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Office of P-12

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To: District Superintendents, Superintendents of Public Schools, Principals of Charter Schools, and Coordinators of Title I Programs

From: Ira Schwartz *Ira Schwartz*

Subject: Summary of the Provisions of New York's Elementary and Secondary Education Act (ESEA) Waiver Request

On February 28, 2012, after consulting with many key stakeholders over a period of six months and receiving the approval of the Board of Regents, the New York State Education Department (NYSED or "the Department") submitted an ESEA Flexibility Request to the United States Department of Education (USDE), which can be found at the following website: <http://www.p12.nysed.gov/esea-waiver/>. The purpose of this memo is to provide a summary of the changes that will occur to New York's (NY) accountability system as a result of USDE's approval of NY's waiver request on May 29, 2012 and upon adoption of conforming regulations by the Board of Regents.

The goal of the ESEA Flexibility Waiver is to build upon best practices that exist within the current accountability system and better support the efforts of schools and districts to ensure that all students graduate high school college- and career-ready. Below are the primary areas of change that will occur beginning in the 2012-13 school year as a result of implementation of the provisions of the waiver.

1. ***Accountability Determinations***

- **Sunset of Prior Designations:** At the end of the 2011-12 school year, NYSED will sunset the current accountability designations of Improvement, Corrective Action, and Restructuring for identified schools, districts, and charter schools.
- **Accountability Measures for Schools and Districts:** During the waiver period (the 2012-13, 2013-14 and 2014-15 school years), English language arts (ELA), math, and science assessment results and graduation rate remain the measures by which schools and districts will be held accountable for student performance. However, student growth towards proficiency in ELA and mathematics will now be incorporated into accountability determinations for elementary and middle schools, and measures of high school performance in ELA and math will now be based on college- and career-readiness standards (i.e., a score of 75 or higher on the ELA Regents and a score of 80 or higher on a math Regents). Consequently, high schools will no longer receive credit in the ELA and math performance index for students who meet graduation requirements using the safety net. (i.e., a score of between 55-64 on a

Regents examination or passage of a RCT) Both four year and five year graduation rates will be factored into accountability decisions.

- Priority School, Focus District and School Identification for the 2012-13 School Year: Using 2010-11 school year results, NYSED will identify as Priority Schools the lowest achieving district and public charter schools in the state based on combined ELA and math assessment results or graduation rate for the “all students” group, if these schools are not demonstrating progress in improving student results. The Department will identify any district with at least one Priority School as a Focus District. If a district is among those with the lowest achieving subgroups in ELA and mathematics combined or for graduation rate and is not showing improvement, the district will also be identified as a Focus District. These districts in turn will be required to identify, at a minimum, a specified number of schools as Focus Schools. A public charter school that is identified in the Focus category will be considered a Focus School.
- Local Assistance Plan School Identification: Schools that are not identified as Priority or Focus, but either have unacceptably large gaps in performance among groups of students or that have failed for three consecutive years (i.e., 2009-10, 2010-11 and 2011-12) to make Adequate Yearly Progress (AYP) for a group of students on an accountability measure will be identified as Local Assistance Plan Schools. In addition, in districts that are not identified as Focus, those schools that are among the lowest performing in the State and are not making progress will be identified as Local Assistance Plan Schools. Local Assistance Plan Schools will be identified using 2011-12 school year results.
- Schools in Good Standing: Schools currently in Improvement, Corrective Action or Restructuring that are not identified as Priority, Focus, or in need of a Local Assistance Plan (LAP) and districts currently in Improvement or Corrective Action that are not identified as Focus Districts will be designated as “In Good Standing.” This means that in 2012-13 these schools and district will no longer need to meet the improvement plan and set-aside requirements of their prior designation.
- Notification Timeline: Later this school year, NYSED will provide districts with information on the accountability status of the district and its schools for the 2012-13 school year. NYSED will notify public charter schools of their identification and accountability status as well.
- Annual Determinations of School and District Accountability Status¹: The Department will identify Priority Schools and Focus Districts only once during the waiver period. If a school is not identified as a Priority School in June 2012, it will not be so identified during the 2012-13, 2013-14, or 2014-2015 school years. Similarly, if a district is not identified as a Focus District in June 2012, it will not so be identified during the waiver period. However, designation of schools for which districts must develop Local Assistance Plans or designation of schools as Focus within Focus Districts will be determined annually. In addition, determinations as to whether Focus and Priority Schools and Focus Districts may be removed from this status will also be made annually.

¹ NYSED will continue its alignment of the Individuals with Disabilities Education Act (IDEA) and ESEA Accountability Systems. Focus districts based on results for students with disabilities will be determined to Need Assistance/Need Intervention under IDEA. In addition, NYSED will consider a district's compliance with the requirements of IDEA in its determinations.

