The waiver language will be amended to state explicitly that Expanded Learning Time programs funded by the State Education Department must include enrichment and acceleration for all program participants, including opportunities for programs such as in music and art.

In addition to these revisions, staff recommended that the Regents convene a group to develop a proposal regarding ways to support Reward Schools through the provision of additional autonomy, which would include the ability of districts to seek variances from certain provisions of Commissioner's Regulations for these schools.

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 rise higher (76.4% as of June 2014 for students who first entered grade 9 in 2009, leading to an additional 20,000 students graduating annually from New York schools compared to a decade ago) 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 30.6 percent of elementary and middle level students met or exceeded English Language Arts (ELA) standards in 2013-14, essentially unchanged from the prior year. In

math while the State increased the percentage of students meeting or exceeding standards by only five percentage points, from 31 to 36.2 percent, almost two thirds of students are not yet meeting or exceeding standards.

- 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 only marginally increased for both fourth and eighth grade ELA and mathematics.

- 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 are provided to the LEAs, schools 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 capture 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 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 provide a 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;

- 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 identifying Reward, Focus and Priority Schools, and Focus Districts; and
- revising its Annual Measurable Objectives (AMOs) 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 rated 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 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. (Please see www.EngageNY.org)

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. (See original USDE approved ESEA Waiver)

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. (See original USDE approved ESEA Waiver)

PRINCIPLE 1 OVERVIEW

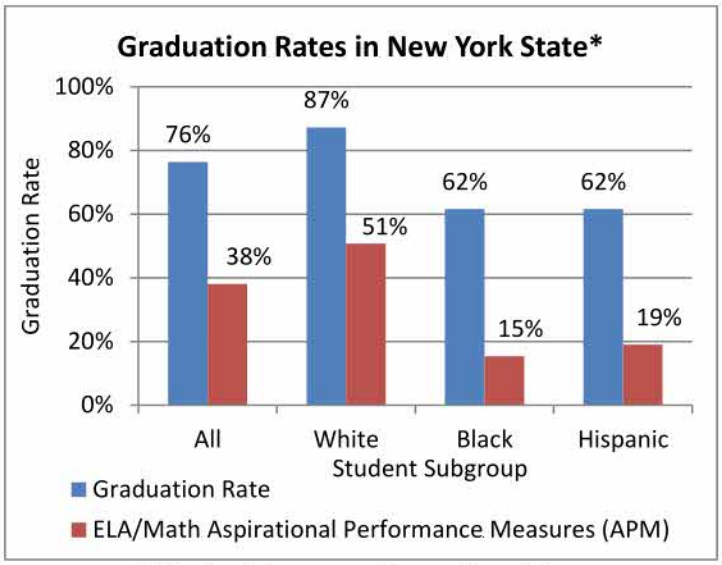
Although New York has made gains in recent years toward closing achievement gaps among student groups, New York in 2015 remains essentially a state with two school systems. One system is largely suburban, well-resourced, and comprised of districts that produce among the very best results in the nation. 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 continue to be supported by the flexibility offered through the ESEA waiver extension for the 2015-16 to 2018-19 school years. First, the Board of Regents has adopted policies to ensure that all of 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 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 the implementation of New York's new teacher and principal evaluation system as required by New York State Education Law 3012-c 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 76.4 percent of students who entered high school in 2010 graduating within four years compared to 74.9 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, in the 2011-12 school year approximately 53 percent of students in two-year colleges across New York State are enrolled in one or more remedial courses.[1]



2010 cohort, four-year outcomes through June.
Source: NYSED Office of Information and Reporting Services

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 grades 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

[1] http://www.p12.nysed.gov/irs/pressRelease/**20100728**20141218/home.html
http://www.p12.nysed.gov/irs/pressRelease/20141218/home.html

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 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 high school Regents Exams. The Grade 3-7 Proficiency scores are set so that a 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, 2013-14 data showed that:

- Only 31.4 percent of students met or exceeded the grade 3-8 ELA standards in 2013-14.
- In mathematics, the percentage of students meeting or exceeding the grade 3-8 standards was 35.8 percent.
- Only 17.6 percent of African American students met or exceeded the grade 3-8 ELA proficiency standard compared with 39.0 percent of White students. In mathematics, 19.3 percent of African American students met or exceeded the proficiency standard, compared to 43.7 percent for White students. Only 2.6 percent of ELLs met the proficiency standard in ELA in grades 3-8. Only 11.0 percent of ELLs met the mathematics proficiency standard. Only 5.2 percent of students with disabilities met or exceeded the grades 3 to 8 ELA proficiency standard. Only 8.8 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 a 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 districts and 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.
- Provide schools with support in adopting or adapting Pre-K – Grade 2 ELA curriculum and Grade 3-12 curriculum modules in ELA and Grade Pre-K – 12 curriculum modules in Mathematics.
- 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.

It is critical that the Network Teams continue to receive intensive professional development into the future to provide continued forward movement and deepen the knowledge of alignment with Common Core Standards. The State is providing necessary resources around quality Common Core instruction through the video library on EngageNY.org. The video library is an innovative and differentiated resource that brings the Common Core instructional shifts, teacher and leadership evaluation, and data driven instruction to life. The instructional videos capture teaching and evaluation along a developmental arc and tag for characteristics like grade level, subject area, Common Core State Standards, instructional shifts and, beginning in 2013-2014, teacher and leader evaluation rubric indicators. Videos range in length from short 2 minute clips to longer views of lessons up to 25 minutes. These instructional videos can be used to support professional development and to push thinking around what effective teaching looks like in practice.

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.

It is important for the State to assess state-wide implementation of the Common Core State Standards in order to adjust strategies to ensure success. NYSED has a variety of means, both qualitative and quantitative, to monitor implementation of the CCSS state-wide.

First, NYSED has created and widely disseminated a "Metrics and Expectations" document (https://www.engageny.org/resource/new-york-state-metrics-expectations) that documents what actions are expected by each level from the Regions (BOCES) to the teacher level to implement the CCSS (as well as data-driven instruction and the educator evaluation system). This serves as a guide to each level for the type of regular monitoring they should be doing in order to identify districts, schools and teachers who need different kinds of support to be successful with the CCSS.

The school review process, described further in Principle 2, is also an important way that NYSED monitors CCSS implementation in its lowest performing schools and helps all districts rigorously assess other schools on the State's common rubric of effective school practice called the Diagnostic Tool for School and District Effectiveness.

NYSED is undertaking an evaluation by researchers from the City University of New York's Center for Advanced Study in Education (CASE). This evaluation uses surveys, focus groups, in-person case studies, and review of documents and data sources from 10-12 districts to monitor the results from State-wide implementation of the Common Core State Standards and identify best practice implementations that can be documented and used as models for other districts. The goal is to identify and characterize State, regional, and district practices that produce the most complete and successful implementation of CCSS. The research is in part built around the Metrics and Expectations document, and researchers will gather evidence about where this "delivery chain" is working well to change classroom practice and student learning. For example, the research will document the extent of adoption of the State-provided curriculum modules, other CCSS-aligned curriculum, or curriculum that lacks full CCSS-alignment in a select group of districts. The research will also document the impact and results of CCSS training initially delivered at Network Team Institutes by State-contracted vendors, and the level of use and usefulness of specific resources provided on EngageNY.org. Through District case studies and surveys, interviews, and focus groups with principals and teachers, changes in classroom practice will be identified. The study will be conducted through the 2014-15 school year, with periodic results updates to the State to enable adjustments to ongoing supports. A final report is due in late fall 2015.

NYSED has also conducted a case study project with SUNY-Albany that uses the first year of CCSS assessment results to identify a small number of elementary and middle schools from different "needs/resource categories" (e.g., high needs urban/suburban vs. high needs rural) that appear to have outperformed their peers and/or improved their relative performance compared to the years before the CCSS assessments. After phone interviews to validate that the high performing schools are early adopters of CCSS practices, SUNY-Albany conducted in-depth case study visits to the schools using research protocols to capture evidence of school practice in the areas of curriculum, instruction, student support, and parental involvement. A final report is expected during the 2014-15 school year.

Finally, the State is monitoring implementation of CCSS through annual results on its State assessments of the CCSS, which were first administered in grades 3-8 in 2012-13 and at the high school level in 2013-14. These assessment results identify changes in the percent of students demonstrating each of four performance levels in grades 3-8 and five performance levels in high

school in each school and district and also are the key inputs for State-provided measures of student growth. Adjusted measures are used in educator evaluation, and unadjusted measures—which do not adjust for student demographics—are provided to educators for informational purposes. Taken together, achievement and growth measures provide a rich data set about districts, schools, and classrooms that are more or less successful in moving all students toward the goals of college- and career-readiness.

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 English Language Arts (ELA) and mathematics and their building principals beginning in the 2011-12 school year. In 2012-13 and beyond, all teachers and principals are subject to the new system. Under the new law, New York State differentiates 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. Teachers and principals rated Developing or Ineffective as their overall composite APPR rating are required to receive professional development targeted toward the needs identified through the use of Teacher and Principal Improvement Plans (TIPs and PIPs).

As part of the implementation of the law and regulations associated with the new APPR, the State continues to encourage 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. Thus, schools, districts, and BOCES 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 CCSS based on stakeholder recommendations.[2] As such, the Board of Regents has officially adopted The New York State P-12 Common Core Learning Standards for English Language Arts and Literacy and The New York State P-12 Common Core Learning Standards for Mathematics as its state standards.

New York State is also 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. Upon the release of the Next Generation Science Standards for comment, a public survey was used to collect feedback from various New York State stakeholders in science education. The survey, comparing current New York State Science Learning Standards and the Next Generation Science Standards to certain quality criteria, provided an opportunity for stakeholders to evaluate the two sets of standards. The feedback received on this survey will be used, in part, to formulate a recommendation to the Board of Regents regarding next steps for P-12 science teaching and learning in the State.

New York State is closely monitoring the National Coalition for Core Arts Standards' development of voluntary national arts standards. We have provided an opportunity for New York stakeholders to review the standards and provide feedback. In the future, the Board of Regents will consider whether to adopt or adapt the National Core Arts Standards.

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2 "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.. Accessed from http://www.regents.nysed.gov/meetings/2011Meetings/January2011/111p12swa1.html.

In April 2014, the Board of Regents adopted the Common Core K-12 Social Studies Framework that provides districts and teachers information needed to develop local curriculum in social studies for grades K-12. It incorporates the five learning standards for social studies: (1) History of the United States and New York, (2) World History, (3) Geography, (4) Economics, and (5) Civics, Citizenship and Government. The key ideas, conceptual understandings, and content specification provide guidance as to the "what" to teach; the Common Core skills and social studies practices identify discipline-related skills needed in social studies. Further guidance in curriculum development is provided by the Field Guide. The Field Guide builds on the Framework by providing guidance on how to use the Framework to promote conceptual understandings (including the development of questions to drive inquiry) and how to integrate Social Studies content, practices, and the CCLS in curriculum, assessment, and instruction.

The State entered into a formal partnership with Student Achievement Partners, a not-for-profit firm that 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, professional development, curriculum modules, and other material resources.

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 longitudinal data system will be used to validate the assessments and to drive expectations for college- and career-readiness. Throughout this process, ongoing statewide professional development 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 material 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.

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, Smart Scholars Early College High School, and P-Tech are 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 two 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 has developed a Common Core Curriculum in ELA and Literacy (grades P-12), and curriculum modules in ELA and Literacy (grades 3-12) and in mathematics (grades P-12).This curriculum can be found at www.engageny.org/common-core-curriculum. In addition, *Scaffolding Instruction for English Language Learners: Resource Guides for English Language Arts and Mathematics* were developed in collaboration with the American Institute for Research's (AIR) ELL experts. The Resource Guides can be accessed at: https://www.engageny.org/resource/scaffolding-instruction-english-language-learners-resource-guides-english-language-arts-and . Taking into

account the different English language proficiency levels, all modules have built-in scaffolding demonstrating how teachers can provide rigorous, grade-level instruction, and language support to ELLs so that they can access the same content as non-ELL students in ELA and mathematics.

In addition, New York State has developed ELL-specific Common Core-aligned standards and resources. A result of the Bilingual Common Core Initiative has been the development of the Bilingual Common Core Progressions. The Progressions identify the language demands of the Common Core ELA standards and provide guidance to educators on how to differentiate instruction for ELLs across a continuum of five levels of language development. The Progressions are designed to guide educators on how to make the Common Core accessible for all ELLs and develop the language students will need in order to meet the Common Core standards.

In spring 2012, NYSED launched the Bilingual Common Core Initiative, and formed a New York State Steering Committee of educators to inform NYSED's work, which was also informed by a National Advisory group of ELL experts working on national Common Core ELL initiatives. In addition, NYSED hired a team of writers that includes teachers of English as a Second Language (ESL), Native Language Arts (NLA), content area teachers (science, math, social studies, technology, ELA), as well as linguistics and special education experts. The work of this team of writers resulted in samples that were released in January 2013 (http://www.engageny.org/resource/new-york-state-bilingual-common-core-initiativehttp://www.engageny.org/resource/new-york-state-bilingual-common-core-initiative) for review and feedback from the field. NYSED then entered into a Memorandum of Understanding with the City University of New York, Queens College to integrate feedback received and develop the Progressions for all Common Core standards across grades P-12. In July 2013 examples of the Progressions for four standards were posted online for review and to help districts begin to plan professional development for implementation. The Progressions for all grades P-12 will be posted online by the end of the 2014-15 school year.

Once the Progressions are finalized and online, 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 2015-16 so that curriculum modules will work together across classes to support ELL language and content development.

New York State is providing multiple strands of professional development associated with the reforms in program, standards, assessment, and policy for ELL students. First, the needs of ELLs are 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 ELLs 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 requires 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 turn-keyed 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. Finally, NYSED formed an ELL Leadership Council in September 2013 that brings together ESL/Bilingual/ELL district leaders from the top 12 districts in New York State with the largest population of ELLs. The ELL Leadership Council meets 1-2 times per month to discuss

policy changes, new curricular materials and other supports needed from NYSED to support professional development in the districts.

Starting with the exam administered in spring 2013, the state began a two-phase process to align its English language proficiency exam, the NYSESLAT, to the Common Core. With the second phase of the process, beginning with the exam that will be administered in spring 2015, the State will produce a NYSESLAT that fully measures the new Bilingual Common Core Progressions that the State is currently finalizing. This two-phased test development process will ensure that students who exit ELL status are able to productively participate in Common Core 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 ELLs starting with 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 demonstrates how teachers can provide rigorous grade-level instruction to students with disabilities, and highlights techniques to provide additional supports to students with different learning needs, so that these students can access the same content as their non-disabled peers in ELA and mathematics classes. These resources were developed and released on the same schedule as those developed for general education students. Additional resources are being developed to provide more in-depth guidance on scaffolding for students with disabilities. With these resources, the State will provide the learning and accommodation supports necessary for students with disabilities to access the college- and career-ready standards.

For students with disabilities who take New York State's Alternate Assessment (NYSAA), new Alternate Achievement Standards in ELA and Mathematics have been developed and administered in 2013-14. New York State is also a "Tier II" state in the National Center and State Collaborative (NCSC) Project, which is working to develop a comprehensive assessment system for students with significant cognitive disabilities. 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 has been 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.

The State also used the 2011-12 and 2012-13 school years to revise our current alternate assessment so that it measures the new Common Core-aligned Alternate Achievement Standards. The New York Alternate Achievement Standards (known as "Extensions") were developed and vetted by numerous teacher committees in the state and were released at the beginning of the 2013-14 school year. The new Common Core math and ELA alternate assessments began in fall 2013, and subsequent content area alternate assessments (i.e., science and social studies) will be redesigned one year after their general education equivalent.

In 2014, the State developed written guidance for parents in consultation with the Special Education Parent Centers; developed written guidance for school districts for use with Committees on Special Education (including tools for lesson planning and developing IEPs aligned with the standards;); and has selected a vendor to review of Common Core curriculum modules to provide additional information for scaffolds for students with disabilities.

The State's Regional Special Education Technical Assistance Support Centers (RSE-TASC) (http://www.p12.nysed.gov/specialed/techassist/rsetasc/http://www.p12.nysed.gov/specialed/techassist/rsetasc/) are providing extensive professional development on individualized education programs (IEP) goals aligned to the Common Core standards as well as effective scaffolds and the provision of specially designed instruction necessary for students with disabilities to participate and progress in the curriculum.

The State's Response-to-Intervention (RtI) Technical Assistance Network has delivered a series of webinars on RtI and the Common Core. See http://www.nysrti.org/page/professional-development/ and http://www.nysrti.org/page/past-webinars/.

In addition, four regional professional development teams have been established to support approximately 204 schools to implement high-quality RtI programs.

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 goal for the initiative was 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 focused on the building of the understanding and capacity of practitioners through deeply aligned professional development, resources, and sample materials that focused closely on the skills needed to operate in this new context. (A comprehensive curriculum began to unfold in the 2012-13 school year.) From the earliest developments 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 tens of thousands of times since they were unveiled in August 2011.

Additionally, in 2011-12, the New York State Commissioner of Education asked that every teacher experiment with these ideas and implement at least one unit of instruction that embedded 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.

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. The site provides highly vetted resources to help educators, school leaders, 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;
- professional development "kits";
- extensive professional development hand-outs, teacher practice videos (to be added over time), facilitators guides, and power point decks; and
- a compendium of relevant reading and research.

The site has been a significant success and a major vehicle to help the State carry out its Race to the Top and ESEA Waiver-related initiatives. Since the site was launched in August 2011, Engage has had over 100 million page views from over 6.8 million unique visitors (data current as of January, 2015).

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)
- The Commissioner's Advisory Council on Higher Education
- The Commissioner's Advisory Panel for Special Education
- Special Education Parent Centers
- 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
- New York Association of Proprietary Colleges

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, which have been held multiple times—both in person and virtually—throughout the year since 2011, facilitate discussions across the P-20 spectrum to ensure that the rigor expected at the college-level 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 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 NYSED to communicate directly with the field. Two of the series, in particular, were devoted to Common Core implementation and were viewed widely.

Staff from the Office of Special Education, along with a Regents Fellow and representatives from one of the State's Special Education Parent Centers, conducted a webinar sponsored by the Northeast Regional Resource Center on Parent Engagement in the Common Core.

As highlighted above, the State's RtI Technical Assistance Network has delivered a series of webinars on RtI and the Common Core. See http://www.nysrti.org/page/professional-development/ and http://www.nysrti.org/page/past-webinars/.

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 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) that 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.

The State's Regional Special Education Technical Assistance Support Centers (RSE-TASC) (http://www.p12.nysed.gov/specialed/techassist/rsetasc/http://www.p12.nysed.gov/specialed/techassist/rsetasc/) are providing regional professional development on individualized education programs (IEP) goals aligned to the Common Core standards as well as effective scaffolds and the provision of specially designed instruction necessary for students with disabilities to participate and progress in the curriculum.

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 had 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. Many of these modules and videos are already available on EngageNY.org for ready access by the field. The State anticipates widespread use of these tools.

The modules:

- 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 have also been designing and implementing 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.

NYSED issued contracts to two vendors to provide supplemental guides to the modules. These guides will provide scaffolds for English language learners and students with disabilities.

Network Teams

The State's central vehicle for professional development is the Network Teams. Each Network Team works in districts across the State, but is 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 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 2012 and 2013 and will continue through June 2015. 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 2011, 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 2013, 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 operated under a set of metrics for years one and two (school years 2011-12 and 2012-13) and will operate under metrics for later years of implementation, as well. 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 partnered with Rhode Island and Massachusetts to build and use such a rubric so that the tri-state consortium (at the very least) could have 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 March 2013. The Tri-State Rubric has since been released and is used frequently across the State.

Network Teams have received many days of turnkey professional development around the adoption and adaption of the New York State curriculum modules for ELA and mathematics for Pre-K-grade 12 by the vendors that created them.

Teacher Centers

Another major resource for teachers in New York State is the state's network of Teacher Centers.[3] Teacher Centers collaborate with teachers, districts, schools, institutions of higher education and

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

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 since 2011, 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 CCLS and their 12 instructional shifts;
- understanding and applying New York State P-12 CCLS to instruction and ongoing assessment of student learning;
- aligning current practice with P-12 CCLS (lesson plans, etc.);
- developing and using local assessments aligned to P-12 CCLS; 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.
- Site visits, observations, and interviews.

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

The State funds ten Regional Special Education Technical Assistance Support Centers (RSE-TASC) through the Office of Special Education. RSE-TASCs 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 IEP development to support students with disabilities in participating and progressing in the curriculum to meet the Common Core standards. The State has provided ongoing professional development to the RSE-TASC specialists on the Common Core and on research-based instructional practices for students with disabilities. RSE-TASC school improvement specialists participate in the reviews of low performing schools identified based on results for students with disabilities and use research-based tools to guide instructional improvements.

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);
- professional development that can be turnkeyed (originally provided by the State) that 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 mathematics 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 certification of teachers and school building leaders. These new exams are consciously designed to reflect the changes in teaching required by the shift to the Common Core. The new teacher exams place greater emphasis on literacy skills, critical thinking, and problem solving. The new teacher tests focus on analysis of text, learning scenarios, and/or student data to make sense of

real classroom issues. The building leader exams place greater emphasis on instructional leadership and human capital management. The new building leader test includes a video-based performance task to demonstrate authentic feedback to improve teaching practice. In addition to certification exam design and content changes, the performance expectations for educators are also significantly higher than on the old certification exams, reflecting the State's desire to ensure that pre-service candidates enter the classroom ready to positively impact student learning.

Content Specialty Tests

Research demonstrates the link between student achievement and teacher content knowledge—particularly in math.[4] Accordingly, NYSED is developing more rigorous Content Specialty Tests (CSTs), aligned with—and in some cases that fully measure—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. The State now expects all pre-service educators to be proficient in the same literacy skills expected for students. This expectation is exemplified in the new Academic Literacy Skills Test, which measures Common Core Language Arts and Literacy skills and that 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, how to support all students in attaining the new college- and career-ready standards, and how to effectively collaborate with parents and guardians.

edTPA

New York State adopted edTPA in 2012 as its new performance assessment that evaluates candidates teaching practice. edTPA is an authentic measure of teacher planning, instruction, and assessment that includes artifacts typically found in actual teaching practice. edTPA provides insight into a candidate's ability to effectively teach his/her specific content area to diverse learners.

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[4] 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.

Portfolios in each content area share a common architecture and allow multiple measures of authentic teaching practice.

School Building Leader Performance Assessment

The School Building Leader Performance Assessment is aligned with the Interstate School Leaders Licensure Consortium (ISLLC) 2008 standards, and places 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 is working to ensure that educator preparation programs are making 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 report 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 provided $10 million in RTTT funding to the Commission on Independent Colleges and Universities, SUNY, and CUNY 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 Regents Reform Agenda, including 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, NYSED has awarded 13 institutions RTTT-funded grants to develop clinically-rich undergraduate and 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 engaged in a fundamental redesign of its Grades 3-8 ELA and Mathematics Tests, its commencement-level Regents assessments in ELA and mathematics, and the State's alternate assessment and ELL assessment, thereby ensuring that New York State assessments are not only aligned to, but fully measure, the Common Core.

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 ELA and mathematics Common Core-aligned assessments that were administered for the first time in spring 2013, as well as the Common Core Regents Exams in ELA and mathematics that began 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 are reflected in the assessments as described below:

In ELA

- Passages are authentic and balanced across informational and literary texts.
- Assessments contain knowledge-based questions about the informational text; students do not need outside knowledge to respond.
- Passage selection is based on text complexity that is appropriate to grade level as defined by the Common Core.
- Questions require students to marshal evidence from the text, including from paired passages.
- Students are tested directly on the meaning of pivotal, common terms, the definitions of which can be discerned from the text. Academic vocabulary is also tested indirectly through general comprehension of the text.

In Mathematics

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

New York State has a thorough test development process that ensures curricular validity and that New York State educators, including faculty members from post-secondary institutions, are involved at each step of item development.[5] In addition, the assessment staff of NYSED 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 served as a roadmap to setting performance standards for the grade 3-8 Common Core assessments that began in the 2012-13 school year and the new Common Core Regents Examinations that began in the 2013-14 school year.

In 2009, nationally-renowned assessment experts and members of the New York State Technical Advisory Committee, 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 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 these 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 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.

[5] 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 http://www.p12.nysed.gov/apda/teacher/home.html#process

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 measure the Common Core. Through New York State's longitudinal data system, student performance at CUNY and SUNY schools will continue to 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 occurred in 2012 and standards were set on the new Common Core grade 3-8 examinations in spring 2013. Similar processes will be applied to the new Common Core Regents Examinations starting in spring 2014.

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 Committee, higher education partners at CUNY and SUNY, Committee 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, 2014), as well as the United States Department of Education's peer review process. During the State's transition, which began in the 2012-13 school year, all new assessment content frameworks, test specifications, and items undergo the scrutiny of full Universal Design reviews prior to their inclusion on operational tests. 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 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. Districts had the option of participating in field tests in 2013-14 and have this same opportunity available to them again in the 2014-15 school year. However, for the 2014-15 school year, voluntary school participation in the PARCC field tests is limited to participating in computer based administration so as to strengthen school preparedness for computer based testing.

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. This means that the assessments will reflect a move away from the recitation of lists of facts from 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).[6] 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;

[6] Information adapted from http://usny.nysed.gov/about/aboutusny.html. Information adapted from http://usny.nysed.gov/about/aboutusny.htmlhttp://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 is therefore 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 evidence 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. (See original approved ESEA Waiver

Note: Although the State is participating in the PARCC consortium, the SEA has developed and begun annually administering state developed, 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. Until such time as the Board of Regents may determine that New York will begin administering the PARCC assessments, New York will continue to use these state developed assessments to meet ESEA waiver requirements from the 2015-16 school year through the 2018-19 school year. The State will submit these assessments for peer review when the United States Department of Education provides information about the requirements for that review.

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. (See original USDE approved ESEA Waiver)

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 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 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[7] with the identification of persistently lowest achieving schools (PLA) and the 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);

[7] 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 11 for Commissioner's Regulations Section 100.2(p) and 100,18 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 have supported 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 have built 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 earn a grade of C of better in a credit bearing introductory college course without the need for remediation.

- 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.

Update in support of 2015-16 to 2018-19 renewal application: The general architecture of New York's current accountability system, as approved by USDE under the State's ESEA Flexibility Waiver for the 2012-13 and 2013-14 school years and as renewed for the 2014-15 school year served as the basis for development of New York's proposed ESEA Renewal Waiver for the 2015-19 school year period. Core elements of New York's current system that will continue to be implemented under this renewal request include:

- Use of results from Elementary and Middle English language arts (ELA) and mathematics assessments, Regents examinations in ELA and mathematics, grade four and eight science assessments, four- and five-year high school graduation rates, and participation rates on state assessments as the basis of school and district accountability determinations.

- Use of a Performance Index (PI) to measure ELA and math results, whereby schools and districts get "full credit" for students who perform at the on-track to college- and career-readiness level (e.g., Levels 3 and 4 for elementary and middle level exams) and "part credit" for students who perform at the on-track to meet current graduation standards level (e.g., Level 2).

- Use of "progress filters," such as median student growth percentiles and year to year gains in ELA and math performance and graduation rates, to determine whether an accountability group with low performance should be credited with making progress, thus removing that group's performance on an accountability measure as cause for a school or district to receive a Priority, Focus, or Local Assistance Plan (LAP) designation. Identify Focus Districts, Priority Schools and Focus Schools in such manner that any district with a Priority School will be identified as a Focus District and Focus Schools will be identified only within Focus Districts..

- Application of special rules to Special Act Schools Districts and NYC CSD 75 schools and making of determinations about transfer high schools on a case by case basis.

- The requirement that Focus Districts and Priority and Focus Schools to make two years of progress and meet certain minimum performance standards in their second year of progress in order to be removed from accountability status.

- Identification of schools as LAP if they do not meet the criteria to be identified as Priority or Focus Schools, but have a pattern of failing to make Adequate Yearly Progress (AYP), have large gaps in performance that are not closing among groups of students, or are not in a Focus District, but have low levels of performance.

- Identification of high performing and rapidly improving schools as Reward Schools and provision of Reward School grants to those that receive Title I funds and commit to assisting other schools to implement their best practices.

- Requirement that Focus Districts and their identified schools participate in the Diagnostic Tool for School and District Effectiveness (DTSDE) process, engage in an annual cycle of school review, and use those reviews as the basis for creating District Comprehensive Improvement Plans (DCIP) and School Comprehensive Education Plans (SCEP).

- Requirement that districts offer public school choice to students in Title I Priority and Focus Schools, set aside an amount equal to five to fifteen percent of a district's Title I and Title IIA funds (and Title III funds, if identified for the performance of English language learners) to support improvement efforts in Priority and Focus Schools, and set aside an amount equal to one percent of Title I funds to promote parent engagement activities in Priority and Focus Schools.

- Subject to availability of funds, offer Priority Schools the opportunity to compete for 1003(g) School Improvement Grants (SIG) and School Innovation Fund (SIF) grants to support implementation of transformation, turnaround, restart, and other school intervention models.

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

The proposed revisions to the ESEA Waiver for the 2015-16 to 2018-19 school year period fall into two primary categories: 1) additions made to address new waiver requirements from USDE; and 2) amendments to streamline existing school and district school improvement planning processes and accountability designation methodologies in order to support school and district improvement efforts. All revisions will be described throughout appropriate sections of Principle 2.

2. System of Accountability in New York Prior to the ESEA Waiver

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/de/home.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.*** 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.htmlhttp://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 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]).

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]).

Update for2015-16 to 2018-19 renewal application: In September 2012, the Board of Regents approved the addition of section 100.18 and amendment of sections 100.2(m), 100.17, 120.3, and 120.4 of the Regulations of the Commissioner of Education to implement New York State's approved Elementary and Secondary Education Act (ESEA) Flexibility Request. A summary of those changes is described below:

100.2(m) Public reporting requirements for the Local Assistance Plan – revisions to this section relate to replacing the reference to the overview of school performance and instead reference the New York State Report Card. In addition, 100.2(m)(6) and (7) relating to the requirements for a Local Assistance Plan have been revised and incorporated into section 100.18.

100.17 Distinguished Educator Program – revisions to this section relate to replacing the reference to schools designated for improvement, corrective action or restructuring and instead referencing schools designated as Priority or Focus.

100.18 ESEA Accountability System – this new section relates to the specific revisions necessary to conform Commissioner's Regulations to New York's updated accountability system, as a result of the approved ESEA Flexibility Request. Such provisions shall apply during the period of the ESEA waiver, and any extensions thereof, and consist of:

- subdivision (a) states that provisions of the section are applicable during the period of the Elementary and Secondary Education Act (ESEA) waiver, and any extensions thereof, except as otherwise provided in this section.
- subdivision (b) defines various terms used in the section, including performance levels that incorporate measures of growth at the elementary/middle-level and college and career readiness standards at the high school level.
- subdivision (c) provides the procedures for the registration of new schools and determination of their accountability status.
- subdivision (d) provides that the registration of a public school remains in effect until revoked by the Board of Regents or until a school is closed by a school district.
- subdivision (e) requires the Commissioner to annually review the performance of each school district, public school, and charter school in the State and make Adequate Yearly Progress determinations regarding the performance of their accountability groups in elementary/middle and high school ELA and mathematics, elementary/middle level science and graduation rate.
- subdivision (f) provides the rules for making Adequate Yearly Progress determinations.
- subdivision (g) provides the process by which schools are identified as Priority Schools, Focus Schools, or Schools Requiring a Local Assistance Plan and districts are identified as Focus Districts. The subdivision also specifies the requirement for parental and public notification of such designations.
- subdivision (h) specifies the interventions that occur in identified schools and districts; including the appointment of an Integrated Intervention Team and district and/or school participation in a diagnostic review; and development and implementation of a District Comprehensive Improvement Plan or a Local Assistance Plan or a School Comprehensive Education Plan. The subdivision further specifies the requirements for such plans, including the requirement that each Priority School implement a whole school reform model no later than the beginning of the 2014-2015 school year.
- subdivision (i) provides the procedures by which a public school or a charter school may be removed from Priority or Focus status and a school district may be removed from Focus District status.
- subdivision (j) establishes the Performance Criteria (Elementary-Middle Level and High School English language arts and mathematics, Elementary-Middle Level science and graduation rate) used to make school and school district accountability determinations; the Annual Measurable Objectives for English language arts, mathematics, and science; and the goals and progress targets for the four year and five year graduation rate cohorts. The

subdivision also defines the annual high school cohort, the annual high school alternative cohort, and the graduation rate cohorts.

- subdivision (k) specifies the processes by which schools will be identified for registration review, including special provisions for transfer high schools and schools in Special Act School Districts.

- subdivision (l) specifies the actions that occur when schools are identified for registration review, including: notification by the Commissioner to the district and district notification to parents and the public; appointment by the Commissioner of an Integrated Intervention Team to make recommendations to the Commissioner as to whether the school shall continue to implement its current improvement plan, as modified by recommendations of the integrated intervention team; implement a new Comprehensive Improvement Plan, which may contain a new whole school reform model; or be phased out or closed. This subdivision also describes the requirement that after the Commissioner approves or modifies and approves the recommendations of the Integrated Intervention Team, the district develops and implement a plan based on the recommendations. This subdivision also establishes the process by which the Board of Regents may revoke the registration of a school and specifies that the Commissioner shall develop a plan to ensure that the educational welfare of the pupils of the school is protected and require that the school district implement it.

- subdivision (k) explains the process by which schools may be removed from registration review, including schools that are being redesigned as part of an approved District Comprehensive Improvement Plan.

120.3 Public School Choice – revisions to this section relate to replacing the requirement for schools designated for improvement, corrective action or restructuring to offer public school choice and instead require it be offered to schools designated as Priority or Focus.

120.4 Supplemental Education Services (SES) – revisions to this section relate to New York no longer requiring districts to offer SES or set aside a portion of their Title I allocation to pay for SES. The revisions clarify that districts can choose to offer SES, and pay for the services using other funding resources. The Department proposes that it would no longer maintain a list of approved SES providers and would remove the current list from its website. The Board of Regents, in conjunction with submission of New York's ESEA waiver application for the 2015-16 to 2018-19 school years, will seek a legislative amendment to remove the State statutory requirement that the Commissioner approve SES providers. Districts may continue to contract with vendors that had provided SES to offer tutorial services to students.

The Board of Regents also made additional revisions to regulations to reflect changes within our approved ESEA Renewal Waiver for 2014-15.

In April 2014, Consistent with the State's approved ESEA Flexibility Waiver Renewal Request regarding AMOs, the Board of Regents amended subdivision 100.18(j) of the Commissioner's Regulations to revise elementary and middle level AMOs to reflect the results from 2012-13 school year assessments that were based on Common Core Learning Standards aligned to college- and career-readiness.

In June 2014, the Board of Regents amended section 100.18(i)(1) and (2) of the Commissioner's Regulations to align it with the ESEA Flexibility Waiver Renewal Request. Under this amendment, the Commissioner is allowed to consider additional progress measures, including, but not limited to, Student Growth Performance (SGP) and gap reduction, in determining whether to remove Priority Schools, Focus Districts and Focus Schools from accountability status, while also requiring that accountability groups for which a school or district has not been identified perform above the threshold for identification at the time of removal.

In July 2014, the Board of Regents approved amendments to section 100.17 of the Regulations of the Commissioner of Education relating to the Distinguished Educator Program. The proposed amendments to the Regulation delineated explicitly the ways in which districts are expected to fully cooperate with a distinguished educator so as to make the work of the distinguished educator more productive and helpful to the district; required that the action plan that results from the assignment of a distinguished educator be jointly developed by the district and the distinguished educator; permitted persons selected for the pool of distinguished educators to remain in the pool and eligible for assignment as a distinguished educator for a period of more than three years so long as these persons demonstrate that they are participating in appropriate professional development; and provided the Commissioner with the flexibility to reappoint a distinguished educator to multiple one-year renewal terms and should be able to appoint more than one distinguished educator to serve a district, if needed.

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 Integrated 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.htmlhttp://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.[8]

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.

[8] 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.

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 has provided increased opportunities for improved student achievement and teacher practice. Building upon the strengths of the existing system as described in Section 2.A NYSED identified the following challenges and complementary strategies that we 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 identified the districts with the lowest performing subgroups that are not demonstrating growth as Focus Districts. Second, Focus Districts, with the Commissioner's approval, have identified 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, are 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 requires 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) states 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 and implementation of the Diagnostic Tool for School and District Effectiveness.)

Under the waiver, New York has also required 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 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. New York has developed a checklist for principal effectiveness and requires that district use this checklist in Priority Schools implementing whole school reform models and Focus Schools that have been identified for more than three years to determine whether the school needs additional professional development and/or mentoring or needs to be replaced. (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 and Priority and Focus Schools will continue to receive full support for one year following removal from identification 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 has built 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,[9] including revised 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;

- 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 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.

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9 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.

- ensuring strong accountability for improving subgroup graduation rates by identifying districts as Focus 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, , 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[10] 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[11] 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 has built 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 has worked with national experts and New York educators to identify best practices for all of the elements that have been incorporated into a

[10] Continuation of New York's current "double testing" waiver in math will allow New York to implement this goal of using Regents examination taken by students in middle school as part of the state's accountability system.

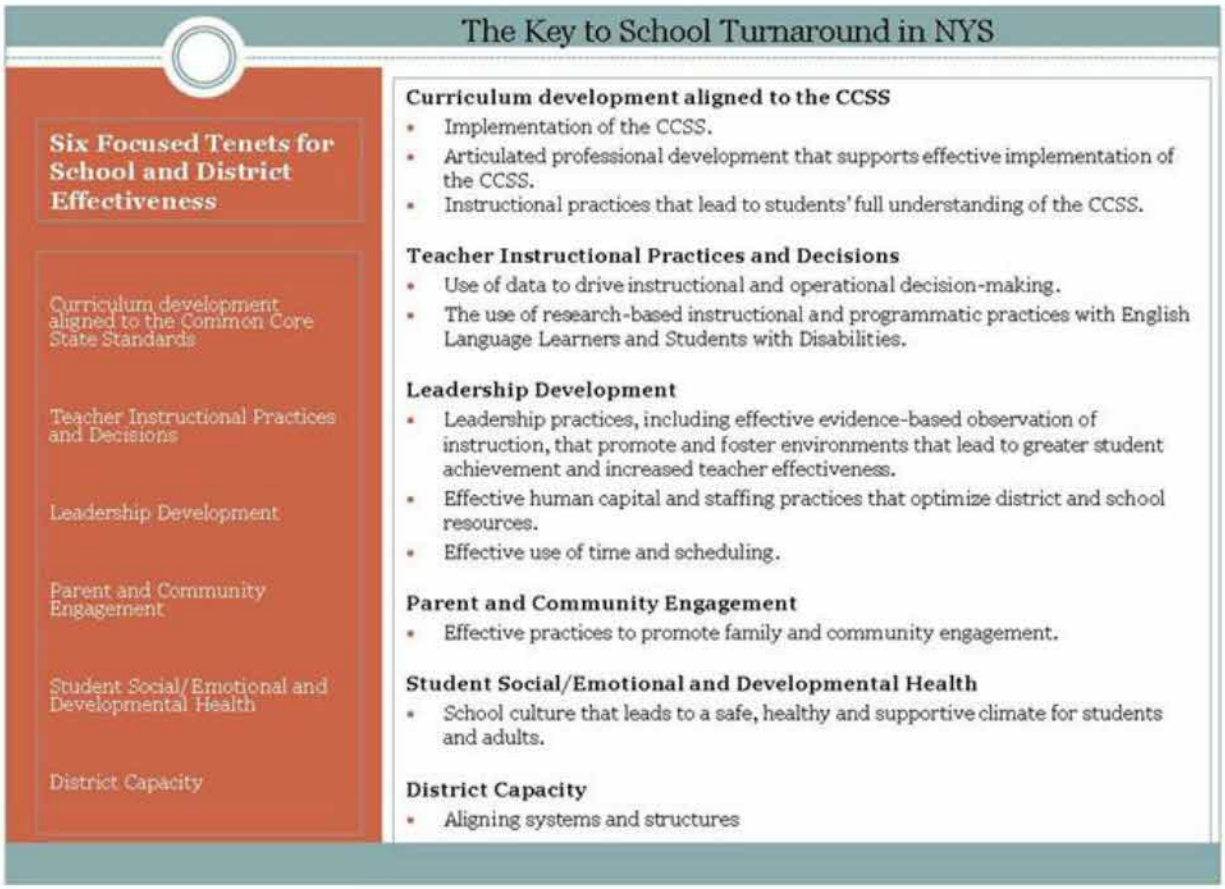
[11] New York State's accountability reporting system consists of a series of district- and school-level reports that provide users with the opportunity to verify data before they are finalized and preview outcomes before they are released to the public. Districts and schools can update data daily locally and send refreshed data weekly to the State. Verification reports are refreshed on a weekly basis. New York's Public Data Access Site allows users to see how the state, schools and districts performed on each of New York's accountability measures: http://data.nysed.gov.

common Diagnostic Tool for School and District Effectiveness, which is aligned to the Regents Reform Agenda.

The Diagnostic Tool for School and District Effectiveness builds upon NYSED's current structures and systems by synthesizing the varied diagnostic tools used in the past 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 is 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 Leader 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
Curriculum Development and Support	• Strengthening the school's instructional program
Student Social and Emotional Developmental Health	• Establishing a school environment that improves safety, discipline, and other non-academic factors
Family and Community Engagement	• Providing an on-going mechanism for increased parent and community engagement
District Leadership and Capacity	• Assisting schools to address all of the Turnaround Principles

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



NYSED began to use this tool in the 2012-13 school year and has integrated all of the past review teams into a single entity that looks at schools and districts holistically. School Quality Review Teams[12] and Joint Intervention Teams have been deployed as Integrated Intervention Teams to aid districts in planning and implementing systematic SIG/RTTT turnaround models. These teams are 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 are appointed by the Commissioner of Education and conduct on-site resource, program and planning reviews of Focus and Priority Schools and Districts, reviews which aid schools and districts in the development of improvement plans based on the Diagnostic Tool for School and District Effectiveness reviews and monitor and assist in the implementation of those plans. These teams, with input from educators (such as 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 and Priority 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.

[12] 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.

NYSED has worked 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 has encompassed:

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,[13] 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.
Appoint and Train Integrated Intervention Teams (Summer/Fall 2012 2012).	The Commissioner appoints Integrated Intervention Teams and the external partner provides training and mentoring.	The appointed Integrated Intervention Teams receive professional development.
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.
Engage an external partner to train and mentor members of the Integrated Intervention Teams (summer 2013).	In spring 2013, 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.
Begin 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	The external partner will work with NYSED staff during this time period to transition the responsibility for professional development and mentoring of appointed Integrated Intervention Teams.	During this time, a robust plan will be developed 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.

[13] 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 [14](2013-14 school year).		

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 piloted revised and improved school site visit protocols and critical elements of the common diagnostic tool in order to assure that all critical components were included.

NYSED will also conduct on-going performance monitoring reviews to Priority Schools with approved SIG plans, and Priority Schools with approved School Comprehensive Education Plans (SCEPs) (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 SCEP. The information gathered during these reviews will inform NYSED's efforts to work with Priority Schools to ensure full compliance with SIG plans or SCEPs. 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 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 and through these grants match external turnaround resources to schools and provide professional development for Priority school and district leaders across the State.

- NYSED's Commissioner has appointed, where appropriate, Distinguished Educators to selected districts that have failed to make AYP for four years. The Commissioner also has the option to appoint Distinguished Educators at the school level, to Priority or SURR Schools that have failed to improve since implementation of a whole school reform model. Where appointed, school level Distinguished Educators can be members of the Integrated

[14] 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.

Intervention Teams and will work closely with the building principal, district superintendent 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) have continued 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 behind implementation of the DTSDE protocols, LEA representatives involved in providing direct supports to Focus and Priority Schools participate in quarterly DTSDE professional development opportunities, as well as participate in the Network Team Institutes discussed in Principle 1, and additional informational sessions offered by the Department. The professional development opportunities 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 "check-in" during district visits and through periodic surveys 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 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.

<u>Update in support of 2015-16 to 2018-19 waiver application</u>: Refinement of DTSDE Implementation and Support to Districts under ESEA Flexibility Renewal for 2015-19

NYSED completed development of the DTSDE rubric in the 2012-13 school year and conducted Integrated Intervention Team (IIT) visits in 133 schools and 40 school districts. Additionally, in order to increase capacity at the district level, NYSED provided LEAs with intensive training on the DTSDE rubric and process. As a result, in SY 2012-13, State and LEA teams led or oversaw a total of more than 600 DTSDE reviews at Priority and Focus Schools. In SY 2013-14, NYSED conducted 142 IIT visits to Priority and Focus Schools and 46 Focus District Reviews. LEA teams conducted an additional 547 district-led school reviews using the Diagnostic Tool during the 2013-14 school year. NYSED began its diagnostic review visits to Priority and Focus Schools for the 2014-15 school year in September. Based on the DTSDE reviews that occurred during the 2012-13 and the 2013-14 school years, observers found schools had the most room for improvement in how instructional practices are linked to lesson plans and student goals, how instructional practices engage students, how teachers are using data to inform their instruction, and how schools are sharing student data with families.

The State revised the Diagnostic Tool Rubric in 2013-14 and visit protocols for implementation in 2014-15. Based on feedback and lessons learned from initial implementation, the State made refinements to the tools used for classroom visits and observations as well as to logistics, including adding an additional day following site visits for teams to discuss evidence and ultimately provide more accurate, immediate, actionable feedback.

The State also has provided additional opportunities to build the capacity of LEA and school leaders to implement the DTSDE process and to share successful strategies through DTSDE-specific PLCs, institutes, and a certification program. During the first year of DTSDE implementation, NYSED provided extensive professional development to members of review teams, including seven multi-day institutes that were attended by between 175 and 425 persons. See http://www.regents.nysed.gov/meetings/2014/January2014/P12DTSDE.pdf for more information on this training. In the first year of DTSDE implementation (2012-13), it became clear through school, district, and NYSED staff feedback that job-imbedded support was necessary for persons participating as DTSDE reviewers. The State issued the DTSDE Reviewer RFP in the spring of 2013 to contract with a vendor to provide job imbedded support to NYSED staff and to assist with the completion of DTSDE IIT visits across the State during the 2013-14 and 2014-15 school years.

To further provide support to both State and LEA DTSDE reviewers, NYSED entered into two MOUs with SUNY Albany, covering summer 2013 through the 2013-14 school year. Under the first MOU (summer 2013), SUNY Albany worked with NYSED staff on activities such as developing procedures for data analysis and report writing; developing a procedure for report debriefing with school and district personnel and other stakeholders; collecting data about the DTSDE process from NYSED staff, outside educational experts and school and district leaders who have been visited and observed and providing a report to NYSED staff; developing curriculum for summer training sessions in collaboration with NYSED staff; and co-facilitating the summer training session for approximately 400 participants (both new and returning DTSDE reviewers). During the 2013-14 school year, under the second MOU, SUNY Albany collaborated with NYSED on developing a DTSDE 2.0 resource kit for schools and districts; assisting with the development and support of a PLC Network; and developing a case study of elementary and middle schools achieving comparatively better outcomes on State assessments aligned with the CCLS.

Through creation of the DTSDE PLCs, with the assistance of SUNY Albany, NYSED has supported the work districts are doing with their schools to examine specific DTSDE tenet(s) or a statement(s) of practice for which the district is seeking to build greater capacity or expertise. This greater capacity will enable the district and its schools to fulfill the goals and expectations of the district's existing DCIP. NYSED hosted the first of five Professional Learning Community Program (PLCP) Learning Experience Sessions for the second pilot cohort of 13 Focus Districts on October 22-23, 2014. During this session, participants engaged in a rich learning experience and exchange with other districts.

