

# **ESEA Waiver: Focus District Overview**

New York State Education Department  
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**Statewide Webinar**

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# ESEA WAIVER INITIATIVE

## “REGULATORY FLEXIBILITY”

On September 23<sup>rd</sup>, President Obama announced an Elementary and Secondary Education Act (ESEA) regulatory flexibility initiative to revise No Child Left Behind (NCLB). On May 29<sup>th</sup>, the NYS waiver request was approved. On June 19<sup>th</sup>, the Board of Regents adopted regulations to carry out the provisions of the waiver.

- Flexibility in the following areas has been requested
  - **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 (SIG) 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.**

# ESEA Waiver Accountability Designations

Category	How Identified	Data Used for Identification
<b>Reward Schools</b>	High Performance or High Progress	Annual
<b>Good Standing</b>	Not Priority, Focus or Local Assistance Plan School	Annual
<b>Local Assistance Plan School</b>	School that is not a Priority of Focus School that: a) Has large gaps in student achievement among subgroups of students; or b) Has failed to make AYP for three consecutive years with same subgroup on same measure. c) Is located in a non-Focus District but is among the lowest in the state for the performance of one or more subgroups and for which the school is not showing progress.	Annual
<b>Focus Districts</b>	Districts and charter schools that are among the lowest performing for a subgroup of students and that fail to show progress or that have one or more priority schools.	Identified once based on 2010-11 data; districts and charter schools that improves performance may be removed from Focus status.
<b>Focus Schools</b>	Schools that have either the greatest numbers or greatest percentage of non-proficient student results and non-graduate student results in the group(s) for which a district is identified as Focus.	Identified by Districts based on lists provided by Commissioner. District may request to modify annually the list of Focus Schools in the District.
<b>Priority Schools</b>	Schools that were awarded a SIG grant in 2011-12; have had graduation rates below 60% for the 2004, 2005 and 2006 4 year Graduation Cohorts; or are among the lowest performing in ELA and math combined and have failed to show progress.	Identified once based on 2010-11 data; schools that improve performance may be removed from Priority status.

# PRIORITY SCHOOLS

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

1. Were **awarded a School Improvement Grant** in the 2011-12 school year.
2. Had **graduation rates below 60%** for the 2004, 2005 and 2006 4 year Graduation Cohorts.
3. Have met all of the conditions described below.

## Identification Based On Combined ELA and Math Performance

For High Schools	For Elementary-Middle Level
In improvement, corrective action or restructuring in the 2011-12 school year.	In improvement, corrective action or restructuring in the 2011-12 school year.
Combined PI of 106 or below in ELA and mathematics for all students group in 2010 -11.	Combined PI of 111 or below in ELA and mathematics for all students group in 2010-11.
Made a four-point gain or less in its 2010–11 combined ELA and mathematics PI for the all students group compared to its 2009–10 PI.	Made a ten point gain or less in its 2010–11 combined ELA and mathematics PI for the all students group compared to its 2009–10 combined PI.
	Had a combined median SGP in ELA and mathematics for the 2009–10 and 2010–11 school years combined for the all students group of 50% or below.
	Had less than 50% of the accountability groups in the school with 2010–11 median SGPs that exceeded the statewide median SGP for that accountability group.

# FOCUS DISTRICTS

- The bottom 5% of districts are identified for their combined Elementary, Middle and HS 2010-11 ELA and Math Performance Index and Graduation Rate for each ESEA accountability group (Racial, Ethnic, English Language Learner, Economically Disadvantaged and SWD subgroups. Accountability groups that have made progress are removed from consideration.
  
- 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 District Identification

Districts are rank ordered on their combined elementary-middle and high school **2010-11 ELA and math Performance Index (PI)** 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.

The PI and graduation rate cut points for each accountability group are determined.