- Annual Determinations of Charter School Accountability Status: The Department will identify charter schools as Priority Schools and Focus Schools only once during the waiver period. If a public charter school is not identified as a Priority or Focus School in June 2012, it will not be so identified during the 2012-13, 2013-14, or 2014-15 school years. In addition, determinations as to whether charter schools may be removed from this status will be made annually.
- Identification of Reward and Recognition Schools: At the end of the 2011-12 school year, NYSED will discontinue the identification of schools as High Performing/Rapidly Improving and will instead identify Reward Schools beginning with the 2012-13 school year. The Reward School designation will be based on schools meeting significantly more rigorous criteria than in the past. NYSED will also identify a second group of schools for Recognition that meets most, but not all, Reward School criteria.
- Revisions to AYP: While NYSED will continue to report whether each ESEA accountability group has made AYP in ELA, math, and science and for graduation rate, AYP will only be used as part of the process of making determinations about whether a school will be designated as a Reward or Recognition School or requires a Local Assistance Plan. In addition, making AYP through the use of safe harbor in ELA and math will no longer require schools and districts to meet the third academic indicator requirement, i.e., science and graduation rate. Annual Measurable Objectives used to make AYP determinations for elementary/middle and high school ELA and math and elementary/middle science have been reset, and the use of five year graduation rates has been incorporated into AYP graduation rate determinations.
- Please see Attachments 17, 18 and 23 of the waiver application for more information on Accountability Determinations.

2. Required Improvement Plans

- All Focus Districts will be required to submit a District Comprehensive Improvement Plan (DCIP) to SED by August 31, 2012. For the 2012-13 school year, the DCIP must be based on the findings and recommendations contained in the most recent School Quality Review, External School Curriculum Audits, Joint Intervention Team Visits, and Persistently Lowest Achieving (PLA) School Visits².
- The DCIP must be informed by the recommendations of the Commissioner-appointed site visit team and must identify the programs and services that will be provided to schools from the list promulgated by the Commissioner.
- The DCIP must 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 group(s) and measures for which the district and its schools have been identified. Additionally, the plan must address how the district will use its full range of resources (which may include Title I, Title II, and/or Title III funding) to support improvement efforts for the identified sub-groups on the identified accountability measures.

² For districts with IDEA Determinations, the DCIP must incorporate the goals and activities of the Quality Improvement Process (QIP), if any, related to improvement activities for the subgroup of students with disabilities.

- 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 made widely available through public means, such as posting on the district's website.
- Districts that have not been identified as Focus Districts will be required to complete a Local Assistance Plan (LAP) for schools that:
 - Fail to make AYP for three consecutive years for the same subgroup on the same accountability measure;
 - Have large gaps in subgroup performance that are not decreasing; or,
 - Are among the lowest in the state for the performance of one or more subgroups and for which the school is not showing progress.
- Focus Districts that have schools that require a LAP will incorporate the LAP into their DCIP to support those schools.
- Later this year, the Department will issue DCIP and Comprehensive Educational Plan (CEP) templates for completion by districts and schools.
- Please see pages 122 – 128 of the waiver application for more information on required plans.
- The Charter Schools Act, charter agreements, and charter authorizing and oversight protocols guide instructional and operational planning for public charter schools in New York State. Public charter schools do not need to submit DCIPs to the Department. For information specifically regarding charter schools, please see pages 103 - 104 of the waiver.

3. *Diagnostic Reviews of Identified Schools and Districts*

- Beginning in the 2012-13 school year, the Department will implement the use of the Diagnostic Tool for School and District Effectiveness for Priority and Focus Schools/Districts. The tool will replace current requirements for School Quality Review, Curriculum Audit, and Joint Intervention visits. The findings from the tool will be used to determine district and school effectiveness as it relates to six areas: school leadership practices and decisions; teacher practices and decisions; curriculum development and support; student social and emotional developmental health; family and community engagement; and district leadership and capacity. The diagnostic tool will help districts and schools to determine next steps for improvement and/or sustainability efforts.
- The diagnostic tool will build upon NYSED's current structures and systems by synthesizing the review protocols currently used by NYSED's program offices. The new diagnostic tool will be used through the entire school and district improvement continuum to drive supports and interventions.
- During the 2012-13 school year, Focus Districts and their identified Priority and Focus Schools will use the results of the diagnostic tool to develop a comprehensive improvement plan. Each Focus District will develop a DCIP based upon the findings of the diagnostic reviews conducted in its Focus and Priority Schools, and each such school will develop a CEP.

- The diagnostic review for selected Priority and Focus Schools will be led by NYSED Integrated Intervention Teams³, which will serve as School Quality Review Teams/Joint Intervention Teams as required by Education Law. These teams will be appointed by the Commissioner and will conduct on-site resource, program and planning reviews of Focus Districts and selected Focus and Priority Schools.
- By the end of the 2012-13 school year, each Focus District will have participated in a site visit by an NYSED Integrated Intervention Team, and each Priority and Focus School will have participated in a site visit by an NYSED Integrated Intervention Team or a self-assessment overseen by the district. The results of these visits must form the basis of the district's 2013-14 DCIP and the school's 2013-14 CEP.
- Please see pages 61-66 and 124-125 of the waiver application for more information regarding diagnostic reviews that will be used to assess and assist identified schools and districts.
- The Charter Schools Act, charter agreements, and charter authorizing and oversight protocols guide school review and evaluation for public charter schools in New York State. The Board of Regents, as a charter authorizer, will conduct on-site review and evaluation visits to its direct-authorized schools. Please see pages 115 – 116 of the waiver for more information.