The PLCP helps participating districts successfully adopt organizational systems, structures, and best practices that will create a culture of success for the district and school community by focusing on two concepts that support turnaround concepts: adult development and systems thinking. The PLCP is providing participating districts with the opportunity to engage in a rich learning experience and exchange with other districts, national and state experts, as well as organizations dedicated to education reform and innovation that will support the district's implementation of key district-wide turnaround goals and initiatives. The PLCP will convene for both face-to-face sessions and web-based interactive sessions. The ***Diagnostic Tool for School and District Effectiveness: Professional Learning Community Program Guidebook*** can be found at: http://www.p12.nysed.gov/accountability/diagnostic-tool-institute/PLCPInformationguideandapplication.docx.

The DTSDE Certification program is designed to build the expertise and capacity of staff within selected districts to conduct the DTSDE review process. The selected candidates participate in monthly professional development during the school year that will engage the participants in school visits to closely examine a discreet DTSDE protocol, sub-statement of practice, or Tenet. Upon completion of the DTSDE Certification Program at the end of the year, candidates will be certified and have gained the knowledge, expertise, and skill sets to successfully lead a DTSDE review, write a high-quality DTSDE report, deliver quality professional development aligned to the DTSDE, and implement their District's DTSDE capacity plan. More information can be found at: http://www.p12.nysed.gov/accountability/documents/RevisedCertificationPackefinal.doc. Eleven districts will have 92 staff participate in the PLCP and 3 districts will have 9 persons participating in the DTSDE Certification Program.

The DTSDE process has become embedded in the culture of New York State schools. In January 2015, NYSED launched the DTSDE Learning Lab, which is a Learning Management System designed to provide continued training and support to all stakeholders involved in the DTSDE School and/or District Review Process. The development of the Learning Lab was a collaborative effort between the University of the State of New York Regents Research Fund for School Innovation, Northeast Comprehensive Center at RMC Research, and the New York State Education Department.

The first offering of DTSDE Learning Lab is the DTSDE Learning Series, which provides targeted participants with the opportunity to access stand-alone units within a series that focus on a variety of DTSDE processes and protocols to allow them to learn more about the specific topic of choice. The Learning Series is divided into two sections:

1. ***New to DTSDE Process*** – These units are geared for participants who have not engaged in any of the NYSED DTSDE Institutes.

2. ***Audience Specific Topics*** – These units are geared toward providing participants information relevant to their role in the DTSDE review process. The audience specific topics typically require participants to have some level of understanding of the DTSDE rubric. The series include:

- School Leader and Leadership Team Series
- District Superintendent and Leadership Team Series
- Teacher Series
- State Education Department, Outside Educational Expert (OEE), and District Reviewer Series
- Family and Community Engagement Series

The Learning Lab can be found at: http://www.p12.nysed.gov/accountability/diagnostic-tool-institute/DTSDELearningLab.html.

The DTISDE rubric, visit protocols, and subsequent reports have become part of the New York State educational culture and define how the State interacts with schools and districts around school improvement, and all of the activities described above are anticipated to continue through the 2015-19 ESEA Waiver Renewal period. At the State level, the DTSDE enables NYSED to communicate with districts and schools using a shared language/vocabulary of school improvement. Internal professional development on the DTSDE process and rubric has increased NYSED's internal

capacity to support districts and schools in the school improvement process. At the LEA level, the DTSDE has provided districts with a framework to assess school effectiveness, organize resources, and create targeted improvement plans through the DCIP. Finally, at the school level, the DTSDE rubric and the associated professional development increase the capacity of administrators and staff to self-assess both the strengths and the weaknesses of their educational and student support programs. For example, the University of Rochester in partnership with the Rochester City School District has developed a plan to redesign East High School with the explicit intention of creating a school that will be rated "Effective" or "Highly Effective" on each DTSDE statement of practice.

The language of the DTSDE has become so pervasive within New York State districts and schools that it has prompted a new collaboration between the New York State School Boards Association and the Department. Both organizations are collaborating to create a DTSDE tenet for school boards to use to self-assess their effectiveness in providing board governance and leadership to school districts. As the Department continues to gain experience in implementation of the tool, the DTSDE process will continue to evolve and strengthen during the waiver renewal period.

Extensive documentation of the DTSDE process can be found at:
http://www.p12.nysed.gov/accountability/diagnostic-tool-institute/home.html

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 of 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% of the Priority Schools and 76% 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% of the Priority Schools and 7% 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 could expect would be identified as Priority or Focus Schools once the waiver was approved.

The School Turnaround Office (STO) began oversight of the School Improvement Grants in August 2012. Beginning with SIG Cohort 4, STO developed and implemented a performance management system involving bi-monthly reports, diagnostic phone calls with each report, and site visits to schools and districts. The basis of the reports focuses on current activity, status of leading indicators with progress to goal, and academic progress reports. STO staff intends to continue its bi-monthly progress monitoring conference calls with SIG grantees and district staff to promote

district oversight through a performance management-based platform. Staff intend to continue on-sight check-in visits at a sample of grantee schools from each of the districts receiving SIG grants.

Update in support of 2015-16 to 2018-19 Waiver Renewal Application: In March 2014, the New York State Office of Accountability began conducting monthly meetings with the largest five school districts in the state: Buffalo, New York City, Rochester, Syracuse, and Yonkers. These meetings are focused on providing technical assistance to the districts related to the more rigorous interventions required by NYSED for schools previously identified as SURR/PLA that have not made the required academic progress over the last three years. Re-occurring agenda items for these monthly meetings have included updates on SED requirements and policy related to more rigorous interventions, progress monitoring of the development of intervention plans, updates on which schools are most likely to be identified for more rigorous interventions under the waiver for 2015-19, and SED updates on the development of the ESEA Renewal Request for 2015-19.

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
(For Original Waiver Period)

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 2012-2013, 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 SCEP in 2013-2014, and which schools will implement in 2014-2015.	September/October 2012

Update for 2015-2019 ESEA Waiver Renewal Request:

Principle Two Communication with Districts Projected Timeline

(Depending on the Date of Potential Waiver Approval)

The strategy for communication with districts will continue to be implemented as it was described under the 2012 ESEA Flexibility Request. When the waiver renewal 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 include a timeline for waiver implementation for 2015-2019, 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 present regular 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. Districts with schools in accountability status will be expected to send teams to participate in DTSDE Institutes, which will be differentiated to meet the needs of Districts with Local Assistance Plan schools, newly identified Focus Districts and those Focus Districts that have schools that have been identified as Focus and/or Priority for more than three years. The new timeline for communication regarding the accountability status of districts and schools under the 2015-19 ESEA Renewal is as follows:

Action	**Date**
SED will propose emergency regulations to codify proposed accountability system and supports for Board of Regents consideration and adoption	July 2015
Publish Field Guidance on revised set asides to support Focus and Priority Schools	July 2015
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	February 2016
LEAs will submit a list of the Focus Schools that they will serve in 2016-17, as well as any petitions for schools to be removed from either the Priority or Focus preliminary lists	February 2016
SED will confirm the final list of Priority and Focus Schools, and publicly announce the lists	February 2016
SED will issue a revised Consolidated Application and	April 2016

District Comprehensive Improvement Plan	
LEA will notify SED regarding which Priority Schools will be implementing a SIG Model or a Turnaround Principle SCEP in 2016-2017, and which schools will implement in 2017-2018.	April 2016

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.

2.B 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 13)

- New York's high school ELA, mathematics and grades 4 and 8 science AMOs were set using 2010-11 school year results as the baseline and will continue to increase in annual equal increments toward the goal of reducing by half, by 2016-17, 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 (Regents Examinations based on 2005 Learning Standards) 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[15] for each accountability group is calculated by summing the points and diving by the number of students in the group. All students who entered Grade 9 in 2013-14 and thereafter will be required to take the Regents Examinations in ELA and mathematics based on the Common Core Learning Standards (CCLS). Student scores on CCLS based Regents examinations are converted to five performance levels, from Level 1 to Level 5. Each student scoring at Level 1 and Level 2 is credited with 0 points, each student scoring at Level 3 with 100 points, and each student scoring at level 4 or 5 with 200 points. The Performance Index for each accountability group is calculated by summing the points and diving by the number of students in the group. The cohort of students graduating in 2016-17 will be the first cohort to be completely tested in CCLS based Regents examinations in ELA and mathematics. In 2012-13, New York State administered new assessments for grades 3-8 ELA and mathematics, aligned for the first time to the Common Core Learning Standards adopted by the State Board of Regents in 2010. These new assessments more accurately reflect students' progress towards college and career readiness, but also resulted in significantly fewer students deemed proficient on the more rigorous standards. As a result, 2012-13 results became the new baseline of student performance for setting Annual Measureable Objectives (AMOs) for grades 3-8 ELA and mathematics. After calculating the revised 2012-13 baselines, New York State followed the methodology of setting AMOs in annual equal increments towards the goal of reducing by half the difference between the base year performance and a Performance Index of 147 in both ELA and mathematics, which represents the 90th percentile of performance by schools for the "all students" group in 2012-13. The Performance Index values for grades 3-8 ELA and mathematics currently incorporates 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). However, beginning with the 2014-15 assessments student growth will not be included in the calculation of the Performance Index. We do not expect a significant change to the Performance Index due to the removal of student growth.

New York State's current 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 New Baseline*	*2013 - 2014*	*2014 - 2015*	*2015 2016*	*2016 - 2017*
Subject and Grade Level	Accountable Group							
Grade 3-8 ELA	All Students	145.98	150	82	89	97	104	111

[15] 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 ELA	Students with Disabilities	92.32	101	35	48	60	73	85
Grade 3-8 ELA	American Indian/Native American	131.72	137	60	69	79	89	99
Grade 3-8 ELA	Asian or Pacific Islander	162.25	165	116	120	123	127	130
Grade 3-8 ELA	Black (not Hispanic)	123.45	130	59	69	78	88	98
Grade 3-8 ELA	Hispanic	125.94	132	65	74	83	92	102
Grade 3-8 ELA	White	160.39	164	105	109	114	119	124
Grade 3-8 ELA	English Language Learners	101.67	110	39	51	63	75	87
Grade 3-8 ELA	Economically Disadvantaged	128.26	134	66	75	84	93	102
Grade 3-8 ELA	Mixed Race	154.36	158	83	90	97	104	112

Grade 3 - 8 Math								
		Targets by Year						
Measure	Group	*2010 - 2011 Baseline*	*2011 – 2012*	*2012 2013 New Baseline*	*2013 - 2014*	*2014 - 2015*	*2015 - 2016*	*2016 - 2017*
Subject and Grade Level	Accountable Group							
Grade 3-8 Math	All Students	160.26	164	79	86	94	101	109
Grade 3-8 Math	Students with Disabilities	114.96	122	37	49	62	74	86
Grade 3-8 Math	American Indian/Native American	147.57	152	60	69	79	89	99
Grade 3-8 Math	Asian or Pacific Islander	183.17	185	134	135	137	138	140
Grade 3-8 Math	Black (not Hispanic)	136.36	142	51	61	72	83	94
Grade 3-8 Math	Hispanic	145.21	150	62	72	81	91	100
Grade 3-8 Math	White	172.02	174	99	105	110	115	121
Grade 3-8 Math	English Language Learners	134.45	140	43	54	66	77	89
Grade 3-8 Math	Economically Disadvantaged	146.27	151	62	72	81	91	100
Grade 3-8 Math	Mixed Race	162.72	166	72	81	89	97	106

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

New York State's current State regulatory definitions of student performance are as follows:

- Well Below Proficient (Not Proficient on Common Core Expectations) 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; or 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 (based on 2005 Learning Standards); 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.

- Below Proficient (On track to meet Regents Graduation Requirements) 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 between 65 and 79 on a Regents mathematics examination (based on 2005 Learning Standards).[16]

- Proficient (Meets Common Core Course Expectations) 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[17]; or scores Level 3 on a State alternate 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 (based on 2005 Learning Standards) ; or passes a State-approved alternative to those Regents examinations[18];
- Excels in Standards (Exceeds Common Core Course Expectations) 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, grades 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 (based on 2005 Learning Standards)[19].
- 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 not be using student growth in the calculation of 3-8 English language arts and 3-8 mathematics Performance Indices.

The High School Performance Index was first revised in 2010-11 to better align with standards of college- and career-readiness so that the standard for basic proficiency in English and mathematics was raised from 55 to 65; the standard for proficiency in English language arts was raised from 65 to 75, and in mathematics from 65 to 80; and the standard for advanced in ELA and mathematics was 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

[16] Prior to implementation of the ESEA waiver, basic proficient (meets basic standards) had been 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.

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

[18] Prior to implementation of the ESEA waiver, Proficient (meeting proficiency standards) had been 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.

[19] Prior to implementation of the ESEA waiver, Advanced (exceeding standards) had been 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.

competency in required subjects for graduation purposes, will no longer be considered to have achieved basic proficiency.

Students who entered Grade 9 prior to the 2013-14 school year will have the option to take the Regents ELA and mathematics examinations based on the 2005 Learning Standards and be scored based on the aforementioned cut points.

With the introduction of CCLS based Regents examinations in ELA and mathematics for students who first entered Grade 9 in 2013-14 and thereafter, the new regulatory definitions of student performance are as follows:

- Level 1 (does not demonstrate knowledge and skills for Level 2) will be defined as a score of Level l on the Regents examination in English language arts or a Regents mathematics examination; a failing score on a State-approved alternative examination for those Regents examinations; a cohort member who has not been tested on the Regents examination in English language arts or a Regents mathematics examination or State-approved alternative examination for these Regents examinations.

- Level 2 (partially meets Common Core expectations, *i.e.*, Local Diploma level for Students with Disabilities): a score of Level 2 on the Regents examination in English language arts or a Regents examination in mathematics.

- Level 3 (partially meets Common Core expectations, i.e., Regents diploma level): a score of Level 3 on the Regents examination in English language arts or a Regents Examination in mathematics.

- Level 4 (meets Common Core expectations): a score of Level 4 on the Regents examination in English language arts or a Regents examination in mathematics; a passing score on a State-approved alternative examination for those Regents examinations.

- Level 5 (exceeds Common Core expectations): a score of Level 5 on the Regents examination in English language arts or a Regents examination in mathematics;

At the elementary/middle level for English language arts and mathematics, the Performance Index is being 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]

Beginning with the 2014-15 results, when student growth will not be included in the calculation of the grades 3-8 ELA and mathematics Performance Indices, New York will revert to 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 for Regents ELA and mathematics based on the 2005 Learning Standards, 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]

At the secondary level for Regents ELA and mathematics based on the CCLS, the Performance Index is calculated using the following equation:

- 100 × [(Count of Cohort Members Performing at Levels 3, 4, and 5 + the Count at Levels 4 and 5)/ Count of All Cohort Members]

Using the above formulas, New York State will continue to compute the statewide Performance Index for the 2015-16 through 2018-19 school years 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
- 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)

An example of how the Performance Index would be computed for the 2015-16 to 2018-2019 school years is as follows:

Computation of Performance Index for Grade 3-8 ELA Results

Performance Level		Number of Students	Multiplier	Total Points
1 (Well Below Proficient)		40	0	0
2 (Below Proficient)		80	100	8,000
3 (Proficient)		60	200	12,000
4 (Excels in Standards)		20	200	4,000
Total		200	-	24,000

Since there are 200 students in the school, we divide 24,000/200 = 120. The Performance Index for this group in this school would be 120. If 120 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.

Computation of Performance Index for High School Mathematics Results

(Based on 2005 Learning Standards)

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[20] 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.

Computation of Performance Index for High School Mathematics Results

(Based on Common Core Learning Standards)

Performance Level	Regents Score	Number of Students	Multiplier	Total Points
1 (does not demonstrate knowledge and skills for Level 2)	0 – 54	10	0	0
2 (partially meets Common Core expectations, i.e., Local Diploma for Students with	55 - 64	20	0	0

[20] 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

Disabilities subgroup)				
3 (partially meets Common Core expectations, i.e., Regents Diploma)	65 - 73	40	100	4,000
4 (meets Common Core expectations)	74 - 84	60	200	12,000
5 (exceeds Common Core expectations	85 - 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[21] 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.

In the event that some students in a school take Regents exams based on the 2005 Learning Standards and some students take Regents exams based on the Common Core Learning standards the results for these students will be combined as described above. If an individual student has taken Regents exams based on the 2005 Learning Standards and Regents exams based on the Common Core Learning Standards, the Department will use the result that earns the most credit for the school or district.

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 and mathematics. 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.

Since 2010, the Department has posted graduation rate data that included the percent of students in a high school cohort who graduated and scored 65 or greater on the ELA and a math Regents Exam, as well as the percent of students in a cohort who graduated and scored at an aspirational college- and career-readiness level of 75 and 80 on the ELA and a math Regents Exam, respectively.

Similarly, with the rollout of the Common Core Regents Exams in ELA and in Algebra I beginning in June 2014, the Board of Regents decided to maintain a zero to 100 point scale and establish two different cut scores:

- 65 (indicating partial mastery of the standards and sufficient for graduation

[21] 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

purposes), and

- an aspirational college- and career-readiness score (79 for ELA and 74 for Algebra I) that indicates the student met Common Core course-level expectations aligned to college- and career-readiness.

These two different cuts scores for graduation purposes vs. aspirational purposes were recommended to the Commissioner and Board of Regents by a panel of educators from across the state through a formal process known as "standard setting." These two different cut scores will help ensure that the percentage of students who graduate from high school remains stable as we implement the Common Core Learning Standards. The Board of Regents intends to phase in over time the graduation requirement to demonstrate proficiency on the Common Core standards in high school courses. Specifically, the class of 2022 (i.e., students who first enter grade 9 in the 2018-19 school year) will be the first group of students required to pass Common Core Regents Exams (ELA and one exam in math) at the aspirational college- and career-readiness level indicating that they met Common Core course-level expectations (see http://www.regents.nysed.gov/meetings/2014/February2014/214p12d4.pdf). Prior to 2022, graduating students will not be required to demonstrate this level of mastery on Common Core Regents Exams.

When first implementing the waiver, New York noticed an anomaly where some schools made all the subgroup level AMOs within a measure but did not make the "all student" group AMO or safe harbor. This is due to the relatively higher AMO set for the "all student" group. To remedy this situation, beginning with the 2013-14 school year results, the "all student" group in a district or school is deemed to have made AYP if all the accountable subgroups (for that measure) in the school or district respectively made AYP by meeting the AMO or safe harbor. These schools have a green check mark (√) instead of the red mark (X) on the report card indicating that the all students group made AYP for the respective measure, with a further notation that AYP was made based on the performance of subgroups.

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 2010-2011 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 be required to show improvement in subgroup performance in order to continue to make AYP. 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 2014-2015 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.

ESEA sections 1111(b)(1)(B) and 1111(b)(3)(C)(i) respectively require that New York apply the same academic content and academic achievement standards to all public schools and public school children in the State and to administer the same academic assessments to measure the achievement of all students. New York requests this waiver so that it is not required to double test a student who is not yet enrolled in high school but who takes advanced, high school level, mathematics coursework. Based on teacher recommendation, and the demonstrated performance of the students in classroom settings, New York assesses each student with the corresponding advanced, high school level assessment in place of the mathematics assessment New York would otherwise administer to the student for the grade in which the student is enrolled. For Federal accountability purposes, New York will use the results of the advanced, high school level, mathematics assessment in the year in which the assessment is administered and will administer one or more additional advanced, high school level, mathematics assessments to such students in high school, consistent with the State's mathematics content standards, and use the results in high school accountability determinations.

Pursuant to the flexibility offered under the ESEA waiver, New York is applying for a double testing waiver under Section 9401 of ESEA for the following:

- For students who take the Regents Examination in Algebra in Grade 7 or 8, use their results on this examination when making participation and accountability determinations. Students who take the Regents Examination in Algebra would be counted as participants when the Department determines whether a school or district has met the 95 percent participation requirement in mathematics. Students who pass the Algebra examination with a score of 65 or higher would be considered to have demonstrated accelerated performance in Grade 7 or 8 mathematics and would be incorporated into the Performance Index as equivalent to Level 3, which earns a school or district "full credit" for a student's performance. Students who fail the Algebra Regents would be counted as Level 1, the same as students who earn a school or district "no credit" for their performance. Should a district elect to have students take both the Grade 8 Mathematics Assessment and the Regents Examination in Algebra, the Grade 8 Mathematics Assessment would be used for accountability purposes.

- A student who passes the Regents Examination in Algebra in Grade 7 or 8 would be required to take a second Regents Examination in Mathematics in high school in order to meet the high school participation and accountability requirements. High school participation and accountability determinations would be based upon a student's performance after they first enter grade nine. Therefore, students who passed Algebra in grade seven or eight would need to take the Regents Examination in Geometry or Algebra 2 and receive a score of at least 65 in order to be incorporated into the Performance Index at Level 3 and earn a school or district "full credit."

Commissioner's Regulations 100.4(d)(1) stipulates that "public school students in grade 8 shall have the opportunity to take high school courses in mathematics" and shall be awarded high school credit by passing the course and the associated Regents examination.

New York have been granted yearly waivers by US Department of Education beginning with the 2012-13 school year to exempt 7th and 8th graders from the requirements of grade level mathematics test, if these students were also tested for high school mathematics. The State seeks to make this double testing waiver permanent through the end of this Flexibility waiver, i.e. the 2018-19 school year.

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 2008, 2009, and 2010 high school graduation rate cohort is preliminarily identified as a Priority School. Schools will not be identified if the 2009 five year cohort, 2010 five year cohort or the 2011 four year cohort graduation rate is at or above 60 percent. The school could still be identified for Performance Index. Transfer schools are removed from consideration if they have a five or six year graduation rate on the 2009 cohort that is at or above 60 percent. Schools may also be removed from identification as Priority Schools if 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 in the State for any subgroup will be identified as a Focus District, except that if the subgroup meets any of the progress filters outlined later in this waiver, the district will not be identified for graduation rate. The percentage cutpoint for preliminary identification will be set based on 2014-15 school year data.

- **Focus Schools:** In identified Focus Districts, schools that have any subgroup with 4 year graduation rate that is at or below the cut points of Focus Districts and does not meet any of the progress filters will be preliminarily identified as Focus Schools.

- **Local Assistance Plan Schools:** A school that has failed to make AYP for graduation rate for three consecutive years with a subgroup of students, including the all students group, and has not met any of the progress filters 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 meet the four year graduation rate progress target (10% gap reduction) or five year graduation progress target (20% gap reduction). Additionally, schools that have any subgroup with a four year graduation rate at or below the cut points of Focus Districts or that has large gaps between members of a subgroup and non-members may also be identified as Local Assistance Plan Schools.

- **Reward Schools:** To be identified as a high performing Reward School, the percentage of students who graduated with a Regents diploma must 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 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. Additionally, 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 must exceed the State average for these students. Schools designated as Focus, Priority or Local Assistance Plan Schools cannot be identified as Reward Schools.

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.

New York State has been identifying both highest performing and high progress Reward Schools since 2012-13.

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 combined exceeds fifty percent;
- the school's student growth percentile for ELA and mathematics combined 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 larger performance gap in the most recent year than it did for the same subgroup one year prior for all subgroups of students and students who are not members of the subgroup, unless the performance of the subgroup(s) with the largest gap is in the 90th percentile or higher in the most recent year.

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;
- the percentage of students who graduated with a Regents diploma 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 larger performance gap in the most recent year than it did one year prior for the same subgroup for all subgroups of students and students who are not

members of the subgroup, unless the performance of the subgroup(s) with the largest gap is in the 90th percentile or higher in the most recent year. .

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 combined exceeds 50 percent;
- the school's student growth percentile for ELA and mathematics combined 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 larger performance gap in the most recent year than it did one year prior for the same subgroup for all subgroups of students and students who are not members of the subgroup, unless the performance of the subgroup(s) with the largest gap is in the 90th percentile or higher in the most recent year.

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 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 larger performance gap in the most recent year than it did one year prior for the same subgroup for all subgroups of students and students who are not members of the subgroup, unless the performance of the subgroup(s) with the largest gap is in the 90th percentile or higher in the most recent year.[22]

[22] Please see Attachment 14 for additional technical information on the process for selection of reward schools.

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 will rank order schools based on aggregate performance in reading/language arts and mathematics for the "all students" group for the 2013-14 and 2014-15 school years. Schools that failed to make AYP for the "all students" group and all subgroups will be removed from the list, and schools with significant gaps among subgroups that are not closing and high schools with graduation rates at or below 80% will also be removed. Schools will then be eligible to be identified as highest performing if the school's aggregate performance in ELA and math places it among the top 20% of schools statewide in both 2013-14 and 2014-15. However, elementary and middle schools will be required to meet the additional criteria that their average Student Growth Percentile is above the 50th percentile in 2013-14 and 2014-15 and the bottom quartile of students in terms of Student Growth Percentile in 2013-14 must have a Student Growth Percentile that exceeded 50% in 2014-15. Highest-performing high schools are also required to demonstrate that students who scored at Level 1 or Level 2 in grade 8 on an ELA or math assessment have graduation rates that exceeded the state average and that the graduation rate for students with advanced designations or CTE endorsement exceeded the state average. This process will continue to be used annually in subsequent years of the waiver period.

To identify the highest-progress Reward Schools, New York will rank order schools based on the greatest gains in the performance index in ELA and mathematics for the "all students" group between the 2013-14 and 2014-15 school years. School will then be eligible to be identified as highest performing if the school's progress placed them among the top 10% of schools statewide. Additional criteria are then applied to the remaining schools, which include that these schools are required to make AYP in both 2013-14 and 2014-15 for all accountability groups. Elementary and middle schools need their average Student Growth Percentile to be above the 50th percentile in 2013-14 and 2014-15 and the bottom quartile of students in terms of Student Growth Percentile in 2013-14 need to have a Student Growth Percentile that exceeded 50% in 2014-15. Highest-progress high schools need to have a graduation rate above 60% and demonstrate that students who scored at Level 1 or Level 2 in grade 8 on an ELA or math assessment have graduation rates that exceeded the state average and that the graduation rate for students with advanced designations or CTE endorsement exceeded the state average. This process will continue to be used annually during subsequent years of the waiver period.

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

New York State will make publicly available the list of Reward Schools for the 2015-16 school year (identified based on 2013-14 assessment data), prior to the beginning of the 2015-16 school year.

The 2016-17 list of Reward Schools (identified based on 2015-16 assessment data) will be provided on January 31, 2016. All schools identified as Reward Schools will meet the criteria described in Section 2.C.i.

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. In 2014, identified Reward Schools were publicly recognized with a press release dated August 19, 2014 and issued a certificate signed by the Commissioner. The certificates were mailed to the LEAs in August 2014.

During the 2012-13 school year Reward Schools were eligible to compete for a Commissioner's Schools Dissemination Grant of up to $100,000, which was funded through NYSED's State-share of our RTTT award. NYSED recommended 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 convene a group beginning in the 2015-16 school year to develop a proposal regarding 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.

To the extent that the amount of school improvement funds that NYSED reserves under section 1003(a) of ESEA is more than is needed to provide assistance to Priority and Focus schools, NYSED plans to establish reallocation criteria under section 1126(c) of the ESEA that gives priority for the excess funds to LEAs with Reward Schools. Through this reallocation, Title I Reward Schools that have been identified as Reward for two consecutive years may have the opportunity to apply for a 1003(a) Reward School Grant to spend on Regents Reform Agenda areas. The 1003(a) Reward School Grants is a two-part program. Each Title I Reward School District will receive an allocation of up to $75,000 per Title I Reward School to support required activities and enhance the school and district's best practices. A maximum of $50,000 may be used to enhance the school and district's best practices, and the balance of the allocation must be used for required activities to disseminate best practices or mentor low performing schools. Information regarding the 2015-16 Reward School Grant may be found at: http://www.p12.nysed.gov/funding/2015-16-reward-school-dissemination-grants/home.html.

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 by January 31, 2016 based on 2014-15 assessment results using the following methodology:

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

First, New York will identify high schools that have had graduation rates below 60 percent for three consecutive years on the 2008, 2009, and 2010 high school graduation cohorts (i.e., students who first entered ninth grade in these years and their high school completion status four years later). Second, 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. Transfer high schools,[23] schools in Special Act School Districts, and schools that are in the process of closing as described below will be removed.

Elementary and middle schools that have a combined Performance Index in ELA and mathematics at or below a specified cutpoint and high schools that have a combined Performance Index in ELA and math at or below a specified cutpoint based on 2014-15 school year assessments will be considered among the lowest achieving in the State.

A school will be considered to have made progress and will not be identified for performance index or graduation rate if the 2010 4-year, 2011 4-year or 2009 5-year all students group graduation rate is at or above 70.

A school will be considered to have made progress and will not be identified as a Priority School for Performance Index for a grade level, if it meets one of the following progress filters:

- The school has made a specified point gain or more in its 2014-15 Performance Index compared to its 2013-14 Performance Index; the school could still be identified for graduation rate.
- The school's combined median student growth percentile in ELA and math combined for the 2014-15 school year is above 50 percent; the school will not be identified for the elementary-middle and secondary level. The school could still be identified for graduation rate.

[23] 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..

- The majority of subgroups in the school have 2014-15 SGP's that exceeded the statewide median SGP for that subgroup; the school will not be identified for the elementary-middle and secondary level. The school could still be identified for graduation rate.
- The all students subgroup made AYP for ELA and mathematics for 2013-14 and 2014-15; the school could still be identified for graduation rate.
- The all students subgroup made a 10 point gain in performance index from 2013-14 to 2014-15; the school could still be identified for graduation rate.
- The all students subgroup made a 10 percent point gap reduction in performance index from 2013-14 to 2014-15; the school could still be identified for graduation rate.

A school will be considered to have made progress and will not be identified as a Priority School for graduation rate, if it meets one of the following progress filters:

- The 2009 5-year cohort graduation rate is at or above 60 percent; the school could still be identified for performance index.
- The 2011 4-year or the 2010 5-year cohort graduation rate is at or above 60 percent; the school could still be identified for performance index.
- The increase in four year graduation rate is 10 points or more from 2008 to 2010 cohort; the school could still be identified for performance index.
- The increase in four year or five year graduation rate is 10 points or more from 2009 to 2010 cohort; the school could still be identified for performance index.
- There is a 10 percent gap reduction for the four year graduation rate from the prior cohort; the school could still be identified for performance index.

Transfer schools are removed from consideration if they have a five or six year graduation rate on the 2009 cohort that is at or above 60 percent. Schools also will not be identified if they provide evidence that their 2014-15 results are due to extraordinary or extenuating circumstances.

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.[24]

Before identifying a transfer high school as a Priority School the Commissioner will review 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 will take 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.

[24]Commissioner's Regulations §100.18(j)(2) defines the annual high school cohort as 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.

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.

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:

1. 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; OR
2. A Title I-participating or Title I-eligible high school with a graduation rate less than 60 percent over a number of years.

Prior to making the Priority School list final, New York will remove any schools whose 2011 graduation rate cohort is at or above 60 percent and any schools deemed to have extenuating or extraordinary circumstances.[25] However, in no case will the final list of Priority Schools equal less than five percent of the state's Title I schools. New York's cutpoints for determining which schools are among the lowest achieving in the State in ELA and math combined for the all students group will be set sufficiently rigorously as to ensure that a minimum of five percent of all public schools in the State are identified as Priority Schools.

New York will inform districts of the preliminary status of their schools in February 2016 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.

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

This preliminary list will be provided before January 31, 2016. See attachment 9 for more information on the identification of Priority Schools.

[25] 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.

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 and 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 as articulated in the Diagnostic Tool for School and District Effectiveness. 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 or SIF plan will be deemed to be meeting the requirements for Priority School status. Districts may submit §1003(g) SIG or SIF applications for each Priority School. These SIG or SIF applications must propose how the school will:

- Meet the requirements of one of the federal models (Turnaround, Restart, Closure, Transformation, Evidence-based, State-determined or Early Learning Intervention), consistent with Commissioner's Regulations §100.18, 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 or SIF 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 or SIF 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, Restart and Early Learning Intervention Models, fully-implemented a new teacher and principal evaluation system consistent with Education Law §3012-c and Commissioner's regulations[26] (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);

[26] 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.

- 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 or SIF plan that addresses each of these issues in a comprehensive and focused manner will not be approved for SIG or SIF funding.

Priority Schools that are not implementing one of the SIG or SIF intervention models will be required to construct a School Comprehensive Education Plan (which will be submitted as part of the District Comprehensive Improvement Plan) or Strategic Plan For School Excellence 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, the Board of Regents amended Commissioner's Regulations (§100.18) 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 §100.18, 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 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 [27];

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.

Update in support of the 2015-16 to 2018-19 ESEA Renewal application:

Priority Schools that were previously identified as Priority Schools in 2012 and have been re-identified on the new 2015 list of Priority Schools will have a higher level of intervention and oversight from the Department. Pursuant to the provisions of Commissioner's Regulations Part 100.18, re-identified Priority Schools will be preliminarily identified for Registration Review, and districts will be given an opportunity to appeal that designation. After reviewing appeals, the Commissioner will determine which schools to place under Registration Review (SURR). If a school is identified as a SURR, an NYSED team will visit the school and make a recommendation to the Commissioner whether the school should: i) continue to implement its current improvement plan, as modified by recommendations of the Integrated Intervention Team; (ii) implement a new school comprehensive education plan or "out of time" plan, which may contain a new whole school reform model; or (iii) be phased out or closed. If the Commissioner approves the district to implement a new plan, the district must implement one of the following options:

a. Phase-out of the identified school and phase-in of a new replacement school;
b. Contract with an Educational Partnership Organization (EPO);
c. Establish an alternate governance structure for the school(s);
d. Convert to a charter school;
e. Enter into a contract with the State University of New York (SUNY), or in New York City, the City University of New York (CUNY), to provide for the education of the students at the identified school(s).

[27] 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.

If the district is allowed to either continue its current plan or implement a new plan, the district must complete a school leader checklist (if the principal has been leader of school for more than two full academic years); ensure that the school has extended learning time; and ensure that the staff at the school participate in mandatory professional development in support of the current or new plan. Re-identified Priority Schools that have been designated as SURRs must begin implementation of approved plans in the 2016-17 school year.

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	The New York School Turnaround Office (STO) – housed in the Office of School Innovation –is planning to support Priority Schools/districts through: • Establishing and maintaining consistent liaison relationships with Priority School and district staff to efficiently and effectively manage SIG funding, progress reporting federal regulations, and SIG improvement plans. STO will assist school and district staff in managing interactions with other NYSED offices to promote collaboration and streamlining of efforts. .. • Bi-monthly performance management meetings with district improvement and turnaround offices and NYSED to share information and resources geared toward improving district capacity to support Priority Schools and to provide guidance on SIG implementation. • On-site check-in visits throughout the year to provide support and guidance through classroom observations and leadership/staff interviews and focus groups. • Offering additional funding opportunities such as the Dissemination/Replication grant, which fosters collaboration between high-performing schools/districts and lower performing schools seeking to replicate successful practices. • Launching a web-based communication platform for Priority School principals to share information, tools, and resources across districts. • Providing principals, key staff members instrumental to leading the school's work outlined in the School Improvement Grant (SIG) plans, and district level staff members the opportunity to attend professional development offered on the DTSDE rubric and the six Tenets of highly effective schools, and attend the Network Team Institutes.

	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, 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)	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	• NYSED ensures that districts with Priority Schools implementing the turnaround principles meet the requirements related to review of and, if necessary, replacement of the principal. The Department requires that districts with Priority Schools submit, as part of each Priority School's School Comprehensive Educational Plan or SPFSE a checklist that specifies the qualifications of each principal that the district proposes to lead the Priority School's turnaround model. The checklist will

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.	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.	require districts to attest that they have reviewed data on the selected principal's effectiveness and experience in the following areas: 1) leading successful turnaround of low performing schools; 2) making effective changes to school curriculum and programs to address low performing subgroups; and 3) making effective changes to staff and providing targeted professional development to ensure that students are receiving rigorous and common core aligned instruction. Please see http://www.p12.nysed.gov/accountability/ChecklistforDeterminingPrioritySchoolLeaderQualification.docx • NYSED will, through various offices and grant programs, assist LEAs in getting the resources necessary to develop strategies to increase operational flexibility and recruit and retain strong leadership. • NYSED, through various offices and grant programs, will provide schools with the tools and resources to think about effective restructuring of the schedule, staff, curricula, and budget. In some cases, a Distinguished Educator appointed by the Commissioner 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 Board of Regents has established 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. Expanded Learning Time programs funded by the State Education Department must include enrichment and acceleration for all program participants, including opportunities for programs such as in music and art. The program must expand learning time by a minimum of 200 student contact hours per year beyond the current mandated length of 900 hours per year of instruction in elementary school and 990 hours per year in high school (Kindergarten and Grades 1-6 = 5 hours, Grades 7-12 = 5.5 hours X 180 days of instruction per year). Districts are required to 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. Under Education Law § 3012-c: • 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 has: overhauled the State's educator certification exams to align with Common Core State Standards; developed a new outcomes-based accountability system for educator preparation programs; and increased capacity for higher education faculty. • New certification exams have been designed to reflect Common Core shifts, and expectations for high performance. • NYSED will continue the practice of ensuring that SIG or SCEP 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,	• NYSED, through various office and grant programs, will assist LEAs in developing their capacity to improve struggling schools and develop strategies to increase student and teacher time for learning. • The Board of Regents has established 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. Expanded Learning Time programs funded by the State Education Department must include enrichment and acceleration for all program participants, including opportunities for programs such as in music and art. The program must expand learning time by a minimum of 200 student contact hours per year beyond the current mandated length of 900 hours per year of instruction in elementary school and 990 hours per year in high school (Kindergarten and Grades 1-6 = 5 hours, Grades 7-12 = 5.5 hours X 180 days of instruction per year). Districts may use funds from their Title I and Title II set-asides to implement these requirements.

	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.	• 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 for 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 has developed 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 supplemental guides for the modules to provide additional guidance for students with disabilities. • New York State has developed standards and resources specifically for ELLs that are Common Core-aligned. Sample Bilingual Common Core Progressions become are available online at https://www.engageny.org/resource/new-york-state-bilingual-common-core-initiative. • 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) – a rich web-based toolkits of resources that 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 has developed 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 are available on EngageNY.org so that they can inform, support, and articulate and model truly aligned instruction, content, and assessment. • Teacher Centers 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 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	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	• 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

on the use of data.	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.	get it right. • NYSED will continue the practice of ensuring that SIG, SIF, SCEP, or SPFSE 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. • Through grant opportunities offered by the State, LEAs can choose to work with educational consultants that will 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 or Community School model with wrap-around social and health services. • As a condition for meeting the turnaround principles, Priority Schools are encouraged to 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 engagement.	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 efforts of the school. • Processes for assisting school leaders in networking with the community partners and engaging parents.	• 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. • 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 parent education 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 continue to require districts with Priority and Focus Schools to develop a single District Comprehensive Improvement Plan (DCIP), 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. Since the 2012-13 school year, NYSED has required district and schools to use the findings from the Diagnostic Tool for School and District Effectiveness visits to create their DCIP and School Comprehensive Educational Plans (SCEP).

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 SCEP. 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.

In 2014-15, NYSED created an explicit alignment between the six tenets of the DTSDE and the list of allowable activities that districts and schools can choose from when creating a District Comprehensive Improvement Plan (DCIP), School Comprehensive Education Plan (SCEP), and/or Strategic Plan for School Excellence (SPFSE). The enhanced alignment will help districts select and prioritize allowable activities to be funded by Title I, II and III that directly support their areas of need based on the results of DTSDE reviews. Districts with Priority and Focus Schools will be required to prioritize funds for implementation of such initiatives as systemic planning training, curriculum development and support, teacher practices and decisions, expanded learning time and/or community school programs as a way to increase academic opportunities and student and family access to support services. These activities are referred to throughout the proposal as "prioritized activities." Set-aside funds not expended during the course of the year will be added to the set-aside requirement for the ensuing year.

In order to create a more explicit alignment, NYSED will use the "HEDI" scores (assigned to districts and Focus/Priority Schools for each DTSDE tenet) to prioritize how improvement reserve funds are budgeted. Districts will be required to use a pre-determined portion of their improvement reserve for prioritized and allowable activities that have been mapped to each of the six Tenets. Within each Tenet, districts will be required to spend a minimum amount of the improvement reserve on one or more of the prioritized activities. The remaining portion of the Tenet-specific reserve may be spent on these prioritized activities or on any of the allowable activities that apply directly to the Tenet. If a district receives a HEDI rating of "Highly Effective" or "Effective" and 50% or more of reviewed Focus/Priority Schools within that district receive HEDI ratings of "Highly Effective" or "Effective" for a Tenet, the district will not be subject to the minimum set-

aside for that Tenet. The district will have the flexibility to reallocate those funds to any allowable improvement activity in any Tenet. Additionally, if neither a district nor its schools receive a DTSDE review for a particular Tenet, the district will have the flexibility to apply the minimum reserve to the non-reviewed Tenet or reallocate the minimum reserve to any prioritized or allowable Improvement activity in any Tenet that was reviewed and rated as "Ineffective" or "Developing." As an additional flexibility districts that can provide a compelling justification may appeal to spend less than the required reserve within a Tenet or to spend funds on activities other than those on the allowable list.

Update in support of ESEA Renewal for 2015-16 to 2018-19: For the 2015-16 to 2018-19 school year waiver period, the required set asides are being further refined as explained in more detail on page 142-145.

In addition, the Department is engaged in refining the District Comprehensive Improvement Plan, School Comprehensive Education Plan, and Required Set Asides. These refinements, made in connection with a larger process to refine the DCIP and SCEP templates, will ensure that districts and identified schools have a laser-like focus on instructional programs, professional development, and staffing initiatives. For example, districts will be required as part of implementation of a whole school reform model in a Priority School to specifically address the organizational structure that the district will put in place to implement the model, the researched based curriculum that the school will implement, the incentives that will be offered to recruit high performing teachers to work in the school, and the scheduling of the school to ensure that common planning time for professional development is a structured part of the school day.

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 Board of Regents amended Commissioner's regulations to require that LEAs with Priority Schools either submit an approvable SIG or SIF plan, or a School Comprehensive Education Plan based on the turnaround principles in conjunction with implementation of a whole school reform model. 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) and the Regional Bilingual Education - Resource Network (RBE-RN). These Regional Networks improve the teaching in schools with students with disabilities and English language learner populations by going into schools and providing vital resources and support to teachers and school leaders. The RSE-TASC for New York State is one of the most extensive special education support networks in the United States.

- The Department will continue 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 as Needs Assistance or Needs Intervention to improve results for students with disabilities, staff from the RSE-TASC and other special education technical assistance networks are assigned to provide ongoing assistance to school districts (e.g., for up to three

years) to implement improvement initiatives. 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

- NYSED will continue to provide professional development connected to the Diagnostic Tool for School and District Effectiveness. The delivery of professional development to Priority Schools will be a two-pronged approach. All Focus Districts will be required to participate in 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.

- NYSED will continue to offer opportunities to organize Professional Learning Communities to assist districts in developing capacity throughout the State with Focus District leaders and Priority and Focus School leaders being invited 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 needs that will lead to increased student achievement through the development of a 3-year Strategic Plan for School Excellence (SPFSE). If the pilot program is successful, the Department will scale up the PLC model to transition all identified Focus and Priority Schools to the SPFSE model to further support the efforts of cohesion and systemic planning in the neediest districts and schools.

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, The Board of Regents amended Commissioner's Regulations so that Schools Under Registration Review became 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 School Comprehensive Educational Plan based upon the turnaround principles (as described in 2.D.iii.b), through Commissioner's Regulation 100.18). Under this regulation, if, after three 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.

Update in the support of the 2015-16 to 2018-19 ESEA Renewal application:

Priority Schools that were previously identified as Priority Schools in 2012 and have been re-identified on the new 2015 list of Priority Schools will have a higher level of intervention and oversight from the Department. Pursuant to the provisions of Commissioner's Regulations Part 100.18, re-identified Priority Schools will be preliminarily identified for Registration Review, and districts will be given an opportunity to appeal that designation. After reviewing appeals, the Commissioner will determine which schools to place under Registration Review (SURR). If a school is identified as a SURR, an NYSED team will visit the school and make a recommendation to the Commissioner whether the school should: i) continue to implement its current improvement plan, as modified by recommendations of the Integrated Intervention Team; (ii) implement a new school comprehensive education plan or "out of time" plan, which may contain a new whole school reform model; or (iii) be phased out or closed. If the Commissioner approves the district to implement a new plan, the district must implement one of the following options:

a. Phase-out of the identified school and phase-in of a new replacement school;
b. Contract with an Educational Partnership Organization (EPO);
c. Establish an alternate governance structure for the school(s);
d. Convert to a charter school;
e. Enter into a contract with the State University of New York (SUNY), or in New York City, the City University of New York (CUNY), to provide for the education of the students at the identified school(s).

It should be noted that in 2011, the Commissioner, under the then 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, SCEP, or SPFSE 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.

SIG applications are rated using an explicit rubric and only those applications meeting the minimum scoring threshold are considered for final award. SIG plans are reviewed at the conclusion of each year to determine if they will continue to be funded for the following year. The review of SIG plans each year takes into consideration evidence collected throughout the year as well as a Continuation Plan for the upcoming school year.

In addition, as a means of determining the degree to which a school is implementing its whole school reform, the School Turnaround Office (STO) conducts bi-monthly or quarterly performance management telephone calls regarding each funded school with district-level staff. School and district staff are required to submit on-going progress reports that are reviewed by STO staff and serve as the foundation for performance management phone calls. The purpose of these phone calls is to provide collaborative and constructive feedback in order to build district-level capacity and at the same time ensure that district staff are held accountable for the implementation for each school's plan. Finally, STO looks to determine the impact of key initiatives rather than simply whether or not they are being implemented. School and district staff are encouraged to collect data and evidence to support their claims.

One resource now available to LEAs is Educational Partnership Organizations (EPO). Under Education Law 211-e, with the approval of the Commissioner, LEAs 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. During the first three years of implementation of the Diagnostic Tool for School and District Effectiveness, SED has developed effective on-site review strategies, such as conducting interviews of administrators regarding leadership support; of staff on the effectiveness of job-embedded professional development and use of data; of students on the rigor of instruction and academic supports provided; and of 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, analyzing district and school structures and plans for improvement; assisting 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.

Update in support of the 2015-16 to 2018-19 ESEA Waiver Renewal application:

In July 2014, the Board of Regents approved amendments to section 100.17 of the Regulations of the Commissioner of Education relating to the Distinguished Educator Program. The proposed amendments to the Regulation:

- Delineate explicitly the ways in which districts are expected to fully cooperate with a distinguished educator so as to make the work of the distinguished educator more productive and helpful to the district.
- Require that the action plan that results from the assignment of a distinguished educator be jointly developed by the district and the distinguished educator.

- Permit persons selected for the pool of distinguished educators to remain in the pool and eligible for assignment as a distinguished educator for a period of more than three years so long as these persons demonstrate that they are participating in appropriate professional development.

- Provide the Commissioner with the flexibility to reappoint a distinguished educator to multiple one-year renewal terms and appoint more than one distinguished educator to serve a district, if needed.

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 2015-16 to 2018-2019 school year waiver period. This identification will occur in the 2015-16 school year with necessary planning beginning immediately for implementation of related interventions beginning in the 2016-17 school year. All Priority Schools that will not be implementing a SIG or SIF grant in 2015-16 will receive an IIT visit prior to January 31, 2016 so that if they are re-identified they will immediately know whether they are going to be targeted for closure or be required to implement an "out of time plan." Schools implementing a SIG or SIF grant will be visited by STO staff to determine whether the school should continue to implement its SIG or SIF grant, be required to modify its plan implementation or be designated an "out of time" school.