**Cut Points for 2012-2013 Identification**

Accountable Group	2010-11 Performance Index for Grade 3-8 and high school ELA & math (at or below)	2006 4 Yr Graduation Rate (at or below)
American Indian/ Pacific Islander	112	54
Asian	112	54
Black	112	54
Hispanic	112	54
White	112	54
Multiracial	112	54
Students with Disabilities (SWD)	70	26
Limited English Proficient	77	28
Low-Income	122	56

Reminder: *A District with a Priority School automatically becomes a Focus District.*

**Exceptions:**

- Accountability groups that have made progress are removed from consideration.
- Special Act Districts are excluded from identification unless they have a Priority School.

# Progress Measures for Focus District Accountability Groups

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Student Growth Percentile (SGP) State Median for 2 Years							
SWD	Am Ind	Asian	Black	Hisp	White	LEP	ED
42	46	61	43	47	52	50	47

2006 4 Yr Grad Rate State Average								
SWD	Am Ind	Asian	Black	Hisp	White	LEP	ED	Mix Race
44	59	83	58	57	84	40	64	75

# Focus District Identified for PI: Example

District A (with Hispanic, LEP and SWD groups)

DATA		FOCUS DISTRICT CRITERIA	Met Criteria for identification
2010-11 ELA & math Combined Hispanic PI	110	PI less than or equal to 112 (cut point based on lowest 5% of districts)	Yes
2010-11 ELA & math Combined LEP PI	75	PI less than or equal to 77 (cut point based on lowest 5% of districts)	Yes
2010-11 ELA & math Combined SWD PI	71	PI less than or equal to 70 (cut point based on lowest 5% of districts)	No
Combined 2009-10 & 2010-11 SGP for each group	Below state median for Hispanic and LEP	Removal criteria: 2 year combined SGP more than state median makes the group eligible for removal from identification	Yes
2006 4 Yr graduation rate for each Group	Below state average for LEP	Removal criteria: Graduation rate above state average makes the group eligible for removal from identification	Yes

**District A identified as Focus District for being lowest performing for the LEP group.**



# Determining the Number of Focus Schools to be Identified

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- All the schools are listed in the Focus districts. Priority and closing schools are then removed from the list.
- For each school, the non-proficient students for the identified groups are determined. If a student belongs to two or more groups then the student will be counted in each group of which they are a member.
- Schools with non proficient student results of less than 15 or in which all identified groups have more than 60% of students proficient are removed.
- The cumulative count of non-proficient students for the district is determined.
- For each school, the non-graduate students for the identified groups are determined. If a student belongs to two groups then the student will be counted twice, three groups then counted thrice etc.

# Determining the Number of Focus Schools to be Identified

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- ❑ Schools with non graduate student results of less than 15 or in which all identified groups have a graduation rate of greater than 60 percent are removed.
- ❑ The cumulative count of non-graduate students for the district is determined
- ❑ The non-proficient and non-graduate students are summed up for each district.
- ❑ For the year 2010-11, there were a total of 4,707 schools in the state, out of which 3,500 were Title I. The goal is to identify at least 10% of state and Title I, which amounts to 471 and 350 schools, respectively.
- ❑ For each identified district, the count of elementary-middle and high schools are determined. Priority and closing schools are removed from the count.
- ❑ For each district the number of schools to be identified for PI and GR is determined by taking the proportion of non-proficient and non-graduate students in the district.

# FOCUS SCHOOLS: Example

## Stage 1: District A for SWD Subgroup

District A's combined Elementary-Middle and High School ELA and math PI for the SWD subgroup is 60. The SWD PI for all districts in the State is rank ordered in descending order.

Focus districts are the bottom 5% districts for each accountability group in PI and graduation rate. There are 631 districts in the State with a SWD subgroup and the **bottom 32 districts (5%)** will be identified as Focus Districts.

District A with a SWD PI of 60 was ranked 12th from the bottom, and therefore the district was identified as a Focus District for the SWD subgroup.

# FOCUS SCHOOLS: Example

Based on each district's share of non-proficient students (Level 1 and Level 2) and non-graduating students, the count of Focus Schools to be identified is determined.