4. Set-Aside Requirement

- Beginning in the 2012-13 school year, identified districts will no longer be required to set aside funds for Supplemental Education Services (SES) and Public School Choice (see below) or to implement Highly Qualified Teacher Improvement Plans. Identified schools will no longer be required to set aside funds for professional development.
- Beginning in the 2012-13 school year, Focus Districts will be required to set aside specific funds for state-approved programs and services as well as parent involvement and engagement activities. The set-aside amount will be:
 - The equivalent of 5% - 15% of an LEA's Title I, II, and, if identified as a Focus District for performance of English language learners, Title III funds that must be used to support programs and services chosen from a list promulgated by the Commissioner in Priority and Focus Schools. NYSED will notify Focus Districts later this school year of the size of their set aside.
 - An amount equal to 2% of an LEA's Title I allocation for parent involvement and engagement.
- Later this year, the Department will issue a revised ESEA Consolidated Application Template incorporating the above changes.
- Please see page 131-132 of the waiver application and Attachment 12 for more information on set-aside requirements.

³ For districts identified as Needs Assistance/Needs Intervention under IDEA for the results of the students with disabilities subgroup, a Special Education School Improvement Specialist from the State's Regional Special Education Technical Assistance Support Centers will participate as a member of the Integrated Intervention Team. To the extent resources permit, the SESIS will be assigned by the State to assist the district to provide follow-up technical assistance through a Quality Improvement Process to improve the district's/schools' results for students with disabilities.

5. Supplemental Education Services (SES) and Public School Choice

- 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.
- Beginning in the 2012-13 school year, districts and public charter schools that wish to continue to offer SES to students may select the providers from the State's approved list that will be permitted to operate in the district and from which parents may select.
- All Title I non-charter schools designated as Priority or Focus Schools will be required to offer Public School Choice. Districts with these schools must provide all students enrolled in these schools with the option to transfer to another public school in the district that has not been identified as a Priority or Focus School. Public charter schools, as schools of choice, are not required to offer transfer options under "Public School Choice" provisions of NCLB.
- 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.nysed.gov/meetings/2012Meetings/April2012/412bra5.pdf>) as part of their implementation of a whole school reform model based on the ESEA waiver turnaround principles, or implementation of an intervention model funded by 1003(g) School Improvement Grants. For the 2012-13 school year, this provision applies only to those schools funded for a 1003(g) School Improvement Grant in 2012-13.
- More information about public school choice can be found on pages 129-132 of the ESEA Flexibility Request.

6. Designation of Focus Schools, Timeline for Implementation of Whole School Reform Models in Priority Schools, and Appeal of Priority School Designations (does not apply to public charter schools)

- Later this school year districts that have been identified as Focus Districts because of the performance of subgroups of students will receive two lists of their potential Focus Schools. One list will be based upon the schools in the district that have the greatest percentage of non-proficient student results or non-graduation results for the student group(s) that have caused the district to be identified. The other list will be based on the number of such non-proficient student results or non-graduation results. Districts will be required to inform the Commissioner in June 2012 which list of schools they will designate as Focus Schools. The district may also seek permission to replace one or more schools on the lists provided by the Department with schools not on the list that the district believes are in greater need of improvement. The district may also inform the Commissioner of their intent to identify additional Focus Schools beyond those that they are required to serve.
- Districts with schools that have been preliminarily identified as Priority Schools, as well as preliminarily identified charter schools, that believe that there are extenuating or extraordinary circumstances that should cause the school to not be so identified

may petition the Commissioner to have a school removed from Priority status. These petitions will be due two weeks from the date of notification that a school has been preliminarily identified as a Priority School.

- Focus Districts that have Priority Schools that are not implementing a federally funded intervention model in the 2012-13 school year will be required in September 2012 to notify the Commissioner of which Priority Schools will begin implementing a whole school reform model in 2013-14 and which schools will begin implementation in the 2014-15 school year.

7. Specific ESEA Flexibility Approved for Districts

The approval of the waiver has also provided areas of flexibility specific to school districts. As outlined in the regulatory, administrative, and reporting requirements under ESEA, districts will have flexibility in the following general areas:

- Flexibility to Transfer Certain Funds: An LEA has flexibility to transfer up to 100 percent of the funds received under the authorized programs designated in ESEA section 6123 (e.g., Title II) among those programs and into Title I, Part A. Moreover, to minimize burden, LEAs will not be required to notify the SEA prior to transferring funds.
- Flexibility for Schoolwide Programs: An LEA has flexibility to operate a schoolwide program in a Title I school that does not meet the 40 percent poverty threshold if the school is a **Priority School** or a **Focus School**, and the LEA is implementing 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 the school.
- Flexibility Regarding Highly Qualified Teacher (HQT) Improvement Plans: An LEA that does not meet its HQT targets no longer has to develop an improvement plan and has flexibility in how it uses its Title I and Title II funds. This flexibility allows LEAs to focus on developing and implementing more meaningful evaluation and support systems.
- Flexibility for Rural LEAs: An LEA that receives Small, Rural School Achievement Program funds or Rural and Low-Income School Program funds has flexibility under ESEA sections 6213(b) and 6224(e) to use those funds for any authorized purpose, regardless of the LEA's AYP status.
- Flexibility in the Use of Twenty-First Century Community Learning Centers (21st CCLC) Program Funds: An LEA with an approved grant has flexibility as approved by NYSED to use those funds 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 (i.e., before and after school or during summer recess).
- Flexibility To Serve Non-Title I Priority High Schools: An LEA has flexibility to serve a Title I-eligible high school with a graduation rate below 60 percent that has been identified as a Priority School, even if that school does not otherwise rank sufficiently high in terms of need to be served.