Immediately upon identification, districts with Priority Schools must plan (within the 2016-17 DCIP and SCEPs) to ensure that extended learning time, public school choice, and professional development for staff are components that will be implemented no later than September 2016.

No later than the beginning of the 2017-18 school year, each Priority School must be fully implementing a SIG intervention model or a whole school reform model (WSRM)based on the turnaround principles in all of its Priority Schools. 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 a SIG intervention model or a WSRM based on the turnaround principles no later than the 2017-18 school year.

The following timeline will be applied for newly identified (as of January 31, 2016) Priority Schools that are not already implementing one of the Federal SIG intervention models:

Time Period	State Action(s)	School/District Action(s)
January 2016	NYSED provides USDE with preliminary list of Priority Schools for 2015-19 ESEA Renewal. NYSED informs districts and schools of Priority Status and required interventions.	Schools/districts inform parents, teachers, and school board of accountability status and required interventions.
February 2016	NYSED schedules the Integrated Intervention Team to conduct reviews in newly identified Priority Schools.	District/Schools prepare for IIT Review, participate in DTSDE training.
March 2016 – June 2016	NYSED conducts IIT visits to newly identified Priority Schools. NYSED releases report findings from site visits to districts.	Schools/districts participate in IIT visits. Districts communicate IIT findings to school board and community. Districts/schools use findings from IIT visit as basis for DCIP and SCEP for 2016-2017. Within DCIP and SCEPs, districts plan to ensure that extended learning time, public school choice, and professional development for staff are components that will be implemented starting September 2016.
June - August 2016	NYSED reviews 2016-17 DCIP and SCEP.	Districts/Schools submit 2016-17 DCIP and SCEP to NYSED for review and approval.
September 2016 – June 2017	NYSED continues to provide technical assistance to districts and schools as they plan for implementation beginning in 2017-18. NYSED offers districts the opportunity to apply for 1003(g) SIG grants.	Districts and Schools implement DCIP and SCEP for 2016-17. Districts and Schools engage community and local collective bargaining units in planning for implementation of SIG or WSRM for 2017-18.
June - August 2017	NYSED reviews 2017-18 DCIP and SCEPs.	Districts/Schools submit 2017-18 DCIP and either approved SIG application or WSRM SCEP for Priority Schools to NYSED for review and approval.
September 2017 – June 2018	NYSED or district conducts Priority School visit to assess quality of plan implementation.	Districts and Schools will be engaged in full implementation of NYSED approved SIG or WSRM in 2017-18. Implementation

Time Period	State Action(s)	School/District Action(s)
		continues through 2019-20.

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 or meet performance targets established by the Commissioner. For high schools, the four year graduation rate must equal at least 70 percent or meet the performance targets established by the Commissioner. 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 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% participation requirement in ELA and mathematics for all subgroups for which the school is accountable.

In lieu of meeting the 10-point increase from the threshold in performance index or graduation rate, the school can also make the yearly progress by meeting the following progress filters:

1. For schools identified for PI, grades 4 to 8 Student Growth Percentile (SGP) above State average, and 4-Year or 5-Year Graduation Rate at or above 60 or meet a progress filter.
2. For schools identified for PI, majority of subgroups have their SGP above State average, and 4-Year or 5-Year Graduation Rate at or above 60 or meet a progress filter.
3. For schools identified for PI, 10-point gain in Performance Index (PI) from the prior year, and 4-Year or 5-Year cohort Graduation Rate at or above 60 or meet a progress filter.
4. For schools identified for PI, 10% gap reduction in Performance Index (PI), and 4-Year or 5-Year cohort Graduation Rate at or above 60 or meet a progress filter.
5. For schools identified for PI, the 4-Year or 5-Year cohort Graduation Rate is at or above 70 percent.
6. For schools identified for Graduation Rate, 10-point gain in 4-Year or 5-Year cohort Graduation Rate, and PI above cutpoint or meet a progress filter.
7. For schools identified for Graduation Rate, 10% gap reduction in 4-Year cohort Graduation Rate, and PI above cutpoint or meet a progress filter.

8. For schools identified for Graduation Rate, 5-Year cohort Graduation Rate is at or above 70 and PI above cutpoint or meet a progress filter.

9. For schools identified for PI, the All Students subgroup makes two consecutive years of AYP for all ELA and mathematics, and 4-Year or 5-Year cohort Graduation Rate at or above 60 or meet a progress filter.

10. For schools identified for Graduation Rate, the All Students subgroup makes two consecutive years of AYP for Graduation Rate, and PI above cut point or meet a progress filter.

11. For schools identified for Graduation Rate, a 10 point or more increase in 4-year graduation rate from two cohorts prior (2009 to 2011) and PI above cut point or meet a progress filter.

12. For a school that is identified both for PI and Graduation Rate, the PI and Graduation Rate meets one of the respective progress filters.

Based on the application of the filters, instead of a school only being eligible for removal from Priority status if its Performance Index was at least 10 index points above the cut point for identification, the school could, for example, be considered for removal so long as it was above the cut point for identification and it meets one of the progress filters. The school needs to show two consecutive years of progress and must be the above the minimum standards established for removal based on the most current school year results in order to be eligible for removal. Consequently some schools may make two years of progress but not be eligible for removal because they remain below minimum standards. Conversely, a school may be above the minimum standards for removal, but not be eligible for removal because the school had not made two consecutive years of progress.

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 schools with lowest performing subgroups in these districts will be identified as Focus Schools. 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 who have a combined Performance Index in English language arts and mathematics for Grades 3-8 and high school ELA and mathematics or high school graduation rate that places the district among the lowest percent of districts in the State for that subgroup of students. In addition, any District that has 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. New York will identify schools with the lowest performing subgroups and that do not meet progress filters as Focus Schools in these Focus Districts. The total of the minimum targets of schools that New York will identify will equal at least ten percent of the public 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 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 PI or graduation rate if the 4-year or 5-year cohort Graduation Rate is above the State average.

A district will not be identified for that subgroup's PI for a grade level if that subgroup meets any of the following progress filters for that grade level:

1. Grades 4 to 8 Student Growth Percentile (SGP) is above the State average.
2. 10-point or more gain in PI from 2013-14 to 2014-15.
3. 10% or more gap reduction in PI from 2013-14.
4. Makes two consecutive years of AYP for ELA and mathematics.

A district will not be identified for that subgroup's Graduation Rate if that subgroup meets any of the following progress filters:

1. 10% or more gap reduction in 4-year cohort Graduation Rate from the 2009 cohort.
2. 10-point or more gain in 4-year or 5-year cohort Graduation Rate from the prior cohort.
3. 10-point or more gain in 4- year graduation rate from 2008 to 2010 cohort.
4. Makes two consecutive years of AYP for Graduation Rate.

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 schools as Focus, 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.

(See Attachment 8 for the step by step process for identification of Focus Districts.)

When a district is identified as a Focus District, all of the public schools (including but not limited to those schools eligible for Title I funds) in the district that perform below a Focus School cutpoint and do not achieve a progress filter are preliminarily identified as Focus Schools. 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 Focus School list provided by the Commissioner. 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 another school that is performing below the cut point in place of the school with the special circumstances.

The number of public schools that a Focus District must identify is based on the number of schools that had one or more subgroups in ELA and math and/or graduation rate that are at or below the cut points established for identification and they do not meet a progress filter. Schools that meet any of the progress filters listed earlier will not be identified as a Focus School. If the district has been identified as a Focus District solely because it has one or more Priority Schools in the district, then the district will not be required to have a Focus School. However, the district may request to the Commissioner to have a Focus School identified in the district.

In the event that all schools in a low achieving Focus District meet the criteria for removal from consideration, the district will not have a Focus School. Transfer Schools are not identified as Focus School until after additional analysis is conducted.

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.

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. The State will identify more than the minimum number that is equal to at least ten percent of Title I public schools in the State because it will require districts to identify schools that meet the criteria that are not eligible for Title I funds.

In addition, schools that as of the 2015-16 school year have been identified as a LAP School for three consecutive years will be identified as a Focus School and must have a DTSDE review. The identification of the school may also result in the district becoming a Focus District. The results from the DTSDE review must be used as the basis for development of an SCEP that meets all requirements for a Focus School.

Districts may petition to be removed from identification if they meet performance targets established by the Commissioner, which requires that the district at a minimum have a combined Performance Index in ELA and mathematics and graduation rates that exceed by 10 points the thresholds for identification of Focus Districts for two consecutive years.

The subgroup identified for PI or graduation rate will make progress if the 4-year or 5-year cohort Graduation Rate is above the State average.

The subgroup identified for PI for a grade level will make progress if the subgroup within the grade level meets one of the progress filters:

1. Grades 4 to 8 Student Growth Percentile (SGP) is above the State average.
2. 10-point gain in PI from the prior year.
3. 10% or more gap reduction in PI from the prior year.
4. Makes two consecutive years of AYP for ELA and mathematics.

The subgroup identified for graduation rate will make progress if the subgroup meets one of the progress filters:

1. 10-point gain in 4-year or 5-year Graduation Rate from the prior cohort.
2. 10-point gain in 4- year Graduation Rate from two cohorts prior (2009 to 2011).
3. 10% or more gap reduction in the 4-year cohort Graduation Rate from the prior cohort.
4. Makes two consecutive years of AYP for Graduation Rate.

For the district to be removed from Focus status all Focus Schools and Priority Schools in the district must also be eligible for removal from status.

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.

New York will provide the Department with the Focus Schools list no later than January 31, 2016.

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.

Since the 2012-13 school year, all Focus Districts have participated in the Diagnostic Tool for School and District Effectiveness (DTSDE) review process. Integrated Intervention Teams will continue to review district-level systems and initiatives.

These reviews will continue to 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 a sample of Focus Schools in identified districts. At least one Focus School with each grade configuration (elementary/ middle, and high school) will be visited in larger districts and teams will seek to 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 (by either an Integrated Intervention Team or a District led team) 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 those Focus Schools that Integrated Intervention Teams do not visit, the District will be required to ensure that a review is administered, using the Diagnostic Tool for School and District Effectiveness.

Focus Districts will be required to develop a District Comprehensive Education 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. 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 and address deficiencies identified during the DTSDE review. Beginning in 2014-1015, NYSED will use the scores assigned to districts and Focus/Priority Schools during the DTSDE review process to prioritize how Improvement Reserve funds are budgeted and expended. Districts will be required to use a pre-determined portion of their Improvement Reserve for Prioritized and Allowable Activities that have been mapped to each of the six Tenets. Within each Tenet, districts will be required to spend a minimum amount of the Improvement reserve on one or more of the Prioritized Activities (Tier 1). The remaining portion of the Tenet-specific reserve may be spent on Tier 1 activities or any of the Allowable Activities (Tier 2) that apply directly to the Tenet. Tier 1 activities will include:

- Systemic Planning Training
- Professional Development
- Expanded Learning Time
- Community Schools Programs

The list of Tier 2 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 professional development activities to implement researched based behavioral interventions and supports (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 school intervention models (e.g., 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).

If a district receives a rating of "Highly Effective" or "Effective" **and** 50% or more of reviewed Focus/Priority Schools receive HEDI ratings of "Highly Effective" or "Effective" for a Tenet, the district will not be subject to the minimum set-aside for that Tenet. The district will have the flexibility to reallocate those funds to any allowable Tier 1 or Tier 2 Improvement activity in any Tenet. Additionally, if neither a district nor its schools receive a DTSDE review for a particular Tenet, the district will have the flexibility to apply the minimum reserve to the non-reviewed Tenet or reallocate the minimum reserve to any allowable Tier 1 or Tier 2 Improvement activity in any Tenet that was rated as "Ineffective" or "Developing."

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.

Update in support of the 2015-16 to 2018-19 ESEA Waiver Renewal: In the State's original approved ESEA Waiver, districts were required to set aside an amount equal to between five percent and 15 percent of their Title I, IIA, and III (if applicable) funds to support their Focus and Priority Schools through implementation of activities and services from an NYSED approved list. Through a review of District Comprehensive Improvement Plans (DCIP), and in conversations with Focus Districts, Department staff have concluded that the current set asides are overly broad, thereby allowing to districts to demonstrate that they are meeting the requirements more through elaborate accounting mechanisms than by reallocating resources to support a thoughtful turnaround process that drives resources to meet the most critical needs of Priority and Focus Schools. Districts will now be required to first utilize 1003(a) School Improvement funds to pay for activities connected to implementation of the DTSDE process and associated DCIPs and SCEPs; the review of the principals' qualifications; the evaluation of the implementation of the plan; and any costs associated with providing SED data on leading and lagging indicators in Priority and Focus Schools. Districts will then be required to use their 5-15 percent set aside to fund obligations related to offering Public School Choice and offering 200 hours of extended learning time to students in Priority Schools. If the cost of meeting those obligations goes beyond the district's set aside, the district must utilize other funds to meet these obligations. If funds earmarked for the set-aside remain after these obligations have been fulfilled, which will be the case for most Focus Districts, the funds are to be used to support implementation of turnaround principles or whole school reform models, address recommendations of DTSDE reviews, or support community school programs or the provisions of CTE or advanced coursework to high school students.

Focus Schools that have not made sufficient progress to exit status and that are re-identified on the January 2016 list provided to the USDE must implement more rigorous interventions for the 2015-19 waiver period. Prior to the beginning of the 2016-17 school year, Re-identified Focus Schools must revise their SCEP to focus on the needs identified through their most recent Integrated Intervention Team (IIT) or district-led DTSDE reviews. Schools also must begin immediately planning for intensive implementation of at least one ESEA turnaround principle (e.g., redesign the school day, week, or year; modify the instructional program to ensure it is research-based, rigorous, and aligned with State academic content standards; provide time for collaboration on the use of data) beginning no later than the 2016-17 school year. Districts must complete a school leader checklist for the re-identified Focus School, if the principal has been leader of school for more than two full academic years, in order to determine whether the school leader should be provided additional professional development and/or mentoring or replaced.

No re-identified school will be allowed to conduct a School Review with District Oversight. Instead, districts will be required to either have an IIT or district-led DTSDE review in these schools.

Newly identified schools must create their 2016-17 SCEP to focus on the needs identified through their most recent Integrated Intervention Team (IIT) or district-led DTSDE reviews.

Implementation of the 2016-17 SCEP must begin no later than September 2016. Also, the Department is limiting the number of School Reviews with District Oversight that a district can conduct for a newly identified Focus School (one that is newly identified on the January 2016 list). No newly identified Focus School can have a School Review with District Oversight for three years in a row.

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.

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 or meet the performance targets established by the Commissioner 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. 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% 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 or meet the performance targets established by the Commissioner 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 District Comprehensive Improvement 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.

Update in Support of 2015-16 to 2018-19 ESEA Renewal Waiver: When the State Education Department submitted New York's original waiver application on behalf of the Board of Regents in February 2012, the Department had not yet administered grades 3-8 ELA and mathematics assessments that were aligned to the Common Core Learning Standards and measured college- and career-readiness. We reviewed the results from the 2012-13 school year (which were also impacted by the revision of the high school Performance Index to align with college- and career-readiness standards) and some schools and districts that are now above the thresholds for Focus or Priority identification and that have made progress as measured by the "filters" did not achieve the absolute gains in the Performance Index and in Graduation Rate that would have been required for removal using the standards as specified in NY's original approved waiver application.

The progress filters are:

1. Grades 4 to 8 Student Growth Percentile (SGP) above State average.
2. 10% gap reduction in Performance Index (PI).
3. 10% gap reduction in 4-Year cohort Graduation Rate.

4. 4-Year or 5-Year cohort Graduation Rate above State average.
5. The subgroup makes two consecutive years of AYP for that measure.
6. The subgroup makes a 10 point gain in performance index from 2013-14 to 2014-15.
7. The subgroup makes a 10 point gain in four year graduation rate from two cohorts prior (2008 to 2010 cohort).
8. The subgroup makes a 10 point gain in four year or five year graduation rate from the prior cohort.

Based on the application of the filters, instead of a school only being eligible for removal from Focus status if its Performance Index was at least 10 index points above the cut point for identification, the school could, for example, be considered for removal so long as it was above the cut point for identification and it met one of the progress filters. The school needs to make two consecutive years of progress to be eligible for removal.

Focus Schools that have failed to make progress during the period of the first waiver (2012-13 to 2014-15) 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 Schools and Focus Districts and Focus 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% participation rate requirement in ELA and math and the 80% 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.

Update in support of the2015the 2015-16 to 2018-19 ESEA Waiver Renewal application: LAP Schools were first identified in the 2012-13 school year and, therefore, all LAP Schools have been identified for less than two years. Under the proposed ESEA Renewal Waiver for 2015-2019, schools that as of the 2015-16 school year have been identified as a LAP School for three consecutive years will be identified as a Focus School and must have a DTSDE review. The identification of the school may also result in the district becoming a Focus District. The results from the DTSDE review must be used as the basis for development of an SCEP that meets all requirements for a Focus School.

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 Focus 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 is on a trajectory to do exactly that.

A district with one or more Priority or Focus Schools must develop a **District Comprehensive Improvement Plan** that explicitly delineate the district's plan for annually increasing student performance through comprehensive instructional programs and services, as well as the plan for enhancement of teacher and leader effectiveness. The DCIP must focus on the accountability subgroup(s) and measures for which the district and its schools have been identified. This plan must be informed by the recommendations of the Commissioner-appointed site visit team, and must identify supports and interventions which align with the six tenets and the list of allowable activities approved by the Department that the district will provide to each identified school. 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 must incorporate into its plan the actions it will take with any school that requires a School Comprehensive Education Plan, Strategic Plan For School Excellence, or a Local Assistance Plan and all related costs associated with those actions.

District Comprehensive Improvement Plans, School Comprehensive Education Plans, Strategic Plan For School excellence, and Local Assistance Plans developed using recommendations from the Diagnostic Tool for School and District Effectiveness 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, School Comprehensive Education Plan, Strategic Plan For School Excellence, and Local Assistance Plan templates that are aligned with the six tenets and thirty common statements of practice. Each plan template will require LEAs and schools to identify and report publicly on which indicators, measures, and metrics will be used to monitor changes in student academic achievement; social and emotional developmental learning; and family and community engagement. The LEAs will also be required to determine how the activities being developed and funded will have positive impacts on instructional practices in the school. The expectation is that educational plans will demonstrate how strategies focused on teacher and leadership development will 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 be expected to embed detailed information on how student and teacher 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.

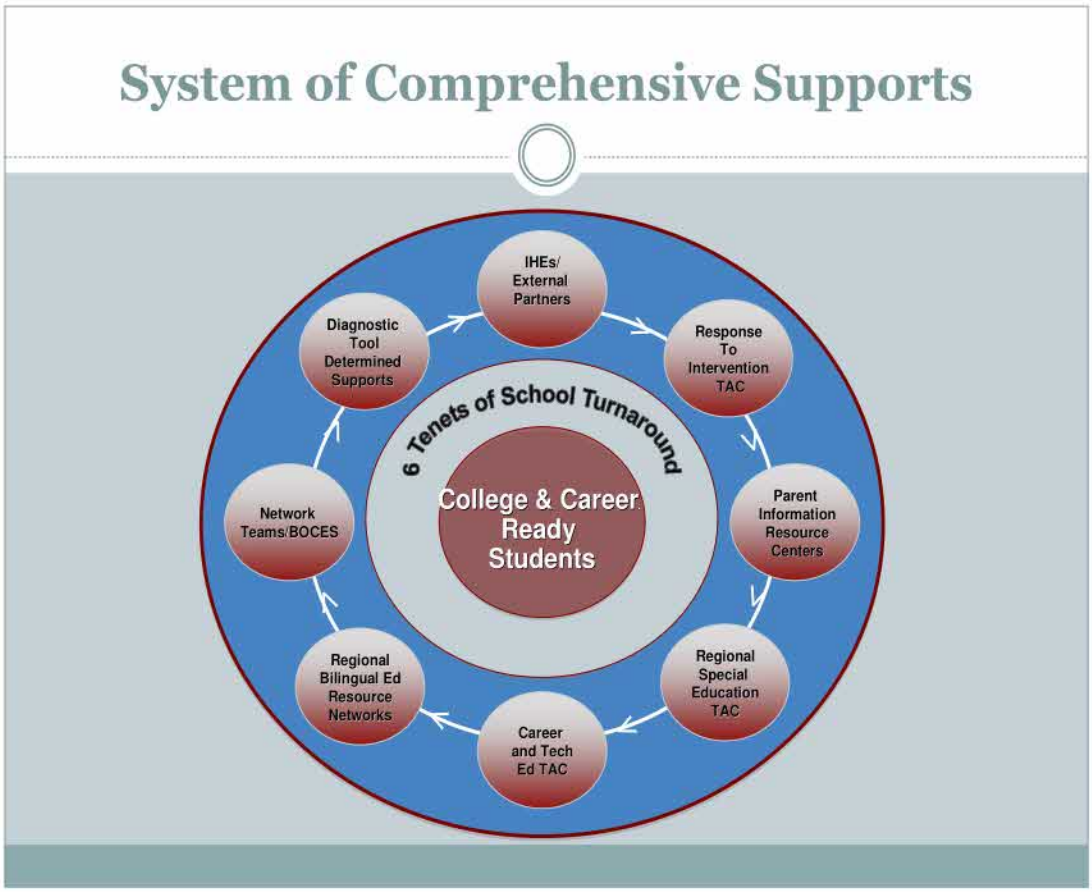
Districts targeted by SED for technical assistance as a result of their outcomes for students with disabilities will ensure alignment between the Comprehensive Plan and any Special Education Quality Improvement Plan that is also in place. District Comprehensive Improvement plans will also need to demonstrate collaborations between general and special education teachers and support staff in the support of all students. Components of the Comprehensive Plan will focus on instruction,

curricula, and professional development opportunities 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 strategies such as 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 Comprehensive 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 practices, particularly in the areas of literacy, provision of positive behavioral supports and specially-designed instruction through high quality professional development to promote use of research-based instructional practices by teachers working with these populations. In addition, New York State's Positive Behavior Intervention and Support 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.orghttp://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.

Schools that are 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 ELLs to identified schools and districts[28], and provide schools/districts with direct assistance or interventions to improve outcomes for 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 ELLs.

The RBE-RN also offers professional development opportunities that enhance the skills and competencies of all educators so they can assist 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 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 ELLs for Transitional Bilingual Education, Two-Way Bilingual Education, ESL, NLA, specialized and targeted Newcomers and Students with Interrupted Formal Education (SIFE) programs.

[28] 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 waiver, their work will be concentrated in Focus Districts that have been identified for the performance of their English language learners.

- Assisting districts/schools in the analysis of current and projected enrollment of 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.

Update in support of ESEA Waiver Renewal for 2015-2016 to 2018-19

As part of this Waiver Renewal, New York State is seeking the optional Waiver #13, as described in the USDE's Waiver Renewal Form. Under this waiver, NYS may, when it has remaining section 1003(a) funds after ensuring that all Priority and Focus Schools have sufficient funds to carry out interventions, it may allocate section 1003(a) funds to its LEAs to provide interventions and supports for low-achieving students in other Title I schools when one or more subgroups miss either AMOs or graduation rate targets or both over a number of years.

NYS ensures Priority and Focus Schools have sufficient funds to carry out interventions by providing them with 1003(g) and 1003(a) school improvement grants. At present, New York is providing 1003(g) School Improvement in amounts of $250,000 to $2,000,000 to 111 out of 177 Priority Schools in the State.

NYS in the 2014-15 school year provided each Title I Focus District a 1003(a) allocation of $1,000,000 and an additional allocation of $100,000 for each Title I Priority School and $60,000 for each Title I Focus School to support implementation of District and School Improvement Plans. In addition, NYS provided Reward School Grants of $75,000 each to selected Title I Reward Schools, and provided support for Focus Districts to participate in the Professional Learning Community and DTSDE Certification Process. NY has also allocated $10 million dollars to support Focus Distracts in implementing socio-economic integration grants and $4.25 million to support Priority Schools implement School Innovation Grants and alternative governance plans. However, despite this high

level of support for its Priority and Focus Schools, New York anticipates that it will carry over into the 2015-16 school year more than $20 million in Title I 1003(a) funds. New York, therefore, will be able to continue to support all of the previously mentioned programs at their current or enhanced levels and still have 1003(a) funds available to support other activities. Thus, New York proposes to make available planning grants of approximately $25,000 to support the development of local assistance plans in Title I schools that so identified. New York anticipates that the cost of such grants will be less than $2 million per year.

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

NYSED has opened 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 American Institutes for Research, as well as 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 School 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 Priority Schools. NYSED's creation of the STO was heavily informed and influenced by research and practice work of Mass Insight 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:

- Establishing and maintaining consistent liaison relationships with Priority School and district staff to efficiently and effectively manage SIG funding, progress reporting federal regulations, and SIG improvement plans. STO will assist school and district staff in managing interactions with other NYSED offices to promote collaboration and streamlining of efforts.

- On-site check-in visits throughout the year to provide support and guidance through classroom observations and leadership/staff interviews and focus groups.

- Offering additional funding opportunities such as the Dissemination/Replication grant which fosters collaboration between high-performing schools/districts and lower performing schools seeking to replicate successful practices.

- Launching a web-based communication platform for Priority School principals to share information, tools, and resources across districts.

- Providing principals, key staff members instrumental to leading the school's work outlined in the School Improvement Grant (SIG) plans, and district level staff members the opportunity to attend professional development offered on the DTSDE rubric and the six Tenets of highly effective schools, and attend the Network Team Institutes.

During the spring and summer of 2013, the School Turnaround Office (STO) took over the responsibility of development, administration and management of the School Improvement Grant (SIG). As part of its efforts to support schools and districts, and hold them accountable for the results, STO established a process of performance management that consists of bi-monthly progress reporting, performance review telephone calls, and brief on-site visits.

The nature of STO's performance management process was designed to focus attention on the ability of each district to manage its schools, given the Department's capacity to monitor and support each grant at a school level. The process is designed to manage district oversight as they consider the level of implementation of key strategies, the degree to which these strategies are having an impact on student learning and instructional practice, and the evidence used to determine positive or negative trends.

Performance data collected and reported by the district, as well as any summary findings from STO through document, telephone, or on-site review become a part of a portfolio of evidence used to support Commissioner's decisions about continued SIG funding, school accountability status, registration, and continued intervention in these Priority Schools.

There is a Request for Proposals (RFPs) that was first issued in the summer of 2012 to support districts with Priority Schools. This RFP was designed to provide annual targeted training to district turnaround offices and PLA principals in the implementation of SIG plans. This RFP complements the work of the statewide Network Team infrastructure, and focuses 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.

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 Focus 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.
- Performance management protocols through the School Turnaround Office

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. 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 district visits and analysis of school performance data, 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% 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:

Accountability Status and Required Plans: Approved ESEA Flexibility Waiver System	
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 Comprehensive Improvement Plan (DCIP) in Focus Districts.
Focus District/Focus Schools	School Level: SCEP or SPFSE 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;
Priority Schools	School Level: SCEP or SPFSE; in SIG or SIF schools, approved SIG or SIF plan with addendums in lieu of SCEP. 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 §100.18, 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.

Update in support of ESEA Renewal for 2015-16 through 2018-19: In September 2012, the Board of Regents approved the addition of section 100.18 of the Regulations of the Commissioner of Education, to implement New York State's approved Elementary and Secondary Education Act (ESEA) Flexibility Request.

100.18 ESEA Accountability System – this new section relates to the specific revisions necessary to conform Commissioner's Regulations to New York's updated accountability system, as a result of the approved ESEA Flexibility Request. Such provisions shall apply during the period of the ESEA waiver, and any extensions thereof, and consist of:

- subdivision (h) specifies the interventions that occur in identified schools and districts; including the appointment of an Integrated Intervention Team and district and/or school participation in a diagnostic review; and development and implementation of a District Comprehensive Improvement Plan or a Local Assistance Plan or a School Comprehensive Education Plan. The subdivision further specifies the requirements for such plans, including the requirement that each Priority School implement a whole school reform model no later than the beginning of the 2014-2015 school year.

- subdivision (i) provides the procedures by which a public school or a charter school may be removed from Priority or Focus status and a school district may be removed from Focus District status.

- subdivision (k) specifies the processes by which schools will be identified for registration review, including special provisions for transfer high schools and schools in Special Act School Districts.

- subdivision (l) specifies the actions that occur when schools are identified for registration review, including: notification by the Commissioner to the district and district notification to parents and the public; appointment by the Commissioner of an Integrated Intervention Team to make recommendations to the Commissioner as to whether the school shall continue to implement its current improvement plan, as modified by recommendations of the integrated intervention team; implement a new Comprehensive Improvement Plan, which may contain a new whole school reform model; or be phased out or closed. This subdivision also describes the requirement that after the Commissioner approves or modifies and approves the recommendations of the Integrated Intervention Team, the district develops and implement a plan based on the recommendations. This subdivision also establishes the process by which the Board of Regents may revoke the registration of a school and specifies that the Commissioner shall develop a plan to ensure that the educational welfare of the pupils of the school is protected and require that the school district implement it.

- subdivision (k) explains the process by which schools may be removed from registration review, including schools that are being redesigned as part of an approved District Comprehensive Improvement Plan.

Proposed Board Intervention Legislation

Beginning with the 2011 legislative session, and continuing every year since, 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 248 operating public charter schools in the state and direct authorizing authority over the 57 operating public charter schools in their portfolio. Over the last four 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 one school for fiscal and operational reasons and, in 2013, non-renewed the charters of two schools for not meeting academic standards. In 2015, 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, a School Innovation Fund application, a School Comprehensive Education Plan based on the Turnaround Principles, or a School Plan For School Excellence based on the Turnaround Principles. The team will consist of NYSED staff, district staff, external educational experts, and content and/or subgroup specialists. Each Integrated Intervention Team member 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. With respect to SES, New York's ESEA waiver application for the 2015-2016 to 2018-2019 school years proposes that, rather than being required to provide parents the choice to have their children receive tutorial services from any vendor on the State's approved list that has agreed to serve that district, the district would decide the vendors from among whom parents could choose. As is now the case, districts that wish to enter into contracts with vendors to provide tutorial services to students who attend Priority or Focus Schools could continue to do so using Title I funds. Alternatively, districts could choose to instead use these funds to provide students with expanded learning time or other services. The Department proposes that it would no longer maintain a list of approved SES providers and would remove the current list from its website. Accordingly, staff recommend that the Board of Regents, in conjunction with submission of New York's ESEA waiver application for the 2015-16 to 2018-19 school years, seek a legislative amendment to remove the State statutory requirement that the Commissioner approve SES providers. 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 parent education activities. This will provide greater support for robust parent education. 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 has offered districts with Priority 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 has identified 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 have been required to 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;

- Community- Oriented (wrap-around services) School Design;

- Arts and/or Cultural Education School Design;

- Career and Technical Education (CTE) School Design;

- Virtual/Blended/Online School Design; and

- Network-Affiliated School.

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[29] 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 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 last 21st CCLC Request for Proposal issued on October 12, 2012, NYSED continued to allocate a percentage of available funds to Priority Schools while ensuring that funds also were 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.

[29] 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.

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 has allowed 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. However, Expanded Learning Time programs funded by the State Education Department must include enrichment and acceleration for all program participants, including opportunities for programs such as in music and art. 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 allowed a range of models and approaches, provided that any specific model: a school, community, or district considered for implementation, embodied 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 allowed 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 need to 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 incorporated 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 including:

- 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 6) 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 6); 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. The Legislature further amended Education Law §3012-c on March 29, 2013 (Part A of Chapter 57 of the Laws of 2013). (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)[30]. 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

[30] 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 organizations 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 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 2015-16 at the earliest for applicable educators); and
- 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 2015-16 at the earliest for applicable educators).

- 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 11 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 and 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[31] initiative. Consequently at the start of the 2013-14 school year, all districts in New York State were operating under approved APPR plans.

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

[31] 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.

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, 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.

The agreement left much of the original structure of NY'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[32], 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.

The Task Force met at least monthly until the regulations were adopted. 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.

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*

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

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.[33]

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 receives 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 are required to report these scores via NYSED's data system, and this information feeds into the State's monitoring protocol, described in Section 3B.

Education Law §3012-c(2)(a) sets the 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 statute explicitly requires that an educator who earns an Ineffective rating on both of the student learning subcomponents must receive a composite rating of Ineffective.

Where no State-provided value-added measure applies	Measures of student growth	Local measures of student growth or 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

For 2013-14, the above scoring bands will continue to apply to all Districts except New York City. Based on the arguments presented in the NYC arbitration proceeding held on May 30 and 31, 2013 and pursuant to his authority in Education Law §3012-c(2)(m), the Commissioner established an APPR plan for NYC. The plan included the following scoring bands which stay in effect until a successor agreement is reached and the Commissioner approves any such change to the APPR plan and/or the scoring bands:

2013-14 –2016-17 for NYC educators where no State-provided value-added measure exists	Measures of student growth	Local measures of student achievement	Other 60 Points		Overall composite score
Ineffective	0 – 12	0 – 12	0 – 38		0 – 64
Developing	13 – 14	13 – 14	39 – 44		65 – 74
Effective	15 – 17	15 – 17	45 – 54		75 – 90
Highly Effective	18 – 20	18 – 20	55 – 60		91 – 100

[33] 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

In June 2013, the Board of Regents voted to implement a 'value-added' model in the 2014-15 school year, choosing to enhance the 2011-12 State growth model for use in 2012-13 and 2013-14 and to keep the State-provided growth measures at 20 points for those years instead of moving to the 25 point level specified in the statute for 'value-added' measures. The legislation established scoring bands to apply to those teachers and principals for whom a State-provided value-added growth measure will apply in 2014-15 at the earliest. 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.[34] These scoring bands are below:

For educators with a State-provided value-added measure	Measures of student growth	Local measures of student growth or 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

The above scoring bands will apply to all Districts except New York City, which will use the follow scoring bands for those educators with a state provided value-added measure:

For educators in NYC with a State-provided value-added measure	Measures of student growth	Local measures of student growth or achievement	Other 60 Points		Overall composite score
Ineffective	0 – 15	0 – 9	0 – 38		0 – 64
Developing	16 – 18	10 – 11	39 – 44		65 – 74
Effective	19 – 22	12 – 13	45 – 54		75 – 90
Highly Effective	23 – 25	14 – 15	55 – 60		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. Per §3012-c(9)(a), 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).

[34] In June 2014, the Board of Regents voted to continue with the use of an enhanced growth model and postpone the use of a 'value-added' measure until at the earliest the 2015-16 school year and continue to use the enhanced growth model for the 2014-15 school year.

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). Education Law §3012-c(2)(j) specifies that the process by which points are assigned must ensure that it is possible for educators to earn any possible points, including 0, in a subcategory and in the overall rating categories and require superintendents, board of education presidents, 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; 25 points upon Regents approval of value-added model)**	**Local assessment growth or achievement (20 points; 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	Overall performance and results exceed standards.

		learning standards for grade/subject.	

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. After the 2012 adoption of revised statutory language mentioned above, NYSED issued revised regulations (http://www.regents.nysed.gov/meetings/2012Meetings/March2012/312bra6.pdf) and also launched in April 2012 the online system "Review Room," otherwise known as the "APPR Portal" (https://nysed-appr2.fluidreview.com/), that provided a common format for LEAs to use to submit their APPR plans for Commissioner approval, a new requirement in the revised statute (see: http://usny.nysed.gov/rttt/teachers-leaders/updated-review-room-appr-resources-may-2013.html and http://www.engageny.org/resource/appr-training-modules). The APPR Portal was designed to ensure LEAs used multiple valid measures. Given the degree of LEA flexibility inherent in our legislation, the APPR Portal clarified the allowable options under each subcomponent of New York's system, forced choices among only allowable options, and made it more likely that LEAs would submit APPR plans that conformed to the law and regulation. 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 Teaching 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. 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" used for the first time in the 2011-12 school year and a "value-added model" that can be used, with Board of Regents approval, beginning in 2015-16 at the earliest. 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. After the first year of providing growth scores, NYSED and the vendor hired to calculate growth scores worked with the Metrics Workgroup of the Regents Task Force to enhance the growth model, as well as to consider whether to recommend to the Board of Regents that the State adopt a "value-added" model for the 2012-13 school year. Under New York's law and regulations, there are two differences between a "growth" model and a "value-added" model: 1) a value-added model can include additional control variables beyond student prior achievement, economic disadvantage, disability status (hereafter SWD), and status as an English Language Learner (ELL); 2) when a value-added model is adopted, the results will count for up to 25 points, instead of 20 points, of an applicable educator's APPR result, and the locally-selected measures of student achievement for these educators would lower from 20 points to 15 points.

In June 2012, the Board of Regents approved several important enhancements to the State growth model while agreeing to adopt a value-added model no earlier than the 2014-15 school year. The approved model changes are listed below:

1. ***Use of an enhanced growth model in 2012-13 and 2013-14 with implementation of a value-added model no sooner than 2014-15.***

NYSED worked with its vendor, the Metrics Workgroup, and a technical advisory board to identify additional factors that should be used in defining 'similar students' when comparing a student's growth to other students' growth.

2. ***Modified approach to attributing or "linking" students to teachers for State-provided growth measures.***

A less restrictive attribution rule that requires a student to be enrolled in a teacher's course for at least 60% of the course duration allows for a higher number of high-needs students to be attributed to teachers. In addition, students who are attributed to teachers are weighted in the teacher's State-provided growth score by the fraction of time that they are enrolled and attended the teacher's course.

3. ***Newly developed student growth measures for principals of schools with grades 9-12.***

A combined student growth measure for high school principals was developed and includes: a "student growth percentile" measure, using the outcomes of Algebra and ELA Regents Examinations to calculate a mean growth percentile (MGP) for principals; and a measure of based on the number of Regents Examinations passed annually by each student, starting in the year of student entry into 9th grade, compared to similar students statewide.

For details of the 2012-13 growth models, see the 2012-13 technical report : http://www.engageny.org/resource/resources-about-state-growth-measures.

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 similar 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. As of 2012-13, New York State is now requiring districts to link all classroom teachers with the students in every course that. 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 has finalized 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.

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 Teaching Learning Solutions (TLS) as its training vendor to develop and deliver training to network teams and District leaders around setting and assessing valid and rigorous SLOs and performing teacher observations. TLS has partnered with the Community Training and Assistance Center (CTAC), which is highly experienced with SLOs from work around the country. New York State will also require Districts to describe their SLO process 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, the 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 the

student growth measures for their "teachers of record" and principals. ELLs in their first year in the school system do not take the State ELA assessment.

- New York State's sophisticated "data linkage" policies described above, when fully implemented in 2012-13, allows 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 are also able to provide student growth scores when two teachers team-teach in a single classroom. In this circumstance, we 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 2015-16 or 2016-17 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. Education Law §3012-c(2)(e) confirm that Districts must locally

bargain the selection of these measures and the process for assigning points to educators. The statute also confirms 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 any teacher that does not receive a State-provided growth measure.

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. Subsequent RFQs have added over 100 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.

Effective March 2, 2014, all standardized assessments for students in grades K-2 were removed from the list of State-approved third-party assessments for use in APPR plans for the 2014-15 school year and thereafter (https://www.engageny.org/resource/guidance-on-the-approved-regulatory-amendments-to-appr-to-help-reduce-local-testing). This does not apply to assessments that are being used for diagnostic purposes or are required to be administered by federal law, including but not limited to assessments developed by any vendor, third-party, or other comparable entity; except this shall not preclude the use of school-or BOCES-wide, group or team results using State assessments that are administered to students in higher grades in the school or district, regional or BOCES developed student assessments that are developed in collaboration with a vendor, if otherwise authorized by the Commissioner. However, school districts/BOCES with an APPR plan that was approved or determined by the Commissioner for use in the 2013-14 school year which remains in effect in the 2014-15 school year and thereafter in accordance with Education Law §3012-c(2)(l) may continue to use a traditional standardized assessment that was on the State-approved list for students in grades K-2 prior to March 2, 2014, until a material change is made to their APPR plan and approved by the Commissioner to eliminate such use.

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.[35] 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 rated Ineffective or Developing, must be provided with a teacher or principal improvement plan (TIP or PIP).[36] Specifically, Education Law §3012-c(4) requires:

> "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).

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35 Section 100.2(dd) of Commissioner's Regulations.

36 Education Law §3012-c(2)(c)(2) requires that the entire APPR be completed and provided to the teacher or principal as soon as practicable but in no case later than September first of the school year next following the school year for which the classroom teacher or building principal's performance is being measured.

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.

During its September 2014 meeting, the Board of Regents voted to amend section 30-2.1(d) of the Rules of the Board of Regents to define "performance," for the purposes of the above, as the teacher's or principal's overall composite rating.

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. For the 2013-14 school year, every district in NYS has adopted and is implementing an APPR system that complies with law and regulation and has been approved by the Commissioner.

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 3B, below).

A majority of districts' contracts were open before 2012-13, and the evaluation law required that any new contract 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 worked with a group of districts from around the state in a no-stakes pilot of the Student Learning Objectives (SLO) process. The pilot offered districts an opportunity to test and refine the SLO Road Map and Guidance Document. District leaders received targeted support as they determine their district-wide approach to SLOs. At the same time, approximately 60 teachers and 20 principals and

department chairs were engaging with a professional learning community and learning from their peers from other parts of the State. Educators' pilot SLO results were not used for evaluation purposes; NYSED collected data solely for research purposes and posted 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 had 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. Chapter 57 of the Laws of 2012 moved this deadline to January 17, 2013.

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 (that continued through 2012-13 and 2013-14) 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 https://www.engageny.org/resource/training-calendar-for-network-teams 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. **APPR Portal**: NYSED launched the Review Room tool (the APPR Portal) for LEAs to use to submit their APPR plans for approval, and held a statewide forum in April 2012 in Albany, attended by stakeholders from across the State to demonstrate the tool and provide toolkits and other resources to help LEAs complete their APPR plans. Task-by-Task Guidance documents were created to be used as a guide for the field, with guidance questions specifically tailored and organized for completing the Review Room process.

- **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 EngageNY.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 (educatoreval@nysed.gov), 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 development and disseminate guidance and materials to school districts regarding the implementation of the teacher and principal evaluation system.

- **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 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.

- **Grants for Districts to Ensure Equitable Distribution, Retention, and Training of Effective Educators:** The Strengthening Teacher and Leader Effectiveness (STLE) grants (total $83MM) were available beginning in April 2012 to provide districts with financial support to develop, implement and/or enhance a comprehensive systems approach to recruitment, development, retention, and equitable distribution of effective teachers and school leaders as part of the APPR system. In the first two competitive application rounds, 80 districts/charter schools and 6 BOCES-led consortia were awarded funding. There are currently four rounds of the STLE grant.

- **Grants for Customized Support:** The Demonstration District Grants were funded beginning in spring 2013 to provide districts with customized professional development support from NYSUT focused on each district's implementation of APPR, and to enable the districts to experiment with the use of student surveys and teacher practice videotaping as ways to enhance teacher development. The grant also supports assistance around the use of data from the APPR process for individual, school-wide, and district-wide instructional improvement. These grants were funded with $1.6M from The Bill and Melinda Gates Foundation provided to New York's Regents Research Fund in partnership with NYSUT.

- **Opportunities for Expedited Review:** During its February 2014 meeting, the Board of Regents adopted amendments to section 30-2.3 of the Rules of the Board of Regents to ensure that the amount of testing should be the minimum necessary to inform effective

decision-making. As part of these amendments, the Board of Regents provided an expedited review process for districts or BOCES that wish to make material changes to their approved Annual Professional Performance Review (APPR) plans that solely relate to the elimination of unnecessary assessments that are currently used for purposes of APPR (https://www.engageny.org/regents-regulatory-changes-subpart-30-2-expedited-materials-change-form).

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 were required to 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.

NYSED saw the vast majority of districts move rapidly toward full implementation in the 2012-13 school year, with 100% of districts having fully implemented in 2013-14.

Monitoring, Reporting, and Corrective Action—To Ensure That Measures Are Valid and Implementation is Consistent with SEA Guidelines

The State has protocols 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.

Education Law §3012-c(2)(k) gives 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 had accepted re-negotiated 2011-2012 labor-management agreements from five districts that were in alignment with SIG principles, 3012-c and Commissioner's Regulations related to teacher and leader evaluation and support. The Commissioner had lifted the SIG fund suspension in these five districts. The APPR review process developed for these SIG districts was the model for a scaled-up review of all approximately 700 New York State districts. Pursuant to §3012-c, districts had 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.[37]

To facilitate this process, SED developed a standardized template for LEAs to complete as their APPR plans (which previously were not standardized) and by design required 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 has added internal capacity to review the APPR plans as they arrive. Rejected plans are 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:

[37] Expanding on what was done in Chapter 57 of the Laws of 2012 using a January 17, 2013 deadline, section 1 of Part A of Chapter 57 of the Laws of 2013 (and corresponding appropriation language in Chapter 53 of the Laws of 2013) makes the Commissioner's approval by September 1 of each year of documentation that a school district has fully implemented the standards and procedures for conducting APPRs in accordance with Education Law §3012-c and Subpart 30-2 of the Rules of the Board of Regents a condition of eligibility for any increases in State aid from the General Support for Public 34 Schools appropriation over the amount apportioned in the prior school year. Section 1 of Chapter 57 applies to State aid increases for the 2013-14 school year and thereafter.

- 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[38].

NYSED compiles key information from 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 scores ratings for each educator (i.e., for growth, local measures of student growth or 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

[38] During its February 2014 meeting, the Board of Regents adopted emergency regulations to address concerns that have been raised by the field and by stakeholders to adjust and improve the implementation of the Common Core Standards and teacher/ principal evaluation. These amendments, *inter alia*, capped, at 1%, the total annual instructional time that can be used for local assessments used to inform teacher evaluations (the federally required State assessments in grades 3-8 ELA and math account for less than 1% of instructional time). Additionally, during April 2014 meeting, the Board of Regents made further technical amendments to the regulations to, *inter alia*, cap, at 2%, the total amount of instructional time spent on test preparation under standardized testing conditions, based on the minimum required annual instructional hours for such grade.

- 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.

In spring 2014, the State launched Data.NYSED.gov, which initially included school report card and student enrollment data previously publicly available in other locations. The new site continued attention to suppression of personally identifiable information (PII) in these data and enhanced accessibility for users to view data at the State, county, BOCES, district, and school levels. The site now also includes Family Education Right and Privacy Act (FERPA)-compliant summaries of educator evaluation ratings for LEAs that had an approved plan in SY 2012-2013 and aggregate data on State-provided growth ratings used as a portion of overall educator evaluation ratings.

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 has moved rapidly toward 100% implementation in the 2013-14 school year and beyond.

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)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[39] (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

39 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.

of effective schools and districts. Initially, the intended audience for the professional development offerings will be staff members of Priority and Focus Schools and their supporting districts, but as the initiative advances, staff members of all New York State schools will be allowed to participate on a first come, first serve basis.

Attachment 1 – Notice to LEAs regarding public comment

Dear Stakeholder;

The New York State Department of Education has just posted for public comment the State's ESEA Flexibility Renewal Request for the 2015-16 through 2018-19 school years.

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

The state must consult with stakeholders regarding its draft ESEA Renewal Request and any amendments before submitting its flexibility renewal request. The Notice Soliciting Public Comment, materials summarizing changes to the State's approved ESEA Waiver, and the State's complete ESEA Flexibility Renewal Request can be found on the New York State Education Department's Office of Accountability website at: http://www.p12.nysed.gov/accountability/ESEAFlexibilityWaiver.html.

Comments can be sent via email to ESEASUPPORT@nysed.gov , via mail to Dr. Lisa Long, Supervisor, Office of Accountability, Room 400, 55 Hanson Place, Brooklyn, NY 11217, or faxed to 718-722-2215. **Comments must be received no later February 26, 2015.**

Please identify in the subject line the topic(s) and/or the amendment(s) on which you wish to comment. For example, if you would like to comment on the revisions to the Priority School methodology for identification, please include "Priority School Identification" in the subject line of your email. If you wish to comment on the proposed amendment pertaining to testing of English language learners, then please include "Public Comment on Amendment 1" in the subject line of your email. Finally, if you wish to make multiple comments, then please include the topic(s) and/or amendments in the subject line of your email (ex: "Public Comments on Priority School Identification and Amendment 1").

