

ESEA Waiver: Public School Choice and Supplemental Educational Services

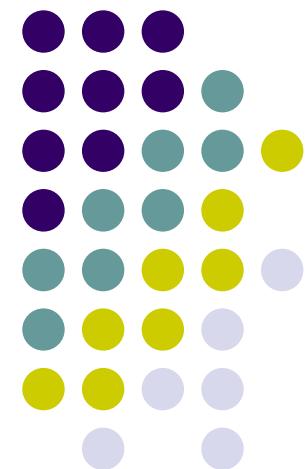
New York State Education Department

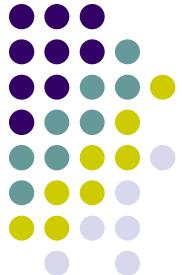
Ira Schwartz, Assistant Commissioner

Roberto Reyes, Title I Director

Statewide Webinar

Friday, June 29, 2012





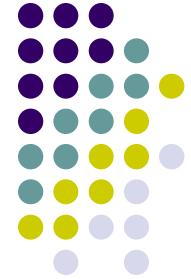
ESEA WAIVER INITIATIVE

“REGULATORY FLEXIBILITY”

On September 23, 2011, President Obama announced an Elementary and Secondary Education Act (ESEA) regulatory flexibility initiative to revise No Child Left Behind (NCLB).

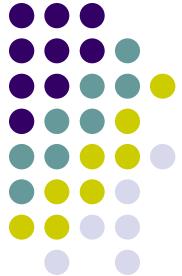
- Flexibility in the following areas has been granted:
 - **2013-14 Timeline for All Students Becoming Proficient**
 - **School and District Improvement Requirements**
 - **Highly Qualified Teacher Improvement Plans**
 - **Schoolwide Programs**
 - **Transferability of Funds**
 - **Use of School Improvement Grant Funds**
 - **Rewards for Schools**
 - **Rural Schools**
 - **Twenty-First Century Community Learning Centers program (optional)**
 - **Determining Annual Yearly Progress (AYP) for each school and district (optional)**
 - **Rank Order Funding Allocation for districts (optional)**
- In exchange for flexibility, states must:
 - **Set College- and Career-Ready Standards for All Students and Develop and Administer Annual, Statewide, Aligned, High-Quality Assessments that Measure Student Growth.**
 - **Develop Systems of Differentiated Recognition, Accountability and Support.**
 - **Support Effective Teaching and Leadership, including the implementation of Teacher and Principal Evaluation in which student growth is a significant factor.**
 - **Reduce Duplication and Unnecessary Burden.**

Public School Choice and Supplemental Education Services Waiver Flexibility



- LEAs are no longer required to offer SES in their identified schools.
- States may retain these programs, make them optional, or eliminate them.

PSC and SES in NYS in 2012-13

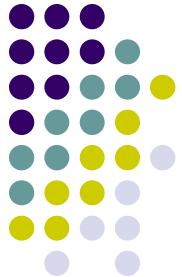


PSC

- Required in districts with schools designated as a Priority or Focus School.
- Parent notification requirements, eligible students, transfer options, and timelines do not change.
- No set-aside amount requirement.

SES

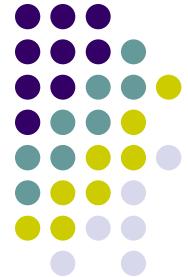
- No longer a requirement and no set-aside amount requirement.
- Districts may opt to continue SES.
- Districts choose SES providers (minimum of two per grade requiring service).
- If continuing SES option, parent notification requirements, SES PPA calculation methods, student eligibility, SES provider eligibility, access to school facilities by SES providers and when services are to be provided *remain the same*.



Priority Schools

The following three groups of schools were identified as Priority Schools:

- Schools that were **awarded a School Improvement Grant 1003g** in the 2011-12 school year.
- High schools with **graduation rates below 60% for 3 consecutive years**.
- Schools **in improvement, corrective action or restructuring** in the 2011-12 school year that were among those with the lowest combined ELA and Math Performance Index for the all students group in 2010-11 and which failed to show progress, as measured by gains in PI between 2009-10 and 2010-11, and for elementary and middle schools median Student Growth Percentiles (SGPs) for the all students group and subgroups compared to statewide median SGPs.



Focus Districts

- Districts are rank ordered on their combined elementary-middle and high school 2010-11 ELA and math Performance Index for each of the accountability groups and then the bottom 5% are identified.
- Districts are rank ordered on their 2006 4-Year graduation rate for each of the accountability groups and then the bottom 5% are identified.
- Accountability groups that have made progress are removed from consideration.
- The PI and graduation rate cut points for each accountability group are determined.
- A District with a Priority School automatically becomes a Focus District.
- Special Act Districts are excluded from identification unless they have a Priority School.