Next Steps

Additional information on these topics can also be found in New York's full waiver request at: <http://www.p12.nysed.gov/esea-waiver/>. Enclosed is a table that summarizes these key changes in New York's accountability system.

The Department will begin on May 31, 2012 to make available Webinars to explain in more detail various provisions of the ESEA waiver. The Department will also be providing districts with regular communication about implementation of the provisions of the waiver and posting "Questions and Answers" to the website listed above.

Questions about the provisions of New York's flexibility waiver may be addressed to:

ESEA Waiver – Questions may be sent to ESEATHNKTK@MAIL.NYSED.GOV
IDEA Determinations – Questions may be sent to SPED@MAIL.NYSED.GOV

We look forward to supporting you in the implementation of these changes to New York's system of school improvement and accountability.

Enclosure

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**Key Changes to New York’s Differentiated Accountability System
As a Result of ESEA Waiver**

Category	The Current System	New System After Incorporating Revisions to the ESEA Waiver Flexibility Request for Approval
<p>1. Assessments and Other Academic Measures</p>	<p>New York (NY) uses the following assessments and measures to hold schools and districts accountable for student results:</p> <ul style="list-style-type: none"> • Grades 3-8 English Language Arts (ELA) • Grades 3-8 Mathematics • High School ELA • High School Mathematics • Grades 4 and 8 Science • Four and Five Year Cohort Graduation Rates 	<p>New York will continue to use these same measures, although in somewhat different ways (e.g: introducing student growth measures), to hold schools and districts accountable for results.</p> <p>Over time, as new assessments are developed and the build out of the longitudinal data system allows for the collection of more complete information on certain measures of student achievement, the Regents may wish to consider including additional indicators that could include:</p> <ul style="list-style-type: none"> ▪ Value added growth models [as required by the Commissioner's Regulations 100.2(o)] when approved for existing or new State assessments. ▪ New assessments in ELA in grades 9 and 10 and new middle level assessments in science and social studies (subject to fund availability). ▪ New data elements or existing data elements, including: such measures as: <ul style="list-style-type: none"> ○ college retention and credit accumulation ○ performance on Advanced Placement (AP) ○ International Baccalaureate (IB) ○ SAT and American College Testing (ACT) ○ Other measures of college readiness; Career and Technical Education (CTE) ○ Program completion and industry certification and ○ High school course credit earned in middle school and college credit earned in high school.

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<p>2. Definition of Proficiency for Purposes of Determining Adequate Yearly Progress in English Language Arts, Mathematics, and Science</p>	<p>For Grades 3-8 ELA and math: the proficiency standards established by the Regents in July 2010. These standards were based on a review of research that analyzed how the grades 3 through 8 state tests relate to the National Assessment of Educational Progress (NAEP) exam and 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.</p> <p>For Grades 4 and 8 Science Exams: Level 3, passage of a Regents exam in Science or score of Level 3 on the NYSAA (for students with severe disabilities).</p> <p>For High School ELA: Score of 65 on the Comprehensive Regents Examination in English, a designated score on an approved alternative to the Regents, or a score of Level 3 on the NYSAA (for students with severe disabilities).</p> <p>For High School Math: Score of 65 on a Regents examination in math, a designated score on an approved alternative to the Regents, or a score of Level 3 on the NYSAA (for students with severe disabilities).</p>	<p>Same</p> <p>Same</p> <p>The definition of proficiency for purposes of determining Adequate Yearly Progress will be:</p> <ul style="list-style-type: none"> • The score of 75 on the Comprehensive Regents Examination in English, a designated score on an approved alternative to the Regents, or a score of Level 3 on the NYSAA (for students with severe disabilities). • The score of 80 on a Regents examination in math, a designated score on an approved alternative to the Regents, or a score of Level 3 on the NYSAA (for students with severe disabilities). <p>In addition, the Department is working with USDE to determine if "partial" credit can be awarded to districts for students who score between 55 and 64 on Regents examinations in ELA or math or who pass Regents Competency Exams in Reading and Writing or math. Depending on these discussions and further review of data, SED may seek to amend its application to incorporate this provision.</p>
<p>3. The Goals for Schools and Districts in Terms of the Assessments and Academic Measures (Annual Measurable</p>	<p>Annual Measurable Objectives (AMO) have been established such that for Grades 3-8 ELA, Grades 3-8 math, High School ELA and High School Math, the AMO increases annually in equal increments until</p>	<p>The baseline for 2010-11 school year performance for grades 3-8 ELA and math will be reset to reflect the incorporation of student growth into the Performance Index.</p>

