



TO: P-12 Education Committee

FROM: Angelica Infante-Green *A. Infante - Green*

SUBJECT: Proposed Amendments to Sections 100.2(ff), 100.2(m), 100.18, 100.19, and Part 120 of the Commissioner's Regulations and the Addition of a new Section 100.21 of the Commissioner's Regulations Relating to the implementation of the State's Approved Every Student Succeeds Act (ESSA) Plan

DATE: April 5, 2018

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SUMMARY

Issue for Decision

Should the Board of Regents amend §100.2(ff), 100.2(m), 100.18, 100.19 and Part 120 of the Commissioner's Regulations and add a new §100.21 of the Commissioner's Regulations for the purpose of conforming Commissioner's Regulations with New York State's Every Student Succeeds Act (ESSA) plan that was approved by the United States Department of Education (USDE) in January 2018?

Reason(s) for Consideration

Amendments and additions to Commissioner's Regulations are necessary to implement New York's approved ESSA plan and to comply with the provisions of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802).

Proposed Handling

The proposed amendment is being presented to the P-12 Education Committee for action at the April 2018 Regents meeting.

Background Information

On December 10, 2015, ESSA was signed into law by President Obama. This bipartisan measure reauthorized the 50-year-old Elementary and Secondary Education Act (ESEA), which provides federal funds to improve elementary and secondary education in the nation's public schools and requires states and school districts, as a condition of funding, to take a variety of actions to ensure all children, regardless of race, income, background, or where they live, receive the education they need to prepare them for success in postsecondary education, careers, and citizenship. New York State receives approximately \$1.6 billion annually in funding through ESSA.

After an extensive, 18-month long public engagement process, the Department, with Board approval, submitted New York State's ESSA plan to the USDE for review on September 17, 2018. Subsequently, the Department met regularly with the USDE to provide clarifications on the plan. On January 17, 2018, the USDE approved the State's plan. In January 2018, the Department provided the Board of Regents with an update on the approved plan and in March 2018, the Department provided an update regarding the financial transparency requirements related to ESSA.

Overview of Proposed Regulations

In order to conform the Commissioner's Regulations to the State's USDE approved ESSA Plan and to prepare for implementation of the plan beginning with the 2018-19 school year, the Department is proposing several draft regulatory amendments. The attachment to this item includes more details regarding the terms referenced in this overview.

The proposed amendment to subdivision 100.2(ff) relates to the enrollment of youth released or conditionally released from residential facilities. This amendment clarifies the existing requirement that districts designate an employee(s) to be the transition liaison(s) with residential facility personnel, parents, students, and State and other local agencies for the purpose of facilitating a student's effective educational transition into, between, and out of such facilities to ensure that each student receives appropriate educational and "wrap-around" supports, services, and opportunities; and this amendment also provides an overview of the duties of the liaison(s).

The proposed amendment to subdivision 100.2(m) relates to requirements for the New York State report card for schools and districts. This amendment updates the information to be provided in report cards to align with the provisions of ESSA and requires local educational agencies (LEAs) to post the local report cards on their website, where one exists, to satisfy ESSA's local report card requirements. If an LEA does not operate a website, the LEA must provide the information to the public in another manner determined by the LEA.

The proposed amendments to 100.18 clarify that the section, which contains provisions relating to implementation of New York's approved ESEA flexibility waiver, only

applies to accountability designations made prior to July 1, 2018, except as otherwise provided in the new section 100.21.

In order to implement the State's approved ESSA plan, the proposed amendments to section 100.19 clarify that Failing Schools means schools that have been identified as Priority Schools and/or Comprehensive Support and Improvement Schools (CSI) for at least three consecutive years. (See Attachment A for criteria for identification of a Comprehensive Support and Improvement School.) These amendments also clarify that beginning with the 2018-19 school year, removal from receivership will be based upon a school's status as a CSI rather than as a Priority School.