Thank you in advance for your comments.

Sincerely,
The Office of Accountability

Attachment 2 -Comments on Request Received from LEAs

Summary of Public Comments on New York State's Elementary and Secondary Education Act (ESEA) Flexibility Renewal Request 2015-16 through 2018-19

Public Comments Received on Amendment #1 Regarding Testing of Students with Disabilities

NYSED received comments from four organizations in opposition to the State's proposed amendment regarding testing of students with disabilities. The organizations were *Advocates for Children New York (AFC), Disability Rights New York (DRNY), The Advocacy Institute, and the Council of Parent Attorneys & Advocates (COPAA).* NYSED also received one comment from the NYC DOE regarding the amendment.

Three of the organizations (AFC, DRNY, and COPAA) stated that they were opposing the amendment because it will allow districts to maintain lower standards for students with disabilities and lower expectations for students with disabilities who are otherwise capable of making academic progress.

Three of the organizations (AFC, The Advocacy Institute, and DRNY) stated that allowing below-grade level testing will inflate the achievement scores for students with disabilities, concealing the actual achievement of students with disabilities, and resulting in those students with disabilities not receiving the intensive individualized instruction, special education services, and support as required by the Individuals with Disabilities Education Act (IDEA).

The Advocacy Institute and COPAA both stated that the amendment violates federal law. According to The Advocacy Institute, "This proposal violates the rights of students with disabilities, conflicts with the principles established by the U.S. Dept. of Education (USED) regarding waiving some provisions of the Elementary and Secondary Education Act (ESEA) due to the inaction of Congress to update the law as well as the assurances that NYSED provided to USED as a condition of its initial ESEA Flexibility application. The proposal also violates the rights that students with disabilities are guaranteed under both the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504).".

Both the Advocacy Institute and DRNY stated that NYSED did not engage in consultation with stakeholders in preparing the 2015-2016 ESEA Flexibility Renewal Application in the comprehensive manner prescribed by the United States Department of Education Guidelines

Finally, DRNY had two additional comments:

- "The only student-based rationale for NYSED's proposal is that a chronological-age assessment "may not provide as much instructionally actionable information on student performance or foster the most prudent instructional decisions." However, according to DRNY, "the Committee on Special Education has more comprehensive data and targeted student evaluations to assist in making "prudent instructional decisions" without relying on the use of state-assessments.
- "NYSED's definition of students with significant cognitive disabilities is too broad. NYSED indicates below-grade level testing would apply to students with 'significant cognitive disabilities' but then defines that term as including students 'having intellectual or cognitive deficits, such as autism, intellectual disability, traumatic brain injuries, neurodegenerative diseases or severe learning disabilities.' Under such a definition, students who are 'intellectually able' but behaviorally challenged could be eligible for below-grade testing."

The NYC DOE commented that "until adaptive assessment is in place, administrating state assessments at a student's instructional grade level could benefit a very small subset of these students with disabilities. However, NYCDOE is also concerned that—if implemented too broadly—instructional level testing could engender an inaccurate perception that students with disabilities are incapable of achieving the same standards as their non-disabled peers."

Department's Response:

The Department appreciates and understands the concerns expressed about high expectations, the quality of specially designed instruction, supports and services, and the need to hold schools accountable to close the achievement gap for all students with disabilities. The Department agrees that the vast majority of students with disabilities have the intellectual abilities to reach grade level proficiency when they are provided with the appropriate instruction, supports, and services and that State policies must drive high expectations for participation and performance for all students with disabilities.

It is for these very reasons that the State believes that its waiver request is appropriate. Students with disabilities are a heterogeneous group with a range of abilities, at varying levels of severity across different domains, which hinder the abilities of these students to achieve at their chronological grade levels. Therefore, how these high standards are taught and assessed is of the utmost importance in reaching this diverse group of students and assuring their academic success. State policy must represent the entire range of students with disabilities, not just those who have severe disabilities and those who can, with accommodations, supports and services, reach grade level proficiency at the same time as their nondisabled peers. There is a subgroup of students who have significant intellectual delays and substantial difficulties in cognitive areas, such as memory, language comprehension, reasoning and problem-solving. The State is not developing a new disability category; rather it is recognizing the range of abilities of students across the disability categories. For these students, these disability-related factors impact the student's ability to meaningfully participate and progress in the

curriculum at the same grade level and proficiency level as his/her chronological age peer group. This subgroup of students has long been a concern of parents, educators, USDE and State officials.

ESEA requires that State assessments provide for "the reasonable adaptations and accommodations for students with disabilities (as defined under section 602(3) of IDEA) necessary to measure the academic achievement of such students relative to State academic content and State student academic achievement standards." In this proposal, the State is meeting this requirement, making appropriate adaptations based on individual decisions to align instruction and assessment. An assessment that is significantly misaligned with the student's instructional level provides no meaningful measure of the student's academic achievement. Further, it is appropriate for State policy makers to be concerned about the social–emotional impact of students with disabilities that result when they consistently cannot show what they have learned and what they can do and, at best, are responding by guessing. State policy cannot leave these students out of the accountability and growth measures, which is the effect when the students' scores provide no instructional or growth information. State assessments may be for school accountability, but they are also measures of performance for each individual student.

This proposal has been developed to enhance, not lower, the focus on instruction and accountability for this group of students with disabilities by (1) requiring that the student participate in the regular State assessment (and not a modified or alternate assessment); (2) limiting consideration of students for the instructional level assessment, in the first instance, to those whose scores were at the chance level; (3) setting limits on how far below the student's chronological age the student may be assessed and requiring that the student be assessed at the next higher grade level in each subsequent year; and (4) requiring that at each annual review the recommendation is revisited, and as appropriate, revised based on objective data on the student's instructional level separately for math and English language arts (ELA). For this subgroup, the State's proposed policy does promote high expectations for student achievement by providing meaningful results and academic growth information for these students from their participation in State assessments; and by emphasizing that students must be provided instruction, supports and services to accelerate their growth and learning so that they can progressively demonstrate their learning at the next higher grade level assessment. Because of the strict eligibility criteria for students who can be recommended for the instructional level assessment, expectations for other students should not be affected.

There is nothing in the proposed waiver that represents a violation of students civil rights or IDEA. IDEA requires that individual determinations be made on the State assessment in which the student will participate, and parents of students with disabilities have the opportunity to participate in the discussion and recommendation and to appeal if they disagree with the CSE's recommendation.

The State has calculated the percentage of students with disabilities whose results on the regular ELA and math State assessments reflected chance responses, or guessing. These calculations show that for 2012-13 school year results, .7 percent of all students in the grades assessed in reading/language arts and 1.5 percent of all students in the grades assessed in mathematics performed at the chance level. The State will provide CSEs with the score that. at the 90 percent confidence level, indicates that the student's score was based solely on guessing. In order to establish a limit as to how many students are eligible for this assessment, CSEs would be limited to considering only students with a raw score on a chronological grade State assessment at or below the State's identified raw score cut point. CSEs would be required to then apply the criteria for documentation of intellectual and cognitive factors affecting the pace and level of instruction and other objective instructional assessment information as outlined in New York's waiver request before reaching the assessment recommendation. We believe these strict and objective criteria are reasonable to establish limitations and yet provide discretion to CSEs to make the appropriate assessment recommendation for the individual student.

The proposal is intended to be an interim measure and will be revisited once State adaptive assessments are available that provide all students opportunities to respond at a level greater than chance on these assessments.

Public Comments received on Amendments #2 and #3 related to the Testing of English Language learners (ELL)

NYSED received comments from three organizations and one district in support of the proposed amendments related to the testing of English Language learners (ELL).

The Internationals Network for Public Schools "commends the New York State Board of Regents and New York State Education Department for recognizing the distinct challenges that newly arrived English language learners (ELLs) face on State tests." In regards to the development of a Performance Index for newly arrived ELLs, the organization also commends "the New York State Board of Regents and New York State Education Department for recognizing the importance of a differentiated Performance Index for ELLs based on their level of language proficiency and the most appropriate measure of their language arts proficiency."

New York State United Teachers also expressed support for the exemption extension amendment, stating that it "continues to support SED's request for a waiver to extend the exemption for newly arrived English language learners from taking English language arts assessments from one year to two years. While the case can be made for a longer period of time we support this critical waiver request."

Advocates for Children of New York (AFC) generally supported both amendments related to the testing of ELLs, but offered suggestions and communicated concerns regarding the amendments:

- Since the NYSESLAT was not designed to be an accountability instrument, the State should ensure that the revised NYSESLAT is scaled appropriately for accountability purposes. Recalibrating the NYSESLAT scoring system at the high school level is particularly needed, as it is currently very difficult for high school students to pass the NYSESLAT (e.g., exit from ELL status).
- The State must ensure that the ESL curriculum districts use to teach ELLs is fully aligned with both the Common Core and the revised NYSESLAT.
- In order for the NLA assessments to be meaningful, the State will need to ensure that all Spanish bilingual programs are content-aligned with the NLA assessments.
- The State should seek funding for NLA assessments for other languages so that all ELLs enrolled in bilingual programs have access to NLA assessments.
- AFC is concerned that the proposed amendment will still result in some beginner and intermediate ELLs taking ELA assessments, even though they do not receive any ELA instruction. The ESL curriculum is not aligned to either general ELA standards or the ELA Regents examination. This is particularly problematic for long-term ELLs who remain at the beginner or intermediate levels for more than two years.
- For all assessments used for ELL accountability purposes (including ELA, NLA and content assessments in other subjects), it is critical that these tests are content validated for ELLs to ensure assessments are appropriate based on research on language acquisition, bilingualism, and cultural competency.
- AFC supports the development of an adjusted performance index for newly arrived ELLs and certain eligible longer-term ELLs who qualify. We believe it will be beneficial to have flexibility to take into account NYSESLAT proficiency level and demographic factors, such as years in ELL programs and Students with Interrupted Formal Education (SIFE) status. However, it will be necessary to ensure that the adjusted index is sufficiently rigorous so that students do not fall through the cracks and the State maintains high standards for ELLs.

NYCDOE commented that it generally agrees with this amendment as it relates to Performance Index calculations, and requests NYSED include NYC DOE in the process of developing this new methodology.

With respect to amendment as it relates to exempting newly arrived ELLs from participating in the ELA assessments for two years, NYCDOE generally agreed with the following caveats:

- The costs of creating a Spanish Language Arts assessment should not be imposed on local education agencies.
- NYSED should provide explicit guidance that the Spanish Language Arts assessment should be administered only to students who are receiving native language instruction in the year that they are being assessed.

- NYSED should take steps to ensure that the Spanish Language Arts assessment will measure students' progress in Native Language Arts, and not students' lack of proficiency in their native language and the quality of their prior schooling.
- NYSED should replace the undefined phrase "strong home language supports" in the original amendment with "providing students with ongoing native language arts instruction to build native language literacy skills." The NYC DOE states that the original phrase does not accurately describe the types of supports English Language Learners should receive as a part of their instruction.

The NYC DOE also recommended that NYSED develop a plan for expanding this recommendation beyond Spanish Language Arts assessments to other high-incidence languages. Further, the NYC DOE states that implementing a Spanish Language Arts assessment alone could impact the district's compliance with Title VI, which mandates that when an accommodation is offered in one foreign language and the district has a critical mass of students who speak another language, the district must offer the same accommodation in that additional language as well.

Department Response:

The Department is encouraged by the comments received as they were generally supportive. The Department believes that these changes to the testing and accountability system for ELLs will provide the State with better information about the progress of ELLs and will hold schools and districts accountability for their progress.

In response to the concerns raised that the two year exemption for newly arrived ELLs is not sufficient, the Department has looked at data on how ELLs in their second year of services perform on the ELA assessment. Such data provides a compelling case that the ELA assessment for such ELLs is not accurately measuring their skills and ability. For such students, 74% received a level 1 on the ELA assessment. The Department shares the concerns raised in some of the comments that the ELA may not be a sufficient measure of progress for ELLs beyond their first two years. The proposal to create an adjusted performance index is being developed precisely to address this concern. The Department believes that an adjusted performance index for ELLs beyond their first two years should take into account students' years of service, demographic factors, whether the student has interrupted formal education, and their NYSESLAT scores.

In response to concerns raised about alignment between the NYSESLAT, ESL curriculum and ELA instruction, the Department has several initiatives that aim to address these concerns. As part of the Bilingual Common Core Initiative, the Department has developed the Bilingual Common Core Progressions, which are new English as a Second Language and Native Language Arts Standards that are aligned to the Common Core. Once finalized, the Department will begin to develop ESL and Native Language Arts curriculum aligned to the Common Core. This curriculum will provide guidance to schools and districts that will ensure rigorous Common Core instruction is provided to ELLs in both ESL and Bilingual Education programs. In

addition, the Regents have recently adopted significant amendments to Part 154 of Commissioner's Regulations. As part of these amendments, ELLs will be exposed to integrated language and content instruction through co-teaching of ESL and ELA, as early as their first year of instruction. The Department believes that the amended regulations will ensure that ELLs will have instruction aligned to the Common Core and that the ELA exam will provide meaningful information about students' growth towards proficiency after three years of instruction.

In response to comments received regarding expanding the option for language arts assessments in languages other than Spanish, the Department very much supports this suggestion. The Department does not plan to request funds from districts to pay for the development or implementation of additional Native Language Arts Assessments. Instead, the Department is seeking to secure needed funding from other sources. The Department believes that beginning with Spanish will ensure that two-thirds of ELLs whose home language is Spanish will have the opportunity to demonstrate their language arts skills in Spanish as determined by local authorities.

In response to questions raised about guidance for providing Spanish-speaking ELLs with the opportunity to take the Spanish Language Arts assessment, the Department agrees with the comments raised and looks forward to collaborating with the field to develop such guidance for the new assessment.

Finally, with regard to the comments and questions raised about the proposed development of an adjusted Performance Index, the Department will work with stakeholders to develop this adjusted Performance Index through existing partnerships. The Department looks forward to collaborating with the field in the development of this proposal.

Public Comments Received on Amendment #3: Performance Index "credit" for CTE

The New York State Education Department received one comment from one district on this amendment.

The NYC DOE supports the proposed amendment. However, NYC DOE notes that "the list of approved assessments in this amendment does not recognize all of the rigorous CTE programs throughout the state. For example, less than half of NYCDOE's state-approved programs use one of the thirteen assessments included in the amendment. The amendment fails to credit schools that have implemented such programs, which the state has previously recognized as preparing students well for college and career, simply because none of the approved assessments are relevant to the industry related to their career pathways. NYSED should address this inequity and seek additional ways to include CTE programs that are preparing students to successfully enter the workforce even in the absence of assessments. Further, NYSED has not yet identified approved industry certifications for some of the career clusters—including software engineering,

pharmacy assisting, and health information technology — that have recently been recognized as adding clear economic value to the state. Because the amendment does not give schools credit for programs related to these industries, it creates a disincentive for schools to implement such programs."

Department Response:

The 13 technical assessments originally approved were done as "proof of concept" in determining comparability to the rigor of Regents examinations. The Department continues efforts to identify additional technical assessments that are comparable and have value in the New York State labor market.

Public Comments Received on the Identification of and Interventions in Priority Schools, Focus Schools, and Local Assistance Plan Schools

The New York State Education Department received comments from two organizations and two districts related to the identification of and interventions in Priority, Focus and Local Assistance Plan Schools.

In its comments, the New York City Department of Education (NYC DOE) urged NYSED to use multiple measures when determining the accountability statuses of schools and districts (through identification methodologies, Performance Index calculations, progress filters, and Annual Measureable Objectives). "NYCDOE firmly believes that a school accountability system based primarily on state test scores paints an oversimplified and inaccurate picture of school quality. Districts that have the capacity to do so should be given flexibility to incorporate qualitative measures—such as school visits and constituent surveys—into school accountability. And while the rubrics and survey questions used in such measures should be approved by NYSED to ensure rigor, districts should be permitted to use existing local measures to fulfill these requirements." In addition, NYC DOE believes that NYSED should it should "also lower the impact of failing to meet the Adequate Yearly Progress (AYP) participation rate requirements with respect to Local Assistance Plan (LAP) School and Reward School identification methodology as well as Priority and Focus School removal criteria in light of this growing opt out trend." In relation to the proposed simplified graduation rate requirement for removal for Priority Schools, Focus Districts, and Focus Schools, the NYC DOE supported the proposal but recommended that NYSED "reconsider the methodology used to establish graduation cut points to determine whether they are setting rigorous but realistic goals for high schools within the state."

Finally, the NYC DOE would like NYSED to seek approval to incorporate growth metrics into high school accountability methodology—including both the Mean Growth Percentile (MGP) and a Growth in Regents Exams Passed (GRE) metrics used in the Annual Professional Performance Review (APPR). NYC DOE recommends that the GRE metric should be revised so that students that meet the five required Regents plus

a rigorous substitute such as a CTE endorsement, Associate's Degree, Regents Alternative or Arts endorsed diploma should count as if they had passed eight Regents.

Priority Schools

The *NYC DOE* urged NYSED to "incorporate multiple measures of school quality, college and career readiness metrics, and attendance rates" into the Department's Priority School identification methodology. The NYC DOE also expressed support for NYSED's proposal to sunset the current list of Priority Schools and identify a new list of schools based on those schools that are among the lowest five percent in the State using 2014-15 school year assessment data.

The NYCDOE recommended that NYSED grant a district's appeal to exempt from SURR identification any re-identified Priority School for which the district can demonstrate that it has already proactively implemented a dramatic whole- school reform strategy to improve school and student performance, and that includes rigorous benchmarks set forth by the district, such as NYCDOE's School Renewal Program. The NYC DOE stated that in such cases, the district should be allowed sufficient time to assess the impact of the interventions underway, before additional interventions are implemented.

The *New York State United Teachers (NYSUT)* requested that the State reconsider the time-line and release the new Priority School list during the summer following the administration of the tests. The current timetable in the waiver has the State publishing its new list in January or February of 2016.

In the area of interventions, NYSUT proposed that NYSED add two additional school intervention models for Priority Schools: the community schools model and the teacher learning community model.

The *United Federation of Teachers (UFT)* submitted a comment regarding the re-identification of Priority Schools. According to the UFT, "at least some of the re-identified schools are sure to be among the schools with the most disproportionate number of high-need students. These can be identified as schools where the average student needs are one standard deviation or more above the average need for all state or city schools. In the NYC middle schools that fit this definition, one out of every five children has been in temporary housing in the past two years; one third have disabilities that make learning difficult, and a full 15% have such significant learning disabilities that they must be taught in separate classes. When one school has so many students with so many needs, then progress becomes more difficult for all students."

In order to address this issue, the UFT proposes that NYSED amend its waiver request: "The state should stipulate in its waiver that no school with a disproportionate number of high need students shall be subject to the more extreme whole school reform. Instead, the state should mandate that the LEA take steps to remediate the disproportionality in these schools, and exempt them from punitive measures until such time as the LEA addresses the issue. UFT further explains that "not all Priority schools would be subject

to the stipulation. The only schools affected would be those whose concentration of need is great enough to place it one standard deviation or more above the state or district average. The precise metric should be determined with the state's metric task force, but should include considerations for the following factors: percent of students in poverty; temporary housing, students with IEPs; and ELL status. For schools where incoming assessment scores exist (such as middle and high schools), the scores should be factored in."

Focus Schools

The NYC DOE supports NYSED's efforts to simplify the Focus School identification process and requests that NYSED develop a flexible approach to the Focus School identification process that takes into account New York City's unique structure.

NYCDOE also strongly agrees with NYSED's proposed change to Focus School removal and replacement methodology that would eliminate the requirement that districts replace a Focus School that meets the criteria for school removal with another school if the Focus District in which it is located does not meet the criteria for district removal.

Finally, the NYC DOE proposes that for re-identified Focus Schools, "any external review resulting from the school's re-identification as a Focus School, as well as the school's revisions of its SCEP, should be laser-focused on helping the school improve student achievement for the specific subgroup(s) for which the school failed to make AYP." Further, NYCDOE proposes that a district with re-identified Focus Schools be provided the flexibility to use the district's existing process for evaluating principals in these schools in lieu of the Department's proposed school leader checklist, if such a process is already in use by the district.

Local Assistance Plan Schools

NYSUT supports SED's request for flexibility to make available 1003(a) School Improvement funds to Title 1 LAP Schools. The funds should be used for training for LAP Development Teams on use of data and its implications for developing improvement goals and strategies to achieve said goals to ensure the plans quality in addressing the targeted need(s). Too often these plans are developed for compliance purposes and have little relevance to the needs of students and teachers in the affected schools. Additionally, NYSUT would like NYSED to revise its proposed waiver request to ensure that when a Local Assistance Plan School is identified as a Focus School after three consecutive years as LAP, the district does not become a Focus District.

Timothy Eagen, the Superintendent of Kings Park Central School District states, "One potential pitfall across NYS is the "opt out" or "refusal" movement. Despite our best efforts to test all of our students in grades 3-8, schools failing to make the 95% tested mark for three consecutive years will certainly have an issue. Many more schools will certainly be identified as LAP, and possibly as Focus Schools." Mr. Eagen also believes that NYSED should revise its request to "hold Charter Schools accountable" in the same way as public schools.

The NYC DOE strongly objects to NYSED's proposal that schools identified as LAP for three consecutive years be identified as Focus Schools for the 2015-16 school year. NYC DOE stated that "LAP School identification methodology is not designed to identify the lowest performing schools in the state. Using this methodology to identify additional Focus Schools diverts resources away from schools that are truly in need of supports and interventions." The NYC DOE goes on to state that it the proposal would result in schools identified as LAP for three consecutive years due solely to a failure to meet AYP participation requirements would be designated Focus Schools, regardless of their performance and growth metrics. NYC DOE recommends that if NYSED proceeds with this proposal, it should allow NYCDOE Quality Reviews to stand in place of DTSDE reviews. The NYC DOE states that "the Quality Review rubric and protocols are strongly aligned with those of the DTSDE and therefore, Quality Reviews are appropriate substitutes for state-led reviews."

The NYC DOE does support NYSED's proposal to provide 1003(a) School Improvement Grants to Title I LAP Schools.

Required Set Asides and Supplemental Educational Services (SES)
NYSUT would also like NYSED to revise the waiver application to provide greater emphasis on professional development: "Schools that are more successful focus on instructional improvement, not compliance or monitoring activities. Under the waiver application, districts will be required to use five to fifteen percent of their Title I funds for school choice and 200 hours of extended learning time to students in Priority Schools. Professional development should be added to this required list."

The NYC DOE stated that "currently, the costs of meeting the obligations associated with addressing all federal and state mandates for Priority and Focus Schools goes well beyond the NYCDOE's 5-15% set aside and allocated Title I 1003(a) funding. While NYCDOE meets these obligations utilizing these and other funds, NYCDOE could benefit from additional resources to support these activities."

Department Response:
The Department appreciates the comments received regarding the identification of Priority and Focus Schools, Focus Districts, and Local Assistance Plan Schools, and the related proposed supports and interventions. Although the Waiver covers the 2015-16 through 2018-19 school years, the Department fully expects to continuously monitor and refine its approach to working with low achieving schools. As part of this process of continuous improvement, the Department will continue to engage with stakeholders around the methodologies used to identify schools and the best supports and interventions to provide identified schools and districts. Many of the comments do not require modification of the ESEA waiver but can be addressed as appropriate at the time that conforming regulations are adopted by the Board of Regents or through the business rules and guidance developed by the Department.

Release of the New List of Priority & Focus Schools and Focus Districts
The Department would like to release the new list prior to the start of the 2015-2016 school year. However, in order to base accountability status determinations on 2014-15 school year assessment data, and to ensure that districts have adequate time to submit and then verify assessment data, the Department will not be able to issue a new list of Priority & Focus Schools and Focus Districts until January 2016.

Re-identification of Priority Schools
The Department will be exploring refining the requirements for newly identified Priority schools to include a requirement to provide the Department with an analysis of current enrollment patterns. This will enable the Department to work with districts on enrollment issues prior to re-identification. Additionally, it should be noted that in cases where the Department has assessed that enrollment practices are negatively impacting re-identified schools, the district may be required to cease "over the counter" enrollment in the re-identified school for the period of the intervention.

Addition of School Intervention Models and Emphasis on Professional Development
In the Department's 1003(g) School Improvement Grant application to USDE for 2014-15 funding, staff will be proposing an Innovation Framework Model. The "framework" requires schools to adopt one of three design pathways, including the College Design Pathway, the Community-Oriented Design Pathway, and the Career and Technical Education Design Pathway. A school created under the Community-Oriented Design Pathway is a public school with an integrated focus on academics, services, supports and opportunities that leads to improved student learning, stronger families, and healthier communities. It is child-centered and all partners are integrated into the governance and decision-making bodies. Effective community schools continually develop a set of four key capacities: comprehensiveness, collaboration, coherence, and commitment. Typical programming is based on an assessment of the community's needs and resources, and may include parent engagement and involvement, adult education, medical/ dental/mental health/and social services, early childhood, and/or community and economic development. Additional guidance for this design framework may be found at: Building Community Schools: A Guide for Action at: http://www.p12.nysed.gov/turnaround/CommunitySchools.html.

Within the Department's SIG application, the Department requires districts, regardless of the intervention model chosen, to prioritize professional development for teachers and administrators. Applicants must identify and describe any district-wide training programs designed to build the capacity of teachers and leaders to be successful in leading dramatic change in low-achieving schools. The Department is submitting its application to the USDE for review on March 11, 2015.

The Department is also engaged in refining the District Comprehensive Improvement Plan and School Comprehensive Education Plan to ensure that districts and schools have a laser-like focus on improving academic achievement for the subgroups for which they were identified. This includes emphasizing the importance of targeted, imbedded professional development for staff and administrators.

Local Assistance Plan Schools

The Department and the Board of Regents are committed to ensuring progressive improvement in all low achieving schools. To that end, the Department has determined that three consecutive years of identification as a Local Assistance Plan School requires the more rigorous intervention associated with identification as a Focus School. The Department will continue to allow districts to appeal school and district accountability determinations during the preliminary identification stage. Districts that are able to demonstrate that a school is not performing at the level of a Focus School will have their appeals upheld.

Public Comments Received on the Annual Professional Performance Review for Teachers and Administrators

The New York State Education Department received one comment opposing the State's Annual Professional Performance Review (APPR) for Teachers and Administrators, and one comment related to the Department's proposed Double Testing Waiver and its impact on APPR.

Andrew Greene, Co-President of Suffolk County Middle Level Principal Association, commented that "Educators should be accountable for results and they indeed have an obligation to continue to grow as an educator and help students succeed. The problem is the current system makes no sense, is one that no one can explain, and it has created a terrible culture for students and teachers. This cannot be the path that we choose. Let's be smart. All districts should institute an evaluation system that is done with fidelity, based on the latest research on effective teaching and learning practices, and a commitment to ongoing training for all staff. Let's not engage in unethical behavior by judging 50% of a teachers "score" through the use of unproven and reliable models-models which could lead to the firing of great teachers."

The *NYC DOE* stated that it supports NYSED's efforts to seek approval of a waiver to exclude grade 7 and 8 students who take high school math Regents from also being required to take the grade level mathematics assessment that would be in place for the 2015-19 school years. However, the NYCDOE continues to strongly advocate that, for teachers of students who did not take the grade 7 or 8 exam due to the waiver, their students' Regents results be incorporated into the state growth scores included their APPR.

Department Response:

The Department believes that all stakeholders – teachers, administrators, parents and districts – are responsible for the academic success of students. The Annual Professional Performance Review (APPR) provides educators with a process by which teachers who need additional support can receive it – targeted to their unique needs. To clarify, the current APPR process, outlined in Education Law 3012-c, is not based

upon districts using state assessment growth data as 50% of a teacher or administrator's rating.

The Department is moving forward with plans to incorporate Grade 8 Regents math results into the state provided growth score.

Attachment 3: Notice and information provided to the public regarding the request.

For Public Comment: Proposed Amendments to New York State's Approved Elementary and Secondary Education Act (ESEA) Flexibility Waiver for the 2015-16 through 2018-19 School Years

On November 13, 2014, the United States Department of Education (USDE) issued new guidance for states with approved ESEA Flexibility Waivers describing how states could apply for a three- or four-year renewal of their approved Flexibility Waivers. States such as New York that were identified by the USDE as having fully implemented the USDE's Flexibility Waiver requirements regarding teacher and principal evaluations were notified that they had the option of applying for a four-year renewal, covering the 2015-16, 2016-17, 2017-18, and 2018-19 school years. Under this process, states with approved waivers may submit amendments to the state's approved plan to take effect during the waiver period, as part of the renewal process. The state must consult with stakeholders regarding its draft ESEA Renewal Request and any amendments before submitting its flexibility renewal request. A copy of New York State's approved ESEA Flexibility Waiver can be found on the New York State Education Department's (NYSED or "the Department") website at:
http://www.p12.nysed.gov/accountability/documents/nyrequest2.pdf.

At the February 2015 Board of Regents meeting, the Department presented for consideration proposed revisions and amendments to New York's approved ESEA Waiver. Members of the Board of Regents asked the Department to consider their questions along with any comments received from the public as the Department prepares a final ESEA Renewal Request for the United States Department of Education. The questions asked by the Board of Regents during the February 2015 meeting can be found here:
http://www.p12.nysed.gov/accountability/documents/BORQuestionsaboutESEARenewalWaiver-2-12-15-rev.pdf

The Board of Regents also directed the Department to post the draft ESEA Renewal Request for public comment beginning on February 13 and ending on February 26, 2015. To view the PowerPoint presented to the Board of Regents at the February meeting, which summarizes the revisions made to the Renewal Request, please see:
http://www.p12.nysed.gov/accountability/documents/UpdateonESEAWaiverBORFebruary2015021315.pdf

To read a nine page executive summary of the proposed revisions and amendments, please see:
http://www.p12.nysed.gov/accountability/documents/ExecutiveSummaryESEARenewalWaiver021315.pdf

To review the complete 240 page redline version of the ESEA Renewal Waiver with attachments, please see:
http://www.p12.nysed.gov/accountability/documents/ESEAFlexibilityRenewal021315trackchange533pm.pdf

Attachments

To review the ESEA Renewal Waiver and attachments without redline edits, please see:
http://www.p12.nysed.gov/accountability/documents/ESEAFlexibilityRenewal021315clean533pm.pdf

Attachments

Following review of public comment, the Department will submit a final draft waiver renewal request with related amendments for action by the Regents in March 2015. If approved by the Board of Regents, the Department will submit New York's application for renewal of its ESEA Waiver for the 2015-16 through 2018-19 school years to the USDE no later than March 31, 2015.

If you would like to submit comments regarding the draft renewal application or the amendments, please submit your comments by email to eseasupport@nysed.gov. Please identify in the subject line the topic(s) and/or the amendment(s) on which you wish to comment. For example, if you would like to comment on the revisions to the Priority School methodology for identification, please include "Public Comment on Priority School Identification" in the subject line of your e-mail. If you wish to comment on the proposed amendment pertaining to testing of English language learners, then please include "Public Comment on Amendment 1" in the subject line of your e-mail. Finally, if you wish to make multiple comments, then please include the topic(s) and/or amendments in the subject line of your e-mail (ex: "Public Comments on Priority School Identification and Amendment 1").

Comments may also be submitted to Dr. Lisa Long, Supervisor, Office of Accountability, 55 Hanson Place, Room 445, Brooklyn, NY 11217. Please indicate "ESEA Waiver Public Comment" on the outside of the envelope. Comments must be received by Thursday, February 26, 2015

Attachment 4(a): Average statewide proficiency based on 2013-14 assessments – reading/language arts and mathematics

Grades 3 -8 ELA									
Accountability Group	Enrollment	Level 1 Off Track	Level 1 On Track	Level 2 Off Track	Level 2 On Track	Level 3	Level 4	Performance Index	%Level 1 On Track + %Level 2 On Track + %Level 3 + %Level 4
All Students	1123106	353043	1	391226	25376	255331	98129	102	33.7
Students With Disabilities	206638	133019	0	51084	824	19000	2711	47	10.9
American Indian/Alaskan Native	6514	2497	0	2386	99	1196	336	87	25
Asian or Pacific Islander	101044	17305	0	29826	2413	32281	19219	136	53.4
Black (not Hispanic)	204537	89970	0	73695	2923	30763	7186	76	20
Hispanic	274836	114223	0	103176	4041	43390	10006	79	20.9
White	521808	124549	1	177662	15614	144228	59754	118	42.1
Limited English Proficient	111206	66179	0	33311	421	9859	1436	51	10.5
Economically Disadvantaged	601842	254303	0	217491	8954	95959	25135	79	21.6
Multi-racial	14367	4499	0	4481	286	3473	1628	106	37.5

Grades 3 -8 Math									
Accountability Group	Enrollment	Level 1 Off Track	Level 1 On Track	Level 2 Off Track	Level 2 On Track	Level 3	Level 4	Performance Index	%Level 1 On Track + %Level 2 On Track + %Level 3 + %Level 4
All Students	1109462	314871	0	353111	2713	289636	149131	111	39.8
Students With Disabilities	201947	118295	0	52723	168	24481	6280	57	15.3
American Indian/Alaskan Native	6349	2203	0	2184	13	1349	600	96	30.9
Asian or Pacific Islander	102049	10930	0	21796	241	34889	34193	157	67.9
Black (not Hispanic)	202562	90995	0	66297	356	33318	11596	77	22.3
Hispanic	274800	107379	0	96084	517	52650	18170	87	26
White	509681	99461	0	162543	1541	163824	82312	129	48.6
Limited English Proficient	116044	57751	0	34785	98	16644	6766	70	20.3
Economically Disadvantaged	596431	233158	0	199457	1113	114796	47907	88	27.5
Multi-racial	14021	3903	0	4207	45	3606	2260	114	42.2

Attachment 4(b): 2013-14 Percent Proficient on High School English Language Arts (ELA) and Mathematics Exams by Subgroup

High School ELA							
Accountability Group	Enrollment	Level 1	Level 2	Level 3	Level 4	Performance Index	% Level 3 + % Level 4
All Students	192531	21781	45903	93786	31061	154	64.8
Students With Disabilities	27845	11071	9196	6014	1564	87	27.2
American Indian/Alaskan Native	892	163	269	374	86	133	51.6
Asian or Pacific Islander	17704	1356	3021	9546	3781	168	75.3
Black (not Hispanic)	33485	6289	11364	13724	2108	128	47.3
Hispanic	39825	7512	12592	17003	2718	131	49.5
White	99453	6343	18407	52562	22141	169	75.1
Limited English Proficient	11729	4740	4175	2559	255	84	24
Economically Disadvantaged	84524	14412	26164	37724	6224	135	52
Multi-racial	1172	118	250	577	227	159	68.6

High School Math							
Accountability Group	Enrollment	Level 1	Level 2	Level 3	Level 4	Performance Index	% Level 3 + % Level 4
All Students	192531	18188	83487	58307	32549	138	47.2
Students With Disabilities	27845	10091	13286	3073	1395	80	16
American Indian/Alaskan Native	892	129	487	212	64	116	30.9
Asian or Pacific Islander	17704	747	4303	6348	6306	167	71.5
Black (not Hispanic)	33485	5771	20261	6126	1327	105	22.3
Hispanic	39825	6471	22789	8424	2141	110	26.5
White	99453	4958	35145	36841	22509	155	59.7
Limited English Proficient	11729	2969	6276	1771	713	96	21.2
Economically Disadvantaged	84524	11778	45874	19934	6938	118	31.8
Multi-racial	1172	112	502	356	202	138	47.6

Attachment 5: Listing of Priority, Focus and Reward Schools

This list will be provided before or on January 31, 2016.

Attachment 6: Online Resource listing – implementation of CCLS aligned curriculum, and SEA guidelines for and evidence of adoption of local teacher and principal evaluation and support systems.

New York launched www.EngageNY.org in 2011 (redesigned in 2014 based on feedback from teachers) and the site has since become a national resource and has attracted nearly 100 million page views and more than 6 million unique visitors from every state in the nation. Across the country, educators and school leaders turn to EngageNY as a source for comprehensive classroom materials aligned to new college- and career-ready standards. The State anticipates keeping the site running after RTTT and envisions it being even more interactive and serving as a hub for educators to meet online and exchange ideas. (See Support the Common Core with the Right Instructional Materials and USDE's feature story on EngageNY.org.)

Attachment 7: ESEA Renewal Think Tank Membership

Think Tank Members

Members included representatives from the following organizations:

- Advocates for Children
- Alliance for Quality Education
- Asian American Legal Defense and Education Fund
- Bedford Central School District
- Boards of Cooperative Educational Services (BOCES)
- Commissioner's Advisory Panel (CAP) for Special Education Services
- Conference of Big Five School Districts
- Council of New York Special Education Administrators
- Council of School Supervisors & Administrators (CSA)
- Greece Central School District
- Highland Falls School District
- Learning Disabilities Association of New York State
- 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 Association of School Business Officials
- 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)
- North East Charter Schools Network
- School Administrators Association of New York State (SAANYS)
- Special Act Schools
- Staff/Curriculum Development Network
- State University of New York (SUNY)
- Syracuse City School District
- 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
- Yonkers Public Schools

Attachment 8:

Focus District & Focus School Identification Methodologies

New York identified Focus Schools based on the following factors, as defined in the ESEA waiver guidance:

- Schools with the lowest achievement of the subgroups in terms of proficiency on the statewide assessments that are part of the state's differentiated recognition, accountability and support system and are not making progress as defined by New York's "progress filters."
- High schools with the lowest Graduation Rate for subgroups that are not making progress as defined by New York's "progress filters."

New York identifies Focus Schools using a two-stage process. The state first identifies Focus Districts and Focus Charter Schools with the lowest achieving subgroups for Performance Index (PI) and Graduation Rate that are not demonstrating progress. The state then provides the districts with a list of Focus Schools. The State will identify a minimum of 10 percent of schools statewide and will identify additional schools in the event such identification is necessary so that a minimum of 10 percent of Title I schools are identified as Focus.

The criteria used to identify the Focus Districts, Focus Charter Schools and Focus Schools are described below:

A. District identification based on PI

1. For each district, the combined 2014-15 Performance Index (PI) of ELA and mathematics for each accountable subgroup is determined for the elementary-middle grade level and for the secondary grade level separately.
2. The subgroup's combined 2014-15 ELA and mathematics Student Growth Percentile (SGP) is determined. If the SGP is above the state average then for the elementary-middle level the subgroup is removed from those for which the district can be identified as a Focus District.

   Example:
   - District A is accountable for Black, Hispanic and Economically Disadvantaged (ED) subgroups. The combined 2014-15 ELA and Math SGP for Black students is 42, for Hispanic students it is 45, and for ED students it is 48. The state average SGP is 43,[1] 46,1 and 471 respectively.
   - The ED subgroup's SGP is above the state average; therefore at the elementary-middle level the subgroup's PI will be removed for those for which the District can be identified. District A can now be identified only for the Black and Hispanic subgroups at the elementary-middle level.

3. If the subgroup's 2010 4-year, 2011 4-year or 2009 5-year cohort Graduation Rate is above the state average, then for the secondary level the subgroup's PI is removed from those for which the district can be identified as a Focus District.

[1] State numbers are illustrative in this and other examples. The actual state average will be based on final results for the 2014-15 assessments.

Example:

- District B's 2010 4-year Graduation Rate for Black students is 60, for Asian students it is 72 and for White students it is 77. The state average is 58,1 83,1 and 841, respectively. The Black subgroup's Graduation Rate is above the state average and therefore at the secondary level the subgroup's PI will be removed for the subgroups for which the district can be identified. District B can now be identified only for the White and Asian subgroups at the secondary level, if the PI's for these subgroups is below the cutpoint for preliminary identification.

4. If the subgroup makes a 10 percent gap reduction in PI from the prior year, then the subgroup is removed from consideration for identification for that grade level.

5. If the subgroup makes a 10 point gain in PI from the prior year, then the subgroup is removed from consideration for identification for that grade level.

6. Districts that have made the 2013-14 and 2014-15 AYP (both ELA and mathematics) for the preliminarily identified subgroup(s) for a grade level will be removed from consideration as a Focus District for the subgroup(s) within that grade level.

Example:

- District C has been preliminarily identified for the performance of the ED subgroup for the secondary level. The district made AYP (both ELA and mathematics) for the ED subgroup at the secondary level for 2013-14 and 2014-15; therefore the district will not be identified for the ED subgroup for the secondary level.

7. For the elementary-middle and for the secondary levels the lowest performing racial/ethnic subgroup (American Indian, Asian, Black, Hispanic, White, and multi-racial) will be used in the computation of the PI cutpoint for the preliminary identification of racial/ethnic subgroups.

Example:

- District D has elementary-middle 2014-15 combined ELA and mathematics Asian PI of 70, Black PI of 60, Hispanic PI of 50, and White PI of 80. The elementary-middle level race/ethnicity PI for District A will be 50 (minimum PI amongst all the racial/ethnic subgroups) for the purposes of establishing the PI cutpoint for preliminary identification of racial/ethnic subgroups.

8. For the elementary-middle and secondary levels separately, determine the number of districts that have accountability subgroups with PI for the Students with Disabilities (SWD), limited English proficient (LEP), ED, and a race/ethnicity subgroup. The counts are based on the total number of accountable subgroups statewide – without removing any subgroup for reasons stated in steps 2 to 6. Then

determine what five percent[2] of the total count for each subgroup would be for the elementary-middle and secondary levels.

Example:

- There are a total of 600[3] districts with an accountable SWD subgroup for the elementary-middle level in the state. Five percent of 600 is 30. This is the count of low-achieving districts that needs to be identified for PI for SWD subgroup for the elementary-middle level.

9. For the SWD subgroup sort the PI in descending order. Remove the districts that have met one of the progress filters outlined in steps 2 to 6. From the bottom count the required number.

Example:

- Select the bottom 30 districts for the SWD subgroup (based on 600 districts that are accountable for students with disabilities at this grade level) after removing those that have met one or more of the "progress" filters in steps 2 to 6. These 30 districts are identified for their SWD subgroup. If more than two districts have the same PI (rounded to the nearest decimal point) that has been established as the cut point, then identify all districts at the cut point such that the number of identified districts shall be more than 30.

10. Repeat step 9 for the LEP, ED and race/ethnicity subgroups for the elementary-middle and secondary levels separately. The districts with PI in this list will not include any district that has met one of the progress filters for the respective subgroups in the respective grade levels outlined in steps 2 to 6.

11. If any of the subgroups American Indian, Asian, Black, Hispanic, White, or multi-racial has a PI equal to or less than the cut point for race/ethnicity subgroup (see Step 7), then that subgroup will be identified. This is done separately for the elementary-middle and secondary levels.

Example:

- Statewide there are 700[3] districts with an accountable race/ethnicity subgroup for the elementary-middle level. Five percent of 700 is 35. The race/ethnicity PI is sorted in descending order and the bottom 35 districts are selected. The race/ethnicity minimum PI for the district with the highest PI in the selection is the cut point for the racial/ethnic subgroups.
- Any district that has a race or ethnicity subgroup at the elementary-middle level with a PI at or below that cut point will be identified for that subgroup.

B. <u>District identification based on Graduation Rate</u>

12. All the districts with their 2010 4-year Graduation Rate for each accountable subgroup are listed. The subgroup(s) where the Graduation Rate is above the state average is removed for identification as a Focus District for Graduation Rate.

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[2] This percentage is preliminary and for illustrative purposes. The actual percentage that will be used to preliminarily identify districts as Focus may be higher or lower depending on 2014-15 assessment school year results and the number of districts that must be identified so that at least ten percent of all schools in the State are identified as Focus and at least ten percent of all Title I schools in the state are identified as Focus.

[3] This number is for illustrative purposes only. The actual count will be based on 2014-15 assessment results.

Example:

- District E has a 2010 4-year SWD Graduation Rate of 47, Hispanic Graduation Rate of 59 and LEP Graduation Rate of 38. The state average is 44,1 57,1 and 401, respectively.
- The SWD and Hispanic Graduation Rates are above the state average and therefore the subgroups will be removed from those for which the district can be considered for identification. The district can still be considered for identification for the LEP subgroup.

13. If the subgroup's 2010 4-year, 2011 4-year or 2009 5-year Graduation Rate is above the state average, then the subgroup is removed from those for which the district can be identified for Graduation Rate.

Example:

- District E is accountable for the Black, LEP and ED subgroups.
- The Black subgroup's 2009 5-year Graduation Rate is above the state average and therefore the subgroup is removed from those for which the district can be considered for identification for Graduation Rate. The district can now be identified only for the LEP and ED subgroups for Graduation Rate.

14. If the subgroup's gain in Graduation Rate from the 2008 4-year graduation rate cohort to 2010 4-year graduation rate cohort is 10 points or more, then the subgroup will be removed from those for which the district can be identified for Graduation Rate.

Example:

- District G is preliminarily identified for the ED subgroup. The subgroup's 2008 4-year Graduation Rate was 20 percent and the 2010 4-year Graduation Rate is 35 percent.
- The subgroup made a 15 point gain and is therefore removed from those for which the district can be considered for identification for Graduation Rate. The district is now not identifiable for any subgroups for Graduation Rate.

15. If the subgroup's gain in Graduation Rate from the 2009 4-year graduation rate cohort to 2010 4-year graduation rate cohort or the 2008 5-year graduation rate cohort to 2009 5-year graduation rate cohort is 10 points or more, then the subgroup will be removed from those for which the district can be identified for Graduation Rate.

16. If the subgroup makes a 10 percent or more gap reduction from the 2009 4-year graduation rate cohort to 2010 4- year graduation rate cohort, then the subgroup will be removed from those for which the district can be identified for Graduation Rate.

17. Districts that have made the 2013-14 and 2014-15 AYP for the preliminarily identified subgroup(s) in Graduation Rate will not be considered for identification as a Focus District for Graduation Rate for those subgroup(s).

Example:

- District H is accountable for the Asian, LEP and ED subgroups for Graduation Rate.
- The LEP subgroup made AYP in 2012-13 and 2013-14; therefore the district will not be considered for identification for the LEP subgroup. The district can now be identified only for the Asian and ED subgroups for Graduation Rate.

18. For each district, the minimum Graduation Rate for the race/ethnicity subgroup is determined using the process described in Step 7.

19. Determine the number of districts that have accountability subgroups with the 2010 4-year Graduation Rate for the Students with Disabilities (SWD), limited English proficient (LEP), ED, and a race/ethnicity subgroup. Then determine what five percent2 of the total count for each subgroup would be. The counts are based on the total number of accountable subgroups statewide – without removing any subgroup for reasons stated in steps 12 to 16 above.

Example: There are a total of 4003 districts with an accountable SWD subgroup for Graduation Rate in the state. Five percent of 400 is 20. This is the count of low achieving districts that need to be identified for the SWD subgroup for Graduation Rate.

20. For the SWD subgroup sort the Graduation Rate in descending order. From the bottom count the required number.

21. Repeat step 19 for the LEP, ED and race/ethnicity subgroups.

22. If any of the subgroups American Indian, Asian, Black, Hispanic, White, or multi-racial has a Graduation Rate equal to or less than the cut point for race/ethnicity subgroup, then that subgroup will be identified.

Example:

- Statewide there are 5003 districts with an accountable race/ethnicity subgroup. Five percent of 500 is 25. The race/ethnicity Graduation Rate is sorted in descending order and the bottom 25 districts are selected. The race/ethnicity minimum Graduation Rate for the district with the highest Graduation Rate in the selection is the cut point for the racial/ethnic subgroups.
- Any district that has a race or ethnicity subgroup with a Graduation Rate at or below the cut point will be identified for that subgroup.