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Objectives)	<p>they reach in 2013-14 a Performance Index of 200, which requires 100 percent of students to be proficient.</p> <p>The same AMOs apply to the all student group and each subgroup.</p> <p>For grades 4 and 8 science the AMO is fixed at a Performance Index of 100.</p> <p>For Graduation Rate, the goal is 80 percent of students achieve a local or Regents diploma within five years of first entry into Grade 9.</p>	<p>The baseline for 2010-11 school year performance for high school ELA and math will be reset to reflect the use of the higher aspirational goals on Regents examinations as the cut scores for proficiency.</p> <p>Once the revised baselines are calculated for grades 3-8 and high school ELA and math, New York will increase Annual Measurable Objectives (AMOs) for these measures and grades 4 and 8 Science in annual equal increments toward the goal of reducing by half, within six years, the gap between the Performance Index for the “all students” group and each subgroup in 2010-11 and a Performance Index of 200.</p> <p>Same.</p>
4. The Categorization of Schools and Districts Along a Continuum of Accountability	<p>Schools are categorized as either in Good Standing, Improvement, Corrective Action, or Restructuring based upon whether they achieve Adequate Yearly Progress (AYP) on state assessments. Districts are similarly identified as in Good Standing, Improvement or Corrective Action based on their history of making AYP.</p> <ul style="list-style-type: none"> • Schools that fail to make AYP for two consecutive years in the same measure lose their status of Good Standing in that measure. Schools not in Good Standing must make AYP for two consecutive years in the same measure in which they failed to regain their status of Good Standing. • Districts that fail to make AYP for two consecutive years for the same subject lose their status of Good Standing in that subject. Districts not in Good Standing must make AYP for two consecutive years in the same subject in which they failed to regain their status of Good Standing. 	<p>New York will identify, reward, and provide interventions, incentives and supports to Reward Schools, Priority Schools, and Focus Districts and Schools using a methodology that rank orders schools by a mathematical formula to be prescribed the Commissioner, as approved by the Board of Regents.</p> <p>A Focus District will be required to identify the schools upon which it will focus its support and intervention efforts. Each Priority School may be further identified as a School Under Registration Review (SURR).</p> <p>Districts will be required to prepare Local Assistance Plans to support schools within the district that show a persistent pattern of failing to make AYP with a particular student population or which have large gaps in student achievement between one or more student subgroups, but which are not designated Priority or Focus Schools. The plans must be posted to the district’s website. Focus districts will incorporate their plan for these schools into their District Comprehensive Education Plan in lieu of doing a separate Local Assistance Plan.</p>

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<p>5. The Determination and Role of Adequate Yearly Progress (AYP)</p>	<p>In order to make AYP, schools and districts are required to achieve their Effective Annual Measurable Objectives or make Safe Harbor, and demonstrate the required participation rate on state assessments for each disaggregated group on each measure for which the school is accountable.</p>	<p>New York will determine AYP in a similar manner as currently required under NCLB, with a focus on the academic achievement of the current NCLB subgroups. As in the past, in order to make AYP, schools will continue to be required to achieve their EAMO or make Safe Harbor, and demonstrate the required participation rate on state assessments for each sub group on each measure for which the school is accountable. However, New York will eliminate the requirement that in order to make Safe Harbor in grades 3-8 ELA or math an accountability group must also make AYP with that group in science, as well as the requirements that to make Safe Harbor for high school ELA or math, an accountability group must also make AYP with that group for graduation rate.</p> <p>New York will continue to report AYP results for all accountability groups at the school and district level. The use of AYP will be limited to being one of the indicators in determining Reward Schools and in determining whether specific schools that do not fall into the Focus or Priority groups must complete a Local Assistance Plan.</p>
<p>6. The Role of Growth Measures</p>	<p>Student growth is currently not used to determine school and district classifications.</p>	<p>New York State will incorporate growth into the Accountability system in two ways:</p> <ul style="list-style-type: none"> • For Grades 4-8 ELA and mathematics, schools and districts will be given credit in the computation of their Performance Index for each student who is on track towards meeting proficiency based on the student's academic growth between administrations of State assessments. Schools and districts will get "full credit" for any student who is proficient or is on track to become proficient within a prescribed time period. • New York will use a comparative growth measure as part of the process of determining the identification of schools and districts for Reward, Focus, and Priority status. If schools or districts that would otherwise be given Priority or Focus designation demonstrate median Student Growth Percentiles that above the State median in ELA and mathematics combined for the 2009-10 and 2010-11 school years combined they will not be so designated. Conversely, schools that otherwise would be categorized as Reward Schools, but that fail to demonstrate median

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		<p>Student Growth Percentiles at least equal to the State median in both ELA and mathematics for two consecutive years will not be so designated. Detailed Information about the growth model can be found in a technical appendix to the ESEA waiver request.</p>
<p>7. The Identification of Priority Schools</p>	<p>Identification of Priority Schools is not a part of New York State's accountability system.</p>	<p>First, New York will identify the 75 schools that were awarded a 1003(g) School Improvements Grant in the 2011-12 school year.</p> <p>Second, New York will identify high schools that have had graduation rates below 60 percent for three consecutive years on the 2004, 2005, and 2006 high school graduation cohorts.</p> <p>Third, New York will identify schools that are among the lowest achieving in the State in ELA and math combined for the all students group and that have failed to demonstrate progress over a number of years.</p> <p>Elementary and middle schools that have a combined Performance Index in ELA and mathematics of 111 and below and high schools that have a combined Performance Index in ELA and math of 106 or below in the 2010-11 school year will be considered among the lowest achieving in the State.</p> <p>An elementary or middle school will be considered to have failed to show progress if:</p> <ul style="list-style-type: none"> • the school is in improvement, corrective action or restructuring in the 2011-12 school year; • the school has made ten point or less gain in its 2010-11 Performance Index compared to its 2009-10 Performance Index; • the school's combined median student growth percentile in ELA and math for the 2009-2010 and 2010-11 school years combined is at or below 50%; and • the majority of subgroups in the school did not have 2010-2011 SGP's that exceeded the statewide median SGP for that subgroup. <p>A high school will be considered to have failed to show progress if:</p> <ul style="list-style-type: none"> • the school is in improvement, corrective action or restructuring in the 2011-12 school year; and