Example: District identified for SWD subgroup

<b>Total # of schools in District A</b>	<b>10</b>
<b>Maximum # of schools that can be identified (85% cap, rounded down)</b>	<b>8</b>
<b>Total # of non-proficient SWDs in District A (a)</b>	<b>656</b>
<b>Total # of non-proficient students among Focus Districts for all accountability groups (b)</b>	<b>65,600</b>
<b>District A's share of non-proficient students (c = a/b)</b>	<b>1%</b>
<b>Total # of Focus Schools to be identified in the State (d)</b>	<b>471</b>
<b>District A's share of Focus Schools (c x d)</b>	<b>5</b>

# **FOCUS SCHOOLS: Example**

## **Stage 2: Focus Schools in District A**

List A: For each school in District A, the count of non-proficient SWD results for elementary-middle level and high school level is determined. The schools are rank ordered in descending order, on count and the top five schools are selected.

List B: For each school in District A, the percent of non-proficient SWD results for elementary-middle level and high school level is determined. The schools are rank ordered in descending order, on percentage and the top five schools are selected.

# FOCUS SCHOOLS: Example District A

District A has to Identify **5** Focus Schools

School	# SWD Non Proficient	% SWD Non Proficient	Rank ordered by SWD Non Proficient #	Rank ordered by SWD Non Proficient %	Identified on SWD Non Proficient #	Identified on SWD Non Proficient %
A	178	83	1	6	Yes	No
B	156	90	2	4	Yes	Yes
C	104	96	3	1	Yes	Yes
D	47	92	4	3	Yes	Yes
E	43	80	5	7	Yes	No
F	40	95	6	2	No	Yes
G	30	88	7	5	No	Yes
H	22	78	8	8	No	No
I	20	63	9	9	No	No
J	16	58	10	10	No	No

# Selecting a Focus School List

Each Focus District will select one from four options.

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**Option 1:** List A is the rank order list provided by the Department based on the count of non-proficient/non-graduate student results.

**Option 2:** List B is the rank order list provided by the Department based on percentage of non-proficient/non-graduate student results.

**Option 3:** The district may **recommend a list of schools** in rank order, which must begin with the district's highest need school.

- A Priority School cannot be recommended as a Focus School.
- The recommended school(s) cannot be scheduled for closure during the 2012–13, 2013–14, and/or 2014–15 school years.
- The district may choose to select schools from List A and List B or identify schools on neither list.

*\*The total count of Focus schools in Option 3 must be at least as many as on List A or List B.*

Note: If a school is on neither List, a narrative justification must be provided for why the school should be Focus.

**Option 4:** The district may request that **all its schools** be designated as Focus Schools. Therefore, all supports and reform efforts can be targeted to specific accountability groups in all schools as part of a district-wide reform effort.

**Each year**, each Focus District will be provided a new rank ordering of its schools based on the performance of the district's accountability groups, and may choose to continue to serve the school(s) identified in 2011–12 or use the new lists to identify new Focus Schools within the district on which to focus its support and reform efforts.

# 2012-2013 Focus School Selection Form

The form may be downloaded at: <http://www.p12.nysed.gov/accountability/ESEAMaterials.html>.

*Each year, the district will be provided a new rank ordering of the schools in the district based on the performance of the district's accountability groups, and may choose to continue to serve the school(s) identified in 2011–12 or use the new lists to identify new schools within the district on which to focus.*

District Name:

District BEDS Code:

Please choose one of the following Focus Schools lists to indicate the district's choice. Instructions to complete the form are enclosed. For details pertaining to schools on List A and List B, please check the "FocusSchoolsIdentification.xls" file in the district's portal.			
Option 1 – List A Based on count of non-proficient/non-graduate student results.	Option 2 – List B Based on percentage of non-proficient/non-graduate student results.	Option 3 – District Recommended List Provide the district's recommended school list and justification in the table below.	Option 4 – All Schools District will identify all its schools as Focus Schools.
District Recommended Focus Schools List for 2012-13 (Use additional sheets if necessary)			
	School Name	BEDS Code	Justification

*\*Superintendent or NYC Chancellor's signature required for certification.*

**Note:** Charter Schools will not need to complete this form.



# Submitting an Appeal for the District & School Accountability Status

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To appeal an accountability determination for the 2012–13 school year, districts must submit a complete, signed, and dated *2012–13 Appeal Form for School and District Accountability Status*, with all required supporting evidence.