23. Districts are identified as Focus Districts if any subgroup is identified either through the PI or Graduation Rate methodology.

24. Special Act Districts are identified only if they have Priority Schools.

25. Districts with Priority Schools automatically become Focus Districts.

C. Focus School Identification

26. All schools in the Focus Districts are preliminarily identified as Focus Schools. Priority Schools and closing schools are then removed from the list.

27. Within a Focus District, any school that has any subgroup at or below the cut points established for Focus Districts will be preliminarily identified as a Focus School. The subgroup identified in the Focus School could be the same subgroup the district was identified for or the subgroup could be different.

28. For elementary and middle schools the 2014-15 Student Growth Percentile (SGP) is determined. If the SGP for the subgroup(s) is greater than the state average that subgroup(s) will be removed as a cause for identification of the school.

29. If the subgroup makes a 10 percent gap reduction in PI from the prior year then the subgroup will be removed as a cause for identification of the school based on its PI for that grade level (i.e., EM or secondary).

30. If the subgroup makes a 10-point gain in PI from the prior year then the subgroup will be removed as a cause for identification of the school based on its PI for that grade level.

31. If the subgroup's 2010 4-year, 2011 4-year or 2009 5-year Graduation Rate is above the state average, then that subgroup will be removed as a cause for identification of the school. This applies to schools identified for PI or for Graduation Rate.

32. If the subgroup makes a 10 percent or more gap reduction from the 2009 4-year graduation rate cohort to 2010 4- year graduation rate cohort, then that subgroup will be removed as a cause for identification of the school.

33. If the subgroup's gain in Graduation Rate from the 2008 4-year graduation rate cohort to 2010 4- year graduation rate cohort is 10 points or more, then that subgroup will be removed as a cause for identification of the school.

34. If the subgroup's gain in Graduation Rate from the 2009 4-year graduation rate cohort to 2010 4-year graduation rate cohort or the 2008 5-year graduation rate cohort to 2009 5-year graduation rate cohort is 10 points or more, then that subgroup will be removed as a cause for identification of the school.

35. Schools that have made the 2013-14 and 2014-15 AYP (ELA and mathematics) for the preliminarily identified subgroup(s) in PI for a grade level will not be identified for the subgroup(s) at that grade level. Similarly schools that have made the 2013-14 and 2014-15 AYP for the preliminarily identified subgroup(s) in Graduation Rate will not be identified for the subgroup(s) in Graduation Rate.

36. Districts may also choose to identify schools that are at or below the cut point (but not on the selected list due to the schools meeting one of the progress filters), with the permission of the Commissioner, as substitutes for or in addition to schools on the selected list.

37. A Focus District with no Focus or Priority School will not be required to identify a Focus School.

D. Focus charter identification

38. Charter schools that have any accountable subgroups with a PI or Graduation Rate at or below the cut points used for Focus Districts and are not removed because of the "progress filters" will be identified as Focus Schools.

Attachment 9:

Priority Schools Identification Methodology

New York identified Priority Schools based on the following factors as defined in the ESEA waiver guidance:

- Schools based on the achievement of the "all students" group in terms of proficiency on the statewide assessments that are part of the state's differentiated recognition, accountability and support system and are not making progress as defined by New York's "progress filters." The school must also have shown a lack of progress for the "all students" group over a number of years.
- Secondary schools with a Graduation Rate less than 60 percent for a number of years and not making progress as defined by New York's "progress filters."

The state will identify a minimum of five percent of schools statewide and will identify additional schools in the event such identification is necessary, so that a minimum of five percent of Title I schools are identified as Priority.

The criteria used to identify the Priority Schools are described below:

1. Secondary schools that have a 4-year cohort Graduation Rate less than 60 percent for the 2008, 2009 and 2010 cohorts are selected. The state will preliminarily identify all schools meeting this criterion as Priority Schools.

2. For all schools the simple average of 2014-15 Performance Index (PI) for ELA and mathematics for the elementary-middle (EM) and secondary levels are determined separately. If a school does not have 2013-14 PI, then the school is removed from identification as a Priority School based on PI. The school could still be identified for Graduation Rate as outlined in step 1.

   Example:
   - School A has an elementary-middle ELA PI of 30 and mathematics PI of 40. The average PI for school A will be (30+40)/2 is 35.
   - School B has a high school ELA PI of 120 and mathematics PI of 100. The average PI for school B will be (120+100)/2 is 110.

3. Sort the 2014-15 PI in descending order. Subtract the average 2013-14 PI from the average 2014-15 PI. This is done for elementary-middle and secondary grade levels separately.

4. For the elementary-middle schools, select schools from the bottom that have a 2014-15 PI less than or equal to a specific cut point set by the state and a PI gain less than or equal to that set by the state.

5. For secondary schools, select schools from the bottom that have a 2014-15 PI less than or equal to a specific cut point set by the state and a PI gain less than or equal to that set by the state.

6. For a school with both elementary-middle and secondary school grade levels, the school will be selected if either of the grade levels meets steps 4 or 5 respectively.

7. The state will preliminarily identify all schools (including non-Title I schools) that meet the criteria in steps 1, 4, 5 or 6.

8. For any school that has elementary-middle grade level, the 2014-15 combined ELA and mathematics Student Growth Percentile (SGP) for the all students subgroup is determined. If the SGP is greater than the 50th percentile, the school is removed from identification as a Priority School for PI (both elementary-middle and secondary level PIs will be removed). The school could still be identified for Graduation Rate.

   Example:
   - School C has a 2014-15 ELA and mathematics SGP of 48 & 54 percentile respectively. The school's combined SGP of 51 percentile is higher than 50; therefore the school is removed from consideration for identification as a Priority School for PI.

9. Any school that has a majority of its accountability groups' 2014-15 ELA and mathematics combined SGP greater than the state average will be removed from consideration for identification as a Priority School for PI (both elementary-middle and secondary level PIs will be removed). The school could still be identified for Graduation Rate.

   Example:
   - School D has three subgroups for which it is accountable – Students with disabilities (SWD), Black, and Economically Disadvantaged (ED).
   - The 2014-15 combined ELA and mathematics SWD SGP is 44, Black SGP is 47, and the ED SGP is 42. The 2014-15 combined ELA and mathematics state average for the subgroups are 42[4], 444 and 474, respectively.
   - School E has majority of subgroups (two out of three groups, or 67 percent) with an SGP greater than state average. The school is removed from consideration for identification as a Priority School for PI.

10. Schools that have made AYP in ELA and math using both 2013-14 and 2014-15 school year data for the all students subgroup for a grade level will not be considered for identification for that grade level. Similarly schools that have made the AYP for graduation rate using both 2013-14 and 2014-15 accountability determinations for the all students subgroup in Graduation Rate will be removed from consideration for identification for Graduation Rate.

11. Schools that had a 10 percent gap reduction in PI from the prior year will be removed from consideration for identification for PI for that grade level. The school could still be identified for Graduation Rate as outlined in step 1.

12. Schools that had a 10-point gain in PI from the prior year will be removed from consideration for identification for PI for that grade level. The school could still be identified for Graduation Rate as outlined in step 1.

13. Schools that have the 2010 4-year, 2011 4-year or 2009 5-year all students group Graduation Rate at or above 70 will be removed from consideration for identification as a Priority School for both PI and Graduation Rate.

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[4] State numbers are illustrative in this and other examples. The actual state average will be based on final results for the 2014-15 assessments.

14. Schools that had a 10-point increase in Graduation Rate for the all students group from 2008 4-year to 2010 4-year cohort will be removed from consideration for identification for Graduation Rate. The school could still be identified for PI.

15. Schools that had a 10-point increase in Graduation Rate for the all students group from 2009 4-year to 2010 4-year cohort or 2008 5-year to 2009 5-year cohort will be removed from consideration for identification for Graduation Rate. The school could still be identified for PI.

16. Schools that had a 10 percent gap reduction in Graduation Rate for the all students group from 2009 4-year to 2010 4-year cohort will be removed from consideration for identification for Graduation Rate. The school could still be identified for PI.

17. Schools with special circumstances (transfer schools, special act schools, high schools with 50 percent or more students born outside the U.S. who have had less than three years of U.S. schooling) and schools identified for closure are removed on a case by case basis from consideration for Priority School status.

Attachment 10:

Education Laws of 2011

Education Law § 211. Review of regents learning standards

1. The regents shall periodically review and evaluate the existing regents learning standards to determine if they should be strengthened, modified or combined so as to provide adequate opportunity for students to acquire the skills and knowledge they need to succeed in employment or postsecondary education and to function productively as civic participants upon graduation from high school. Such review and evaluation shall be conducted upon a schedule adopted by the regents, provided that a review and evaluation of the English language arts standards shall be completed as soon as possible, but no later than the end of the two thousand seven--two thousand eight school year.

2. In conducting such reviews, the regents shall seek the recommendations of teachers, school administrators, teacher educators and others with educational expertise on improvements to the standards so that they ensure that students are prepared, in appropriate progression, for postsecondary education or employment.

Education Law § 211-a. Enhanced state accountability system

To more fully implement the requirements of section one thousand one hundred eleven of the elementary and secondary education act of nineteen hundred sixty-five, as amended, and the federal regulations implementing such statute, the regents shall develop and implement an enhanced state accountability system that uses growth measures to the extent required by this section.

1. By the start of the two thousand eight--two thousand nine school year, the regents shall establish, using existing state assessments, an interim, modified accountability system for schools and districts that is based on a growth model, subject to approval of the United States department of education where required under federal law.

2. The regents shall proceed with the development of an enhanced accountability system, with revised or new state assessments, based on an enhanced growth model that, to the extent feasible and consistent with federal law, includes a value-added assessment model that employs a scale-score approach to measure growth of students at all levels. (a) If the regents establish that the assessment scaling and accountability methodology employed have been determined by external experts in educational testing and measurement to be valid and reliable and in accordance with established standards for educational and psychological testing, and (b) the approval of the United States department of education has been obtained where required by federal law, the enhanced growth model shall be implemented no later than the start of the two thousand ten--two thousand eleven school year.

3. In implementing the provisions of subdivisions one and two of this section, the regents shall by July first, two thousand eight, establish targets for improvement of schools and school districts based upon performance on state assessments, graduation rates, and other indicators of progress, such as student retention rates and college attendance and completion rates.

4. As used in this chapter, the following words shall have the following meanings:

a. "Growth model" shall mean the assessment of a cohort of students, or individual students, over time that measures the academic progress made by those students.

b. "Value added assessment model" shall mean a form of growth model that includes an evaluation of the specific effects of programs, and other relevant factors, on the academic progress of individual students over time.

Education Law **§ 211-b. Consequences for consistent lack of improvement in academic performance**

In addition to taking appropriate action pursuant to the regulations of the commissioner and the requirements of federal law, the following actions shall be taken to increase school and district accountability for academic performance:

1. The regents shall expand the scope and improve the effectiveness of the schools under registration review (SURR) process in the two thousand seven--two thousand eight school year and thereafter, so as to ensure that all schools that meet the criteria for identification as SURR shall be so identified. The goal of such expansion shall be to identify as SURR up to a total of five percent of the schools in the state within four years, and to reorganize or restructure schools so identified in cases where such action is appropriate.

2. The regents shall develop a plan for increased support and possible intervention in schools in improvement, corrective action, or restructuring status or in SURR status. Notwithstanding any provision of law to the contrary, the regents shall establish a two-step process as follows:

a. The appointment by the commissioner of a school quality review team to assist any school in school improvement, corrective action, restructuring status or SURR status in developing and implementing a school improvement, corrective action, restructuring, or comprehensive plan for the school. Such team may also conduct resource and program and planning audits and examine the quality of curriculum, instructional plans, and teaching in the schools, the learning opportunities and support services available to students, and the organization and operations of the school. After such review, the team shall provide diagnostic recommendations for school improvement, which may include administrative and operational improvements. The recommendation of such team shall be advisory. The reasonable and necessary expenses incurred in the performance of the team's official duties shall be a charge upon the school district, or charter school, where applicable, that operates the school.

b. The appointment by the commissioner of a joint school intervention team, for schools in (i) restructuring status or (ii) SURR status that have failed to demonstrate progress as specified in their corrective action plan or comprehensive education plan. Administrators and educators from the district or charter school where applicable must be included on the team, as well as any distinguished educator appointed to the district pursuant to section two hundred eleven-c of this part. Such team shall assist the school district in developing, reviewing and recommending plans for reorganizing or reconfiguring of such schools. The recommendations of such team should be advisory. The reasonable and necessary expenses incurred in the performance of the school intervention team's official duties shall be a charge upon the school district, or charter school where applicable, that operates the school.

3. A school district that has been identified as requiring academic progress, as defined by 100.2(p)(7) of the commissioner's regulations, or includes one or more schools under registration review, in need of improvement, in corrective action or restructuring status shall be required to submit a district improvement plan to the commissioner for approval. In formulating the district improvement plan, the district shall consider redirecting resources to programs and activities included in the menu of options under subdivision three of section two hundred eleven-d of this part in the schools so identified. If such options are not adopted in the district improvement plan, the school district shall provide the commissioner with an explanation of such decision which shall be considered by the commissioner in

determining whether to approve such plan. The trustees or board of education shall hold a public hearing before adoption of the district improvement plan and a transcript of the testimony at such hearing shall be submitted to the commissioner for review with the district improvement plan.

4. The commissioner shall develop a plan for intervention in schools under restructuring or SURR status that fail to demonstrate progress on established performance measures and may be targeted for closure. Such plan shall specify criteria for school closure and include processes to be followed, research based options, and alternatives and strategies to reorganizing, restructuring or reconfiguring schools. Such plan shall be developed with input from educators including, but not limited to, administrators, teachers and individuals identified as distinguished educators pursuant to section two hundred eleven-c of this part.

5. (a) The regents shall ensure that all school districts include in any contract of employment, entered into, amended, or extended with a superintendent of schools, community superintendent or deputy, assistant, associate or other superintendent of schools who has been or will be appointed for a fixed term, a provision requiring that such contract specify that the superintendent shall be required to cooperate fully with any distinguished educator appointed by the commissioner pursuant to section two hundred eleven-c of this part.

(b) In the case of a superintendent of schools, community superintendent or deputy, assistant, associate or other superintendent of schools who is not appointed for a fixed term, the contract provisions contained in paragraph (a) of this subdivision shall be deemed to apply to such superintendent immediately.

(c) In the case of a charter school, the contract of employment of the principal or headmaster or other chief school officer of the charter school that is entered into, amended or extended shall also be required to include the provisions contained in paragraph (a) of this subdivision. In addition, such contract provisions shall be deemed to apply immediately to any such person not appointed for a fixed term.

Education Law § 211-c. Distinguished educators

The regents shall establish a distinguished educator program that recognizes educational leaders who have agreed to assist in improving the performance of low performing school districts.

1. Building principals, superintendents of schools and teachers including retirees and current employees of school districts, under whose leadership schools have demonstrated consistent growth in academic performance and other individuals who have demonstrated educational expertise, including superior performance in the classroom, shall be eligible for designation by the regents as distinguished educators. Provided, however, individuals employed by for-profit entities shall not be eligible for such recognition.

2. From the pool of distinguished educators designated by the regents pursuant to subdivision one of this section, the commissioner shall appoint distinguished educators who have expressed their willingness to assist low performing districts in improving their academic performance. To the extent practicable, the commissioner shall appoint distinguished educators to assist districts with comparable demographics to the schools or districts that are or were under such educator's leadership.

3. The commissioner may appoint a distinguished educator to a school district;

a. when such district or a school within such district has failed to achieve adequate yearly progress for four or more years;

b. as a member of a joint school intervention team pursuant to paragraph b of subdivision two of section two hundred eleven-b of this part.

4. The school district to which a distinguished educator is appointed shall cooperate fully with an appointed distinguished educator.

5. An appointed distinguished educator shall assess the learning environment of schools in the district, review or provide assistance in the development and implementation of any district improvement plan and/or any corrective action, restructuring, or comprehensive plan of any school within the district to which the distinguished educator is assigned. Such distinguished educator shall either endorse without change or make recommendations for modifications to any such plan to the board of education, trustees, or chancellor, in a school district in a city of one million or more inhabitants, and the commissioner. Upon receipt of any recommendations for modification, the board of education, trustees, or chancellor shall either modify the plans accordingly or provide a written explanation to the commissioner of its reasons for not adopting such recommendations. The commissioner shall direct the district to modify the plans as recommended by the distinguished educator unless the commissioner finds that the written explanation provided by the district has compelling merit.

6. Appointed distinguished educators shall be deemed ex-officio, non-voting members of the board of education or trustees. In a school district in a city of one million or more inhabitants, any such distinguished educator shall be deemed an ex-officio, non-voting member of the community district education council or the city board, as applicable.

7. The reasonable and necessary expenses incurred by the appointed distinguished educators while performing their official duties shall be paid by the school district.

8. If an appointed distinguished educator is employed by a school district or charter school, it shall be the duty of the board of education or trustees of such school district, the chancellor of a city school district in a city of one million or more inhabitants, or the board of trustees of such charter school to facilitate the efforts of any such appointed distinguished educators in their employ by granting reasonable leave requests and otherwise accommodating their efforts, to the extent such efforts do not substantially interfere with the educator's performance of his or her regular duties.

Education Law § 211-d. Contract for excellence

1. a. Every school district that, as of April first of the base year, has at least one school identified as in corrective action or restructuring status or as a school requiring academic progress: year two or above or as a school in need of improvement: year two shall be required to prepare a contract for excellence if the school district is estimated to receive an increase in total foundation aid for the current year compared to the base year in an amount that equals or exceeds either fifteen million dollars or ten percent of the amount received in the base year, whichever is less, or receives a supplemental educational improvement plan grant. In school year two thousand seven--two thousand eight such increase shall be the amount of the difference between total foundation aid received for the current year and the total foundation aid base, as defined in paragraph j of subdivision one of section thirty-six hundred two of this chapter.

b. In addition to the school districts required to prepare a contract for excellence under paragraph a of this subdivision, every school district that filed a contract for excellence in the base year shall file a contract for excellence in the current year if such district is estimated to receive a two-year increase, equal to the positive difference of the total foundation aid apportioned for the current year less the total foundation aid base, as defined in paragraph j of subdivision one of section thirty-six hundred two of this chapter, for the

base year, in an amount that equals or exceeds either twenty-seven million five hundred thousand dollars or twenty percent of such total foundation aid base for the base year; provided however, that this requirement shall apply only to a school district that, as of April first of the base year, has at least one school that has been identified as in corrective action or restructuring status or as a school requiring academic progress: year two or above or as a school in need of improvement: year two.

c. In a city school district located in a city of one million or more inhabitants, a contract for excellence shall be prepared for the city school district and each community district that meets criteria specified in this subdivision.

d. All computations pursuant to paragraphs a and b of this subdivision and subdivision two of this section shall be based upon data included in the computerized school aid run produced by the commissioner in support of the enacted state budget which established the foundation aid formulas for the current year. For purposes of this section, accountability status of schools shall be determined as of April first of the base year, except that if the commissioner determines that the accountability data on file for a school as of April first of the base year was in error and officially adjusts the accountability status of the school after such date, such adjusted data shall be used for the purposes of paragraphs a and b of this subdivision and subdivision two of this section.

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district's gap elimination adjustment percentage. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to a chapter of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to a chapter of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

2. a. (i) In a common, union free, central, central high school, or a city school district in a city having less than one hundred twenty-five thousand inhabitants, required to prepare a contract for excellence pursuant to subdivision one of this section and, as of April first of the base year, does not contain any schools identified as in corrective action or restructuring status or requiring academic progress: year three or

above, each contract for excellence shall describe how the sum of the amounts apportioned to the school district in the current year as total foundation aid, in excess of one hundred four percent of the district's foundation aid base, as adjusted for additional amounts payable as charter school basic tuition over such amount payable in the base year, shall be used to support new programs and new activities or redesign or expand the use of programs and activities demonstrated to improve student achievement; provided however, up to fifty percent of additional funding received in the current year may be used to maintain investments in programs and activities listed in paragraph a of subdivision three of this section.

(ii) In a common, union free, central, central high school, or a city school district in a city having less than one hundred twenty-five thousand inhabitants, required to prepare a contract for excellence pursuant to subdivision one of this section and, as of April first of the base year, has at least one school identified as in corrective action or restructuring status or requiring academic progress: year three or above, each contract for excellence shall describe how the sum of the amounts apportioned to the school district in the current year as total foundation aid, in excess of one hundred four percent of the district's foundation aid base, as adjusted for additional amounts payable as charter school basic tuition over such amount payable in the base year, shall be used to support new programs and new activities or redesign or expand the use of programs and activities demonstrated to improve student achievement; provided however, up to thirty-five percent of additional funding received in the current year may be used to maintain investments in the programs and activities listed in paragraph a of subdivision three of this section.

(iii) In a city school district in a city having a population of one hundred twenty-five thousand or more inhabitants but less than one million inhabitants that either receives a supplemental educational improvement plan grant or is required to submit a contract for excellence based solely upon the criteria specified in paragraph b of subdivision one of this section, each contract for excellence shall describe how the sum of the amounts apportioned to the school district in the current year as total foundation aid, and as supplemental educational improvement plan grants, in excess of one hundred four percent of such aid apportioned to the district in the base year, as adjusted for additional amounts payable as charter school basic tuition over such amount payable in the base year, shall be used to support new programs and new activities or redesign or expand the use of programs and activities demonstrated to improve student achievement; provided however, up to fifty percent of additional funding received in the current year may be used to maintain investments in the programs and activities listed in paragraph a of subdivision three of this section.

(iv) In a city school district in a city having a population of one hundred twenty-five thousand or more inhabitants but less than one million inhabitants that satisfies the criteria specified in paragraph a of subdivision one of this section and does not receive a supplemental educational improvement plan grant, each contract for excellence shall describe how the sum of the amounts apportioned to the school district in the current year as total foundation aid, in excess of one hundred three percent of the district's foundation aid base, as adjusted for additional amounts payable as charter school basic tuition over such amount payable in the base year, shall be used to support new programs and new activities or expand the use of programs and activities demonstrated to improve student achievement; provided however, up to twenty-five percent of additional funding received in the current year may be used to maintain investments in the programs and activities listed in paragraph a of subdivision three of this section.

(v) In a city school district in a city having a population of one million or more inhabitants, each contract for excellence shall describe how the amounts apportioned to the school district in the current year as total foundation aid and academic achievement grants, in excess of one hundred three percent of the district's

foundation aid base, as adjusted for additional amounts payable as charter school basic tuition over such amount payable in the base year, shall be used to support new programs and new activities or expand the use of programs and activities demonstrated to improve student achievement; provided however, up to thirty million dollars or twenty-five percent of additional funding received in the current year, whichever is less, may be used to maintain investments in the programs and activities listed in paragraph a of subdivision three of this section.

(vi) Each contract for excellence for a school district that was required to prepare a contract for excellence in the base year shall provide for the expenditure of an amount equivalent to the total budgeted amount approved by the commissioner in the district's approved contract for excellence for the base year; provided that such amount shall be expended to support and maintain allowable programs and activities approved in the base year or to support new or expanded allowable programs and activities in the current year.

(vii)(A) Notwithstanding any other provision of this section to the contrary, a school district that submitted a contract for excellence for the two thousand seven--two thousand eight school year and the two thousand eight--two thousand nine school year and is required to submit a contract for excellence for the two thousand nine--two thousand ten school year but did not fully expend all of its two thousand seven--two thousand eight foundation aid subject to the contract for excellence restrictions during the two thousand seven--two thousand eight school year may reallocate and expend such unexpended funds during the two thousand eight--two thousand nine and two thousand nine--two thousand ten school years for allowable contract for excellence programs and activities as defined in subdivision three of this section in a manner prescribed by the commissioner. For purposes of determining maintenance of effort pursuant to subparagraph (vi) of this paragraph for the two thousand eight--two thousand nine school year, funds expended pursuant to this subparagraph shall be included in the total budgeted amount approved by the commissioner in the district's contract for excellence for the two thousand seven--two thousand eight school year; provided that such amount shall not be counted more than once in determining maintenance of effort for the two thousand nine--two thousand ten school year or thereafter.

(B) Notwithstanding any other provision of this section to the contrary, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year but did not fully expend all of its two thousand nine--two thousand ten foundation aid subject to the contract for excellence restrictions during the two thousand nine-- two thousand ten school year may reallocate and expend such unexpended funds during the two thousand eleven--two thousand twelve school year for allowable contract for excellence programs and activities as defined in subdivision three of this section in a manner prescribed by the commissioner; provided that such amount shall not be counted more than once in determining any maintenance of effort pursuant to this section.

b. (i) The contract shall specify the new or expanded programs for which additional amounts of such total foundation aid, or grant shall be used and shall affirm that such programs shall predominately benefit students with the greatest educational needs including, but not limited to, those students with limited English proficiency, students in poverty and students with disabilities.

(ii) In a city school district in a city having a population of one million or more inhabitants such contract shall also include a plan to reduce average class sizes, as defined by the commissioner, within five years for the following grade ranges: (A) pre-kindergarten-third grade; (B) fourth-eighth grade; and (C) high school. Such plan shall include class size reduction for low performing and overcrowded schools and also

include the methods to be used to achieve such class sizes, such as the creation or construction of more classrooms and school buildings, the placement of more than one teacher in a classroom or methods to otherwise reduce the student to teacher ratio; provided, however, that notwithstanding any law, rule or regulation to the contrary, the sole and exclusive remedy for a violation of the requirements of this paragraph shall be pursuant to a petition to the commissioner under subdivision seven of section three hundred ten of this title, and the decision of the commissioner on such petition shall be final and unreviewable.

(iii) A city school district in a city having a population of one million or more inhabitants shall prepare a report to the commissioner on the status of the implementation of its plan to reduce average class sizes pursuant to subparagraph (ii) of this paragraph. Such report shall identify all schools that received funds targeted at class size reduction efforts pursuant to the requirements of this section and provide the following information regarding such schools:

(A) the amount of contract for excellence funds received by each school and the school year in which it received such funds;

(B) a detailed description of how contract for excellence funds contributed to achieving class size reduction in each school that received such funding including specific information on the number of classrooms in each school that existed prior to receiving contract for excellence funds and the number of new classrooms that were created in each school for each year such funding was received, the number of classroom teachers that existed in each school prior to receiving contract for excellence funds and the number of new classroom teachers in each school for each year such funding was received, the student to teacher ratio in each school prior to receiving contract for excellence funds and the student to teacher ratio in each school for each year such funding was received;

(C) the actual student enrollment for the two thousand six--two thousand seven school year, the actual student enrollment for the two thousand seven--two thousand eight school year, the actual student enrollment for the two thousand eight--two thousand nine school year, and the projected student enrollment for the two thousand nine--two thousand ten school year for each school by grade level;

(D) the actual average class sizes for the two thousand six--two thousand seven school year, the actual average class sizes for the two thousand seven--two thousand eight school year, the actual average class sizes for the two thousand eight--two thousand nine school year, and the projected average class sizes for the two thousand nine--two thousand ten school year for each school by grade level; and

(E) the schools that have made insufficient progress toward achieving the class size reduction goals outlined in the approved five year class size reduction plan pursuant to subparagraph (ii) of this paragraph and a detailed description of the actions that will be taken to reduce class sizes in such schools.

Such report shall be submitted to the commissioner on or before November seventeenth, two thousand nine and shall be made available to the public by such date.

c. The contract for excellence shall state, for all funding sources, whether federal, state or local, the instructional expenditures per pupil, the special education expenditures per pupil, and the total expenditures per pupil, projected for the current year and actually incurred in the base year.

3. a. The commissioner shall adopt regulations establishing allowable programs and activities intended to improve student achievement which shall be limited to: (i) class size reduction, (ii) programs that increase student time on task, including but not limited to, academic after-school programs, (iii) teacher and principal quality initiatives, (iv) middle school and high school re-structuring, (v) expansion or replication of effective model programs for students with limited English proficiency, and (vi) full-day kindergarten or prekindergarten. Provided, however, that districts may use up to fifteen percent of the additional funding they receive for experimental programs designed to demonstrate the efficacy of other strategies to improve student achievement consistent with the intent of this section and, in school year two thousand seven--two thousand eight, up to thirty million dollars or twenty-five percent of such additional funding, whichever is less, may be used to maintain investments in programs and activities listed in this subdivision. Any such district seeking to implement an experimental program shall first submit a plan to the commissioner setting forth the need for such experimental program and how such program will improve student performance.

b. The commissioner shall assist school districts that include in their contract for excellence the implementation of incentives, developed in collaboration with teachers in the collective bargaining process, for highly qualified and experienced teachers to work in low performing schools to ensure that such incentives are effective.

4. a. A district's contract for excellence for the academic year two thousand eight--two thousand nine and thereafter, shall be developed through a public process, in consultation with parents or persons in parental relation, teachers, administrators, and any distinguished educator appointed pursuant to section two hundred eleven-c of this chapter.

b. Such process shall include at least one public hearing. In a city school district in a city of one million or more inhabitants, a public hearing shall be held within each county of such city. A transcript of the testimony presented at such public hearings shall be included when the contract for excellence is submitted to the commissioner, for review when making a determination pursuant to subdivision five of this section.

c. In a city school district in a city of one million or more inhabitants, each community district contract for excellence shall be consistent with the citywide contract for excellence and shall be submitted by the community superintendent to the community district education council for review and comment at a public meeting.

d. For the two thousand seven--two thousand eight school year, school districts shall solicit public comment on their contracts for excellence.

5. Each contract for excellence shall be subject to approval by the commissioner and his or her certification that the expenditure of additional aid or grant amounts is in accordance with subdivision two of this section.

6. The school district audit report certified to the commissioner by an independent certified public accountant, an independent accountant or the comptroller of the city of New York pursuant to section twenty-one hundred sixteen-a of this chapter shall include a certification by such accountant or comptroller in a form prescribed by the commissioner and that the increases in total foundation aid and supplemental educational improvement plan grants have been used to supplement, and not supplant funds allocated by the district in the base year for such purposes.

7. The trustees or board of education of each school district subject to this section, or the chancellor in the case of a city school district in a city of one million or more inhabitants, shall assure that procedures are in place by which parents or persons in parental relation may bring complaints concerning implementation of the district's contract for excellence.

a. In a city school district in a city of one million or more inhabitants, such procedures shall provide that complaints may be filed with the building principal with an appeal to the community superintendent, or filed directly with the community superintendent, and that any appeal of the determination of a community superintendent shall be made to the chancellor.

b. In all other districts, such procedures shall either provide for the filing of complaints with the building principals with an appeal to the superintendent of schools or for filing of the complaint directly with the superintendent of schools, and shall provide for an appeal to the trustees or board of education from the determination of the superintendent of schools.

c. The determination of the trustees or a board of education or the chancellor may be appealed to the commissioner pursuant to section three hundred ten of this title.

8. School districts subject to the provisions of this section shall publicly report the expenditure of total foundation aid in the form and manner prescribed by the commissioner which shall ensure full disclosure of the use of such funds.

9. The department shall develop a methodology for reporting school-based expenditures by all school districts subject to the provisions of this section.

Education Law § 211-e. Educational partnership organizations

1. The board of education of a school district, and the chancellor of the city school district of the city of New York, subject to the approval of the commissioner, shall be authorized to contract, for a term of up to five years, with an educational partnership organization pursuant to this section to intervene in a school designated by the commissioner as a persistently lowest-achieving school, consistent with federal requirements, or a school under registration review.

2. Notwithstanding any other provision of law, rule or regulation to the contrary, and except as otherwise provided in this section, such contract shall contain provisions authorizing the educational partnership organization to assume the powers and duties of the superintendent of schools for purposes of implementing the educational program of the school, including but not limited to, making recommendations to the board of education on budgetary decisions, staffing population decisions, student discipline decisions, decisions on curriculum and determining the daily schedule and school calendar, all of which recommendations shall be consistent with applicable collective bargaining agreements. Such contract shall include district performance expectations and/or benchmarks for school operations and academic outcomes, and failure to meet such expectations or benchmarks may be grounds for termination of the contract prior to the expiration of its term. Such contract shall also address the manner in which students will be assigned to the school, the process for employees to transfer into the school, the services that the district will provide to the school, and the manner in which the school shall apply for and receive allocational and competitive grants.

3. The board of education shall retain the ultimate decision-making authority over the hiring, evaluating, termination, disciplining, granting of tenure, assignment of employees serving in the school as well as with respect to staff development for those employees, together with authority concerning all other terms and conditions of employment, all of which decisions shall be made in a manner consistent with applicable collective bargaining agreements. However, notwithstanding any law, rule or regulation to the contrary, upon the effective date of the contract, the educational partnership organization shall be authorized to exercise all powers of a superintendent of schools with respect to such employment decisions, including but not limited to making recommendations, as applicable, to the board of education in connection with and prior to the board of education making decisions regarding staff assignments, the hiring, the granting of tenure, the evaluating, the disciplining and termination of employees, as well as concerning staff development. The employees assigned to the school shall solely be in the employ of the school district and shall retain their tenure rights and all other employment rights conferred by law, and service in the school shall constitute service to the school district for all purposes, including but not limited to, the requirements for criminal history record checks and participation in public retirement systems. Notwithstanding any other provision of law to the contrary, for purposes of article fourteen of the civil service law, employees in the school shall be public employees of the school district as defined in subdivision seven of section two hundred one of the civil service law and shall not be deemed employees of the educational partnership organization by reason of the powers granted to the educational partnership organization by this section. All such employees shall be members of the applicable negotiating unit containing like titles or positions for the public school district in which such school is located, and shall be covered by the collective bargaining agreement covering that public school district's negotiating unit, except that the duly recognized or certified collective bargaining representative for that negotiating unit may modify or supplement, in writing, the collective bargaining agreement in consultation with the employees of the negotiating unit working in the school. All such modifications of, or supplements to the collective bargaining agreement are subject to ratification by the employees employed within the school and by the board of education of the public school district, consistent with article fourteen of the civil service law. Upon the effective date of the school district's contract with the educational partnership organization, the educational partnership organization shall be empowered to make recommendations to the board of education with respect to the scope of, and process for making modifications and additions to the collective bargaining agreement.

4. Where a recommendation is made by the educational partnership organization to the board of education pursuant to subdivision two or three of this section, and such recommendation is denied, the board of education shall state its reasons for the denial, which shall include an explanation of how such denial will promote improvement of student achievement in the school and how such action is consistent with all accountability plans approved by the commissioner for the school and the school district. Nothing in this subdivision shall be construed to prevent a board of education from denying a recommendation of the educational partnership organization based upon the board of education's determination that carrying out such recommendation would result in a violation of law or violation of the terms of an applicable collective bargaining agreement. If the board of education rejects a recommendation of the educational partnership organization to terminate a probationary employee assigned to the school or to deny tenure to an employee assigned to the school, it shall be the duty of the board of education to transfer such employee to another position in the school district within such employee's tenure area for which the employee is qualified, or to create such a position.

5. For purposes of this section the following terms shall have the following meanings:

(i) "educational partnership organization" means a board of cooperative educational services, a public or independent, non-profit institution of higher education, a cultural institution, or a private, non-profit organization with a proven record of success in intervening in low-performing schools, as determined by the commissioner, provided that such term shall not include a charter school;

(ii) "board of education" means the trustees or board of education of a school district, or, in the case of a city school district of a city having a population of one million or more, the chancellor of such city district;

(iii) "school district" means a common, union free, central, central high school or city school district, other than a special act school district as defined in section four thousand one of this chapter.

(iv) "superintendent of schools" means the superintendent of schools of a school district, and, in the case of a city school district of a city having a population of one million or more, a community superintendent and the chancellor of such city district when acting in the role of a superintendent of schools.

Attachment 11: Commissioner's Regulations 100.18 and 100.2(p)

In September 2012, the Board of Regents approved the addition of section 100.18 and amendment of sections 100.2(m), 100.17, 120.3, and 120.4 of the Regulations of the Commissioner of Education to implement New York State's approved Elementary and Secondary Education Act (ESEA) Flexibility Request.

Commissioner's Regulation 100.18

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 8. EDUCATION DEPARTMENT
CHAPTER II. REGULATIONS OF THE COMMISSIONER
SUBCHAPTER E. ELEMENTARY AND SECONDARY EDUCATION
PART 100. ELEMENTARY AND SECONDARY EDUCATION SCHOOL PROGRAM
8 CRR-NY 100.18
8 CRR-NY 100.18

100.18 ESEA accountability system.
(a) Applicability.
Notwithstanding the provisions of section 100.2(p)(1) through (11) and (14) through (16) of this Part, this section shall apply to school districts and charter schools in lieu of such provisions during the period of the Elementary and Secondary Education Act (ESEA) waiver, and any revisions and extensions thereof, except as otherwise provided in this section. If a provision of section 100.2(p) of this Part conflicts with this section, the provisions of this section shall prevail and the provision of section 100.2(p) of this Part shall not apply.
(b) Definitions.
As used in this section:
(1) ESEA means the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. section 6301 et seq.
(2) Elementary and Secondary Education Act (ESEA) waiver shall mean waivers from specified provisions of the Elementary and Secondary Education Act of 1965, as amended, that have been granted for a specified time period to New York State on May 29, 2012 by the Secretary of the U.S. Department of Education pursuant to section 9401 of the ESEA for purposes of ESEA flexibility, and any revisions to and/or extensions of such waivers.
(3) Title I means title I, part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA), 20 U.S.C. sections 6301-6327.
(4) Accountability groups shall mean, for each public school, school district and charter school, those groups of students for each grade level or annual high school cohort, as described in paragraph (j)(2) of this section comprised of: all students; students from major racial and ethnic groups, as set forth in subparagraph (bb)(2)(v) of this section; students with disabilities, as defined in section 200.1 of this Title, including, beginning with the 2009-2010 school year, students no longer identified as students with disabilities but who had been so identified during the preceding one or two school years; students with limited English proficiency, as defined in Part 154 of this Title, including, beginning with the 2006-2007 school year, a student previously identified as a limited English proficient student during the preceding one or two school years; and economically disadvantaged students, as identified pursuant to section 1113(a)(5) of the NCLB, 20 U.S.C. section 6316(a)(5) (Public Law, section 107-110, section 1113[a][5], 115 STAT. 1469; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234). The school district accountability groups for each grade level will include all students enrolled in a public school in the district or placed out of the district for educational services by the district committee on special education or a district official.
(5) School district shall mean a common, union free, central, central high school or city school district, provided that, in the case of the city school district of the City of New York, such term shall mean a

community school district or New York City superintendency to the extent that such entity is the local educational agency for purposes of title I.
(6) Special act school district shall mean a school district as defined in subdivision 8 of section 4001 of the Education Law.
(7) Board of education shall mean the trustees or board of education of a school district; provided that in the case of the city school district of the City of New York, such term shall mean the chancellor of the city school district acting in lieu of the board of education of such city school district to the extent authorized by article 52-A of the Education Law and, with respect community school districts and New York City superintendencies, such term shall mean the community superintendent or other superintendent of schools acting in lieu of the board of education to the extent authorized by article 52-A of the Education Law.
(8) Alternate assessment means a State alternate assessment recommended by the committee on special education, for use by students with disabilities as defined in section 100.1(t)(2)(iv) of this Part in lieu of a required State assessment.
(9) Continuously enrolled means, for grades 3-8, students whose latest date of enrollment occurred after the date prescribed by the commissioner on which BEDS forms are required to be completed and, for grades 9-12, students in the high school cohort, as defined in paragraph (j)(2) of this section.
(10) Significant medical emergency means an excused absence from school during both the regular and makeup examination period for which a district has documentation from a medical practitioner that a student is so incapacitated as to be unable to participate in the State assessment given during that examination period.
(11) For elementary and middle-level students, participation rate means the percentage of students enrolled on all days of test administration who did not have a significant medical emergency who received valid scores on the State assessments for elementary and middle-level grades, as set forth in paragraph (14) of this subdivision. Beginning with the 2006-2007 school year, a limited English proficient student enrolled in school in the United States (excluding Puerto Rico) for less than one year as of a date determined by the commissioner and who received a valid score on the NYSESLAT may be counted as participating in an elementary or middle level English language arts assessment.
(12) For high school students, participation rate means the percentage of designated students in at least their fourth year of high school, as designated by the commissioner, who received a valid score on the required assessments for high schools, as set forth in paragraph (14) of this subdivision.
(13) Performance criteria shall mean the performance criteria set forth in subdivision (j) of this section.
(14) Performance levels shall mean:
(i) for elementary and middle grades:
(a) level 1 (well below proficient):
(1) not on track to be proficient: a score of level 1 on State assessments in English language arts and mathematics provided that using the student's three-year percentile growth targets as established by the commissioner, the student's growth percentile does not meet or exceed his or her growth percentile target; or the student does not have a growth percentile target; or a score of level 1 on a State alternate assessment; or a score of 64 or less, or a comparable score as approved by the Board of Regents, on a Regents examination in mathematics for a student in grade 7 or grade 8;
(2) on track to be proficient: a score of level 1 on State assessments in English language arts and mathematics, provided that using the student's three-year percentile growth targets as established by the commissioner, the student's growth percentile meets or exceeds his or her growth percentile target;
(3) for science: a score of level 1 on State assessments in science or other State assessments, or a score of level 1 on a State alternate assessment;
(b) level 2 (below proficient):
(1) not on track to be proficient: a score of level 2 on State assessments in English language arts and mathematics provided that using the student's three-year percentile growth targets as established by the commissioner, the student's growth percentile does not meet or exceed his or her growth percentile target; or the student does not have a growth percentile target; or a score of level 2 on a State alternate assessment;
(2) on track to be proficient: a score of level 2 on State assessments in English language arts and mathematics, provided that using the student's three-year percentile growth targets as established by the commissioner, the student's growth percentile meets or exceeds his or her growth percentile target;
(3) for science: a score of level 2 on State assessments in science or other State assessments, or a score of level 2 on a State alternate assessment;
(c) level 3 (proficient):

(1) 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;
(2) a score of 65 or higher, or a comparable score as approved by the Board of Regents, on a Regents examination in science or mathematics for students in grade 7 or 8 pursuant to section 100.4(d) of this Part;
(d) level 4 (excels in standards): a score of level 4 on State assessments in English language arts, mathematics and science or a score of level 4 on a State alternate assessment;
(ii) for high school using Regents examinations based on 2005 learning standards or using a State alternate assessment:
(a) level 1 (well below proficient):
(1) a score of 64 or less on the Regents comprehensive examination in English or a Regents mathematics examination;
(2) a failing score on a State-approved alternative examination for those Regents examinations;
(3) a score of level 1 on a State alternate assessment;
(4) a cohort member who has not been tested on the Regents comprehensive examination in English or a Regents mathematics examination or State-approved alternative examination for these Regents examinations;
(b) level 2 (below proficient):
(1) a score between 65 and 74 on the Regents comprehensive examination in English or between 65 and 79 on a Regents examination in mathematics;
(2) a score of level 2 on a State alternate assessment;
(c) level 3 (proficient):
(1) a score between 75 and 89 on the Regents comprehensive examination in English or between 80 and 89 on a Regents examination in mathematics; or a passing score on a State-approved alternative to those Regents examinations;
(2) a score of level 3 on a State alternate assessment;
(d) level 4 (excels in standards):
(1) a score of 90 or higher on the Regents comprehensive examination in English or a Regents mathematics examination;
(2) a score of level 4 on a State alternate assessment.
(iii) for high school using Regents examinations measuring the Common Core Learning Standards:
(a) level 1 (does not demonstrate knowledge and skills for Level 2):
(1) a score of level 1 on the Regents examination in English language arts or a Regents mathematics examination;
(2) a failing score on a State-approved alternative examination for those Regents examinations;
(3) a cohort member who has not been tested on the Regents examination in English language arts or a Regents mathematics examination or State-approved alternative examination for these Regents examinations;
(b) level 2 (partially meets Common Core expectations, i.e., Local Diploma level):
(1) a score of level 2 on the Regents examination in English language arts or a Regents examination in mathematics;
(c) level 3 (partially meets Common Core expectations, i.e., Regents diploma level):
(1) a score of level 3 on the Regents examination in English language arts or a Regents Examination in mathematics;
(d) level 4 (meets Common Core expectations):
(1) a score of Level 4 on the Regents examination in English language arts or a Regents examination in mathematics;
(2) a passing score on a State-approved alternative examination for those Regents examinations.
(e) level 5 (exceeds Common Core expectations):
(1) a score of level 5 on the Regents examination in English language arts or a Regents examination in mathematics;
(iv) Notwithstanding the provisions of this section:
(a) For students who attend grade 7 or 8 and take a Regents examination in mathematics in the 2013-2014 school year, but do not take the grade 7 or 8 mathematics assessment, participation and accountability determinations for the school in which the student attends grade 7 or 8 shall be based upon such student's performance on the Regents examination in mathematics. Participation and accountability determinations for the high school in which such student later enrolls shall be based upon such student's performance on

mathematics assessments taken after the student first enters grade 9. For such students, a score of 65 or above, or a comparable score as approved by the Board of Regents, on a Regents examination in mathematics taken in grade 9 or thereafter will be credited as level 3 for purposes of calculating the high school performance index.
(b) For students who attend grade 7 or 8 and who take both the grade 7 or 8 mathematics assessment and a Regents examination in mathematics during the 2013-2014 school year, participation and accountability determinations for the school such students attend in grade 7 or 8 shall be based upon the student's performance on the grade 7 or 8 mathematics assessment.
(c) Science assessments in grades 7 and 8.
(1) For students who, while attending grade 8, take a Regents examination in science but do not take the grade 8 science intermediate assessment, participation and accountability determinations for the school in which such student attends grade 8 shall be based upon such student's performance on the Regents examination in science.
(2) For students who, while attending grade 8, take both the grade 8 science intermediate assessment and a Regents examination in science, participation and accountability determinations for the school in which such student attends grade 8 shall be based upon such student's performance on the grade 8 science intermediate assessment.
(3) For students who have taken the grade 8 science intermediate assessment when they attended grade 7 and who take a Regents examination in science while attending grade 8, participation and accountability determinations for the school in which such student attends grade 8 shall be based upon such student's performance on the Regents examination in science.
(4) For students who have taken the grade 8 science intermediate assessment when they attended grade 7 and who do not take a Regents examination in science while attending grade 8, participation and accountability determinations for the school in which the student attends grade 8 shall be based upon the student's performance on the grade 8 science intermediate assessment taken in grade 7.
(15) Performance index shall be calculated based on the student performance levels as follows:
(i) For elementary and middle grades, each student scoring at level 1 who is not on track to be proficient will be credited with 0 points, each student scoring at level 2 who is not on track to be proficient with 100 points, and each student scoring at level 1 or 2 who is on track to be proficient or at level 3 or 4 with 200 points. The performance index for each accountability group will be calculated by summing the points and dividing by the number of students in the group.
(ii) For high school using Regents examinations based on 2005 learning standards each student scoring at level 1 will be 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 for each accountability group will be calculated by summing the points and dividing by the number of students in the group.
(iii) For high school using Regents examinations measuring the Common Core Learning Standards, each student scoring at level 1 and Level 2 will be credited with 0 points, each student scoring at level 3 with 100 points, and each student scoring at level 4 or 5 with 200 points. For high school using the State alternate assessment commencing with the 2013-14 school year, each student scoring at level 1 will be 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 for each accountability group will be calculated by summing the points and dividing by the number of students in the group.
(16) Student growth means the change in student achievement for an individual student between two or more points in time.
(17) Student growth percentile means the result of a statistical model that calculates each student's change in achievement between two or more points in time on a State assessment and compares each student's performance to that of similarly achieving students.
(18) Median student growth percentile means the result of rank-ordering the student growth percentile results for an accountability group at the school, district, or State level.
(19) The student growth percentile target means the rate of annual growth necessary in English language arts and mathematics for a student to meet proficiency standards in three years, or by 8th grade, whichever is earlier.
(20) A transfer high school means a high school in which the majority of students upon their first enrollment in the high school had previously attended grade nine or higher in another high school or a school in which more than 50 percent of currently enrolled students are English language learners who were born outside of the United States and have attended school in the United States for less than three years.