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		<ul style="list-style-type: none"> the school has made less than a four point or less gain in its 2010-11 Performance Index compared to its 2009-10 Performance Index; <p>For Transfer high schools, New York State will use the higher of the combined Performance Index using the regular and the transfer high school cohort definitions.</p> <p>At least 5 percent of the public schools in the State will be identified as Priority Schools. If necessary, additional schools will be identified to ensure that at least five percent of the Title I schools in the State are identified as priority schools.</p> <p>Schools in Special Acts School Districts will only be identified as priority schools if they have also been identified for Registration Review as a Poor Learning Environment.</p> <p>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</p> <p>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.</p>
<p>8. The Identification of Focus Schools</p>	<p>Identification of Focus Schools is not a part of New York State’s accountability system.</p>	<p>New York State identifies Focus Schools in a two-stage process under which the Commissioner will first identify the districts with the lowest-performing subgroups as Focus Districts and the districts, in turn, would, with the Commissioner's approval, identify at least a specified minimum number of Focus Schools within the district.</p> <p>Focus Districts are those whose combined Performance Index in English language arts and mathematics for Grades 3-8 and high school ELA and mathematics or high school graduation rate places the district among the lowest five percent of districts in the State for that subgroup of students. In addition any District that has a Title I or Title I eligible secondary school that is a Priority School will also be automatically identified as a Focus District, except that Special Act school districts will only be identified as a Focus District based upon whether the district has a Priority School. Once identified, a Focus District will</p>

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		<p>then be required to identify a specified minimum number of schools upon which it will focus its support and intervention efforts based on similar criteria. The total of the minimum targets of schools that Focus Districts must identify will equal at least ten percent of the schools in the State, exclusive of those already identified as Priority Schools. If the number of Title I schools identified by districts as Focus Schools does not equal ten percent of Title I schools, the Commissioner will expand the minimum number of schools that a district must identify.</p> <p>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 that places the subgroup among the lowest five percent in the State for racial/ethnic subgroups, low-income students, students with disabilities, or English language learners. A district will not be identified for that subgroup's performance if that subgroup has a graduation rate above the State average on the four year graduation cohort and the group's median Student Growth Percentile in ELA and mathematics has been above the combined Statewide Median Growth Percentile for that group in the past two years combined. For purposes of identification of Focus Districts, each of New York City's 32 community school districts will be treated as a separate district. In addition to identifying ten percent of districts as Focus Districts, the Commissioner will identify those charter schools that are at or below the established Performance Index and graduation rate cut points (ten percent of state's charter schools, both Title I and non-Title I) in the State as Focus Schools.</p> <p>When a district is identified as a Focus District, all of the schools in the district are preliminarily identified as Focus Schools. The 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. If the district chooses the latter option, the district must use the rank order lists provided by the Commissioner based on the number or the percentage of students who are not proficient in ELA or mathematics in the subgroup(s) that caused the district to be identified, and then use that rank ordered list to identify the minimum, required number of Focus Schools. If a district believes there are extraordinary circumstances and that a school should not be identified as a Focus School, the district may seek permission from the Commissioner to identify a school with higher subgroup performance than the school with special</p>

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		<p>circumstances.</p> <p>Special rules apply if a district is identified as a Focus District because it has a Priority School but is not identified for the performance of a subgroup. In those districts, schools that are performing below the threshold for Focus District identification for a subgroup will be identified as Focus Schools.</p> <p>The number of schools that a Focus District must identify will be based upon the number of students enrolled in the district who are members of subgroups whose results caused the district to be identified, and the performance of these subgroups on ELA and mathematics assessments. The total, minimum number of schools that the Commissioner will require that districts identify will be equal to at least ten percent of the Title I public schools in the State.</p>
<p>9. The Identification of Reward Schools</p>	<p>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.</p> <p>There is currently no reward for these schools beyond their posting to SED’s website.</p>	<p>New York will identify Reward Schools in a significantly more rigorous way than previously done for high performing schools.</p> <p>New York will identify Reward Schools in a significantly more rigorous way than previously done for high performing schools.</p> <p>At the elementary and middle level, New York will use the following criteria to designate a school as highest performing:</p> <ul style="list-style-type: none"> • the school’s combined ELA and mathematics Performance Index places it among the top twenty percent in the State for each of the past two years; • the school has made AYP with all groups and all measures for which it is accountable for each of the past two years; • the school’s student growth percentile for the past two years in ELA and mathematics exceeds fifty percent; • the school’s student growth percentile for ELA and mathematics in the most recent year for its bottom quartile of students, as measured by their student growth percentile in the previous year, exceeds fifty percent in the current year; and, • the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are