**Districts must submit the appeal by**  
**July 20, 2012.**

# Removal Criteria – Priority Schools

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- ❑ School has a combined PI in ELA and mathematics for the all students group that exceeds the thresholds for identification as a Priority School for two consecutive years by at least ten index points.
- ❑ For high schools, the four year cohort graduation rate must equal at least 70 percent for two consecutive years.
- ❑ 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.

# Removal Criteria – Focus Districts/Schools

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- ❑ Meets the participation requirement in ELA and math for all accountability groups.
- ❑ Has a combined PI in ELA and mathematics for each group for which the school district was identified that exceeds the thresholds for identification for two consecutive years by at least ten index points and by at least ten percent for all groups for which the school district was identified for graduation rate.

# Removal Criteria – Focus Districts/Schools

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- If the school district and each Priority School and Focus School 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.
  
- If the school district meets the criteria for removal, but not every Priority or Focus School 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.

# District Comprehensive Improvement Plans

## Each DCIP must:

- ❑ be informed by the recommendations of the latest Commissioner-appointed site visits to the district (i.e., School Quality Reviews, Curriculum Audits, and Joint Intervention Team visits for the 2012-13 school year plans) and identify actions corresponding to these recommendations.
- ❑ be developed in such format as may be prescribed by the Commissioner, and be formally approved by the board of education of the school district **no later than three months following the designation** of the school district as a Focus District and as subject to approval by the Commissioner.
- ❑ specify the supports, and interventions from the list of allowable expenditures and activities approved by the Department, and the supporting funding sources, that the district will provide to each identified school.
- ❑ be **implemented no later than the beginning of the 2012–13 school year** or immediately upon approval of the board of education, if such approval occurs after the first day of regular school attendance.
- ❑ be developed in consultation with parents, school, staff, pursuant to section 100.11 of Commissioner's Regulations.
- ❑ 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.
- ❑ be updated annually, including an analysis of achievement of prior year goals 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 district remains a Focus District.
- ❑ include a description of goals, targets, activities, and timeline for implementation.

All plans and modifications of the school district's approved Comprehensive Improvement Plan, and thus the DCIP, should require the prior approval of the Commissioner.

# Comprehensive Education Plans

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## **CEPs must:**

- 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 are subject to approval by the Commissioner.
- 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.
- be **updated annually** and **incorporate the findings of the diagnostic review** and, as so updated, be 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 a Priority or Focus school.
- be developed in consultation with parents, school, staff, and others pursuant to section 100.11 of Commissioner's Regulations.
- 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. include a description of goals, targets, activities, and timeline for implementation.

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All plans and modifications of the school district's approved CEP, and thus the DCIP, should require the prior approval of the Commissioner.

# Public School Choice (PSC)

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- **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.
  
- **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.

# Supplemental Education Services (SES)

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## 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)

Continued

## ESEA Flexibility Waiver Changes to SES in 2012-2013

- 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>***

## Are There Any New Waiver PSC/SES Requirements that Replace the Requirement for a District to Offer PSC or SES?

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- New 5% to 15% set aside of Title I; Title IIA and Title III funds, if district or charter school 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.