Focus Schools

- For each identified Focus District (based on lowest achieving 5%) the individual school's count of non-proficient students and non-graduating students are determined.
- Priority and Transfer Schools (on a case by case basis) are excluded.
- Small schools and schools with high performance are excluded.
- The District's percentage out of statewide count of non-proficient students and non- graduate students are determined.
- The state is required to identify 10 percent of schools as Focus Schools (471 schools).



Public School Choice (PSC)

- **Districts** will continue to be **required to offer public school choice** for all students attending non-charter Title I Priority or Focus Schools.
- Lack of capacity cannot be used to deny a student access to the PSC option.
- A district may prioritize based on students with the greatest academic need.
- **Charter schools**, as a single school LEA, **do not have to offer choice** to students attending charter schools that are designated as Title I Priority or Focus Schools, as the LEA consists solely of the charter school.
 - Parents continue to have the choice to withdraw their child from the charter school and enroll them in a public school in their district of residency.



Public School Choice (PSC)

What stays the same?

- Students may transfer to a school not identified as a Priority/Focus school. When available, students should have access to more than one school not identified as a Priority or Focus School.
- Parents must still be notified of the PSC option even if there is no other schools in the district to which the student may transfer. The notification letter must explain why there is no PSC option.



Public School Choice (PSC)

Notification Requirements:

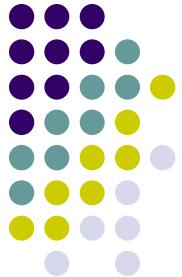
- The requirement that parents must be notified of the PSC option no later than 14 days before the start of the school year remains in effect for the 2012-13 school year. Districts are encouraged to inform parents as soon as possible about their choice options.
- PSC becomes effective the first day of the new school year.



Public School Choice (PSC)

Requirements for Focus Districts with Students Enrolled In Schools Under the PSC Option

- Students must be allowed to attend the school they transferred to under the PSC option until the highest grade of that school.



Public School Choice (PSC)

What happens if in 2012-13 a school is no longer identified?

- Students that have transferred under the PSC option are allowed to stay until the highest grade of the school to which they transferred.
- The District is no longer responsible for transportation costs unless otherwise required by district transportation policy.
- Transportation becomes the responsibility of the parents/guardians if not required by district policy.



Public School Choice (PSC)

ESEA Flexibility Waiver Changes to PSC in 2012-13

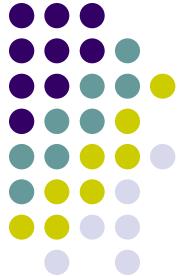
- PSC must be available as long as a school is identified as a Priority or Focus School.
- Funds may come from I-A, II-A (Transferability Option) local, State or other Federal sources.



Notification to Districts of Accountability Status

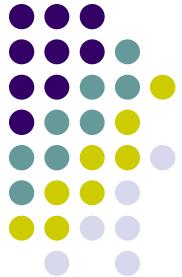
- SED will provide districts and charter schools with the preliminary status of their schools in first half of July.
- Districts will have an opportunity to designate Focus Schools and appeal a Priority or Focus School designation.
- SED expects to publicly release list of Priority and Focus Schools four weeks after preliminary notifications are sent to districts and charter schools.

Supplemental Education Services (SES)



Options:

- Beginning in the 2012-13 school year, districts and public charter schools will **no longer be required to offer SES** or set aside money to pay for SES in identified Title I schools. However, districts and public charter schools may **choose to continue to provide SES** to students in Title I schools that have been identified as Priority or Focus Schools.

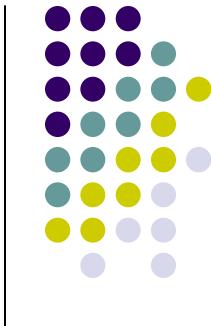


Supplemental Education Services (SES)

ESEA Flexibility Waiver Changes to SES in 2012-13

- Districts may choose the SES providers they wish to work with. However, new Commissioner's regulations require that districts offer parents the opportunity to select from among at least two providers who serve students in the grades enrolled in the district's Priority and Focus schools.
- ***Districts that opt to continue to use SES must provide it to the lowest performing and highest need students. SED is requiring these districts to use the USDE calculated SES Per Pupil Amount (PPA) to calculate SES expenditures. Those amounts will be posted later this year on the SED NCLB SES website at***

<http://www.p12.nysed.gov/accountability/T1/ses/fiscalinformation.html>

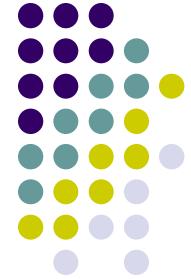


Supplemental Education Services (SES)

How does a district decide if it wants or needs to continue the SES option?