(21) School improvement grant means a grant awarded by the U.S. Department of Education to the New York State Education Department, as a State Education Agency (SEA), pursuant to section 1003(g) of the Elementary and Secondary Education Act of 1965, as amended, and awarded by the department to a local education agency (LEA) as a subgrant.
(22) A whole school reform model means the turnaround model, restart model, transformation model or closure model as set forth in section 100.2(p)(10)(iv) of this Part; or a three year plan that provides for the redesign of a school by implementation of all of the following turnaround elements:
(i) Providing strong leadership by:
(a) reviewing the performance of the current principal;
(b) either replacing the principal if such a change is necessary to ensure strong and effective leadership, or demonstrating to the commissioner that the current principal has a track record in improving achievement and has the ability to lead the turnaround effort; and
(c) providing the principal with operational flexibility in the areas of scheduling, staff, curricula, and budget.
(ii) Ensuring that teachers are able to improve instruction by:
(a) reviewing the quality of all staff and retaining only those who have the ability to be successful in the turnaround effort;
(b) preventing ineffective teachers from transferring to these schools; and
(c) providing job-embedded, ongoing professional development informed by the teacher evaluation and support systems and tied to teacher and student needs.
(iii) Redesigning the school day, week, or year to include additional time for student learning and teacher collaboration, provided that such redesigning shall be consistent with any applicable collective bargaining agreement.
(iv) Strengthening the school's instructional program based on student needs and ensuring that the instructional program is research-based, rigorous, and aligned with common core learning standards.
(v) Using data to inform instruction and for continual improvement, including the provision of time for collaboration on the use of data.
(vi) 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.
(vii) Providing ongoing mechanisms for family and community engagement.
(23) Integrated intervention team means a school quality review team or joint intervention team appointed by the commissioner that may include a distinguished educator appointed by the commissioner, to conduct a diagnostic review of a priority or focus school or focus district or a school under registration review.
(c) Procedure for registration of public schools.
(1) A school district that seeks to register a public elementary, intermediate, middle, junior high school or high school shall submit a petition for registration to the Board of Regents, in a form prescribed by the commissioner and containing such information as the commissioner may require, no later than March 1st for schools opening in September of the next successive school year or, for those schools opening during a current school year, at least 90 days prior to the opening of such school, except that the commissioner may waive this timeline for good cause.
(2) The commissioner shall review the petition and shall recommend its approval to the Board of Regents if it is satisfactorily demonstrated that the school district has provided an assurance that the school will be operated in an educationally sound manner; is in compliance with applicable statutes, rules and regulations relating to public schools; and will operate in accordance with applicable building codes and pursuant to a certificate of occupancy. No new public school will be recommended for registration by the commissioner if, in the commissioner's judgment, the establishment of such school would conflict with an approved plan for school district reorganization, except where it can be established to the satisfaction of the commissioner that such school is essential to the educational welfare of the students.
(3) Where a school registered pursuant to this paragraph is in a focus district, the commissioner shall determine the accountability status of the newly registered school based upon his review of the proposed educational program, including but not limited to such factors as: school mission, school administration and staff, grade configurations and groupings of students, zoning patterns, curricula and instruction and facilities.
(4) In the event that a school district merges two or more schools or transfers organizational responsibility for one or more grades from one school to another, the school district shall inform the commissioner, in a form prescribed by the commissioner and containing such information as the commissioner may require, no later than March 1st for schools opening in September of the next successive school year or, for those

schools opening during a current school year, at least 90 days prior to the opening of such school, except that the commissioner may waive this timeline for good cause. As a result of such changes, the commissioner may adjust the accountability status of the affected schools to reflect such organizational changes.
(d) All registrations approved by the Board of Regents pursuant to this subdivision shall continue in effect unless revoked by the Board of Regents upon recommendation of the commissioner after review of the registration, or the school district closes the school. In the event that a school district closes a registered school, the school district shall inform the commissioner, in a form prescribed by the commissioner and containing such information as the commissioner may require, no later than March 1st for schools that will not enroll students in September of the next successive school year, except that the commissioner may waive this timeline for good cause.
(e) System of accountability for student success.
Each year, commencing with the 2011-2012 school year test administration results, the commissioner shall review the performance of all public schools, charter schools and school districts in the State. For each performance criterion specified in subdivision (j) of this section, the commissioner shall determine whether each accountability group within a public school, charter school and school district has achieved adequate yearly progress as set forth in subdivision (f) of this section.
(f) Adequate yearly progress.
(1) An accountability group within a public school, charter school or school district shall be deemed to have made adequate yearly progress if the accountability group achieved the performance criterion set forth in subdivision (j) of this section.
(2) For an accountability group within public schools, charter schools or school districts with fewer than 30 students subject to a performance criterion set forth in subdivision (j) of this section, the commissioner shall use the weighted average of the current and prior school year's performance data for that criterion in order to make a determination of adequate yearly progress. No accountability group within a public school, charter school or school district will be held accountable if it consists of fewer than 30 students as long as the "all students" accountability group includes at least 30 students for that school year.
(3) For purposes of determining adequate yearly progress, only the performance of continuously enrolled students in grades 3-8 shall be included for consideration.
(4) An accountability group shall be deemed to have made adequate yearly progress on a performance criterion specified in paragraph (j)(1) of this section if:
(i) the superintendent of the school district or the principal of the charter school has submitted the required student data files to the commissioner pursuant to section 100.2(bb)(2) of this Part or section 119.3(b) of this Title in the timeframe and format specified by the commissioner; and
(ii) for accountability groups consisting of 40 or more students, either:
(a) the participation rate for the current year equals or exceeds 95 percent; or
(b) the weighted average of the current year and prior year participation rates equals or exceeds 95 percent;
(iii) for accountability groups consisting of 30 or more students:
(a) the accountability group met or exceeded, or did not differ significantly as determined by the commissioner, from the annual measurable objective for that criterion; or
(b) the accountability group met or exceeded, or did not differ significantly as determined by the commissioner, from an annual performance target established by the commissioner.
(5) An accountability group within a public school, charter school or school district shall be deemed to have made adequate yearly progress on a performance criterion specified in paragraphs (j)(2) and (3) of this section if:
(i) the superintendent of the school district or the principal of the charter school has submitted the required student data files to the commissioner pursuant to section 100.2(bb)(2) of this Part or section 119.3(b) of this Title in the timeframe and format specified by the commissioner; and
(ii) for elementary and middle levels, 80 percent of students enrolled on all days of the science test administration, who did not have a significant medical emergency, received valid scores; and
(iii) the accountability group within the school or school district, or charter school at the applicable grade levels met or exceeded the performance criteria; or
(iv) the high school cohort met or exceeded the performance criteria.
(6) For each school year, public schools, school districts, and charter schools in which no students or, pursuant to paragraph (2) of this subdivision fewer than 30 students, participate in the State assessments for English language arts or mathematics, or in which the majority of students are not continuously enrolled, shall conduct a self-assessment of their academic program and the school learning environment, in such

format and using such criteria as may be prescribed by the commissioner. Such self-assessment shall not be required of those schools and school districts for which the commissioner shall conduct a review of the performance of the school or school district in accordance with paragraph (7) of this subdivision. The superintendent of the school district or principal of the charter school shall review the self-assessment(s) and make a recommendation to the commissioner, in such format and according to such timeframe as the commissioner may prescribe, as to whether the accountability group within the school or school district has made adequate yearly progress. The commissioner shall consider the self-assessment, board recommendation and any other relevant information in determining whether the accountability group within the school or school district made adequate yearly progress.
(7) The accountability status of public schools, school districts, and charter schools serving grades 1 and/or 2, but not grade 3 or higher, (hereafter referred to as "feeder schools") will be determined using backmapping. In school districts with such feeder schools and in school districts that accept grade 3 students from feeder schools by contract, the grade 3 State assessment results for each feeder school student will be attributed to the feeder school as well as to the school or charter school in which the student took the assessment. The student's results will be attributed to a feeder school only if the student was continuously enrolled in the feeder school from the date prescribed by the commissioner on which the BEDS forms are required to be completed until the end of the school year in the highest grade served by the feeder school. In a district, if all schools serving grade 3 make adequate yearly progress for the accountability groups, in a given year, all feeder schools served by the school district will be deemed to have made adequate yearly progress. If one or more schools enrolling students from a feeder school fail to make adequate yearly progress for one or more accountability groups on a performance criterion set forth in subdivision (j) of this section, the commissioner will aggregate the school district's grade 3 results on that criterion by feeder school and determine whether each feeder school made adequate yearly progress on that criterion.
(8) A registered school that has no continuously enrolled students because all students are students with disabilities who attend the school and who have been placed outside of their district of residence (in New York City, outside of their community school district of residence) for educational services by the district committee on special education or a school district official shall participate in a self-assessment based on the students who are enrolled in the school.
(g) Differentiated accountability for schools and districts.
Prior to the commencement of the 2012-2013 school year, the commissioner, based on the 2010-2011 school year results, shall designate focus districts, priority schools and focus charter schools. Prior to the commencement of the 2013-2014 school year, based on the 2011-2012 school year results, and each year thereafter based on the subsequent school year results, the commissioner shall designate public schools requiring a local assistance plan.
(1) Preliminary identification of priority schools. Preliminary identification of priority schools.
(i) The commissioner shall preliminarily designate a school as priority if:
(a) the school implemented a transformation, turnaround or restart model in the 2011-2012 school year pursuant to a school improvement grant pursuant to section 100.2(p)(10)(iv)(a) of this Part; or
(b) the school is a high school that has a four year cohort graduation rate for the "all students" group that is less than 60 percent for the 2004, 2005 and 2006 high school graduation cohorts; or
(c) the school is an elementary or middle school that:
(1) had a combined performance index of 111 or below in English language arts and mathematics for the all students group in 2010-2011; and
(2) made a 10 point gain or less in its 2010-2011 combined performance index for the all students group compared to its 2009-2010 combined performance index; and
(3) was identified as in improvement, corrective action, or restructuring during the 2011-2012 school year; and
(4) had a combined median student growth percentile in English language arts and math for the 2009-2010 and 2010-2011 school years combined for the all students group of 50 percent or below; and
(5) had less than 50 percent of the accountability groups in the school have 2010-2011 median student growth percentiles that exceeded the statewide median student growth percentile for that accountability group; or
(d) the school is a high school that:
(1) had a combined performance index of 106 or below in English language arts and mathematics for the all students group; and
(2) was identified as in improvement, corrective action, or restructuring during 2011-2012 school year; and

(3) made a four point gain or less in its 2010-2011 combined English language arts and mathematics performance index for the all students group compared to its 2009-2010 performance index.
(ii) The commissioner shall not preliminarily identify a school in a special act school district as a priority school unless the school meets the conditions specified in this subdivision and also has been identified by the commissioner as a school under registration review because of a poor learning environment, pursuant to paragraph (k)(3) of this section.
(2) Preliminary identification of focus districts and schools. Preliminary identification of focus districts and schools..
(i) The commissioner will preliminarily designate a district or a charter school as focus using the following methodology:
(a) Preliminary identification as focus district or focus charter school based on combined English language arts and mathematics performance index:
(1) For each district and charter school, the combined 2010-11 performance index (PI) of ELA and Math for the elementary-middle and secondary levels for each accountability group, except the all students group, is determined.
(2) For each accountability group, except the all students group, the combined 2009-10 and 2010-11 ELA and Math median student growth percentile is determined. If the accountability group's median student growth percentile is above the combined 2009-10 and 2010-11 statewide average for that accountability group then the performance index of the accountability group is removed from those for which the school district or charter school can be identified as a focus district or focus charter school.
(3) If an accountability group's 2006 four year graduation cohort rate exceeds the statewide average for the accountability group, then the performance index of the accountability group is removed from those for which the school district or charter school can be identified as a focus district or focus charter school.
(4) If a remaining accountability group is among the lowest five percent in the State for combined ELA and math performance index for the 2010-2011 school year, as determined by the commissioner, the district or charter school will be preliminarily identified as a focus district or focus charter school.
(b) Preliminary identification of focus district or focus charter school based on graduation rate.
(1) For each school district and charter school, the 2006 four year graduation cohort rate for each accountability group, except the all students group, is determined. Each such accountability group for which the graduation rate exceeds the statewide rate for that accountability group is removed from consideration as an accountability group for graduation rate for which the school district or charter school can be identified as a focus district or focus charter school.
(2) For each remaining accountability group for which the 2005 five year graduation cohort rate is above the state average for that accountability group, the accountability group is removed from consideration as an accountability group for graduation rate for which the school district or charter school can be identified as a focus district or focus charter school.
(3) For each remaining accountability group, if the accountability group's 2006 four year graduation cohort rate exceeds the 2004 four year graduation cohort rate by at least 10 percent, then the accountability group is removed from consideration as an accountability group for graduation rate for which the school district or charter school can be identified as a focus district or focus charter school.
(4) If any of the remaining accountability groups are among the lowest five percent in the State for graduation rate, as determined by the commissioner, the school district or charter school will be preliminarily identified as a focus district or focus charter school.
(ii) The commissioner shall not preliminarily identify a special act school district as a focus district unless at least one school in the school district has been preliminarily identified as a priority school.
(iii) A school district in which a school has been preliminarily identified as a priority school shall be preliminarily identified as a focus district.
(3) Notification of preliminary identification of a priority school, focus district or focus charter school. Notification of preliminary identification of a priority school, focus district or focus charter school.
(i) For each preliminarily identified priority school, focus district or focus charter school, the school district or charter school shall be given the opportunity to present to the commissioner additional data and relevant information concerning extenuating or extraordinary circumstances faced by the school district or school that should be cause for the commissioner to not identify a district as a focus district, a public school as a priority school, or a charter school as a priority or focus school. The commissioner shall remove from preliminary priority school identification any school identified pursuant to clause (1)(i)(b) of this subdivision where the school district or charter school provides evidence that the school's 2007 four year graduation

cohort rate for the "all students" group equals or exceeds 60 percent.
(ii) Charter schools and school districts will be informed of the preliminary status of the school district and schools, and will be provided the opportunity to appeal such preliminarily identification, in a format and according to such time line as prescribed by the commissioner.
(iii) If a charter school or school district appeals the designation of a transfer high school as a priority school, the commissioner shall give careful consideration to the mission of the school, student performance, and the school's ability to effectively serve its students in a turnaround environment. The commissioner will take into account student performance factors including the age and number of credits that members of the cohort have upon admission to the school and the success of the school in graduating students up to the age of 21.
(4) Determination of priority school, focus district or focus charter school status. The commissioner shall review the additional information provided by the school district or charter school and make a determination regarding the designation of the school as a priority school or the school district as a focus district or the charter school as a focus charter school and provide notice to the school district or charter school of the determination.
(5) Identification of focus schools. Identification of focus schools.
(i) Upon identification as a focus district, the commissioner will require the school district to identify a specified minimum number of schools upon which it will focus its support and intervention efforts.
(ii) If the school district has been identified as a focus district solely because it has one or more priority schools in the school district, then the commissioner will provide the school district with the list of schools that are identified as focus schools, which shall consist of those schools whose ELA and math combined performance index for 2010-2011 school year or whose graduation rate for the 2006 graduation rate cohort for an accountability group is at or below cut points established by the commissioner and which are not making progress for that accountability group as determined by the commissioner. The district may petition the commissioner, using such format as the commissioner may prescribe, to substitute for good cause one or more schools on the list with school(s) selected by the district.
(iii) If a school district has been identified as a focus district pursuant to subparagraph (f)(2)(i) of this section, then all of the schools within the school district shall be preliminarily identified as focus schools. The commissioner shall assign the school district a minimum number of schools, as provided in subparagraph (viii) of this paragraph, that must be designated as focus schools based upon the number of non-proficient student results in English language arts and math on 2010-2011 school year assessments and non-graduation results for the 2006 graduation rate cohort for the accountability groups for which the school district has been identified as a proportion of the number of non-proficient results and non-graduate results for all focus districts in the State.
(iv) If a school has fewer than a total of 15 non-proficient student results in the accountability group(s) for which it could be potentially identified, then the school will not be identified for non-proficient student results. If the school has fewer than 15 non-graduation results in the accountability group(s) for which it could be potentially identified, then the school will not be identified for non-graduation results.
(v) If a school has more than 60 percent of its students meeting or exceeding the proficiency standard in ELA and math for all accountability group(s) for which the school could be identified, then the school will not be identified for non-proficient student results. If the school has a graduation rate of 60 percent or more for all accountability group(s) for which the school could be identified, then the school will not be identified for non-graduation results.
(vi) A priority school shall not be identified as a focus school.
(vii) The commissioner will provide each focus district identified pursuant to paragraph (4) of this subdivision with two rank-ordered list of schools as follows:
(a) A list rank-ordered based on the percentage of non-proficient and/or non-graduation results for each accountability performance criterion for each accountability group for which the school district has been identified as a focus district.
(b) A list rank-ordered based on the number of non-proficient and/or non-graduation results for each accountability performance criterion for each accountability group for which the school district has been identified as a focus district.
(viii) The minimum number of schools that a focus district must identify as focus schools shall not exceed 85 percent of the elementary and middle schools and 85 percent of the high schools in the school district that have not been identified as priority schools. In the event that all schools in the school district meet the conditions specified in subparagraph (iv), (v) or (vi) of this paragraph, then the school district shall not

receive rank-ordered lists but will be required to identify at a minimum any one school in the school district as a focus school.
(ix) A focus district may choose to:
(a) provide support to all of its schools to address the performance of accountability group(s) on the accountability measure(s) that caused the school district to be identified; or
(b) identify a subset of schools as focus schools from the rank-order lists provided by the commissioner based on:
(1) the number of students in a school who are not proficient in ELA or mathematics or non-graduates in the accountability groups for which the school district was identified;
(2) the percent of students who are not proficient in ELA or mathematics or non-graduates in the accountability groups for which the school district was identified.
(c) The school district must use the selected rank-ordered list to identify at least the minimum, required number of focus schools.
(d) The focus district may petition the commissioner, using such format as he may prescribe, to substitute for good cause one or more lower ranked schools on the list selected by the school district for higher ranked schools. In the case of the city school district of the City of New York, if the chancellor identifies more than the minimum number of schools in a community school district, the chancellor may request that such additional schools be credited towards meeting the minimum number of school requirement in other community school districts within the same county.
(e) A focus district shall provide the commissioner with its proposed list of focus schools according to such timeline as prescribed by the commissioner. The commissioner shall review and approve the proposed list and provide notification to the school district of which schools have been designated as focus schools.
(f) Prior to the start of each school year, the commissioner shall provide each focus district with the opportunity to revise its approved list of focus schools.
(x) Before placing a transfer high school on the rank-ordered lists of potential focus schools, the commissioner shall review 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 school's ability to effectively serve its students in a turnaround environment. The commissioner will take into account the graduation cohort data, the age and number of credits that members of the cohort have upon admission to the school; and the success of the school in graduating students up to the age of 21.
(6) School requiring a local assistance plan. School requiring a local assistance plan.
(i) Beginning with the 2011-2012 school year results and annually thereafter, a school that has not been designated as a priority or focus school shall be designated as a local assistance plan school if the school:
(a) failed to make adequate yearly progress (AYP) for an accountability group for three consecutive years on the same performance criterion in subdivision (j) of this section; or
(b) has gaps in achievement on a performance criterion in subdivision (j) of this section and the school has not shown sufficient progress toward reducing or closing those gaps, as determined by the commissioner, between students who are members and students who are not members of that accountability group; or
(c) the school is located in a district that is not designated as Focus and the school meets the criteria for identification as a focus school pursuant to subparagraph (5)(ii) of this subdivision.
(ii) For transfer high schools for which a district has submitted alternative high school cohort data, the commissioner shall review such data to determine whether the school shall be designated as requiring a local assistance plan.
(iii) Districts will be informed of the preliminary status of its schools and will be provided the opportunity to appeal the identification of any preliminarily identified school.
(7) Public notification of identification as a priority or focus school. Public notification of identification as a priority or focus school.
(i) Upon receipt of an accountability designation of priority or focus, the board of education (in New York City, the chancellor or chancellor's designee) or charter school board of trustees shall take appropriate action to notify the general public of the issuance of such designation. Such action shall include, but need not be limited to, direct notification, within 30 days of receipt of the commissioner's designation, in English and translated, when appropriate, into the recipient's native language or mode of communication, to persons in parental relation of children attending the school that it has been designated as priority or focus, and disclosure by the school district at the next public meeting of the local board of education or by the charter school board of trustees at the next public meeting of such designation.
(ii) Each school year during which a school remains under the identification as a priority or focus school, by

June 30th or at the time of a student's initial application or admission to the school, whichever is earliest, the board of education or charter school board of trustees shall provide direct notification to parents or other persons in parental relation to children attending the school that the school remains a priority or focus school. Such notification shall include a summary of the actions that the school district and school are taking to improve student results and an explanation of any district programs of choice, magnet programs, transfer policies, or other options that a parent or a person in parental relation may have to place the child in a different public school within the school district. Such notification shall include the timelines and process for parents exercising their rights to school choice.
(h) Interventions.
(1) District diagnostic review for focus districts. Commencing in the 2012-2013 school year, each focus district shall participate annually in a diagnostic review using a diagnostic tool of quality indicators as prescribed by the commissioner that shall focus on the accountability group(s) for each accountability performance criterion for which the school district and its schools have been identified as priority and/or Focus.
(2) School and district diagnostic review. School and district diagnostic review.
(i) Commencing in the 2013-2014 school year, the school district will annually use the results of a diagnostic tool of quality indicators, in the form and content prescribed by the commissioner, which may include a visit by an integrated intervention team as appointed by the commissioner, to inform the creation of a district comprehensive improvement plan. For the 2012-2013 school year, school districts shall use school quality reviews, external school curriculum audits, and joint intervention team reviews to develop district-wide strategic plans, as well as school-based plans for intervention.
(a) For schools designated as priority, the commissioner will appoint an integrated intervention team to conduct an on-site diagnostic school review, at least once within the three year period following designation to inform the development of the district comprehensive improvement plan and school comprehensive improvement plan.
(b) For schools designated as focus and priority in the years in which an integrated intervention team does not conduct an on-site diagnostic review, the school district will be required to annually use a diagnostic tool, in the form and content prescribed by the commissioner, to inform the development of the district comprehensive improvement plan and the school comprehensive education plan.
(c) For schools designated as requiring a local assistance plan, the school, in collaboration with the school district, will be required to annually use a diagnostic tool, in the form and content prescribed by the commissioner, to inform the development of the local assistance plan.
(d) Any school designated as a school requiring a local assistance plan but located within a focus district shall be included in the submission of the district comprehensive improvement plan, which will replace the requirements of the local assistance plan.
(ii) District comprehensive improvement plan.
(a) Commencing with the plan for the 2012-2013 school year, each focus district shall develop a district comprehensive improvement plan, in such format as may be prescribed by the commissioner, to identify the actions that will be taken to improve student performance levels of the accountability group(s) for each accountability performance criterion for which the school district has been identified as a focus district or one or more schools within the school district have been identified as priority schools. The plan shall:
(1) be developed in such format as may be prescribed by the commissioner, and shall be formally approved by the board of education of the school district (in New York City, approved by the chancellor or the chancellor's designee) no later than three months following the designation of the school district as a focus district, except that the commissioner may waive this timeline for good cause, and shall be subject to the approval of the commissioner, upon request;
(2) specify the supports and interventions, from the list of allowable expenditures and activities approved by the department, that the school district will provide to each school in the school district that has been identified as priority or focus school or a school requiring a local assistance plan and the funding sources that will be used for such supports and interventions;
(3) be implemented no later than the beginning of the 2012-2013 school year or immediately upon approval of the board of education, if such approval occurs after the first day of regular school attendance;
(4) be developed in consultation with parents, school, staff, and others pursuant to section 100.11 of this Part;
(5) be made widely available through public means, such as posting on the Internet, distribution through the media, and distribution through public agencies, according to such timeline as may be established by the

commissioner;
(6) be updated annually, including an analysis of achievement of prior year goals, and, as so updated, approved by the board of education (in New York City, approved by the chancellor or the chancellor's designee) and implemented no later than the first day of regular student attendance of each year that the school district remains a focus district;
(7) include a description of goals, targets, activities and timeline for implementation;
(8) require the prior approval of the commissioner for any significant modification of the school district's approved comprehensive improvement plan.
(b) Commencing with the plan for the 2013-2014 school year, the district comprehensive improvement plan shall be developed based on the diagnostic reviews of the school district and schools within the school district.
(c) In lieu of a district comprehensive improvement plan, each charter school identified as a focus school or priority school shall take such actions as are required by its charter authorizer pursuant to article 56 of the Education Law, consistent with the charter agreement that each charter school has with its charter authorizer and as determined by the charter school's board of trustees in consultation with the charter school's authorizer.
(iii) Comprehensive education plan.
(a) Commencing with the plan for the 2012-13 school year, each priority and focus school located in a focus district shall develop and implement a comprehensive education plan.
(b) The plan shall:
(1) be formally approved by the board of education (in New York City, approved by the chancellor or chancellor's designee) no later than three months following the designation of the school as priority or focus and shall be subject to the approval of the commissioner, upon request;
(2) be implemented no later than the beginning of the next school year after the school year in which the school was identified or immediately upon approval of the board of education (in New York City, approved by the chancellor or chancellor's designee) if such approval occurs after the first day of regular school attendance;
(3) be updated annually and incorporate the findings of the diagnostic review, and as so updated, be approved by the board of education (in New York City, approved by the chancellor or chancellor's designee) and implemented no later than the first day of regular student attendance of each year that the school remains a priority or focus school, except that for a priority school implementing a whole school reform model the plan shall be annually updated each year of the three year implementation period;
(4) be developed in consultation with parents, school, staff, and others pursuant to section 100.11 of this Part;
(5) be made widely available through public means, such as posting on the Internet, distribution through the media, and distribution through public agencies, according to such timeline as may be established by the commissioner;
(6) include a description of goals, targets, activities and timeline for implementation and, for priority schools implementing a whole school reform model, cover the three year period of the model's implementation;
(7) require the prior approval of the commissioner for any significant modification of the school's approved comprehensive improvement plan.
(c) No later than September 30, 2012, except that the commissioner may waive this timeline for good cause, each focus district with one or more priority schools shall submit in such format as prescribed by the commissioner the schedule by which each of the school district's priority schools shall implement, as part of the school's comprehensive improvement plan, a whole school reform model. A school implementing a transformation, turnaround or restart model pursuant to a school improvement grant or a school innovation fund grant shall be deemed to be implementing a whole school reform model. Upon approval of the schedule by the commissioner, each priority school shall implement the whole school reform model according to the timeline specified in the schedule, which shall require that implementation begin no later than the 2014-2015 school year. The schedule for implementation of the whole school reform model may not be modified without prior approval of the commissioner.
(d) Once a priority school has begun to implement a whole school reform model, the school will be required to complete the three year whole school reform plan even if the school is removed from priority status subsequent to the school beginning implementation of the plan.
(e) In lieu of a comprehensive education plan, each charter school identified as a focus school or priority school shall take such actions as are required by the charter authorizer pursuant to article 56 of the Education

Law, consistent with the charter agreement that each charter school has with its charter authorizer and as determined by the charter school's board of trustees in consultation with the charter school's authorizer.
(iv) Local assistance plans. A school district that has not been identified as focus but in which one or more schools require a local assistance plan shall develop such plan as follows:
(a) The school, with the assistance of the school district, shall conduct a diagnostic review in accordance with clause (2)(i)(c) of this subdivision.
(b) The school shall specify the actions that will be taken to improve the student performance levels of the accountability group(s) for each accountability performance criterion for which the school district has been identified. The local assistance plan shall:
(1) identify the process by which the local assistance plan was developed pursuant to section 100.11 of this Part;
(2) identify the resources that will be provided to each school to implement the plan;
(3) identify the professional development activities that will be taken to support implementation of the plan;
(4) identify the timeline for implementation of the plan; and
(5) be developed in such format as may be prescribed by the commissioner, and formally approved by the board of education of the school district (in New York City, approved by the chancellor or chancellor's designee) no later than three months following the designation of a school as requiring a local assistance plan;
(6) the local assistance plan shall be made widely available through public means, such as posting on the Internet, distribution through the media, and distribution through public agencies, according to such timeline as may be established by the commissioner;
(7) in lieu of a local assistance plan, each charter identified as requiring a local assistance plan shall take such actions as are required by its charter authorizer pursuant to article 56 of the Education Law, consistent with the charter agreement that each charter school has with its charter authorizer and as determined by the charter school's board of trustees in consultation with the charter school's authorizer.
(v) Distinguished educator. In addition to, and notwithstanding the provisions of subparagraphs (i) through (iv) of this paragraph, a school district designated as focus or a school designated as priority or focus may be required to cooperate with a distinguished educator appointed by the commissioner, pursuant to section 100.17(c)(3)(i) of this Part. The distinguished educator shall also provide oversight of the district comprehensive improvement plan or school comprehensive improvement plan and shall serve as an ex-officio member of the board of education. All plans are subject to review by the distinguished educator, who shall make recommendations to the board of education. The board of education shall implement such recommendations, unless it obtains the commissioner's approval to implement an alternate approach.
(vi) Supplemental educational services. Each local educational agency that receives title I funds may make supplemental educational services available to eligible students who attend a school designated priority or focus pursuant to this paragraph, consistent with section 120.4 of this Title.
(vii) Public school choice. Each school district that receives title I funds that has a school designated as priority or focus pursuant to this paragraph, shall provide public school choice consistent with section 120.3 of this Title.
(i) Removal from accountability designation.
(1) Removal of priority school designation. Based upon 2011-2012 and 2012-2013 school year results, and each two consecutive school year period thereafter, a school district or charter school may petition for a school to be removed from priority status if the school meets performance targets established by the commissioner, and the school has a combined performance index in ELA and mathematics for the all students group that exceeds the thresholds for identification as a priority school in the second year of the two year period. For high schools, the four year or five year cohort graduation rate must equal at least 60 percent for two consecutive years, the four year graduation rate cohort must equal or exceed 60 percent in the second year of the two year period and the school must meet the performance targets established by the commissioner, except for transfer high schools, for which the commissioner will establish a graduation rate goal and progress targets based on the specific conditions and circumstances present at each transfer high school. The school must also meet the participation rate requirement in ELA and mathematics for all groups for which it is accountable in the most current school year results that are being used as the basis for the petition.
(i) A school that begins to fully implement a whole-school reform model must complete implementation of the model even after removal from priority designation.
(ii) Schools that are removed from priority status before they begin implementation of a model will not be

required to implement the model.
(2) Removal of focus district and focus school designation. Removal of focus district and focus school designation.
(i) Commencing with 2011-2012 and 2012-2013 school year results, and each consecutive two year period thereafter, a school district may petition to have its focus designation revised if the school district meets the participation requirement in ELA and math for all accountability groups and the performance targets established by the commissioner, and the school district has a combined performance index in ELA and mathematics for each group for which the school district is accountable that exceeds the thresholds for identification in the second year of the two year period. For all groups for which the school district is accountable for graduation rate, the district must also exceed the graduation rate threshold for identification in both years of the two year period. The school district may petition for the removal of focus designation for any focus school in the school district that meets these same performance targets and participation rate requirements for ELA and mathematics.
(ii) Upon receipt of a petition for revision of status by a focus district, the commissioner will review the status of the school district and each priority and focus school in the school district. If the school district and each priority school and focus school within the school district meet the criteria for removal, the commissioner shall remove the focus designation from the school district and the focus and priority designation from all schools within the school district.
(iii) If the school district meets the criteria for removal, but not every priority or focus school within the school district meets the criteria for removal, the commissioner shall only remove the focus or priority designation from schools that meet the criteria for removal. The school district will remain a focus district and those schools that do not meet the criteria for removal will remain designated as focus or priority schools as applicable. The minimum number of schools that must be designated as focus shall be reduced to reflect this removal.
(iv) If the school district does not meet the criteria for removal but one or more of its focus schools meet the criteria for removal, the school district must, for each focus school it petitions for removal of focus designation, identify school(s) not currently identified as priority or focus to replace the school(s) meeting the criteria for removal, except that a school district is not required to:
(a) designate additional new focus schools to replace focus schools meeting the criteria for removal if by so doing the number of focus schools in the district would exceed the number of focus schools that the commissioner requires a school district to identify pursuant to paragraph (g)(5) of this section; or
(b) designate a school as a focus school that meets the criteria for focus school removal pursuant to this subdivision in order to replace a focus school meeting the criteria for removal.
(v) Notwithstanding the provisions of this subparagraph, a school district must identify at least one school as focus school if the school district does not meet the criteria for removal but all of its priority and focus schools meet the criteria for removal.
(vi) Removal of focus charter school designation.
(a) Commencing with 2011-2012 and 2012-13 school year results and for each consecutive two year period thereafter, a charter school may petition for the charter school to be removed from focus status if the charter school meets the participation requirement in ELA and math for all accountability groups and the performance targets established by the commissioner, which will at a minimum require that the charter school have a combined performance index in ELA and mathematics for each group for which the charter school was identified that exceeds the thresholds for identification in the second year of the two year period. The charter school must also exceed the graduation rate threshold for identification for two consecutive years for all accountability groups for which the charter school is accountable for graduation rate.
(b) Upon receipt of a petition for removal by a charter school, the commissioner will review the status of the charter school, and if the charter school meets the criteria for removal, the commissioner shall remove the focus designation from the charter school.
(j) Public school, school district and charter school performance criteria.
Each school district and school accountability group shall be subject to the performance criteria specified below:
(1) Elementary/middle-level English language arts and mathematics, and high school English language arts and mathematics requirements. An annual measurable objective is a performance index set by the commissioner for 2010-11 school year results for each accountability group and that increases annually in equal increments so as to reduce by half the gap between the performance index for each accountability group in the 2010-11 school year and reach a goal of a performance index of 200 by the 2016-17 school

year, except that, beginning with the 2012-2013 school year and thereafter, for each accountability group in elementary/middle-level English language arts and mathematics, an annual measurable objective is a performance index set by the commissioner for the 2012-13 school year that increases annually in equal increments so as to reduce by half the gap by the 2016-17 school year between the performance index of each accountability group in the 2012-13 school year and a performance index of 147.
(2) Annual high school or high school alternative cohort. Annual high school or high school alternative cohort.
(i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the annual high school cohort for purposes of computing the high school performance index for English language arts and mathematics for any given school year shall consist of those students who first enrolled in ninth grade three years previously anywhere and who were enrolled in the school on the first Wednesday in October of the current school year. The annual school district high school cohort for purposes of determining the high school performance index for ELA and math for any given school year shall consist of those students who first enrolled in ninth grade three years previously anywhere and who were enrolled in the school district or placed by the school district committee on special education or by school district officials in educational programs outside the school district on the first Wednesday in October of the current school year. Students with disabilities in ungraded programs shall be included in the annual school district and high school cohort in the third school year following the one in which they attained the age of 17.
(ii) The following students shall not be included in the annual high school cohort: students who transferred to another high school or approved alternative high school equivalency preparation program or high school equivalency preparation program approved pursuant to section 100.7 of this Part, or criminal justice facility, who left the United States or its territories, or who are deceased; except that, beginning with students who first entered grade 9 in the 2007-2008 school year, the following students will be included in the high school cohort of the school they attended before transferring:
(a) students who transfer to an approved alternative high school equivalency preparation program or high school equivalency preparation program approved pursuant to section 100.7 of this Part, but leave that program before the end of the third school year after the school year in which they first entered grade 9 without having earned a high school equivalency diploma or without entering a program leading to a high school diploma; and
(b) students who transfer to any high school equivalency preparation program other than those approved pursuant to section 100.7 of this Part.
(iii) The following students shall not be included in the annual school district high school cohort: students who transferred to a high school that is not a component of the school district or to an approved alternative high school equivalency preparation program or high school equivalency preparation program approved pursuant to section 100.7 of this Part, or criminal justice facility, who left the United States or its territories, or who are deceased; except that, beginning with students who first entered grade 9 in the 2007-2008 school year, the following students will be included in the high school cohort of the school district they attended before transferring:
(a) students who transfer to an approved alternative high school equivalency preparation program or high school equivalency preparation program approved pursuant to section 100.7 of this Part, but leave that program before the end of the third school year after the school year in which they first entered grade 9 without having earned a high school equivalency diploma or without entering a program leading to a high school diploma; and
(b) students who transfer to any high school equivalency preparation program other than those approved pursuant to section 100.7 of this Part.
(iv) 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. Transfer high school may voluntarily submit to the commissioner information on the performance of an alternative high school cohort.
(3) Elementary/middle-level science requirements. An annual measurable objective is a performance index set by the commissioner for 2010-11 school year results for each accountability group that increases annually in equal increments so as to reduce by half the gap between the performance index for each accountability group in the 2010-11 school year and reach a goal of a performance index of 200 by the 2016-17 school year.
(4) A high school cohort graduation rate goal established annually by the commissioner, or progress in relation to the previous school year's graduation rate as measured by the four year graduation rate cohort and

the five year graduation rate cohort.
(i) The four year graduation rate cohort for each public school and charter school shall consist of those students (including an ungraded student with a disability) whose first date of entry into grade 9 (anywhere) was four years previously and whose last enrollment in the school did not end because of transfer to another school, death, or leaving the United States. The graduation rate is computed as the number of cohort members who earn a local diploma or Regents diploma by August 31st following the fourth school year after the school year in which the cohort first entered grade 9 divided by the total four year annual graduation rate cohort membership.
(ii) The four year graduation rate cohort for each school district shall consist of those students (including an ungraded student with a disability) whose first date of entry into grade 9 was four years previously (anywhere) and whose last enrollment in the school district did not end because of transfer to another school district, death, or leaving the United States. The graduation rate is computed as the number of cohort members who earn a local diploma or Regents diploma by August 31st following the fourth school year after the school year in which the cohort first entered grade 9 divided by the total four year annual graduation rate cohort membership.
(iii) The five year graduation rate cohort for each public school and charter school shall consist of those students (including an ungraded student with a disability) whose first date of entry into grade 9 (anywhere) was five years previously and whose last enrollment in the school did not end because of transfer to another school, death, or leaving the United States. The graduation rate is computed as the number of cohort members who earn a local diploma or Regents diploma by August 31st following the fifth school year after the school year in which the cohort first entered grade 9 divided by the total five year annual graduation rate cohort membership.
(iv) The five year graduation rate cohort for each school district shall consist of those students (including an ungraded student with a disability) whose first date of entry into grade 9 (anywhere) was five years previously and whose last enrollment in the school district did not end because of transfer to another school district, death, or leaving the United States. The graduation rate is computed as the number of cohort members who earn a local diploma or Regents diploma by August 31st following the fifth school year after the school year in which the cohort first entered grade 9 divided by the total five year annual graduation rate cohort membership.
(v) Students with disabilities in ungraded programs shall be included in the four year annual school district and high school cohort in the fourth school year following the one in which they are assigned a first date of entry into ninth grade..
(vi) Students with disabilities in ungraded programs shall be included in the five year annual school district and high school cohort in the fifth school year following the one in which they are assigned a first date of entry into ninth grade.
(k) Identification of schools for public school registration review.
(1) Beginning with 2014-2015 school year results and thereafter, the commissioner shall place under preliminary registration review those schools identified as focus or priority for at least three consecutive years that are determined to have made insufficient progress towards the implementation of their comprehensive improvement plan or have failed to demonstrate progress since identification as a focus or priority School in improving student results on the performance criteria specified in paragraphs (j)(1) and (4) of this section, except that the commissioner may upon a finding of extenuating circumstances extend the period during which the school must demonstrate progress.
(2) Beginning with the 2013-14 school year results, the commissioner shall place under preliminary registration review a local assistance plan school, that was not otherwise eligible to be identified as a priority school that meets the performance criteria in subdivision (j) of this section to be identified as a priority school:
(3) Beginning with 2012-13 school year, the commissioner may also place under preliminary registration review any school that has conditions that threaten the health, safety and/or educational welfare of students or has been the subject of persistent complaints to the department by parents or persons in parental relation to the student, and has been identified by the commissioner as a poor learning environment based upon a combination of factors affecting student learning, including but not limited to: high rates of student absenteeism, high levels of school violence, excessive rates of student suspensions, violation of applicable building health and safety standards, high rates of teacher and administrator turnover, excessive rates of referral of students to or participation in special education or excessive rates of participation of students with disabilities in the alternate assessment, excessive transfers of students to alternative high school and high

school equivalency programs and excessive use of uncertified teachers or teachers in subject areas other than those for which they possess certification.
(4) The commissioner may also place under registration review any school for which a school district fails to provide in a timely manner the student performance data required by the commissioner to conduct the annual assessment of the school's performance or any school in which excessive percentages of students fail to fully participate in the State assessment program.
(5) For each school identified for preliminary registration review pursuant to paragraph (1) or (2) of this subdivision, the school district shall be given the opportunity to present to the commissioner additional data and relevant information concerning extenuating or extraordinary circumstances faced by the school that should be cause for the commissioner to not identify the school for registration review.
(6) For each school identified as a poor learning environment and placed under preliminary registration review pursuant to paragraph (3) of this subdivision, the school district shall be given the opportunity to present evidence to the commissioner that the conditions in the school do not threaten the health or safety or educational welfare of students and do not adversely affect student performance.
(7) The commissioner shall review the additional information provided by the school district and determine which of the schools identified for preliminary registration review pursuant to paragraph (1) or (2) of this subdivision, or identified as poor learning environments pursuant to paragraph (3) of this subdivision, shall be placed under registration review.
(l) Public school registration review.
(1) Upon placing the registration of a school under review, the commissioner shall warn the board of education (in New York City, the chancellor) that the school has been placed under registration review, and that the school is at risk of having its registration revoked. The commissioner shall include in any warning issued pursuant to this paragraph the actions that must be taken and/or the progress that must be demonstrated in order for a school to be removed from consideration for revocation of registration.
(i) Upon receipt of such warning, the board of education (in New York City, the chancellor or chancellor's designee) shall take appropriate action to notify the general public of the issuance of such warning. Such action shall include, but need not be limited to, direct notification, within 30 days of receipt of the commissioner's warning, in English and translated, when appropriate, into the recipient's native language or mode of communication, to persons in parental relation of children attending the school that it has been placed under registration review and is at risk of having its registration revoked, and disclosure by the school district at the next public meeting of the local board of education of such warning.
(ii) Each school year during which a school remains under registration review, by June 30th or at the time of a student's initial application or admission to the school, whichever is earliest, the board of education shall provide direct notification to parents or other persons in parental relation to children attending the school that the school remains under registration review and is at risk of having its registration revoked. Such notification shall include a summary of the actions that the school district and school are taking to improve student results and an explanation of any school district programs of choice, magnet programs, transfer policies, or other options that a parent or a person in parental relation may have to place the child in a different public school within the school district. Such notification shall include the timelines and process for parents exercising their rights to school choice.
(2) Following the placement of a school under registration review, an integrated intervention team, which may include a distinguished educator, as appointed by the commissioner, pursuant to section 100.17(c)(3)(i) of this Part, shall conduct a diagnostic review of the school and recommend to the commissioner whether the school should:
(i) continue to implement its current improvement plan, as modified by recommendations of the integrated intervention team;
(ii) implement a new comprehensive improvement plan, which may contain a new whole school reform model; or
(iii) be phased out or closed.
(3) The commissioner shall review the recommendations of the integrated intervention team and may approve, or modify and approve as so modified, such recommendations. Upon such approval, the commissioner shall direct that the school district submit in a format and according to a timeline prescribed by the commissioner a revised improvement plan, a new comprehensive improvement plan, or a plan for phase out or closure that implements the recommendations of the integrated intervention team. Upon approval of the plan by the commissioner, the school shall be required to implement such plan. If the school district fails to submit an approvable plan, the commissioner may recommend to the Board of Regents that

the registration be revoked and the school be declared an unsound educational environment pursuant to paragraph (7) of this subdivision.
(4) The commissioner may require a school district to submit such reports and data as the commissioner deems necessary to monitor the implementation of the improvement plan, comprehensive education plan, or closure or phase out plan and to determine the degree to which the school has achieved the progress required by the commissioner. Such reports shall be in a format and in accordance with such timeframe as are prescribed by the commissioner. The commissioner may upon a finding of good cause extend the deadline for submission of a required plan.
(5) Unless it is determined by the commissioner that a school identified for registration review should be phased out or closed, or that a shorter period of time shall be granted, a school placed under registration review shall be given three full academic years to show implement its plan and/or show required progress. The commissioner may establish interim required benchmarks for plan implementation and/or demonstration of required progress. If the school has not taken the required actions and/or demonstrated progress as delineated by the commissioner, the commissioner shall recommend to the Board of Regents that the registration be revoked and the school be declared an unsound educational environment, except that the commissioner may upon a finding of extenuating circumstances extend the period during which the school must demonstrate progress. The board of education of the school district which operates the school (in New York City, the chancellor) shall be afforded notice of such recommendation and an opportunity to be heard in accordance with paragraph (7) of this subdivision.
(6) Upon approval of revocation of registration by the Board of Regents, the commissioner will develop a plan to ensure that the educational welfare of the pupils of the school is protected. Such plan shall specify the instructional program into which pupils who had attended the school will be placed, how their participation in the specified programs will be funded, and the measures that will be taken to ensure that the selected placements appropriately meet the educational needs of the pupils. The commissioner shall require the board of education to implement such plan.
(7) Decisions to revoke the registration of a public school shall be made in accordance with the following procedures:
(i) The commissioner shall provide written notice of his recommendation and the reasons therefore to the board of education, which operates the school (in New York City, both the chancellor and any community school board having jurisdiction over the school). Such notice shall also set forth:
(a) the board of education's right to submit a response to the recommendation and request oral argument pursuant to subparagraph (ii) of this paragraph;
(b) the place, date and time the matter will be reviewed, and if requested, an oral argument heard by a three-member panel of the Board of Regents for recommendation to the full Board of Regents; and
(c) notification that failure to submit a response will result in the commissioner's recommendation being submitted to the Board of Regents for determination.
(ii) Within 15 days of receiving notice of the recommendation to revoke registration, the board of education (in New York City, both the chancellor and any community school board having jurisdiction over the school) may submit a written response to the commissioner's recommendation. The response shall be in the form of a written statement which presents the board of education's position, all evidence and information which the board of education believes is pertinent to the case, and legal argument. If the board of education desires, it may include in its response a request for oral argument. Such response must be filed with the Office of Counsel, New York State Education Department, State Education Building, Albany, NY 12234.
(iii) Within 30 days of the date of notice of the commissioner's recommendation, a panel comprised of three members of the Board of Regents, appointed by the chancellor, shall convene to consider the commissioner's recommendation, review any written response submitted by the board of education and, if timely requested by the board of education, hear the oral argument.
(m) Removal of schools from registration review, school phase-out or closure.
(1) In the event that a school has demonstrated the progress necessary to be removed from registration review, the superintendent may petition the commissioner to remove the school from registration review.
(2) A school shall not be removed from registration review if, in the commissioner's judgment, conditions that may contribute to a poor learning environment, as identified in paragraph (k)(3) of this section, remain present in the school.
(3) In the event that a school placed under registration review prior to the 2012-2013 school year demonstrates that it has met its previously established progress targets pursuant to section 100.2(p) of this Part, but is identified in the 2012-2013 school year as priority pursuant to subdivision (g) of this section, the

school shall remain under registration review and shall follow the intervention requirements pursuant to subdivision (h) of this section and meet the targets for removal as a priority school pursuant to subdivision (i) of this section, pursuant to a timeline prescribed by the commissioner.
(4) In the event that a school placed under registration review prior to the 2012-2013 school year demonstrates that it has met its previously established progress targets pursuant to section 100.2(p) of this Part, and is not identified in the 2012-2013 school year as priority pursuant to subdivision (g) of this section, the school shall be removed from registration review.
(5) In the event that a board of education either seeks to phase out or close a school under registration review or is required to close or phase out a school pursuant to paragraph (l)(3) of this section, the board of education (in New York City, the chancellor or chancellor's designee) shall submit for commissioner's approval, a plan identifying the intervention that will be implemented and will result in phase out or closure, in the form and content prescribed by the commissioner. The commissioner will consider the academic impact of such phase out or closure on other schools within the school district and may grant approval of such plan provided that:
(i) official resolutions or other approvals to phase out or close the existing school have been adopted by the local board of education (in New York City, the chancellor or chancellor's designee);
(ii) a formal phase out or closure plan has been developed and approved in accordance with the requirements of the intervention prescribed by the commissioner pursuant to subdivision (h) of this section; and
(iii) parents, teachers, administrators, and community members have been provided an opportunity to participate in the development of the phase out or closure plan.
(6) In the event that a board of education seeks to redesign a school under registration review or a priority school, the board of education (in New York City, the chancellor or chancellor's designee) shall submit to the commissioner a petition and a redesign plan, in such form or format as prescribed by the commissioner, requesting that the redesigned school be approved.
(i) The commissioner may grant such petition, and the school may be approved as redesigned, provided that:
(a) official resolutions or other approvals to replace the existing school with the redesigned school have been adopted by the local board of education (in New York City, the chancellor or chancellor's designee);
(b) parents, teachers, administrators, and community members have been provided an opportunity to participate in the development of the redesign plan; and
(c) upon examination of factors, the commissioner determines that the redesigned school constitutes a new and satisfactory educational program. Such factors may include, but not be limited to, the school mission; school climate; school administration and staff; grade configurations and groupings of students; zoning patterns; curricula and instruction; professional development programs; facilities; and parent and community involvement in decision making. In making a determination the commissioner will consider the academic impact of such redesign on other schools within the school district.
(ii) At the time that a redesigned school is approved, the commissioner shall delineate the student performance results that the school must demonstrate to be removed from registration review and/or priority status. For schools under registration review, if, after the designated period of time, the school has not demonstrated such results as delineated by the commissioner, the commissioner shall recommend to the Board of Regents that the registration be revoked pursuant to paragraph (l)(5) of this section.