The proposed creation of section 100.21 implements the new accountability and support and interventions of the State's approved ESSA plan commencing with the 2018-2019 school year. Such provisions shall include, but not be limited to, the following:

- Subdivision (a) sets forth an applicability clause which says that section 100.21 supersedes paragraphs (p)(1) through (11) and (14) through (16) of section 100.2 and section 100.18, which are the provisions of Commissioner's Regulations that were in place under the No Child Left Behind Act (NCLB) and the Department's Elementary and Secondary Education Act (ESEA) flexibility waiver, and that the new section 100.21 shall apply in lieu of such provisions during the period of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, and any revisions and extensions thereof, except as otherwise provided in section 100.21. If a provision of section 100.2(p) or of section 100.18 conflicts with section 100.21, the provisions of section 100.21 shall prevail.
- Subdivision (b) defines various terms, which are divided into general definitions, definitions related to school and district accountability, definitions related to school and district accountability designations, and definitions related to interventions for designated schools and districts to implement the new accountability system in New York State's approved ESSA plan.
- Subdivision (c) outlines the procedures and requirements for registration of public schools, which remain the same as under the previous accountability regulations.
- Subdivision (d) provides that the registration of public schools shall continue unless revoked by the Board of Regents upon recommendation of the Commissioner.
- Subdivision (e) provides that, commencing with the 2017-2018 school year results, the Commissioner will annually review the performance of all public schools, charter schools, and school districts in the State. The Commissioner shall determine whether such public school, charter school or school district shall be identified for Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI), or identified as a Target District in accordance with the criteria set forth in the regulation. These designations are new under ESSA, and the criteria for identifying these categories is different from past identification methodologies in that multiple indicators are used to make the determinations.
- Subdivision (f) specifies the differentiated accountability methodology by which schools will be identified as either CSI (which will be identified every three years beginning with the 2018-2019 school year using 2017-2018 school year results) or TSI (which will be identified annually beginning with the 2018-2019 school year), and the methodology for identifying Target Districts. This section describes how six

indicators (composite performance, student growth, combined composite performance and growth, English language proficiency, academic progress, and chronic absenteeism) are used in the methodology for identification of elementary and middle schools. This section also details how seven indicators (composite performance; graduation rate; combined composite performance and graduation rate; English language proficiency; academic progress; chronic absenteeism; and college, career, and civic readiness) are used in the methodology for identifying high schools. This subdivision also explains how each of these indicators is computed, how these computations are converted into a Level 1-4 for each accountability group for which a school or district is accountable, and how these levels assigned to the accountability groups are used to determine whether a school will be identified as in Good Standing, TSI, or CSI, and whether a district will be identified as a District in Good Standing or a Target District. This subdivision also contains provisions regarding the identification of high schools for CSI based on graduation rates below 67% beginning with 2017-18 school year results. In addition, this subdivision contains provisions regarding the identification of TSI schools for additional support as required by ESSA if an accountability group for which a school is identified performs at a level that would have caused the school to be identified as CSI if this had been the performance of the “all students” group. Lastly, the subdivision contains provisions for TSI schools that have received additional support for three years and have failed to meet the conditions for removal from TSI for the accountability subgroups for which the school was identified to become CSI.

- Subdivision (g) provides that preliminarily identified CSI and TSI schools and Target Districts shall be given the opportunity to provide the Commissioner with any additional information concerning extenuating or extraordinary circumstances faced by the school or district that should be cause for the Commissioner to not identify the school as CSI or TSI or the district as a Target District.
- Subdivision (h) specifies the interventions that must occur in schools identified as CSI or TSI, as well as districts identified as Target Districts. This section describes the requirements for identified schools as they relate to parental involvement, participatory budgeting, school improvement plans, and school choice. This subdivision also describes the increased support and oversight that schools that fail to improve will receive. This subdivision also outlines the interventions for schools that, beginning with 2017-18 and 2018-19 school year results, fail for two consecutive years to meet the 95% participation rate requirement for annual state assessments for the same accountability group for the same accountability measure and are not showing improvement in the participation rate for that accountability group. This subdivision also specifies the support that districts must provide to a school that is not CSI or TSI but has performed at Level 1 for an accountability group for an accountability measure.
- Subdivision (i) establishes the criteria for a school’s or a district’s removal from an accountability designation.
- Subdivision (j) provides the criteria for the identification of schools for public school registration review. Under this subdivision, the Commissioner may place under preliminary registration review any school identified for receivership; any school that is identified as CSI for three consecutive years; and any school that has been identified as a poor learning environment. Also, under this subdivision, a school under registration review shall also be identified as a CSI school, and subject to all the

requirements of that designation. This subdivision is essentially unchanged from previous requirements, except that registration review is now linked to CSI rather than Priority School status.