# Menu of Allowable Programs and Services

- Professional Development
  - Diagnostic Tool for School and District Effectiveness
  - CTE
  - Expanded Learning Time (ELT)
  - AP, IB, and/or Cambridge AICE or IGCSE courses
  - CCS, PBIS and RtI
- Training and Certification
  - Data Systems
  - Teacher Evaluation
  - Conduct Teacher Observations
- Appointment of a Distinguished Educator
- Development of Assessments
- Equipment and Curricular Materials
- Implementing School-Based Inquiry Teams
- Supplemental Compensation
- Implementation of 1 of the 4 School Intervention Models
- Supporting LEA and EPO, CMO, charter school operators' planning activities for implementation
- Academic Intervention Services
- Pre-K Programs

# Whole School Reform Model

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The **Turnaround Model**, **Restart Model**, **Transformation Model**, or **Closure Model** funded by a 1003(g) School Improvement Grant;

or

A three year plan that provides for the redesign of a school by implementation of the turnaround principles.

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**Note:** Charter Schools are not subject to this requirement.

# Whole School Reform Model

Continued

A three year plan that provides for the redesign of a school must implement all of the following turnaround principles:

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1. Providing strong leadership by:
    - reviewing the performance of the current principal;
    - either replacing the principal if such a change is necessary or demonstrating to the Commissioner that the current principal has the ability to lead the turnaround effort;
    - providing operational flexibility in the areas of scheduling, staff, curricula, and budget.
  2. Ensuring that teachers are able to improve instruction by:
    - reviewing the quality of all staff and retaining only those who have the ability to be successful in the turnaround effort;
    - preventing ineffective teachers from transferring to these schools;
    - providing job-embedded, ongoing professional development informed by the teacher evaluation and support systems and tied to teacher and student needs.
  3. Redesigning the school day, week, or year to include additional time for student learning
  4. 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.
  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.
  7. Providing ongoing mechanisms for family and community engagement.
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# Priority School Implementation Schedule

A Focus District must ensure that each Priority School implements a whole school reform model.

The form may be downloaded at: <http://www.p12.nysed.gov/accountability/ESEAMaterials.html>.

District Name:	
District BEDS Code:	

Please list the Priority schools in your district and indicate which year the district will implement the School Improvement Grant (SIG) plan in each school. Instructions to complete the form are enclosed. To verify the list and obtain details pertaining to Priority schools in your district, please visit the “Priority Schools Identification Lowest Achieving” file in your district’s portal. Please complete the “2012-13 Appeal Form for School and District Accountability Status” to appeal the Priority” Status of a school.

All Priority Schools for 2012-13					
School Name		BEDS Code	Year Implementation will begin (Please use an X to indicate the selected year)		
			2012 - 2013	2013 - 2014	2014 – 2015

Each Focus District with one or more Priority Schools must submit the schedule by which each of the Priority Schools shall implement, as part of the school's Comprehensive Improvement Plan, a whole school reform model.

# Department Timeline

The intended timeline that the Department will utilize over the next few months to inform Priority and Focus Schools and Districts of actions that it will take based on the approved waiver.

Action	Date
The Board of Regents adopted emergency regulations to codify proposed accountability system and supports.	June 18, 2012
SED will publish Field Guidance on new flexibility regarding Public School Choice and Supplemental Education Services (SES).	June 25, 2012
SED will provide school districts (“LEA”) with a list of preliminarily identified Priority and Focus Schools, as well as the methodology that LEAs should use in making Focus School determinations.	Week of July 9, 2012
SED will publish Field Guidance on new set asides to support Focus and Priority Schools.	Week of July 16, 2012
LEAs will submit a list of the Focus Schools that they will serve in 2012–13, as well as any appeals for schools to be removed from either the Priority or Focus preliminary lists.	July 20, 2012
SED will issue a new Consolidated Application and District Comprehensive Improvement Plan.	Week of July 23, 2012
SED will confirm the final list of Priority and Focus Schools, and publicly announce the lists.	On or About July 31, 2012
LEAs will notify SED regarding which Priority Schools will be implementing a School Improvement Grant Model or the Comprehensive Education Plan with the Turnaround Principles in 2013–14, and which schools will implement in 2014–15.	October 1, 2012

For Further Information about  
Focus Districts, Focus Schools and  
Priority Schools Please Email:

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