Official Compilation of Codes, Rules and Regulations of the State of New York
Title 8. Education
Chapter II. Regulations of the Commissioner
Subchapter E. Elementary and Secondary Education
Part 100. Elementary and Secondary Education School Program

Section 100.2. General school requirements.

(p) *Registration of schools and school/district accountability.* Nonpublic schools may be, and public elementary, intermediate, middle, junior high, and high schools shall be, registered by the Board of Regents pursuant to this subdivision upon recommendation by the commissioner, provided that charter schools shall not be subject to registration pursuant to this subdivision, but shall be held accountable for meeting or exceeding the student performance standards and student assessment requirements applicable

to other public schools in accordance with the provisions of article 56 of the Education Law. No school district may operate a public school whose registration has been revoked by the Board of Regents pursuant to paragraph (10) of this subdivision or has lapsed pursuant to paragraph (3) of this subdivision. Only those public and nonpublic high schools which are registered by the Board of Regents upon recommendation of the commissioner, may issue diplomas and administer Regents examinations, except that charter schools may issue diplomas and administer Regents examinations as authorized by article 56 of the Education Law.

(1) Definitions. As used in this subdivision:

(i) *Accountability groups* shall mean, for each public school, school district and charter school, those groups of students for each grade level or annual high school cohort, as described in paragraph (16) of this subdivision comprised of: all students; students from major racial and ethnic groups, as set forth in subparagraph (bb)(2)(v) of this section; students with disabilities, as defined in section 200.1 of this Title, including, beginning with the 2009-2010 school year, students no longer identified as students with disabilities but who had been so identified during the preceding one or two school years; students with limited English proficiency, as defined in Part 154 of this Title, including, beginning with the 2006-2007 school year, a student previously identified as a limited English proficient student during the preceding one or two school years; and economically disadvantaged students, as identified pursuant to section 1113(a)(5) of the NCLB, 20 U.S.C. section 6316(a)(5) (Public Law, section 107-110, section 1113(a)(5), 115 STAT, 1469; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234). The school district accountability groups for each grade level will include all students enrolled in a public school in the district or placed out of the district for educational services by the district committee on special education or a district official.

(ii) *School district* shall mean a common, union free, central, central high school or city school district, provided that, in the case of the city school district of the City of New York, such term shall mean a community school district or New York City superintendency to the extent that such entity is the local educational agency for purposes of title I.

(iii) *Board of education* shall mean the trustees or board of education of a school district; provided that in the case of the city school district of the City of New York, such term shall mean the chancellor of the city school district acting in lieu of the board of education of such city school district to the extent authorized by article 52-A of the Education Law and, with respect community school districts and New York City superintendencies, such term shall mean the community superintendent or other superintendent of schools acting in lieu of the board of education to the extent authorized by article 52-A of the Education Law.

(iv) *Performance index* shall be calculated based on the four student performance levels defined in this subparagraph. Each student scoring at level 1 will be 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 for each accountability group will be calculated by summing the points and dividing by the number of students in the group.

(v) *Performance levels* shall mean:

(a) level 1/basic:

(1) for elementary and middle grades:

(i) a score of level 1 on State assessments in English language arts, mathematics and science or a score of level 1 on a State alternate assessment;

(ii) for the 2005-2006 school year and prior school years, a score for certain limited English proficient students pursuant to subparagraph (14)(viii) of this subdivision, in lieu of the State assessment in English

language arts, that shows level 1 growth on the New York State English as a Second Language Assessment Test (NYSESLAT);

(iii) for the 2004-2005 and prior school years, the score to be reported for a student with a disability who participates in the local assessment option;

(2) for high school:

(i) a score of less than 55 on the Regents comprehensive examination in English or a Regents mathematics examination or a failing score on a State-approved alternative examination for those Regents examinations;

(ii) a failing score on the Regents competency tests in reading or writing; a failing score on the Regents competency test in mathematics;

(iii) a score of level 1 on a State alternate assessment;

(iv) a cohort member who has not been tested; or

(v) for the 2004-2005 and prior school years, the score of a student with a disability who participates in the local assessment option;

(b) level 2/basic proficient:

(1) for elementary and middle grades:

(i) 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;

(ii) for the 2005-2006 school year and prior school years, a score for certain limited English proficient students pursuant to subparagraph (14)(viii) of this subdivision, in lieu of the State assessment in English language arts, that shows level 2 growth on the NYSESLAT;

(2) for high school:

(i) a score between 55 and 64 on the Regents comprehensive examination in English or a Regents mathematics examination;

(ii) a passing score on the Regents competency test in reading and writing; a passing score on the Regents competency test in mathematics;

(iii) a score of level 2 on a State alternate assessment;

(c) level 3/proficient:

(1) for elementary and middle grades:

(i) 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;

(ii) for the 2005-2006 school year and prior school years, a score for certain limited English proficient students pursuant to subparagraph (14)(viii) of this subdivision, in lieu of the State assessment in English language arts, that shows level 3 growth on the NYSESLAT;

(2) for high school:

(i) a score between 65 and 84 on the Regents comprehensive examination in English or a Regents mathematics examination;

(ii) a passing score on a State-approved alternative to the Regents examinations set forth in item (*i*) of this subclause;

(iii) a score of level 3 on a State alternate assessment; and

(d) level 4/advanced:

(1) for elementary and middle grades:

(i) 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;

(2) for high school:

(i) a score of 85 or higher on the Regents comprehensive examination in English or a Regents mathematics examination;

(ii) a score of level 4 on a State alternate assessment;

(vi) *High school equivalency literacy levels* means the level that a student tested on reading and mathematics assessments approved by the commissioner divided into the following grade levels: 0.0-1.9, 2.0-3.9, 4.0-5.9, 6.0-8.9, 9.0-10.9 and 11.0 and above.

(vii) *Alternate assessment* means a State alternate assessment recommended by the committee on special

education, for use by students with disabilities as defined in section 100.1(t)(2)(iv) of this Part in lieu of a required State assessment.

(viii) *Title I* means title I, part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA), 20 U.S.C. sections 6301-6327.

(ix) *Continuously enrolled* means, for grades 3-8, students whose latest date of enrollment occurred after the date prescribed by the commissioner on which BEDS forms are required to be completed and, for grades 9-12, students in the high school cohort, as defined in paragraph (16) of this subdivision.

(x) *Significant medical emergency* means an excused absence from school during both the regular and makeup examination period for which a district has documentation from a medical practitioner that a student is so incapacitated as to be unable to participate in the State assessment given during that examination period.

(xi) *For elementary and middle-level students, participation rate* means the percentage of students enrolled on all days of test administration who did not have a significant medical emergency who received valid scores on the State assessments for elementary and middle- level grades, as set forth in subparagraph (v) of this paragraph. Beginning with the 2006-2007 school year, a limited English proficient student enrolled in school in the United States (excluding Puerto Rico) for less than one year as of a date determined by the commissioner and who received a valid score on the NYSESLAT may be counted as participating in an elementary or middle level English language arts assessment.

(xii) *For high school students, participation rate* means the percentage of designated students in at least their fourth year of high school, as designated by the commissioner, who received a valid score on the

required assessments for high schools, as set forth in subparagraph (v) of this paragraph.

(xiii) *NCLB* means the No Child Left Behind Act of 2001, Public Law, section 107-110.

(2) Procedure for registration of public schools.

(i) All public elementary, intermediate, middle, junior high schools, and high schools, other than charter schools, in existence on September 1, 2002 shall be deemed registered by the Board of Regents pursuant to this subdivision as of such date.

(ii) A school district that seeks to register a public elementary, intermediate, middle, junior high school or high school which is not registered pursuant to subparagraph (i) of this paragraph shall submit a petition for registration to the Board of Regents, in a form prescribed by the commissioner and containing such information as the commissioner may require, no later than June 15th for schools opening in September of the next successive school year or, for those schools opening during a current school year, at least 90 days prior the opening of such school, except that the commissioner may waive this timeline for good cause. The commissioner shall review the petition and shall recommend its approval to the Board of Regents if it is satisfactorily demonstrated that the district has provided an assurance that the school will be operated in an educationally sound manner; is in compliance with applicable statutes, rules and regulations relating to public schools; and will operate in accordance with applicable building codes and pursuant to a certificate of occupancy. No new public school will be recommended for registration by the commissioner if, in the commissioner's judgment, the establishment of such school would conflict with an approved plan for district reorganization, except where it can be established to the satisfaction of the commissioner that such school is essential to the education welfare of the students.

(a) Where a school registered pursuant to this paragraph is in a district in which one or more schools have been designated as a school in Improvement, Corrective Action or Restructuring, the commissioner shall determine the accountability status of the newly registered school based upon his review of the proposed educational program, including but not limited to such factors as: school mission, school administration and staff, grade configurations and groupings of students, zoning patterns, curricula and instruction and facilities.

(b) In the event that a school district merges two or more schools or transfers organizational responsibility for one or more grades from one school to another, the commissioner may adjust the accountability status of the affected schools to reflect such organizational changes.

(3) All registrations approved by the Board of Regents pursuant to this subdivision shall continue in effect unless revoked by the Board of Regents upon recommendation of the commissioner after review of the registration, or the school district closes the school.

(4) System of accountability for student success. Each year, commencing with 2002-2003 school year test administration results, the commissioner shall review the performance of all public schools, charter schools and school districts in the State. For each accountability performance criterion specified in paragraph (14) and each performance indicator specified in paragraph (15) of this subdivision, the commissioner, commencing with 2002-2003 school year test administration results, shall determine whether each public school, charter school and school district has achieved adequate yearly progress as set forth in paragraph (5) of this subdivision.

(5) Adequate yearly progress.

(i) A public school, charter school or school district shall be deemed to have made adequate yearly progress on an accountability performance criterion set forth in paragraph (14) of this subdivision if each accountability group within such school or district achieved adequate yearly progress on that criterion.

(ii) In public schools, charter schools or school districts with fewer than 30 students subject to an accountability performance criterion set forth in paragraphs (14) and (15) of this subdivision, the

commissioner shall use the weighted average of the current and prior school year's performance data for that criterion in order to make a determination of adequate yearly progress. No public school, charter school or school district will be held accountable for any other accountability group consisting of fewer than 30 students as long as the "all student" accountability group includes at least 30 students for that school year.

(iii) For purposes of determining adequate yearly progress, only the performance of continuously enrolled students in grades 3-8 shall be included for consideration.

(iv) An accountability group shall be deemed to have made adequate yearly progress on an accountability performance criterion specified in paragraph (14) of this subdivision if:

(a) the superintendent of the school district or the principal of the charter school has submitted the required student data files to the commissioner pursuant to paragraph (bb)(2) of this section or section 119.3(b) of this Title in the timeframe and format specified by the commissioner; and

(b) for accountability groups consisting of 40 or more students, either:

(1) the participation rate for the current year equals or exceeds 95 percent; or

(2) the weighted average of the current year and prior year participation rates equals or exceeds 95 percent;

(c) for accountability groups consisting of 30 or more students:

(1) the accountability group met or exceeded, or did not differ significantly as determined by the commissioner, from the annual measurable objective for that criterion; or

(2) the accountability group met or exceeded, or did not differ significantly as determined by the commissioner, from an annual performance target established by the commissioner and the accountability group met or exceeded the third performance indicator at that grade level, as defined in paragraph (15) of this subdivision.

(v) A public school, charter school or school district shall be deemed to have made adequate yearly progress on a performance indicator specified in paragraph (15) of this subdivision if:

(a) the superintendent of the school district or the principal of the charter school has submitted the required student data files to the commissioner pursuant to paragraph (bb)(2) of this section or section 119.3(b) of this Title in the timeframe and format specified by the commissioner; and

(b) the "all students" accountability group in the school or school district at the applicable grade levels or high school cohort met or exceeded the performance indicator and, for elementary and middle levels, and beginning in 2005-2006 for the elementary- middle level, 80 percent of students enrolled on all days of the science test administration, who did not have a significant medical emergency, received valid scores.

(vi) For each school year, public schools, school districts, and charter schools in which no students or, pursuant to subparagraph (ii) of this paragraph fewer than 30 students, participate in the required State assessments for English language arts or mathematics, or in which the majority of students are not continuously enrolled, shall conduct a self-assessment of their academic program and the school learning environment, in such format and using such criteria as may be prescribed by the commissioner. Such self-assessment shall not be required of those schools and school districts for which the commissioner shall conduct a review of the performance of the school or school district in accordance with subparagraph (viii) of this paragraph. The superintendent of the school district or principal of the charter school shall review the self-assessment(s) and make a recommendation to the commissioner, in such format and

according to such timeframe as the commissioner may prescribe, as to whether the school or school district has made adequate yearly progress. The commissioner shall consider the self-assessment, board recommendation and any other relevant information in determining whether the school or school district made adequate yearly progress.

(vii) The school accountability status of public schools, school districts, and charter schools serving grades 1 and/or 2, but not grade 3 or higher, (hereafter referred to as "feeder schools") will be determined using backmapping. In school districts with such feeder schools and in school districts that accept grade 3 students from feeder schools by contract, the grade three State assessment results for each feeder school student will be attributed to the feeder school as well as to the school or charter school in which the student took the assessment. The student's results will be attributed to a feeder school only if the student was continuously enrolled in the feeder school from the date prescribed by the commissioner on which the BEDS forms are required to be completed until the end of the school year in the highest grade served by the feeder school. In a district, if all schools serving grade three make adequate yearly progress in a given year, all feeder schools served by the district will be deemed to have made adequate yearly progress. If one or more schools enrolling students from a feeder school fail to make adequate yearly progress on a criterion set forth at subparagraphs (14)(iii) and (vi) of this subdivision, the commissioner will aggregate the district's grade three results on that criterion by feeder school and determine whether

each feeder school made adequate yearly progress on that criterion. If a feeder school fails to make adequate yearly progress on the same criterion for two consecutive years, the school will be designated as a school in Improvement (year 1).

(6) Differentiated Accountability for Schools.

(i) Except as provided in subparagraph (ii) of this paragraph, beginning with the 2009-2010 school year and thereafter, public schools, and charter schools that receive funds under title I, that failed to make adequate yearly progress (AYP) pursuant to this subparagraph shall be designated into accountability phases and phase categories as follows:

(a) Accountability phases.

(1) Improvement phase.

(i) A school that fails to make AYP for two consecutive years on the same accountability performance criterion in paragraph (14) of this subdivision or the same accountability indicator in paragraph (15) of this subdivision shall be designated in the next school year as a school in Improvement (year 1) for that accountability performance criterion/accountability indicator.

(ii) A school that is designated as a school in Improvement (year 1) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified shall be designated in the next school year as a school in Improvement (year 2) for that accountability performance criterion/accountability indicator.

(2) Corrective Action phase.

(i) A school that is designated as a school in Improvement (year 2) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified as a school in Improvement (year 2) shall be designated in the next school year as a school in Corrective Action (year 1) for that accountability performance criterion/accountability indicator.

(ii) A school that is designated as a school in Corrective Action (year 1) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified shall be designated in the next school year as a school in Corrective Action (year 2) for that accountability performance criterion/accountability indicator.

(3) Restructuring phase.

(i) A school that is designated as a school in Corrective Action (year 2) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified shall be designated in the next school year as a school in Restructuring (year 1) for that accountability performance criterion/accountability indicator.

(ii) A school that is designated as a school in Restructuring (year 1) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified shall be designated in the next school year as a school in Restructuring (year 2) for that accountability performance criterion/accountability indicator.

(iii) A school that is designated as a school in Restructuring (year 2) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified shall be

designated in the next school year as a school in Restructuring (advanced) for that accountability performance criterion/accountability indicator.

(b) Phase categories.

(1) Improvement phase. Schools designated in Improvement shall be assigned to a category upon entry into the phase as follows:

(i) Basic:

(a) schools that fail to make AYP for one accountability group within one accountability performance criterion, but not the all students group; or

(b) schools that fail to make AYP for one of the accountability indicators, but met the accountability performance criterion.

(ii) Focused:

(a) schools that fail to make AYP for more than one accountability performance criterion, but not the all students group; or

(b) schools that fail to make AYP for more than one accountability student group within an accountability performance criterion, but not the all students group;

(iii) Comprehensive:

(a) schools that fail to make AYP for the all students group on any accountability performance criterion; or

(b) schools that fail to make AYP for every accountability group, except the all students group, within an accountability criterion for which there are at least two accountability groups other than the all students group; or

(c) schools that fail to make AYP for an accountability performance criterion and for an indicator.

(2) Corrective Action or Restructuring phase. Schools designated in Corrective Action or Restructuring shall be assigned to a category upon entry into the phase as follows:

(i) Focused:

(a) schools that fail to make AYP for one of the accountability indicators, but met the accountability performance criterion; or

(b) schools that fail to make AYP for more than one accountability performance criterion, but not with the all students group; or

(c) Schools that fail to make AYP for one or more accountability groups within an accountability performance criterion, but not the all students group.

(ii) Comprehensive:

(a) schools that fail to make AYP for the all students group on any accountability performance criterion; or

(b) schools that fail to make AYP for every accountability group, except the all students group, within an accountability performance criterion for which there are at least two accountability groups other than the all students group; or

(c) schools that fail to make AYP for an accountability performance criterion and for an accountability indicator.

(c) The commissioner shall designate a school's overall accountability status as the most advanced phase for which it has been identified on an accountability performance criterion/accountability indicator and, within that designated phase, shall assign the highest category, provided that such category may not be reduced in a subsequent year of a phase.

(d) Upon a finding of exceptional or uncontrollable circumstances, the commissioner may delay for a period of one year the designation of a school under this paragraph.

(ii) Special transition provisions for schools in operation during the 2008-2009 school year and for schools under registration review. Notwithstanding the provisions of subparagraph (i) of this paragraph:

(a) For each public school that was in operation during the 2008-2009 school year and for each charter school that was in operation and received funds under title I during the 2008-2009 school year, the commissioner shall designate the school's accountability phase and phase category for the 2009-2010 school year, based upon the school's accountability status for the 2008-2009 school year and the school's adequate yearly progress (AYP) status for the 2007-2008 and 2008-2009 school years;

(b) Notwithstanding the provisions of clause (a) of this subparagraph, a school that is identified for registration review pursuant to paragraph (9) of this subdivision during a school year in which it is designated as a school in Improvement or Corrective Action shall, in the next school year, be designated as a school in Restructuring (year 1)/Comprehensive and shall be subject to the requirements of subclause (iv)(c)(2) of this paragraph.

(iii) Removal from accountability designation. A school that makes adequate yearly progress for two consecutive years on the accountability performance criterion/accountability indicator for which it has been identified shall be removed from accountability designation for that accountability performance criterion and/or accountability indicator.

(iv) Interventions.

(a) Improvement phase schools.

(1) School quality review. Each school upon initial designation for the Improvement phase shall participate in a school quality review, to include at a minimum a self-assessment of the educational program, using quality indicators in a form and content prescribed by the commissioner. The school quality review shall focus on the accountability group(s) for each accountability performance criterion and/or accountability indicator for which the school has been identified.

(2) School improvement plan. A school improvement plan, in such format as may be prescribed by the commissioner, shall be developed based on the school quality review and cover a two year period. The plan shall:

(i) be formally approved by the board of education (in New York City, both the New York City Board of Education and the community school board for schools under the jurisdiction of the community school district) no later than three months following the designation of the school in the Improvement phase and shall be subject to the approval of the commissioner, upon request;

(ii) be implemented no later than the beginning of the next school year after the school year in which the school was identified or immediately upon approval of the board of education if such approval occurs after the first day of regular school attendance;

(iii) be updated annually and, as so updated, approved by the board of education and implemented no later than the first day of regular student attendance of each year that the school remains in improvement. If, in the second year of improvement, the school fails to make AYP with a different accountability group for which the school is subsequently designated for improvement or is subsequently designated for improvement for a different accountability performance criterion or indicator, the school shall modify the plan consistent with the highest accountability category and also address the additional group(s), criterion or indicator;

(iv) for a school designated as Improvement/Basic, the plan shall also include a description of activities and timeline for implementation. The district shall be responsible for oversight and support of the plan;

(v) for a school designated as Improvement/Focused, the plan shall, consistent with State law, also include one or more of the actions set forth in section 6316 (b)(3)(A)(i-x) of the NCLB, 20 U.S.C. section 6316(b)(3)(A)(i-x) (Public Law, section 107-110, section 1116(b)(3)(A)(i-x), 115 STAT. 1480-1481; Superintendent of Documents, U.S. Government Printing Office, Washington,, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234), in accordance with a written report by the school quality review team; and

(vi) for a school designated as Improvement/Comprehensive, the plan shall, consistent with State law, also include all of the actions set forth in section 6316 (b)(3)(A)(i-x) of the NCLB, 20 U.S.C. section 6316(b)(3)(A)(i-x) (Public Law, section 107-110, section 1116(b)(3)(A)(i-x), 115 STAT. 1480-1481; Superintendent of Documents, U.S. Government Printing Office, Washington,, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234), in accordance with a written report by the school quality review team. Such report may include a recommendation that the school engage the services of a content area consultant.

(3) On-site review. Except as provided in paragraph (9) of this subdivision, in addition to the school quality review and prior to the development of the school improvement plan required under clause (a) of this subparagraph:

(i) for a school designated as Improvement/Focused, the school shall be required to participate in an on-site review that shall be conducted by a school quality review team, with district representation, appointed by the commissioner. The review shall focus on the accountability group(s), accountability performance criterion and/or indicator for which the school was identified. The district shall be responsible for oversight and support of the plan;

(ii) for a school designated as Improvement/Comprehensive, the school shall be required to participate in an intensive on-site review that shall be conducted by a school quality review team, with district representation, appointed by the commissioner. The review shall focus on the systemic issues at the school that have caused the school to be designated for Improvement. The district shall be responsible for oversight and support of the plan.

(b) Corrective Action phase schools.

(1) Curriculum audit. Except as provided in paragraph (9) of this subdivision, each school, upon initial designation for the Corrective Action phase, shall participate in a curriculum audit to assess the school's educational program. The curriculum audit shall be in a form and content prescribed by the commissioner and shall focus on the accountability group(s) for each accountability performance criterion and/or accountability indicator for which the school was identified. The school shall be assisted by a school quality review team, with district representation, appointed by the commissioner.

(2) Corrective action plan. A corrective action plan, in such format as may be prescribed by the commissioner, shall be developed and cover a two-year period. The district and school quality review team shall provide oversight and support for implementation of a corrective action plan. The plan shall:

(i) be formally approved by the board of education (in New York City, both the New York City Board of Education and the community school board for schools under the jurisdiction of the community school district) no later than three months following the designation of the school in the Corrective Action phase and shall be subject to the approval of the commissioner, upon request;

(ii) be implemented no later than the beginning of the next school year after the school year in which the school was identified or immediately upon approval of the board of education if such approval occurs after the first day of regular school attendance;

(iii) be updated annually and incorporate the findings of the audit and any other action required to be taken by the district pursuant to this subclause and, as so updated, approved by the board of education and implemented no later than the first day of regular student attendance of each year that the school remains in corrective action. If, in the second year of corrective action, the school fails to make AYP with a different accountability group for which the school is subsequently designated for corrective action or is subsequently designated for corrective action on a different accountability performance criterion or indicator, the school shall modify the plan consistent with the highest accountability category and also address the additional group(s), criterion or indicator;

(iv) include, to the extent consistent with State law, at least one of the actions set forth at section 6316(b)(7)(C)(iv)(I-VI) of the NCLB, 20 U.S.C. section 6316(b)(7)(C)(iv)(I-VI) (Public Law, section 107-110,section 1116(b)(7)(C)(iv)(I-VI), 115 STAT. 1484; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234). The district shall identify and provide the support(s) required to implement any new curriculum, including professional development;

(c) Restructuring phase schools.

(1) Assessment of educational program. Each school shall participate in an assessment of the educational program by a joint intervention team appointed by the commissioner which shall include district representation and may include a distinguished educator. The team shall assess the educational program and make recommendations.

(2) Restructuring plan. A two year restructuring plan shall be developed and implemented by the district, focusing on the subgroup(s) for the accountability performance criterion and/or accountability indicator for which the school was identified. The district shall provide oversight and support for the plan, with the assistance of the Department. Such restructuring plan shall require the school to make fundamental reforms, such as significant changes in the staff, governance, or organization and may include a plan to

close or phase out the school, and shall:

(i) be formally approved by the board of education (in New York City, both the New York City Board of Education and the community school board for schools under the jurisdiction of the community school district) no later than three months following the designation of the school in the Restructuring phase and also shall be subject to the approval of the commissioner; and

(ii) be implemented no later than the beginning of the next school year after the school year in which the school was identified or, to the extent practicable, immediately upon approval of the board of education if such approval occurs after the first day of regular school attendance.

(3) Distinguished educator. In addition to, and notwithstanding the provisions of, subclauses (1) and (2) of this clause, a school designated as Restructuring/Comprehensive shall cooperate with a distinguished educator assigned by the commissioner. The distinguished educator shall also provide oversight of the restructuring plan and shall serve as an ex-officio member of the board of education. All plans are subject to review by the distinguished educator who shall make recommendations to the board of education. The board shall implement such recommendations unless it obtains the commissioner's approval otherwise.

(d) Each improvement, corrective action and restructuring plan, and each updated plan, shall be developed, to the extent appropriate, consistent with section 100.11 of this Title.

(e) The commissioner may require that any plan, or subsequent modification of a plan, be submitted for prior approval.

(v) Supplemental education services. Each local educational agency that receives title I funds shall make supplemental education services available to eligible students who attend a school designated in Improvement, Corrective Action or Restructuring pursuant to this paragraph, consistent with section 120.4 of this Title.

(vi) Title I public school choice. Each local educational agency that receives title I funds that has a school designated in Improvement (year 2); Corrective Action; or Restructuring pursuant to this paragraph, shall provide public school choice consistent with section 120.3 of this Title.

(7) Districts requiring academic progress.

(i) Commencing with 2003-2004 school year results, a district that failed to make adequate yearly progress on all applicable criteria in paragraph (14) of this subdivision in a subject area, or all applicable indicators in subparagraphs (15)(i) through (iii) of this subdivision, or the indicator in subparagraph (15)(iv) of this subdivision, for two consecutive years shall be designated as a "district requiring academic progress." A district improvement plan in such format as may be prescribed by the commissioner shall be developed by each district requiring academic progress. Such district improvement plan shall be formally approved by the board of education (in New York City, both the New York City Board of Education and the community school board for schools under the jurisdiction of the community school district) no later than three months following the identification of the district as requiring academic progress and submitted to the commissioner for approval. The plan shall be implemented no later than beginning of the next school year after the school year in which the school district was identified as requiring academic progress or immediately, to the extent practicable, upon approval of the board, if such identification occurs after the first day of regular student attendance. Such plan shall be developed in consultation with parents, school, staff, and others. The plan shall be revised annually and resubmitted to the commissioner for approval no later than July 31st of each school year in which the district remains identified as requiring academic progress. Any modification of the district's approved improvement plan shall require

the prior approval of the commissioner.

(ii) Commencing with 2003-2004 school year results:

(a) a district identified as requiring academic progress for failing to make adequate yearly progress on all applicable criterion in paragraph (14) of this subdivision in a subject area shall be removed from such status if it makes adequate yearly progress for two consecutive years on any criterion in the subject area for which it is identified;

(b) a district identified as requiring academic progress for failing to make adequate yearly progress on every applicable indicator set forth at subparagraphs (15)(i) through (iii) of this subdivision shall be removed from such status if it makes adequate yearly progress for two consecutive years on any applicable indicators; and

(c) a district identified as requiring academic progress for failing to make adequate yearly progress on the indicator set forth at subparagraph (15)(iv) of this subdivision shall be removed from such status if it makes adequate yearly progress for two consecutive years on such indicator; provided that for a district requiring academic progress that is removed from such status based on 2002-2003 and 2003-2004 results, such district shall have made adequate yearly progress in 2002-2003 on each criterion or indicator for which it was identified.

(iii) Except as provided in subparagraph (vi) of this paragraph, a local educational agency (LEA) that received funds under title I for two consecutive years during which the LEA did not make adequate yearly progress on all applicable criteria in paragraph (14) of this subdivision in a subject area, or all applicable indicators in subparagraphs (15)(i) through (iii) of this subdivision, or the indicator in subparagraph (15)(iv) of this subdivision, shall be identified for improvement under section 1116(c) of the NCLB, 20 U.S.C. section 6316(c) and shall be subject to the requirements therein (Public Law, section 107-110, section 1116[c], 115 STAT. 1487-1491; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234).

(iv) Except as provided in subparagraph (vi) of this paragraph, at any time following the identification of an LEA for improvement, the commissioner may further identify the local educational agency for corrective action under section 1116(c)(10) of the NCLB, 20 U.S.C. section 6316(c)(10). The commissioner shall identify such LEA for corrective action if, by the end of the second full school year the LEA has failed to make adequate yearly progress. The commissioner may delay identification of an LEA for corrective action for a period of one year pursuant to section 1116(c)(10)(F) of the NCLB, 20 U.S.C. section 6316(c)(10)(F) (Public Law, section 107-110, section 1116[c][10], 115 STAT. 1489-1491; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234).

(v) Commencing with 2003-2004 school year results, an LEA identified for improvement or corrective action that is removed from status as a district requiring academic progress pursuant to subparagraph (ii) of this paragraph shall no longer be subject to the requirements of section 1116(c) of the NCLB, 20 U.S.C. section 6316(c) (Public Law, section 107-110, section 1116[c], 115 STAT. 1487-1491; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234).

(vi) Notwithstanding any other provision of law, an LEA subject to the provisions of subparagraphs (iii) and (iv) of this paragraph which accountability status is dependent upon the 2005-2006 assessment results for grades 3-8 and which does not receive notice of such status until after the first day of regular

attendance for the 2006-2007 school year, shall immediately commence implementation, to the extent practicable, of any plan required to be implemented pursuant to section 1116(c) of the NCLB.

(8) High performing and rapidly improving schools and districts.

(i) Commencing with 2003-2004 school year results, the commissioner shall annually identify as "high performing" public schools, school districts, and charter schools in which:

(a) the school or district meets or exceeds the benchmarks established by the commissioner pursuant to subparagraph (14)(ix) of this subdivision; and

(b) the school or district has made adequate yearly progress on all applicable criteria and indicators in paragraphs (14) and (15) of this subdivision for two consecutive years.

(ii) Commencing with 2004-2005 school year results, the commissioner shall annually identify as "rapidly improving" public schools, school districts, and charter schools in which:

(a) the school or district is below the benchmark established by the commissioner pursuant to subparagraph (14)(ix) of this subdivision;

(b) the school or district has improved its performance by an amount determined by the commissioner during the past three years on each applicable criterion in paragraph (14) of this subdivision in which it is below the benchmark established by the commissioner; and

(c) the school or district has made adequate yearly progress on all applicable criteria and indicators in paragraphs (14) and (15) of this subdivision for three consecutive years.

(iii) The commissioner may elect not to identify a school or district as high performing or rapidly improving if the school or district is held accountable for the performance of three or fewer accountability groups on each applicable criterion.

(9) Identification of schools for public school registration review.

(i) Up through and including the 2009-2010 school year, the commissioner shall place under registration review those schools that are determined to be farthest from meeting the benchmarks established by the commissioner pursuant to subparagraph (14)(ix) of this subdivision and most in need of improvement.

(ii) Beginning with the 2010-2011 school year and thereafter, the commissioner shall place under preliminary registration review a school that is identified as persistently lowest-achieving in such school year. A school identified as persistently lowest-achieving in the 2009-2010 school year, that was not a school under registration review during the 2009-2010 school year, shall not be placed under registration review but shall follow the intervention and other applicable requirements in subparagraphs (10)(ii) and (iv) of this subdivision.

(a) A school shall be identified as persistently lowest-achieving if, based upon the academic indicators set forth in clause (b) of this subparagraph, it is:

(1) A Title I school in improvement, corrective action, or restructuring that:

(i) is among the lowest-achieving five percent of Title I schools in improvement, corrective action or restructuring, or the lowest achieving five Title I schools in improvement, corrective action or

restructuring, whichever number of schools is greater; or

(ii) is a high school that has a graduation rate, as defined in section 100.2(p)(15)(iv) of this subdivision, that is less than 60 percent over the three consecutive year period for which accountability determinations have been made pursuant to this subdivision; or

(2) A secondary school that is eligible for, but does not receive, Title I funds that:

(i) is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, Title I funds, whichever number of schools is greater; or

(ii) is a high school that has a graduation rate, as defined in section 100.2(p)(15)(iv) of this subdivision, that is less than 60 percent over the three consecutive year period for which accountability determinations have been made.

(b) A school shall be identified as persistently lowest-achieving based on the following academic indicators:

(1) the performance of the school's "all students" group on the State assessments in English language arts and mathematics combined, which shall be determined by dividing the sum of the "all students" performance index for each English language arts and mathematics measure for which the school is accountable by the number of measures for which the school is accountable; and

(2) the school's lack of progress on the State assessments in English language arts and mathematics over three years. A school shall be deemed to have demonstrated lack of progress if:

(i) the school is designated as a school in restructuring; and

(ii) the school has failed to demonstrate, over the three consecutive year period for which accountability determinations have been made pursuant to this subdivision, at least a twenty-five point gain in its performance index for the "all students" group in each English language arts and mathematics measure for which the school is held accountable; and/or

(3) the school has a graduation rate, as defined in section 100.2(p)(15)(iv) of this subdivision, that is less than 60 percent over the three consecutive year period for which accountability determinations have been made pursuant to this subdivision.

(iii) The commissioner shall also place under preliminary registration review a school that is not otherwise eligible to be identified as persistently lowest-achieving that meets the academic indicators in clause (ii)(b) of this paragraph to be identified as a persistently lowest-achieving school; and

(a) is a school in which more than fifty percent of the total student enrollment consists of students with disabilities; or

(b) is a non-Title I elementary school or a non-Title I eligible secondary school.

(iv) The commissioner may also place under preliminary registration review any school that has conditions that threaten the health, safety and/or educational welfare of students or has been the subject of persistent complaints to the department by parents or persons in parental relation to the student, and has been identified by the commissioner as a poor learning environment based upon a combination of factors

affecting student learning, including but not limited to: high rates of student absenteeism, high levels of school violence, excessive rates of student suspensions, violation of applicable building health and safety standards, high rates of teacher and administrator turnover, excessive rates of referral of students to or participation in special education or excessive rates of participation of students with disabilities in the alternate assessment, excessive transfers of students to alternative high school and high school equivalency programs and excessive use of uncertified teachers or teachers in subject areas other than those for which they possess certification.

(v) The commissioner may also place under registration review any school for which a district fails to provide in a timely manner the student performance data required by the commissioner to conduct the annual assessment of the school's performance or any school in which excessive percentages of students fail to fully participate in the State assessment program.

(vi) Beginning in the 2010-2011 school year, for each school identified for preliminary registration review pursuant to subparagraphs (ii) and (iii) of this paragraph, the local school district shall be given the opportunity to present to the commissioner additional assessment data, which may include, but need not be limited to, valid and reliable measures of: the performance of students in grades other than those in which the State tests are administered; the performance of limited English proficient students and/or other students with special needs; and the progress that specific grades have made or that cohorts of students in the school have made towards demonstrating higher student performance. For each school identified as a poor learning environment and placed under preliminary registration review pursuant to subparagraph (iv) of this paragraph, the district shall be given the opportunity to present evidence to the commissioner that the conditions in the school do not threaten the health or safety or educational welfare of students and do not adversely affect student performance. The district may also provide relevant information concerning extraordinary, temporary circumstances faced by the school that may have affected the performance of students in the school on the State tests.

(vii) The commissioner shall review the additional information provided by the district and determine which of the schools identified for preliminary registration review pursuant to subparagraphs (ii) and (iii) of this paragraph, or identified as poor learning environments pursuant to subparagraph (iv) of this paragraph, shall be placed under registration review.

(viii) In determining the number of schools to place under registration review, other than persistently lowest-achieving schools identified pursuant to subparagraph (ii) of this paragraph, the commissioner may consider the sufficiency of State and local resources to effectively implement and monitor school improvement efforts in schools under registration review.

(ix) For schools required to conduct a self-assessment pursuant to subparagraph (5)(vi) of this subdivision, the commissioner upon review of the self-assessment may make a determination that the school shall be placed under registration review.

(10) Public school registration review.

(i) Upon placing the registration of a school under review, the commissioner shall warn the board of education (in New York City, the chancellor) that the school has been placed under registration review, and that the school is at risk of having its registration revoked. The commissioner shall include in any warning issued pursuant to this subparagraph an explicit delineation of the progress that must be demonstrated in order for a school to be removed from consideration for revocation of registration. Upon receipt of such warning, the board of education (in New York City, the chancellor or chancellor's designee) shall take appropriate action to notify the general public of the issuance of such warning. Such action shall include, but need not be limited to, direct notification, within 30 days of receipt of the

commissioner's warning, in English and translated, when appropriate, into the recipient's native language or mode of communication, to persons in parental relation of children attending the school that it has been placed under registration review and is at risk of having its registration revoked, and disclosure by the district at the next public meeting of the local board of education of such warning. Each school year during which a school remains under registration review, by June 30th or at the time of a student's initial application or admission to the school, whichever is earliest, the board of education shall provide direct notification to parents or other persons in parental relation to children attending the school that the school remains under registration review and is at risk of having its registration revoked. Such notification shall include a summary of the actions that the district and school are taking to improve student results and an explanation of any district programs of choice, magnet programs, transfer policies, or other options that a parent or a person in parental relation may have to place the child in a different public school within

the district. Such notification shall include the timelines and process for parents exercising their rights to school choice.

(ii) Following the placement of a school under registration review, or following the identification of a school as persistently lowest-achieving in the 2009-2010 school year, a joint intervention team, as appointed by the commissioner, shall assist the school district in which such school is located in selecting an intervention pursuant to subparagraph (iv) of this paragraph. The district shall develop a new restructuring plan, or update an existing restructuring plan, that shall, in addition to the requirements pursuant to subclause (6)(iv)(c)(2), describe the implementation of the intervention. Such plan shall be in a format as prescribed by the commissioner. The district shall update the plan annually for implementation no later than the first day of the regular student attendance of each school year that the designation continues. The school shall implement the intervention in accordance with a timeline prescribed by the commissioner, and no later than the beginning of the next school year following the school's identification for registration review, provided that the commissioner may upon a finding of good cause extend the timeline for implementing elements of such plan beyond the date prescribed therein.

(iii) Schools placed under registration review pursuant to subparagraph (9)(i) of this subdivision, but not identified pursuant to subparagraph (9)(ii) of this subdivision as persistently lowest-achieving prior to the 2010-2011 school year, shall continue implementation of the existing restructuring plan.

(iv) Interventions.

(a) A school that is identified pursuant to subparagraph (9)(ii) of this subdivision as persistently lowest-achieving in the 2010-2011 school year or thereafter and placed under registration review, and a school that is identified pursuant to subparagraph (9)(ii) as persistently lowest-achieving in the 2009-2010 school year, shall implement one of the following interventions, in a format and timeline as approved by the commissioner:

(1) Turnaround model. Implementation of the turnaround model may include, but not be limited to, the following actions as approved by the commissioner:

(i) Replace the principal and grant the principal sufficient operational flexibility (including in staffing, calendars/time, and budgeting) to implement fully a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates;

(ii) Using locally adopted competencies to measure the effectiveness of staff that shall work within the turnaround environment to meet the needs of students:

(A) screen all existing staff and rehire no more than fifty percent; and

(B) select new staff;

(iii) Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that shall be designed to recruit, place, and retain staff with the skills necessary to meet the needs of students in the turnaround school;

(iv) Provide staff ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed with school staff to ensure that they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;

(v) Adopt a new governance structure, which may include, but is not limited to, requiring the school to report to a new "turnaround office" in the LEA or SEA, hire a "turnaround leader" who reports directly to the Superintendent or Chief Academic Officer, or enter into a multi-year contract with the LEA or SEA to obtain added flexibility in exchange for greater accountability;

(vi) Use data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with State academic standards;

(vii) Promote the continuous use of student data (such as from formative, interim, and summative assessments) that shall inform and differentiate instruction in order to meet the academic needs of individual students;

(viii) Establish schedules and implement strategies that shall provide increased learning time, as defined by the commissioner; and

(ix) Provide appropriate social-emotional and community-oriented services and supports for students.

(2) Restart model. Implementation of the restart model may include, but is not limited to, converting a school or closing and reopening a school under a charter school operator, a charter management organization, or an educational partnership organization that has been selected pursuant to a format approved by the commissioner.

(3) School closure model. Implementation of the school closure model may include, but is not limited to, closing a school and enrolling its students in other schools within the district that are in good standing.

(4) Transformation model. Implementation of the transformation model may include, but is not limited to, the following actions as approved by the commissioner; in addition, the school shall be encouraged to partner with an external intermediary or "lead partner" that may assist the school with planning and implementation:

(i) develop and increase teacher and school leader effectiveness;

(ii) replace the principal who led the school prior to commencement of the transformation model;

(iii) use rigorous, transparent, and equitable evaluation systems for teachers and principals that:

(A) take into account data on student growth as a significant factor as well as other factors, such as multiple observation-based assessments of performance and ongoing collections of professional practice reflective of student achievement and increased high school graduation rates; and

(B) are designed and developed with teacher and principal involvement;

(iv) identify and reward school leaders, teachers, and other staff who, through implementation of the transformation model, have increased student achievement and high school graduation rates, per rates defined by the commissioner; and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so;

(v) provide staff ongoing, high-quality job-embedded professional development (e.g. regarding subject-specific pedagogy, instruction that reflects a deeper understanding of the community served by the school or differentiated instruction) that is aligned with the school's comprehensive instructional program and designed with school staff to ensure they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;

(vi) implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that shall be designed to recruit, place and retain staff with the skills necessary to meet the needs of the students in a transformation school;

(vii) use data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with State academic standards; and

(viii) promote the continuous use of student data (such as from formative, interim and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students

(ix) establish schedules and strategies that provide increased learning time;

(x) provide ongoing mechanisms for family and community engagement;

(xi) give the school sufficient operational flexibility (such as staffing, calendars/time, and budgeting) to implement fully a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates; and

(xii) ensure that the school receives ongoing, intensive technical assistance and related support for the LEA, the SEA or a designated external lead partner organization.

(b) A school as described in subparagraph (9)(iii) of this subdivision that is placed under registration review in the 2010-2011 school year or thereafter, shall implement a plan, in a format and timeline as approved by the commissioner, that shall, at a minimum, meet the requirements of a restructuring plan pursuant to subclause (6)(iv)(c)(2) of this subdivision and include at least one of the actions of a transformation or turnaround model.

(v) The department shall periodically monitor the implementation of the restructuring plan. The commissioner may require a school district to submit such reports and data as the commissioner deems necessary to monitor the implementation of the restructuring plan and to determine the degree to which the school has achieved the progress required by the commissioner. Such reports shall be in a format and in accordance with such timeframe as are prescribed by the commissioner. The commissioner may upon a finding of good cause extend the deadline for submission of a restructuring plan.

(vi) Unless it is determined by the commissioner that a school identified for registration review should be phased out or closed, or that a shorter period of time shall be granted, a school placed under registration

review shall be given three full academic years to show progress. If, after three full academic years of implementing a restructuring plan, the school has not demonstrated progress as delineated by the commissioner in the warning pursuant to subparagraph (i) of this paragraph, the commissioner shall recommend to the Board of Regents that the registration be revoked and the school be declared an unsound educational environment, except that the commissioner may upon a finding of extenuating circumstances extend the period during which the school must demonstrate progress. The board of education of the school district which operates the school (in New York City, the chancellor) shall be afforded notice of such recommendation and an opportunity to be heard in accordance with subparagraph (iv) of this paragraph. Upon approval of revocation of registration by the Board of Regents, the commissioner will develop a plan to ensure that the educational welfare of the pupils of the school is protected. Such plan shall specify the instructional program into which pupils who had attended the school will be placed, how their participation in the specified programs will be funded, and the measures that will be taken to ensure that the selected placements appropriately meet the educational needs of the pupils. The commissioner shall require the board of education to implement such plan.

(vii) Decisions to revoke the registration of a public school shall be made in accordance with the following procedures:

(a) The commissioner shall provide written notice of his recommendation and the reasons therefore to the board of education, which operates the school (in New York City, both the New York City Board of Education and any community school board having jurisdiction over the school). Such notice shall also set forth:

(1) the board of education's right to submit a response to the recommendation and request oral argument pursuant to clause (b) of this subparagraph;

(2) the place, date and time the matter will be reviewed and if requested, argument heard by a three-member panel of the Board of Regents for recommendation to the full Board of Regents; and

(3) notification that failure to submit a response will result in the commissioner's recommendation being submitted to the Board of Regents for determination.

(b) Within 15 days of receiving notice of the recommendation to revoke registration, the board of education may submit a written response to the commissioner's recommendation. The response shall be in the form of a written statement which presents the board of education's position, all evidence and information which the board of education believes is pertinent to the case, and legal argument. If the board of education desires, it may include in its response a request for oral argument. Such response must be filed with the Office of Counsel, New York State Education Department, State Education Building, Albany, NY 12234.

(c) Within 30 days of the date of notice of the commissioner's recommendation, a panel comprised of three members of the Board of Regents, appointed by the chancellor, shall convene to consider the commissioner's recommendation, review any written response submitted by the board of education and, if timely requested by the board of education, hear oral argument.