- Subdivision (k) specifies the process by which the Commissioner will place a school under registration review; and the required actions of the district and the school related to the designation. This subdivision also describes the requirements for receivership schools that have also been identified for registration review. This subdivision has been streamlined compared to current regulations to better align registration review with the requirements of ESSA and School Receivership as defined in Education Law.
- Subdivision (l) specifies the criteria and process for removal of schools from registration review, school phase-out or closure. This subdivision has been modified from current regulations to better align with the requirements of ESSA and School Receivership.

The proposed amendments to Part 120 update provisions in the existing regulations pertaining to the sunset of No Child Left Behind requirements regarding public school choice and highly qualified teachers and provide for the continuation under ESSA of provisions pertaining to persistently dangerous schools and unsafe school choice.

In a separate item, the Board of Regents this month will consider amendments pertaining to teacher certification that result from the sunset of the “highly qualified” teacher provisions of NCLB. At a later date, Department staff will propose amendments to Commissioner’s Regulations pertaining to health education and physical fitness as well as the inclusion of additional indicators into the State accountability system, such as out-of-school suspensions.

Related Regents Items:

October 2016: [Every Student Succeeds Act State Plan Development Activities](#)

November 2016: [Development of New York’s Every Student Succeeds Act State Plan](#) and [ESSA State Plan High Concept Ideas](#)

December 2016: [Development of New York’s Every Student Succeeds Act State Plan](#)

January 2017: [Development of the New York State Every Student Succeeds Act Plan](#) and [ESSA State Plan High Concept Ideas](#) and [Proposed “High Concept Idea” Summaries -- Supports and Improvements for Schools 12/1/2016](#) and [Survey of School Quality and Student Success Indicators](#)

March 2017: [ESSA Public Retreat](#)

April 2017: [April 4 Board of Regents Meeting on ESSA](#)

May 2017: [Every Student Succeeds Act Draft State Plan for Public Comment](#)

June 2017: [Every Student Succeeds Act State Plan: Update on Public Hearings and Public Comment](#)

July 2017: Board of Regents Public Retreat, with [Proposed Changes to Final draft plan for submission](#); [State Dashboards Presentation](#); [Next Generation Assessments Presentation](#); [Social, Emotional, Health and Mental Health, and Attendance Issues Presentation](#); [Stakeholder Feedback Analysis Presentation](#)

September 2017: [Revised Draft Every Student Succeeds Act State Plan and Associated waivers](#)

January 2018: [USDE Review and Approval of New York's Every Student Succeeds Act State Plan](#)

March 2018: [Every Student Succeeds Act Financial Transparency](#)

Recommendation:

Department staff recommends that the Board of Regents take the following action:

VOTED: That Department staff is directed to finalize and file the proposed amendments to sections 100.2(ff), 100.2(m), 100.18, 100.19 and Part 120 of the Commissioner's Regulations and the addition of a new section 100.21 of the Commissioner's Regulations with the Department of State for publication in the State Register, consistent with the State's USDE-approved ESSA plan as described herein.

Timetable for Implementation

Following publication in the State Register in the next few weeks, and the resulting 60-day public comment period required under the State Administrative Procedure Act, Department staff anticipates that the proposed rule will be presented to the Board of Regents for permanent adoption at the July 2018 or subsequent Regents meeting. However, in order to ensure that these requirements are in effect for implementation at the start of the 2018-2019 school year (on July 1, 2018), it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption as an emergency action at the June Regents meeting and become effective on July 1, 2018 as an emergency measure.