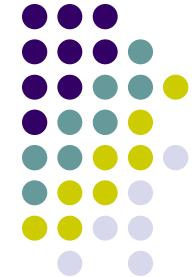
- The process a district or charter school uses to determine their need to continue the SES option is up to them.
- For 2012-13 SES is and remains an option.
- Districts and charter schools will use the Consolidated Application Update to inform SED of their choice.

Supplemental Education Services (SES)



- Districts that continue to provide SES may use Title I funds to pay for those services. Funds may also come from Title II, Part A under the “Transferability” option as well as other Local, State, or Federal sources.

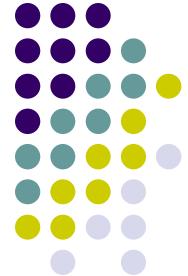
Supplemental Education Services (SES)



Which students are eligible to receive SES?

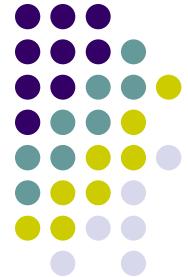
- Only students from low income families enrolled in schools designated as a Priority or Focus school may access SES.
- SES may only be provided in ELA/Reading and Math.
- Districts may use Free, or Free and Reduced Price Lunch Student Lists to determine eligibility.
- In determining which students to offer SES, a district or charter school must give priority to students in the greatest academic need.
- If needed, districts and charter schools may further prioritize based on the student group(s), subject(s), and grade levels that caused the school to go into accountability.

Supplemental Education Services (SES)



Districts/Public Charter Schools Offering SES in 2012-13:

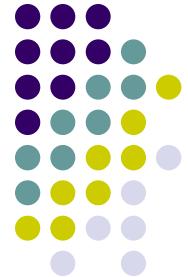
- Districts and public charter schools may select the providers that will be permitted to operate in the district or public charter school using the State's approved list.
- Equitable access to school facilities for approved SES providers remains a requirement. Districts and public charter schools must allow SES providers access to their facilities according to the same rules as for other organizations.
- Any district that is an approved SED provider, including Focus Districts or Focus Charter Schools, may offer SES.



Supplemental Education Services (SES)

Calculation of the SES Per Pupil Allocation

- AMOUNTS FOR SUPPLEMENTAL EDUCATIONAL SERVICES— The amount that a local educational agency shall make available for supplemental educational services for each child receiving those services under this subsection shall be the lesser of—
 - (A) the amount of the agency's allocation under subpart 2, divided by the number of children from families below the poverty level counted under section 1124(c)(1)(A); or
 - (B) the actual costs of the supplemental educational services received by the child.



Supplemental Education Services (SES)

What SES requirements remain in place?

What flexibility does a district have if it chooses to continue SES?

- Providers are to have equitable access to school facilities as do all other community organizations.
- Two enrollment periods, at two distinct times during the school year, must be provided. The enrollment periods should at a minimum be open for two weeks.
- Services should begin within a few weeks of parents enrolling their child.
- Transportation still remains the responsibility of the child's parents/guardians.



Supplemental Education Services (SES)

What is the district and SES Provider relationship when a district decides to not continue the SES option?

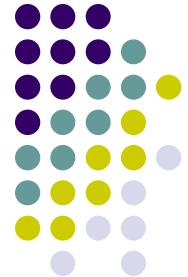
- Districts that no longer choose the SES option may contract directly with SES providers for their services.
- Title I funds may be used if the services provided are allowable under Title I.



Supplemental Education Services (SES)

Program requirements for SED approved SES Providers in 2012-13?

- SED approved SES Providers' programs remain certified and providers need not modify their programs for the 2012-13 school year.



Supplemental Education Services (SES)

What is needed on order to remain or become an approved SES Provider?

- Each provider of approved supplemental educational services (SES) providers must submit evidence that commencing with the 2013-14 school year the instruction provided and content used by such provider is aligned with the State Common Core learning standards in the areas of English language arts and mathematics. Providers who do not submit satisfactory evidence are subject to being decertified and removed from the approved list.

PSC and SES Set-Asides



Carryover for the 2011-12 School Year

- Districts that had Title I schools identified as In Improvement, Corrective Actions, and/or Restructuring during the 2011-12 school year, but are not identified as Focus Districts in the 2012-13 school year are no longer required to roll over the unexpended portion of their 20% set-aside for PSC and SES funds into the 2012-13 school year and may use those funds for other allowable Title I purposes. Districts must equitably share those funds with private schools as applicable.