(11) Removal of schools from registration review, school phase-out or closure.

(i) In the event that a school has demonstrated the progress necessary to be removed from registration review, the superintendent may petition the commissioner to remove the school from registration review. If such petition is based upon results of the "all student" group on the English language arts and mathematics assessments or graduation rate, such petition shall be submitted pursuant to a date prescribed

by the commissioner but no later than December 31st of the calendar year in which such assessments were administered, except that the commissioner may for good cause accept a petition submitted after such date. A school shall not be removed from registration review if, in the commissioner's judgment, conditions that may contribute to a poor learning environment, as identified in paragraph (9) of this subdivision, remain present in the school.

(ii) In the event that a school placed under registration review prior to the 2010-2011 school year demonstrates previously established progress to be removed from registration review, but is identified in the 2010-2011 school year as persistently lowest-achieving pursuant to subparagraph (9)(ii) of this subdivision, the school shall remain under registration review and shall follow intervention requirements pursuant to subparagraph (10)(iv) of this subdivision.

(iii) In the event that a school placed under registration review prior to the 2010-2011 school year demonstrates previously established progress to be removed from registration review and is not identified in the 2010-2011 school year as persistently lowest-achieving pursuant to subparagraph (9)(ii) of this subdivision, the school shall be removed from registration review.

(iv) In the event that a board of education seeks to phase out or close a school under registration review, the board of education (in New York City, the chancellor or chancellor's designee) shall submit for commissioner's approval, a plan identifying the intervention that will be implemented and will result in phase out or closure. The commissioner may grant approval of such plan provided that:

(a) official resolutions or other approvals to phase out or close the existing school have been adopted by the local board of education (in New York City, the chancellor or chancellor's designee);

(b) a formal phase out or closure plan has been developed and approved in accordance with the requirements of the intervention prescribed by the commissioner pursuant to subparagraph (10)(iv) of this subdivision; and

(c) parents, teachers, administrators, and community members have been provided an opportunity to participate in the development of the phase out or closure plan.

(12) Registered nonpublic high school registration review.

(i) The registration of a registered nonpublic high school shall be placed under review under the following circumstances:

(a) when the school scores below the registration review criterion on one (or more) of the measures adopted by the Board of Regents, and the student achievement on such measures or other appropriate indicators has not shown improvement over the preceding three school years, as determined by the commissioner; or

(b) when sufficient other reason exists, as determined by the commissioner, to warrant a review of the school's registration.

(ii) On an ongoing basis consistent with clauses (i)(*a*) and (*b*) of this paragraph, and after consultation with the appropriate nonpublic school officials, the commissioner shall identify the nonpublic high schools whose registration shall be placed under review. When a nonpublic high school is identified for registration review, the commissioner shall offer technical assistance to the school in the development of a school improvement plan. The commissioner shall require that:

(a) the nonpublic school develop a school improvement plan which will address the areas in which the school has been determined to be in need of assistance;

(b) the school improvement plan be submitted to the department no later than June 30th of the school year in which the commissioner required such a plan; and

(c) the school improvement plan be implemented no later than the first week of classes in the September next following the close of the school year in which the plan was approved by the commissioner.

(iii) If, after a time period established by the commissioner in consultation with the appropriate nonpublic school officials, the nonpublic high school under registration review has not demonstrated progress on the registration criteria in question, the commissioner shall formally notify the appropriate nonpublic school officials that the school is at risk of having its registration revoked. Upon receipt of such warning, the nonpublic school officials shall notify the parents of children attending the school under registration review of the issuance of such warning.

(iv) If, after a further time period established by the commissioner in consultation with the appropriate nonpublic school officials, the nonpublic high school under registration review has not demonstrated progress as determined by the commissioner, the commissioner shall recommend to the Board of Regents that the registration be revoked. The governing body and the chief administrative officer of the nonpublic school shall be afforded notice of such recommendation and an opportunity to be heard in accordance with the procedures set forth in subparagraph (10)(viii) of this subdivision, except that such procedure shall be afforded to the governing body and chief administrative officer of the nonpublic school. Upon approval of revocation of registration by the Board of Regents, the commissioner in consultation with the appropriate nonpublic school officials will develop a plan to ensure that the educational welfare of the pupils of the school is protected.

(13) Nonpublic school accountability performance criteria.

(i) The registration of a registered nonpublic school may be placed under registration review when its students score below the following criteria on the measures of student achievement specified below:

Measure	Criteria
Pupil Evaluation Program (PEP) Tests	
Grade 3 Reading	65 percent above statewide reference point (SRP)
Grade 3 Mathematics	75 percent above statewide reference point (SRP)
Grade 6 Reading	65 percent above statewide reference point (SRP)
Grade 6 Mathematics	70 percent above statewide reference point (SRP)
Preliminary competency testing requirements, Grade 8 or 9	
Grade 8 Reading	85 percent above statewide reference point (SRP)
Grade 9 Reading	84 percent above statewide reference point (SRP)
Regents competency testing requirements	
Reading	25 percent Failure rate
Writing	25 percent Failure rate

Mathematics	40 percent Failure rate
Dropout Rate	10 percent or higher

(14) Public school, school district and charter school accountability performance criteria. Each district and school accountability group, as defined in subparagraph (1)(i) of this subdivision shall be subject to the performance criteria specified below:

(i) Elementary level English language arts. Annual measurable objectives, based on a performance index, set at 123 in 2002-03 and 2003-04 and 131 in 2004-2005.

(ii) Middle level English language arts. Annual measurable objectives, based on a performance index, set at 107 in 2002-03 and 2003-04 and 116 in 2004-2005.

(iii) Elementary-middle level English language arts. Annual measurable objectives, based on a performance index, set by the commissioner in 2005-2006 and, beginning in 2008-2009, increasing annually in equal increments through 2009-2010 and then reset at 122 in 2010-2011 and increasing annually in equal increments so as to reach 200 in 2013-2014.

(iv) Elementary level mathematics. Annual measurable objectives, based on a performance index, set at 136 in 2002-03 and 2003-04 and 142 in 2004-2005.

(v) Middle level mathematics. Annual measurable objectives, based on a performance index, set at 81 in 2002-03 and 2003-04 and 93 in 2004-2005.

(vi) Elementary-middle level mathematics. Annual measurable objectives, based on a performance index, set by the commissioner in 2005-2006 and, beginning in 2008-2009, increasing annually in equal increments through 2009-2010 and then reset at 137 in 2010-2011 and increasing annually in equal increments so as to reach 200 in 2013-2014.

(vii) High school English language arts and mathematics requirements. Annual measurable objectives, based on the performance index of the high school cohort defined in paragraph (16) of this subdivision, set at 142 in English language arts and 132 in mathematics in 2002-03 and 2003-04, and incremented annually thereafter as necessary so that in 2013-2014 the index shall be 200.

(viii) For the 2002-2003 through the 2005-2006 school year test administrations, for purposes of the commissioner's annual evaluation of public schools, public school districts, and charter schools, the following limited English proficient students may be considered to be meeting performance criteria in elementary or middle-level English language arts if they demonstrate a specified increment of progress on the New York State English as a Second Language Achievement Test (NYSESLAT) for their grade level. For limited English proficient students who have attended school in the United States (not including Puerto Rico) for fewer than three consecutive years, districts and charter schools may administer the NYSESLAT to such students in lieu of the required State assessment in English language arts. Districts or charter schools may, on an individual basis, annually determine to administer the NYSESLAT in lieu of the required assessment in English language arts to limited English proficient students who have attended school in the United States (not including Puerto Rico) for four or five consecutive school years. No exemption is available beyond the student's fifth year and the student must take the required English language arts assessment.

(ix) For each criterion (subparagraphs [i] through [vii] of this paragraph), the commissioner shall also establish a benchmark against which the performance of the accountability group, *all students,* defined in subparagraph (1)(i) of this subdivision, will be measured. This benchmark will be used in recognizing

high-performing schools and districts, determining which school districts are required to develop local assistance plans as described in paragraph (m)(6) of this section and for identifying those schools that are subject to registration review pursuant to paragraph (9) of this subdivision.

(15) Additional public school, school district, and charter school accountability indicators.

(i) Elementary science indicator: For the 2002-2003 through 2004-2005 school years:

(a) an index of 100 that may be incremented annually, as the commissioner deems appropriate, or progress in relation to performance in the previous school year; and

(b) beginning in 2004-05, 80 percent of students enrolled on all days of the test administration, who did not have a significant medical emergency, received valid scores.

(ii) Middle-level science indicator: For the 2002-2003 through 2004-2005 school years:

(a) an index of 100 that may be incremented annually, as the commissioner deems appropriate, or progress in relation to performance in the previous year; and

(b) beginning in 2004-05, 80 percent of students enrolled on all days of the test administration, who did not have a significant medical emergency, received valid scores.

(iii) Elementary-middle science combined indicator: For the 2005-2006 school year and thereafter:

(a) an index of 100 that may be incremented annually, as the commissioner deems appropriate, or progress in relation to performance in the previous year; and

(b) 80 percent of students enrolled on all days of the test administration, who did not have a significant medical emergency, received valid scores.

(iv) A high school graduation rate established annually by the commissioner, or progress in relation to the previous school year's graduation rate. The graduation rate is the percentage of the annual graduation rate cohort that earns a local or Regents diploma by August 31st following the third school year after the school year in which the cohort first entered grade 9, except that in a school in which the majority of students participate in a department-approved, five-year program that results in certification in a career or technology field in addition to a high school diploma, the graduation rate shall be the percentage of the annual graduation rate cohort that earns a local diploma by August 31st following the fourth school year after the school year in which the cohort first entered grade 9.

(16) Annual high school or high school alternative cohort.

(i) Beginning in the 2005-2006 school year, except as provided in clauses (*a*) and (*b*) of this subparagraph, the annual high school cohort for purposes of determining adequate yearly progress on the criteria set forth at subparagraph (14)(vii) of this subdivision and identifying schools for registration review pursuant to paragraph (9) of this subdivision for any given school year shall consist 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 annual district high school cohort for purposes of determining such adequate yearly progress for any given school year shall consist of those students who first enrolled in ninth grade three school years previously anywhere and who were enrolled in the district or placed by the district committee on special education or by district officials in educational programs outside the district on the first Wednesday in October of the current school year.

Students with disabilities in ungraded programs shall be included in the annual district and high school cohort in the third school year following the one in which they attained the age of 17.

(a) The following students shall not be included in the annual high school cohort: students who transferred to another high school or approved alternative high school equivalency preparation program or high school equivalency preparation program approved pursuant to section 100.7 of this Part, or criminal justice facility, who left the United States or its territories, or who are deceased; except that, beginning with students who first entered grade 9 in the 2002-03 school year, the following students will be included in the high school cohort of the school they attended before transferring:

(1) students who transfer to an approved alternative high school equivalency preparation program or high school equivalency preparation program approved pursuant to section 100.7 of this Part, but leave that program before the end of the third school year after the school year in which they first entered grade 9 without having earned a high school equivalency diploma or without entering a program leading to a high school diploma; and

(2) students who transfer to any high school equivalency preparation program other than those approved pursuant to section 100.7 of this Part.

(b) The following students shall not be included in the annual district high school cohort: student who transferred to a high school that is not a component of the district or to an approved alternative high school equivalency preparation program or high school equivalency preparation program approved pursuant to section 100.7 of this Part, or criminal justice facility, who left the United States or its territories, or who are deceased; except that, beginning with students who first entered grade 9 in the 2002-03 school year, the following students will be included in the high school cohort of the district they attended before transferring:

(1) students who transfer to an approved alternative high school equivalency preparation program or high school equivalency preparation program approved pursuant to section 100.7 of this Part, but leave that program before the end of the third school year after the school year in which they first entered grade 9 without having earned a high school equivalency diploma or without entering a program leading to a high school diploma; and

(2) students who transfer to any high school equivalency preparation program other than those approved pursuant to section 100.7 of this Part.

(ii)

(a) For purposes of determining adequate yearly progress on the indicator set forth at subparagraph (15)(iv) of this subdivision, the graduation rate cohort for each public school, school district, and charter school for each school year from 2002-03 through 2006-2007 shall consist of all members of the school or district high school cohort, as defined in subparagraph (i) of this paragraph, for the previous school year plus any students excluded from that cohort solely because they transferred to an approved alternative high school equivalency or high school equivalency preparation program.

(b) Commencing with the 2007-08 school year, for purposes of determining adequate yearly progress on the indicator set forth at subparagraph (15)(iv) of this subdivision:

(1) the graduation rate cohort for each public school and charter school shall consist of those students who first enrolled in grade 9 anywhere three school years previously or, if an ungraded student with a disability, first attained the age of 17 three school years previously, and who have spent at least five

consecutive months, not including July and August, in the school since first entering grade 9 and whose last enrollment in the school did not end because of transfer to another school, death, court- ordered transfer, or leaving the United States.

(2) the graduation rate cohort for each public school district shall consist of those students who first enrolled in grade 9 anywhere three school years previously or, if an ungraded student with a disability, first attained the age of 17 three school years previously, and who have spent at least five consecutive months, not including July and August, in the district since first entering grade 9 and whose last enrollment in the district did not end because of transfer to another district, death, court-ordered transfer, or leaving the United States.

(iii) 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. Schools in which more than half the students enrolled have previously been enrolled in another high school or in which more than half the enrollment is receiving special education services may voluntarily submit to the commissioner information on the performance of an alternative high school cohort.

(17) Identification of programs for high school equivalency program review.

(i) Each year, commencing with 2002-03 school year test administration results, the commissioner shall review the performance of all alternative high school equivalency programs and high school equivalency programs for high school equivalency program review.

(ii) The commissioner shall identify those programs that have the lowest percentage of students meeting the following criteria:

(a) students under the age of 21 who complete 150 hours of instruction who receive a high school equivalency diploma if the student upon entering the program is assessed on an instrument approved by the commissioner to have a reading and mathematics level at or above grade nine;

(b) students under the age of 21 who complete 150 hours of instruction who receive a high school equivalency diploma or advance one high school equivalency literacy level in reading or mathematics if the student upon entering the program is assessed on an instrument approved by the commissioner to have a reading or mathematics level below grade nine; and

(c) students under the age of 21 who complete fewer than 150 hours of instruction who receive a high school equivalency diploma or continue in the program during the subsequent school year.

(iii) In programs in which fewer than 20 students are subject to the criteria in subparagraph (ii) of this paragraph, the commissioner may review prior years' performance of the program in order to make a determination whether the program shall be considered farthest from meeting the criteria. In calculating the performance of a program, the commissioner may exclude from consideration students who complete fewer than 12 hours of instruction.

(iv) The commissioner may also place under high school equivalency program review any program for which a district or board of cooperative educational services fails to provide in a timely manner the student's performance data required by the commissioner to conduct the annual assessment of the high school equivalency program.

(v) For each high school equivalency program identified as having the lowest percentage of students

meeting the high school equivalency performance criteria, the local school district or board of cooperative educational services shall be given the opportunity to present to the commissioner additional information.

(vi) The commissioner shall review the available data, including additional information provided by the district or board of cooperative educational services and determine which of the high school equivalency programs identified as having the lowest percentage of students meeting the criteria of high school equivalency performance established by the commissioner, are most in need of improvement and shall be placed under high school equivalency program review.

(18) High school equivalency program approval review.

(i) Upon placing a high school equivalency program under high school equivalency program review, the commissioner shall notify the district or board of cooperative educational services that the high school equivalency program has been identified for high school equivalency program review, and that the program may not receive approval for continued operation. The commissioner shall include in any notification issued pursuant to this subparagraph an explicit delineation of the progress that must be demonstrated in order for the high school equivalency program to be removed from program review status. Upon receipt of such notification, the district or board of cooperative educational services shall take appropriate action to notify the general public of the issuance of such warning. Such action shall include, but need not be limited to, direct notification, within 30 days of receipt of the commissioner's warning, in English and translated, when appropriate, into the recipient's native language or mode of communication, to persons in parental relation of children attending the program that it has been placed under high school equivalency program review and is at risk of not receiving an approval for program continuance, and disclosure of such warning by the district, or board of cooperative educational services at its next public meeting. By June 30th of each school year during which a program remains under high school equivalency program review, or at the time of a student's initial application or admission to the program, whichever is earliest, the district or board of cooperative educational services shall provide direct notification to parents or other persons in parental relation to children attending the high school equivalency program that the program remains under high school equivalency program review and is at risk of not receiving continuance approval. Such notification shall include a summary of the actions that the district or board of cooperative educational

services are taking to improve student results.

(ii) Following the identification of a high school equivalency program for high school equivalency program review the commissioner shall require that a corrective action plan be developed by the district superintendent of the board of cooperative educational services or superintendent of the district and submitted to the commissioner for review and approval; such corrective action plan shall be in a format prescribed by the commissioner and shall be submitted to the commissioner according to the timeframes established by the commissioner. The department shall periodically monitor the implementation of the corrective action plan. The commissioner may require a school district or board of cooperative educational services to submit such reports and data as the commissioner deems necessary to monitor the implementation of the corrective action plan.

(iii) Unless it is determined by the commissioner that a shorter period of time shall be granted, a high school equivalency program placed under high school equivalency program review shall be given two full academic years to show progress. If, after this period of time, the high school equivalency program under high school equivalency program review has not demonstrated progress as delineated by the commissioner in the notification pursuant to subparagraph (i) of this paragraph, the commissioner shall render a decision not to approve subsequent applications from the district or board of cooperative educational services for the operation of the high school equivalency program, except that the

commissioner may upon a finding of extenuating circumstances extend the period during which the high school equivalency program must demonstrate progress.

(19) Removal of high school equivalency programs from high school equivalency program review.

(i) In the event that a high school equivalency program has demonstrated the progress necessary to be removed from high school equivalency program review, the commissioner shall make such determination and notify the school district or board of cooperative educational services of the decision.

(ii) A district or board of cooperative educational services that has been denied approval to operate a high school equivalency program may after a period of one year submit a new application. The application shall be in a format approved by the commissioner and must ensure that:

(a) the school's chief administrative officer has designated a staff member to provide leadership to the program;

(b) the class size does not exceed 15 students for the first year of program;

(c) quarterly progress reports will be submitted for the first year;

(d) a minimum of 20 hours of staff development will be offered to all teachers and administrators involved with the program; and

(e) such other information as required by the commissioner.

Attachment 12:

New York State Student Growth Percentile Methodology

-A Technical Overview and Impact

Introduction

To develop a new-generation accountability system that incorporates student academic growth, the New York State Education Department (NYSED) adopted the student growth percentile (SGP) methodology (Betebenner, 2008, 2009, 2011) to measure student growth and make determinations about whether non-proficient students have made sufficient growth to be on track to proficiency in 3 years or by grade 8, whichever comes first. This paper provides an overview of student growth percentiles and percentile growth trajectories methodology as they are applied in New York State in the text of the Grades 3-8 testing program, and summarizes the SGP and percentile trajectory results and the impact they have on the accountability system.

SGP expresses student growth in a normative sense in that it describes how (a)typical a student's growth is by examining his/her current achievement relative to his/her academic peers - those students beginning at the same place. That is, a student growth percentile examines the current achievement of a student relative to that of other students who have, in the past, "walked the same academic path" (Betebenner, 2011). For example, if a student scores 670 on the 2010 test and scores 700 on the 2011 test, and the score of 700 normatively places the student at the 75th percentile in the 2011 conditional score distribution among students who started with the same score of 670 in 2010, the student gets an SGP of 75, which means the student's progress met or exceeded that of approximately 75 percent of the students who started from the same place. This methodology works well with the New York State Grades 3-8 testing program because the Grades 3-8 tests are not vertically scaled.

Student Growth Percentile Estimation

In New York State SGP calculation, up to three years of prior achievement data were used. Calculation of a student's growth percentile is performed using R, a language and environment for statistical computing with an SGP package (Betebenner & Vanlwaarden, 2012). SGP calculation is based upon estimating the conditional density associated with a student's current achievement score using the student's prior achievement history. By examining a student's current achievement with regard to the conditional density, the student's growth percentile normatively situates the student's outcome in the current year, taking into account the student's prior achievement. The percentile result reflects the likelihood of such an outcome, given the student's prior achievement (Betebenner, 2011).

Quantile regression is used to establish curvi-linear functional relationships between the cohort's prior scores and the cohort's current scores. Whereas linear regression methods model the conditional mean of a response variable *Y*, quantile regression is more generally concerned with the estimation of the family of conditional quantiles of *Y*. The techniques are ideally suited for estimation of the family of conditional quantile functions (i.e. reference percentile curves). Using quantile regression, the conditional density associated with each student's prior scores is derived and used to situate the student's most recent score (Betebenner, 2011). Specifically, for each grade by subject cohort, quantile

regression is used to establish 100 (1 for each percentile) curvi-linear functional relationships between the prior scores and the current score.

For example, given 3 years of prior assessment data, regression equations relating students' Grade 4, grade 5, and grade 6 prior scores and their grade 7 scores are generated. The result of these 100 separate analyses is a single coefficient matrix that can be employed as a look-up table that relates prior student achievement to current student achievement for each percentile. Using the coefficient matrix, one can plug in any grade 4, 5, and 6 prior-year score combination to the functional relationship to get the percentile cutpoints for the Grade 7 conditional achievement distribution associated with that prior score combination. These cutpoints are the percentiles of the conditional distribution associated with the individual's prior achievement (see Betebenner, 2012 for mathematical details for SGP estimation).

Percentile Growth Projections/Trajectories

Percentile growth trajectory is the process of establishing the threshold of growth for each student to reach a future achievement target. In New York State, the percentile growth target for all students is to reach proficiency in three years or by 8th grade, whichever comes first. The percentile growth target stipulates the rate of growth necessary for each student to reach proficiency in three years; i.e., growth-to-proficiency.

Using the coefficient matrices generated from the SGP analysis, a 3-year percentile growth target is calculated for each student. Specifically, the following coefficient matrices produced in the SGP calculations are used to calculate the percentile growth target:

- **Grade 4** Using grade 3 prior achievement
- **Grade 5** Using grade 4, and grades 3 & 4 prior achievement
- **Grade 6** Using grade 5, grades 4 & 5, and grades 3, 4, & 5 prior achievement
- **Grade 7** Using grade 6, grades 5 & 6, and grades, 4, 5, & 6 prior achievement
- **Grade 8** Using grade 7, grades 6 & 7, and grades 5, 6, & 7 prior achievement

Once the percentile growth targets are established, the students' actual growth, also expressed in SGP metric, are compared to their three-year percentile growth targets to determine whether the non-proficient students are on track to proficiency in three years or by grade 8, whichever comes first. For example, a non-proficient 3rd grader would be expected to be proficient by grade 6. The first check, or growth adequacy judgment of whether the student is on track to proficiency, occurs in grade 4, when the student's growth between grade 3 and grade 4 is reported and compared against the student's percentile growth target. If the student's actual growth percentile meets or exceeds his or her growth target; i.e., 3-year growth-to-standard target, then the student is deemed on track to reach proficiency for the year. Otherwise, the student is deemed not on track. It should be noted that if this 4th grader keeps the same rate of growth in the next two years, the student will be proficient by grade 6. If the

student does not meet the growth target in the next two years, he/she will not be proficient by grade 6. (See Betebenner, 2012 for more details of percentile growth projections/trajectories)

Data Validation and Inclusion/Exclusion Rules

- A valid, unique student identifier is required to allow matching student achievement records over time.
- A valid scale score on the New York State grades 3-8 tests from a single content area in consecutive years and consecutive grades is required. That is, for calculation of a student growth percentile in a given year and given content area, the student must have a record in that year and at least one record from the previous year in the grade preceding the current year grade.
- Students with duplicate records (duplicate ID numbers) on the New York State assessment in a given year are considered invalid.
- Students without normal progression of grades or grade assessment sores, such as those who repeated grades or skipped grades between the current and previous years, were excluded from the SGP/percentile growth projections.
- All grade 3 students are excluded from the SGP/percentile growth projections because they do not have prior testing scores.
- For calculating district median SGPs, students who were not enrolled in a district for the full academic year were excluded.
- For calculating school median SGPs, students who were not enrolled in a school for the full academic year were excluded.

Tables 1 and 2 present the number of students included in the 2011 New York State SGP calculations for ELA and math respectively. As stated earlier, Grade 3 students were not included in the SGP calculations because they do not have any prior achievement history. As a result of the data validation and inclusion/exclusion rules stated above, approximately 94% of the total students in grades 4 through 8 have SGP scores, and approximately 6% do not have SGPs in each grade and each subject area.

Table 1. 2011 Number of Students in ELA SGP Calculations

Grade	Number of Students	Number of Students with SGP	Number of Students without SGP
4	197,133	186,109	11,024
5	200,259	189,785	10,474
6	198,225	186,762	11,463
7	200,262	187,127	13,135
8	201,387	188,927	12,460
Grade 4- 8 Total	997,266	938,710	58,556

Table 2. 2011 Number of Students in Math SGP Calculations

Grade	Number of Students	Number of Students with SGP	Number of Students without SGP
4	198,702	187,512	11,190
5	202,408	187,752	14,656
6	200,177	188,545	11,632
7	201,531	188,689	12,842
8	203,186	189,740	13,446
Grade 4- 8 Total	1,006,004	942,238	63,766

Summary of SGP Results

Table 3 presents the disaggregated 2011 ELA median SGP by student subgroup, and percentage of students meeting or exceeding standards associated with each subgroup. The results indicate that female students showed a higher grow rate than their male counterparts (median SGP of 52nd percentile vs the 48th percentile); special education students and students from low income families grew significant slower (median SGPs of 42nd percentile and 47th percentile respectively) than their counterparts. Among the racial and ethnic groups, Asian American students showed the highest growth rate (59th percentile), while the American Indian and African American students showed the lowest growth rate (45th percentile). Among the Need/Resource groups, students from the Big 4 cities (i.e. Buffalo, Rochester, Syracuse, and Yonkers) and high-need urban/suburban districts had significantly lower growth rates (42nd percentile and 43rd percentile respectively) while the low-need districts displayed the highest growth rate (55th percentile).

Table 4 presents the disaggregated 2011 mathematics median SGP by student subgroup, and the percentage of students meeting or exceeding standards associated with each subgroup. Similar patterns were found.

Table 3. 2011 ELA Median SGP and Achievement Level by Student Subgroup

Group	Subgroup	Median SGP	N Count	% Meets/ Exceeds Standard	% Exceeds Standard
Gender	Female	52	459591	58.5	4.2
	Male	48	479119	48.9	2.5
ELL	LEP Eligible	49	50022	10.8	0.1
	Never LEP/ELL	50	888688	56.0	3.5
SWD	General Ed.	51	794344	60.9	3.9
	Special Ed.	42	144366	13.6	0.2
Poverty	Not low-income family	52	458100	46.4	5.3
	Low-income family	47	480610	39.7	1.5
Race/Ethnicity	American Indian or Alaska	45	4430	40.8	1.6
	Asian	59	71255	67.4	6.9
	Black or African American	45	171013	34.9	1.0
	Hispanic or Latino	47	201219	37.2	1.2
	Multiracial	51	5542	58.6	5.3
	Native Hawaiian/Other Pac.	54	1085	53.4	5.4
	White	51	484166	64.2	4.8
Need/Resource Category	New York City	51	314826	46.6	2.7
	Large Cities	42	38825	29.5	0.8
	Urban/Suburban High-Need	43	70283	40.5	1.3
	Rural	45	55097	47.6	2.0
	Average-Need	50	291106	60.3	3.6
	Low-Need	55	148814	75.4	6.8
Grade	Grade 4	48	186109	57.8	2.5
	Grade 5	50	189785	55.0	4.5
	Grade 6	50	186762	57.2	4.1
	Grade 7	50	187127	49.5	3.7
	Grade 8	50	188927	48.7	1.9
Prior Achievement Level	Below Standard	51	104613	2.6	0.0
	Meets Basic Standard	50	336353	26.4	0.1
	Meets Proficiency Standard	50	411744	76.7	3.6
	Exceeds Proficiency Standard	49	102402	95.8	16.0
Statewide	Total	50	938710	53.6	3.4

Table 4. 2011 Mathematics Median SGP and Achievement Level by Student Subgroup

Group	Subgroup	Median SGP	N Count for SGP	% Meets/ Exceeds Standard	% Exceeds Standard
Gender	Female	51	461294	66.4	25.1
	Male	49	480944	64.1	25.3
ELL	LEP Eligible	51	59659	33.2	6.4
	Never LEP/ELL	50	882579	67.4	26.5
SWD	General Ed.	51	797413	72.2	29.0
	Special Ed.	42	144825	26.8	4.3
Poverty	Not low-income family	53	454699	77.8	34.4
	Low-income family	47	487539	53.5	16.6
Race/Ethnicity	American Indian or Alaska	46	4438	52.3	13.6
	Asian	64	72752	83.6	47.4
	Black or African American	43	171786	44.0	9.8
	Hispanic or Latino	46	205299	50.2	12.4
	Multiracial	50	5492	64.1	24.3
	Native Hawaiian/Other Pac.	52	1114	65.2	26.4
	White	52	481357	73.2	28.7
Need/Resource Category	New York City	50	319529	61.8	24.3
	Large Cities	38	39344	34.6	7.4
	Urban/Suburban High-Need	42	70934	52.9	12.9
	Rural	45	55161	57.7	15.3
	Average-Need	51	289854	71.3	26.4
	Low-Need	57	147342	84.4	42.2
Grade	Grade 4	49	187512	67.7	27.2
	Grade 5	50	187752	66.7	22.6
	Grade 6	50	188545	64.3	27.0
	Grade 7	50	188689	66.2	31.3
	Grade 8	50	189740	61.4	17.9
Prior Achievement Level	Below Standard	50	70498	4.2	0.2
	Meets Basic Standard	50	291051	31.3	1.8
	Meets Proficiency Standard	50	351050	80.7	20.3
	Exceeds Proficiency Standard	50	246248	98.1	65.6
Statewide	Total	50	942238	65.2	25.2

Summary of Percentile Growth Projections/Trajectories Results

Table 5 summarizes the 2011 number and percent of students who were on track to be proficient in ELA in three years or by grade 8, whichever comes first, as a share of all below-proficient students (Columns 3 & 4) and as a share of all students (Column 5 & 6) respectively. The results show significantly lower on-track rates for the below-proficient male students (25%), LEP students (15%), special education students (13%), and students from low-income families (23%) than the on-track rates for their counterparts. Among the racial/ethnic groups, the on-track rates for below-proficient Asian American students (37%) and White students (32%) were much more likely to be on track than students from the other racial/ethnic groups. Students from the Big Four Cities had a much lower on-track rate (18%) than did students from the low-need districts (over 40%). Below-proficient students in grade 7 were much less likely to be on track than students in Grades 3, 4, 5, or 6. Finally, only 9% of the students who were below standard (Level 1 students in 2010) were on track to proficiency in 2011, compared to 31% of the students who met basic standard (Level 2 students in 2010) who were on track in 2011.

Table 6 summarizes the percent of students who are on track to be proficient in mathematics in three years or by grade 8, whichever comes first, as a share of all below-proficient students (Column 3 & 4) and as a share of all students (Column 5 & 6) respectively. Similar patterns were found for the student subgroup. Approximately 14% of students who were below standard (Level 1 students in 2010) were on track to proficiency in 2011, compared to 40% of the students who met basic standard (Level 2 students in 2010) who were on track in 2011.

Table 5. 2011 Percentage of Students On Track to Proficiency in ELA by Subgroup

Group	Subgroup	Below Proficient Students		All Students	
		N Count	% On Track	N Count	% On Track
Gender	Female	188373	29.1	459591	11.9
	Male	237130	24.7	479119	12.2
ELL	LEP Eligible	45308	15.3	50022	13.9
	Never LEP/ELL	380195	28.0	888688	12.0
SWD	General Ed.	302422	32.4	794344	12.3
	Special Ed.	123081	12.6	144366	10.7
Poverty	Not low-income family	140674	34.1	458100	10.5
	Low-income family	284829	23.0	480610	13.6
Race/Ethnicity	American Indian or Alaska	2530	22.1	4430	12.6
	Asian	22143	36.9	71255	11.5
	Black or African American	108705	21.5	171013	13.7
	Hispanic or Latino	122977	22.7	201219	13.9
	Multiracial	2212	28.2	5542	11.3
	Native Hawaiian/Other Pac.	450	27.6	1085	11.4
	White	166486	31.6	484166	10.9
Need/Resource Category	New York City	169628	25.9	314826	14.0
	Large Cities	26477	17.9	38825	12.2
	Urban/Suburban High-Need	39154	21.6	70283	12.0
	Rural	26813	24.2	55097	11.8
	Average-Need	110138	30.2	291106	11.4
	Low-Need	36511	39.9	148814	9.8
Grade	Grade 4	82474	36.3	197133	15.2
	Grade 5	80260	32.4	200259	13.0
	Grade 6	87462	31.3	198225	13.8
	Grade 7	83735	19.0	200262	7.9
Prior Achievement Level	Below Standard	104613	9.1	104613	9.1
	Meets Basic Standard	336353	30.9	336353	30.9

Table 6. 2011 Percentage of Students On Track to Proficiency in Mathematics by Subgroup

Group	Subgroup	Below proficient Students		Total Students	
		N Count	% On Track	N Count	% On Track
Gender	Female	167797	38.2	461294	13.9
	Male	178353	34.0	480944	12.6
ELL	LEP Eligible	44376	31.5	59659	23.5
	Never LEP/ELL	301774	36.7	882579	12.5
SWD	General Ed.	237220	42.1	797413	12.5
	Special Ed.	108930	22.7	144825	17.1
Poverty	Not low-income family	109978	43.0	454699	10.4
	Low-income family	236172	32.7	487539	15.9
Race/Ethnicity	American Indian or Alaska	2053	30.2	4438	14.0
	Asian	12769	49.9	72752	8.8
	Black or African American	95708	29.4	171786	16.4
	Hispanic or Latino	101376	33.4	205299	16.5
	Multiracial	1964	35.6	5492	12.7
	Native Hawaiian/Other Pac.	351	39.9	1114	12.6
	White	131929	41.6	481357	11.4
Need/Resource Category	New York City	131041	35.8	319529	14.7
	Large Cities	25271	23.1	39344	14.9
	Urban/Suburban High-Need	34565	31.3	70934	15.2
	Rural	23684	34.3	55161	14.7
	Average-Need	89264	41.7	289854	12.8
	Low-Need	26707	49.1	147342	8.9
Grade	Grade 4	74746	47.8	198702	18.0
	Grade 5	67377	42.0	202408	14.0
	Grade 6	65043	38.0	200177	12.4
	Grade 7	70715	32.0	201531	11.2
Prior Achievement Level	Below Standard	70498	13.8	70498	13.8
	Meets Basic Standard	291051	39.5	291051	39.5

Potential Impact on Accountability

Table 7 shows the 2011 percentage of students who were on track/not on track to be proficient in 3 years or by grade 8 as a share of the total number of students in each grade (Column 3 and 4) and the percentage of on-track students in each of the achievement levels as a share in the total students in each grade (Columns 5-8). All percentages were based on the total number of students in each grade (Column 1). Grade 3 and Grade 8 are not included in the table. As stated earlier, grade 3 students do not have SGPs because they do not have prior achievement scores. For grade 8 students, on track to be proficient means the same as students scoring proficient in grade 8.

As shown in Table 7, a total of 12.5% of all grades 4-7 students were on track to proficiency in 2011 and 29.5% were not on track (Column 3 & 4, grades 4-7 totals). For mathematics, a total of 14% of all grades 4-7 students were on track in 2011 and 20.7% were not on track (Column 3 & 4, grades 4-7 totals). The on track students who met or exceeded standard (Levels 3 or 4) in 2011 make up approximately 10% of all grades 4-7 students in both ELA and mathematics (Columns 7 & 8, grades 4-7 totals). The percentage of all grade 4-7 students who were on track but not proficient in 2011 were 2.9% for ELA and 4.2% for math (Column 6, grades 4-7 totals).

In summary, adding the growth component will have a very moderate impact on the new generation accountability system. Specifically, the approximately 10% of all grades 4-7 students who were on track and proficient in 2011 are counted as proficient under both the old and the new accountability systems. The additional value that the growth component would add to the new accountability system is the 2.9% of students in ELA and the 4.2% of students in mathematics who were on track, but below proficient. Under the new accountability system, these students will be counted the same as proficient students.

Table 7. Achievement Level Distribution of Students Who Are On Track to Proficiency

		On Track Status		Achievement Level of On Track Students As a Share of All students			
GRADE	TOTAL N	% of Total On Track	% of Total Not On Track	% Level 1	% Level 2	% Level 3	% Level 4
Grade 4 ELA	197133	15.2	26.7	0.0	3.3	11.8	0.1
Grade 5 ELA	200259	13.0	27.1	0.0	4.5	8.4	0.1
Grade 6 ELA	198225	13.8	30.3	0.0	2.0	11.8	0.1
Grade 7 ELA	200262	7.9	33.9	0.0	1.9	6.0	0.0
Grades 4-7 ELA	795879	12.5	29.5	0.0	2.9	9.5	0.1
Grade 4 Math	198702	18.0	19.6	0.0	5.2	11.6	1.2
Grade 5 Math	202408	14.0	19.3	0.0	5.1	8.6	0.3
Grade 6 Math	200177	12.4	20.1	0.0	4.8	7.2	0.4
Grade 7 Math	201531	11.2	23.9	0.0	1.8	8.9	0.6
Grades 4-7 Math	802818	13.9	20.7	0.0	4.2	9.1	0.6

References

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Attachment 13: Example of how NY will report accountability results under this waiver.

The New York State Education Department (NYSED) is committed to making data available and easy to use. This site provides a first step in publicly reporting educational data so all interested parties can be better informed as they work to advance student achievement.

Users of this site can access statewide data reports or view reports for an individual school, district, BOCES, or county using the navigation bar at the top of the page. New data will be added when available.
Please visit http://data.nysed.gov .

Attachment 14:

Rewards School Identification Technical Documentation

New York 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.

A. High Performing Schools

1. Schools are first grouped into elementary/middle schools and high schools. Schools with both elementary/middle and high school levels will have the data analyzed for each of the levels separately. A school can be identified for the performance of its elementary/middle level or its secondary level.

2. Adequate Yearly Progress (AYP) – The school must have made AYP for all accountability groups for which the school was accountable for the 2013-14 and 2014-15 school years.

3. Gap Closing – The closing of gap from 2013-14 to 2014-15 is measured between the subgroup students and students who are not members of the subgroup for English Language Arts, Mathematics, Science and Graduation Rate. The difference between the largest gap in performance in 2013-14 between students who are members of an accountability group and students who are not members of the accountability group and the largest gap in performance in 2014-15 between students who are members of an accountability group and students who are not members of the accountability group is computed. The largest gap cannot increase by more than four points from 2013-14 to 2014-15. However, if the largest gap increased more than four points, the school can still meet the criterion if the performance of the subgroup with the largest gap is at the 90th percentile or more.
   a. For all schools, the gap between each subgroup and students who are not members of that accountability group was calculated for all subgroups for all measures in 2013-14 and 2014-15.

      Example: The school's elementary/middle level PI for the Hispanic accountability group is 134 in 2014-15, and the PI for students who are not in Hispanic accountability group is 168. The gap in between these two groups is 34 points.

   b. The largest accountability group gap for both years was calculated.
   c. The difference in the largest gap was calculated next to determine if any gaps had increased more than four points between the two years.
   d. If the largest gap increased for the same subgroup by more than four points then the percentile of the performance for the subgroup with the largest gap is considered. The percentile must be at the 90th or higher percent. If there are multiple subgroups with the same largest gap then all the subgroups have to be at the 90th percentile or more.
   e. Gaps in accountability groups were considered across all levels for which the school was accountable. A K-12 school could not meet this criterion if the elementary/middle PI gaps were reduced, but the high school PI gaps grew more than 4 points in the same time period.

Largest Gap Example

An example of a school NOT making the criteria:

2013-14 Black PI	2013-14 Not Black PI	2013-14 Black Gap	2013-14 Hispanic PI	2013-14 Not Hispanic PI	2013-14 Hispanic Gap	2014-15 Black PI	2014-15 Not Black PI	2014-15 Black Gap	2014-15 Hispanic PI	2014-15 Not Hispanic PI	2014-15 Hispanic Gap
140	170	30	138	172	**34**	120	152	32	125	165	**40**

In 2013-14, the largest gap was 34 points for the Hispanic accountability group. In 2014-15 the largest gap was 34 points for the Hispanic accountability group. The largest gap for an accountability group is six points higher for the same accountability group in 2014-15; this is higher than the four point cut off. However, the school can still meet the criterion if the performance of the Hispanic subgroup with the largest gap is at the 90th percentile or more. The school's Hispanic subgroup PI was at the 85th percentile of all schools in the state. The school did not meet the maximum gap criterion and therefore cannot be identified as a Reward School.

An example of a school making the criteria:

2013-14 Black PI	2013-14 Not Black PI	2013-14 Black Gap	2013-14 Hispanic PI	2013-14 Not Hispanic PI	2013-14 Hispanic Gap	2014-15 Black PI	2014-15 Not Black PI	2014-15 Black Gap	2014-15 Hispanic PI	2014-15 Not Hispanic PI	2014-15 Hispanic Gap
140	160	20	138	172	**34**	155	160	5	118	142	**24**

In 2013-14, the largest gap was 34 points for the Hispanic accountability group. In 2014-15 the largest gap was 24 points for the same accountability group. Since the largest gap is ten points lower than in 2013-14, the school has met the gap closing criterion. Thus, this school can be a Reward School if it meets all other criterion.

4. Performance Index (PI) – The school's combined unweighted ELA and math PI must place the school in the top 20 percent of all schools with PIs at that level (elementary/middle or high school) in the State.
   a. All schools with a combined ELA and math PI are given a percentile rank for school years 2013-14 and 2014-15. Schools that are in the top 20 percent in the State for both years are considered to have met this criterion.
   b. The percentiles are determined for elementary/middle and secondary levels separately.

      Example: If School A's combined elementary/middle level PI for 2013-14 is 177, which places the school in the 83th percentile of elementary/middle schools. In 2014-15, if the school's PI is 139, which places the school in the 86th percentile for that year.

5. Growth for elementary/middle schools – a school's average combined ELA and math student growth percentiles (SGP) for the all students group for 2013-14 and for 2014-15 must exceed 50. (SGP is based upon grade 4-8 ELA and math assessment results.)
   a. The school must have a SGP for ELA and for Math for each of the years in order to be eligible to become a Reward School.

      Example: If the school's ELA SGP is 54 and Math SGP is 62 in 2013-14, which when averaged equals 58. If in 2014-15, the ELA SGP is 52 and Math SGP is 60, which when averaged equals 56. The school met the criterion because the school's average SGP for 2013-14 and for 2014-15 exceeds 50.

6. Bottom Quartile Student Growth for elementary/middle schools – students in the bottom quartile of the school last year must demonstrate above average growth in the current year.
   a. As a first step, every student within a school was ranked by unadjusted SGP in 2013-14 to determine which students made up the bottom quartile for that particular school. Note: Students who were above the statewide average could be in the bottom quartile for that school.
   b. Next, the average SGP of the bottom quartile students was calculated within subject, and then averaged across subjects in 2014-15 to create a single percentile measure from 1-99, the same way the growth measure was calculated above.
   c. Schools met this criterion if the average growth percentile for bottom quartile students when averaged for ELA and math as measured by the previous year's growth percentile exceeds 50.

      Example: If in 2014-15, the school's bottom quartile average ELA growth percentile is 65 and 60 for Math, which when averaged equals 62.5. The school exceeded 50 and, therefore, met this criterion.

Note: For an elementary/middle school to be measured on this criterion, the school needed to have at least 8 student results in the bottom quartile for either ELA or mathematics. A school that had insufficient results to be assessed on this measure could not be designated a reward school at the elementary/middle level based on 2014-15 school year results.

7. Graduation Rate for secondary schools – a secondary school must have a 2010 4-Year cohort graduation rate that exceeds 80%, and the school must also exceed the state average for students graduating with either a Regents diploma with advanced designation or a Career and Technical Education (CTE) endorsement.
   a. Using 2010 four year cohort graduation data that includes diploma codes (for advanced designation and CTE), a school-level graduation rate for students with these types of diplomas was calculated for all schools with graduates.
   b. Next, the state average for students graduating with these diplomas was calculated, and a determination was made as to whether the school exceeded the State average for students with either a Regents diploma with advanced designation or a CTE endorsement.
      i. A school meets this criteria if it exceeded either the State average for students graduating with advanced designation OR a CTE endorsement.

      Example: A school has a 2010 4-Year cohort graduation rate of 85 percent and a graduation rate for students with Regents Diplomas with CTE endorsement of 8 percent and a graduation rate for students with Regents Diplomas with Advanced Designation of 28 percent. The 2010 4-Year cohort State average graduation rate is 3 percent for Regents Diplomas with CTE endorsement and 30 percent for Regents Diplomas with Advanced Designation. Since the school's 4-Year cohort graduation rate exceeds 80% and the percent of students graduating with a Regents Diploma with CTE endorsement exceeds the State average, the school has met this criterion.

8. Graduating At-Risk Students for secondary schools – the percentage of the students in the 2010 four year graduation cohort who scored Level 1 (L1) or Level 2 (L2) on an ELA or mathematics exam in Grade 8 and who subsequently graduated within four years of first entry in Grade 9 exceeded the State average for these students.
   a. Students 8th grade assessment data from 2009-10 were first related to graduation data provided to the state for 2014-15.
   b. Using these data, a school-level graduation rate for all students who scored a L1 or L2 on either the ELA or Math assessment in 8th grade was calculated.

c. The State average graduation rate for these students was calculated next, and the difference between the two was calculated to determine if the school exceeded the State average.

   i. Schools that did not have 30 or more L1 or L2 students to be measured on this criterion but had a cohort graduation rate above 80% were deemed to have met this criterion.
   ii. Students were considered L1 or L2 if they scored in one of those performance categories in either subject and could be included in this calculation if they scored a Level 3 on one assessment.

Example: A school's 2010 four year cohort graduation rate for the L1 and L2 students is 74.4 percent, and the State average is 65 percent. The school met this criterion because it exceeded the state average by 9.4 percent.

B. High Progress Schools

1. Schools are first grouped into elementary/middle schools and high schools. Schools with both elementary/middle and high school levels will have data analyzed for each of the levels separately.
   a. A school can be identified as a High Progress School for the performance of its elementary/middle level or its secondary level.

2. Adequate Yearly Progress (AYP) – same rules as applied to high performing schools.

3. Performance Index (PI) – the school's combined unweighted ELA and math for the all students group PI places the school among the top ten percent in the State in terms of gains between the 2014-15 and 2013-14 school years.
   a. All schools with a combined PI are given a percentile rank for school years 2013-14 and 2014-15. The difference between each school's percentile rank for the two years was calculated.
      i. The differences are calculated separately for the elementary and secondary levels.
   b. Next, each school was given a percentile rank based on the difference in the percentile ranks between the two years.
      i. The percentile ranks are calculated separately for the elementary and secondary levels.
   c. Schools that were in the top 10 percent were considered to have made this criterion.

   Example: If a school's combined PI for 2013-14 is 146 and 157 for 2014-15, which places the school in the 50th and 62nd percentile each year, respectively. The difference in the percentile rank is 12 percentile points, which places the school in the top 10 percent of schools in 2014-15.

4. Gap Closing – same rules as applied to high performing schools.

5. Growth – same rules as applied to high performing schools.

6. Bottom Quartile Student Growth – same rules as applied to high performing schools.

7. Graduation Rate – a school must have a 2010 4-Year cohort graduation rate that exceeds 60% and must also exceed the state average for students graduating with either a Regents diploma with advanced designation or a Career and Technical Education (CTE) endorsement.

8. Graduating At-Risk Students – Same rules as applied to high performing schools.