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		<p>not members of the subgroup.</p> <p>At the high school level, a school will be considered highest performing, if all of the following conditions are met:</p> <ul style="list-style-type: none"> • the school’s combined ELA and mathematics Performance Index places it among the top twenty percent 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 equals or exceeds 80 percent and the percentage of students who have graduated with a Regents diploma with advanced designation or CTE endorsement exceeds the State average; • the percentage of the students who scored Level 1 or Level 2 on an ELA or mathematics exam in Grade 8 who subsequently graduated within four years of first entry in Grade 9 equaled or exceeded the State average for these students; and • the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of the subgroup. <p>At the elementary and middle levels, a school will be considered a high progress school, if all of the following conditions are met:</p> <ul style="list-style-type: none"> • the school’s combined ELA and mathematics Performance Index places it among the top ten percent 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;

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		<ul style="list-style-type: none"> • the school’s student growth percentile for the past two years in ELA and mathematics exceeds 50 percent; • the school’s student growth percentile for ELA and mathematics in the most recent year for its bottom quartile of students, as measured by their student growth percentile in the previous year, exceeds fifty percent in the current year; and, • the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of the subgroup. <p>At the high school level, a school will be considered high progress if all of the following conditions are met:</p> <ul style="list-style-type: none"> • the school’s combined ELA and mathematics Performance Index places it among the top ten percent in the State in terms of gains between the most recent assessment data and the data from the previous year; • the school has made AYP with all groups for which it is accountable for each of the past two years; • the percentage of students who graduated with a Regents diploma equals or exceeds 60 percent and the percentage of students who have graduated with a Regents diploma with advanced designation or CTE endorsement exceeds the State average; • the percentage of the students who scored Level 1 or Level 2 on an ELA or mathematics exam in Grade 8 who subsequently graduated within four years of first entry in Grade 9 equaled or exceeded the State average for these students; and, • the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are

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		<p>not members of the subgroup.</p> <p>Reward Schools will be:</p> <ul style="list-style-type: none"> • identified annually and be publicly recognized with a press release and a posting of the list to the Department's website. • eligible to compete for a Commissioner's Schools Dissemination Grant of up to \$100,000, which is currently funded through the RTTT initiative. • a potential factor beginning in the 2012-13 school year in determining which districts receive District Performance Improvement Award Grants. <p>After consultation with representatives of Reward Schools, a process will be recommended to the Regents by which Reward Schools may seek expedited variances from certain provisions of Commissioner's Regulations.</p>
<p>10. The Diagnostic Reviews to be Conducted in Identified Schools and Districts</p>	<p>New York conducts a School Quality Review (SQR), Joint Intervention Team (JIT) or an External School Curriculum Audit (ESCA) site visit, based on the accountability status of a school or district. Each type of visit requires a different review protocol with a separate corresponding diagnostic tool.</p>	<p>New York will use a single diagnostic tool (the Diagnostic Tool for School and District Effectiveness) closely aligned to implementation of the key components of the Regents' Reform Agenda, for use in all identified schools.</p> <ul style="list-style-type: none"> • The single diagnostic tool will allow for focus-driven visits, repeated to see if benchmarks are achieved. • School Quality Review Teams will conduct diagnostic reviews in Focus Districts, which will include visits to a sample of Focus Schools within the district. • In districts that are required to develop a Local Assistance Plan for specified schools, the district will be expected to use the diagnostic tool to inform the development of its plans. • The intent is that Department staff and/or designated representatives will make regular visits using the single diagnostic tool to determine the progress that schools and districts are making in implementing their plans and improving educational results. • A key purpose of the diagnostic is to measure the degree to which there is a strong delivery chain from the State to the district to the school leadership to support the implementation of the key elements of the Regents' Reform

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		<p>Agenda in the classroom. The Diagnostic Tool will build upon steps the Department has already taken 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). In particular the Department has worked to integrate the Special Education Quality Improvement Plan (QIP) process with SQR and JIT reviews when the performance of students with disabilities contributed to the identification of a school for improvement.</p>
<p>11. The Required Plans for Identified Schools and Districts</p>	<p>New York State’s accountability system includes the following required plans for identified schools and districts:</p> <ul style="list-style-type: none"> • Professional Development Plan • School Improvement Plan • Local Assistance Plan • Professional Performance Review • Corrective Action Plan • Restructuring Plan • District Improvement Plan (for non Title I districts) • Improvement Plan • Comprehensive Education Plan 	<p>New York will require schools and districts to develop the following plans:</p> <ul style="list-style-type: none"> • Priority Schools will be required to develop a plan that either implements one of the four Federal SIG intervention models as part of a whole school reform model and in cooperation with partner organizations; or that implements all ESEA waiver Turnaround Principles as part of a whole school reform model in collaboration with partner organizations. The plan must be approved by the board of education and posted to the district’s website. • A district with one or more Focus Schools must develop a District Comprehensive Improvement Plan for these schools. This plan must be informed by the recommendations of the School Quality Review or Joint Intervention Team visit (i.e. Integrated Intervention Team) and must identify the programs and services that will be provided to schools from the list promulgated by the Commissioner. School leadership, staff, parents, and students, if appropriate, must have a meaningful opportunity to participate in the development of the plan and comment upon it before it is approved. The plan must be approved by the school board and posted to the district’s website. A Focus District will incorporate into its plan the actions it will take with any school that requires a Local Assistance Plan. <p>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, have low performance for one or more subgroups, 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:</p>