PSC and SES Carryover

Requirements Continued...

- Districts that had Title I schools identified as in Improvement, Corrective Actions, and/or Restructuring during the 2011-12 school year and are identified as Focus Districts in the 2012-13 school year may use those funds to support allowable programs and services in their Priority and Focus Schools. **Funds used in this manner are not subject to equitable provision requirements.**
- All districts must adhere to the 15% Title I-A carryover limitation rule. They may request from the Department an exemption to this rule once every three years.

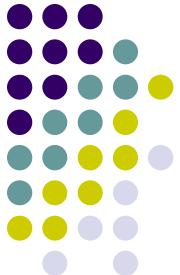
Supplemental Education Services (SES)



Notification Requirements

- Districts that continue to offer SES must notify parents at two distinct time periods during the school year and offer at least two enrollment windows.
- The notification must:
 - Explain how parents can obtain SES for their child.
 - Identify each approved provider within the LEA with which they have contracted for services.
 - Describe briefly the services, qualifications and evidence of effectiveness for each contracted provider.
 - Indicate providers that are able to serve students with disabilities (SWD) or Limited English Proficient (LEP) students.
- Additionally, the district should describe the procedures and timelines that parents must follow to select a provider to serve their child.
- Districts should notify parents that they will prioritize requests based on providing services to the lowest-achieving, eligible students.

Focus District PSC Notification Requirements



- Parents must be notified 14 days prior to the start of the new school year.
- Notification must include information on the academic achievement levels of the schools to which a child can transfer.



Public School Choice

Set-Aside Requirements

- In 2012-13, identified districts with Priority and/or Focus Schools will **no longer be required to set aside funds for PSC**.
- Where PSC is required, Title I funds may be used to pay for transportation costs.
- Districts may continue to use other federal, State or local sources to pay for the costs associated with PSC transportation.

Public School Choice and Supplemental Education Services (SES)



- New 5% to 15% set-aside of Title I; Title IIA and Title III funds, if district or charter school is identified for performance of ELLs.
- Set-aside must be used to provide to Priority and Focus Schools programs and services from a list established by the Commissioner.
- Focus Districts also have a 2% set-aside for parent involvement and engagement.

Public School Choice and Supplemental Education Services (SES)

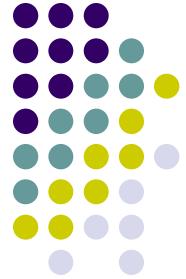


What Flexibility Waiver Rules for PSC and SES Apply to Public School Districts versus Public Charter Schools?

- Public Charter Schools are not subject to ESEA Flexibility Waiver rules for PSC as they are a single school LEA. Parents may choose to return to the public school district that the charter school is located in but that is not considered PSC.
- Public School Districts and Public Charter Schools are required to follow State and Federal law and regulations if they choose to continue to provide the SES option to eligible students.

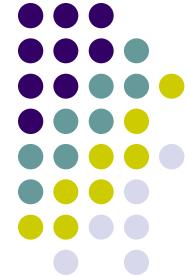
Supplemental Education Services (SES)

Summer Programs for 2011-12

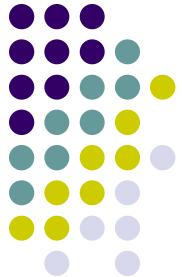


- Districts that indicated in their 2011-12 Consolidated Application Update that they were going to provide an SES summer program are obligated to provide the program for enrolled students.
- The last day a student may receive SES for the 2011-12 school year is August 31, 2012.

Expanded Learning Time for Priority Schools



- Non-charter Priority Schools must offer students an expanded learning time program that meets the standards set by the Board of Regents (see the following link: <http://www.regents.nysesd.gov/meetings/2012Meetings/April2012/412bra5.pdf>) as part of their implementation of a whole school reform model. **For the 2012-13 school year, this provision applies only to those schools funded for a 1003(g) School Improvement Grant in 2012-13.**
- Districts that intend to use Title I funds to implement Expanded Learning Time programs may contract with SED approved SES providers whose programs meet the standards set by the Board of Regents (see link to memo above).



For Further Information:

- Further information on these topics can also be found in New York's full waiver request at:
<http://www.p12.nysed.gov/esea-waiver>
- The Department will also host additional webinars to explain in more detail the various provisions of the ESEA Waiver. The schedule of these webinars is posted at:
<http://www.p12.nysed.gov/esea-waiver/>



For General Information about the ESEA
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