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		<ul style="list-style-type: none"> • 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 LAP Schools to support implementation of the plan; • the timeline for implementation of the plan; <p>The plan must be approved by the board of education of the district and posted to the district's website.</p>
<p>12.The Requirements for Public School Choice</p>	<p>Title I, Part A, Section 1116 (E) of the federal No Child Left Behind legislation requires an LEA with Title I schools identified in need of improvement (Year 2), corrective action or restructuring to provide all students enrolled in those schools with the option to transfer to another public school served by the LEA that has not been identified for school improvement.</p>	<p>New York will require districts to continue offering public school choice for students attending either Title I Priority or Focus Schools. New York will consider advancing legislation to expand choice options to include BOCES programs (offered by a consolidated group of districts).</p>
<p>13. The Requirements for Districts that Offer Supplemental Educational Services (SES)</p>	<p>New York currently supports Supplemental Educational Services (SES) as defined in the federal No Child Left Behind Act (NCLB). Under NCLB, districts are responsible for notifying parents of eligible students in Title I schools identified for improvement, corrective action or restructuring that their children are eligible for supplemental educational services (including tutoring) from a provider on the New York State's list of approved providers. Districts are required to pay for these SES services up to an amount equal to 20 percent of the District's basic Title I grant.</p>	<p>New York will not require districts to offer SES or set aside a portion of their Title I allocation to pay for SES. However, districts can choose to offer SES and pay for the services using Title I funds.</p> <p>In order to support districts that choose to continue to provide SES, New York will require all SES providers to reapply for state approval. New York will evaluate whether the SES providers' programs are aligned with the common core standards. Districts that wish to offer SES will be allowed to determine the providers that parents in their district may select.</p>

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<p>14. The Changes to the Current Set-Aside Requirements Under ESEA</p>	<p>Districts are required to set aside a percentage of their Title I allocation for SES and Public School Choice (20 percent); professional development at identified schools (10 percent); and for parent involvement activities (1 percent).</p>	<p>New York will eliminate the previous rules for set-asides and replace them with new set-asides. The new rules include the following:</p> <ul style="list-style-type: none"> • Districts will set aside between 5 percent and 15 percent of an amount equal to their base Title I; Title IIA; and Title III allocations, if identified for the performance of their English language learners based on student enrollment in Priority and Focus Schools to provide state approved programs and services in these schools. • Districts will set aside an amount equal to a percentage of their total Title I allocation, based on student enrollment in Priority and Focus Schools, for parent involvement and engagement activities. The plans for this set-aside must be made in collaboration with district parent organization leadership.
<p>15. Logistics for Schools Under Registration Review (SURR) and Provisions of the Enhanced Accountability System</p>	<p>Currently, Education Law §211-b requires the assignment of School Quality Review and Joint Intervention Teams to schools in accountability status and the expansion of the Schools Under Registration Review process. The law also requires that District Improvement Plans be created under certain conditions and gives the Commissioner the authority in certain circumstances to appoint a Distinguished Educator to certain schools and districts.</p>	<p>New York’s schools and districts will no longer be identified using the specific categories of improvement, corrective action, or restructuring. New York will use the following system to ensure compliance:</p> <ul style="list-style-type: none"> • Schools Under Registration Review will be a subset of Priority Schools; School Quality Review Teams will be assigned to Focus Districts; and Joint Intervention Teams will conduct visits to Priority Schools using the new diagnostic tool. • Districts that have Focus Schools will submit a District Improvement Plan that proposes a district-based approach to supporting these schools. <p>As appropriate, the Commissioner will assign Distinguished Educators to support Focus Districts or Priority Schools.</p>
<p>16. Applying for the optional Waiver Which Permits Expanded Learning Time , and Additional Activities During the School Day and Non-school Hours</p>	<p>Not applicable</p>	<p>New York will apply for this optional waiver and incorporate it into the next grant round for this program. The Request for Proposal developed for this next grant round should be informed by legislation under consideration by the United States Senate that calls for comprehensive school redesign. The Request for Proposal will allow additional hours of learning time as well as additional collaborative planning time and professional development for teachers and community partners who provide expanded learning in core academic subjects</p>

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		<p>for 21st Century Community Learning Center program recipients. The next 21st CCLC Request for Proposal will allow a range of models and approaches, provided that any specific model a school, community, or district considers for implementation embodies the research-based principles of exemplary expanded learning opportunities that improve students' academic, social, and emotional outcomes. Within that framework, the Request For Proposal will allow additional hours of learning time as well as additional collaborative planning time and professional development for teachers and community partners who provide expanded learning for 21st Century Community Learning Center program recipients.⁴ Proposed program models will be directly related to the three tenets of 21st CCLC programming: academic enrichment, youth development and family literacy/engagement.</p>