Attachment

Summary of New or Revised Key Concepts within Draft Regulations

New Categories of School and District Identification

- Comprehensive Support and Improvement schools (CSI)
 - Beginning with 2017-2018 school year results, the Commissioner will identify a minimum of five percent of the lowest performing elementary and middle schools and five percent of the lowest performing high schools as CSI as measured by the performance of a school's "all students" group. The Commissioner will also identify as CSI any high school with a four-year graduation rate for the "all students" group below 67% and a five-year or six-year graduation rate that is not at or above 67%. CSI schools will first be identified for the performance of the "all students" group in the 2018-19 school year, based on 2017-18 school year results, and every three years thereafter. Schools that have been identified for targeted support and improvement (TSI) based on the performance of one or more accountability subgroups and that after having been further identified for additional targeted support remain identified as TSI after three years for one or more of accountability subgroup(s) for which the school was provided additional targeted support also will be identified as CSI.
- Targeted Support and Improvement schools (TSI) – Schools with one or more consistently underperforming accountability subgroups will be identified annually beginning with the 2019-2020 school year, except that a school identified as a Priority or Focus school during the 2017-2018 school year may be identified (using 2017-2018 school year data only), if such school meets the criteria for identification as a TSI school, based on 2017-18 school year results. A "consistently underperforming" accountability subgroup is one that meets the criteria for identification for two consecutive years.
 - In addition, in the year that the Commissioner identifies schools as CSI for the performance of the "all students" group, the Commissioner will determine if any TSI school should be identified for "additional targeted support." A TSI school will be identified for additional targeted support if the school has been identified as TSI in both the current and prior school year and one or more subgroups in the school for which the school has been identified are performing at a level that would have caused the school to be identified as CSI if such performance had been attributed to the "all students" group.
- Target Districts – The Department will identify any school district with one or more CSI or TSI schools as a Target District. A district can also be identified as Target District if the district-wide performance levels are the same or lower than those that would cause a school to be identified as CSI or TSI.

- Schools Performing at Level 1 - In addition to the above categories, any school that is not identified as CSI or TSI but has an accountability group that performed at Level 1 on an indicator must participate in a needs assessment, in a format as may be prescribed by the Commissioner, to determine the additional support that the school needs to improve performance. Such needs assessment must identify the academic achievement gaps between accountability subgroups within the school, identify the root causes for the gaps, and delineate the resources and strategies that the district will use to support the school to address such gaps.

New Indicators used for Identification of Schools and Districts beginning with 2017-2018 school year results, for the purposes of ranking schools and identifying CSI and TSI schools, and Target Districts

Note: For each indicator listed below, each subgroup for which a school or district is accountable will be assigned a Level 1-4, if the subgroup has a minimum of 30 student results for which the school or district is accountable.

Indicator	Description
Composite Performance	For all schools , based on the Composite Performance Level, which measures achievement on State assessments in English language arts (ELA), mathematics and science. For high schools , also measures achievement on State assessments in social studies. For elementary and middle schools, the Composite Performance Level combines the results from the Core Subject Performance Level, which are ELA, mathematics and science results computed using only the results from continuously enrolled students with valid test scores, and the Weighted Academic Achievement Level, which are ELA, mathematics and science results computed using as the denominator the greater of the percentage of continuously enrolled students with valid test scores or 95% of continuously enrolled students. The Weighted Academic Achievement and Core Subject Performance Levels are derived from Performance Indices that give “partial credit” (1 point) to students who score at Level 2, “full credit” to students who score at Level 3 (2 points), and “extra credit” to students who score at Level 4 (2.5 points).
Student Growth	For elementary and middle schools , measures student growth on statewide assessments in ELA and mathematics for students in grades 4-8 by comparing the scores of students in the current year to the scores of students with similar scores in prior years. Three years of Student Growth Percentiles are used to compute this measure.
Academic Progress	For all schools , measures a school’s Weighted Academic Achievement Index in ELA and mathematics (see

Indicator	Description
	Composite Performance above) against State long-term goals and State and school or district measures of interim progress (MIPs).
Graduation Rates	For high schools , measures four-, five-, and six-year cohort graduation rates against State long-term goals and State and school or district MIPs.
English Language Proficiency (ELP)	For all schools , measures the progress of English Language Learners in meeting their individual progress targets on the New York State English as a Second Language Achievement Test (NYSESLAT).
Chronic Absenteeism	For all schools , measures the percentage of students who miss 10% or more of the school year against State long-term goals and State and school or district MIPs. Students must be enrolled for a minimum of ten days and have attended school for at least one day to be included in the computation. This is the one indicator for which more than one school or district can be accountable for a student in a given school year. For example, if a student is enrolled for 100 days in School A and 80 days in School B, the student will be included in the computation of the chronic absenteeism rate for School A based on his or her 100 days of attendance and the rate for School B based on the 80 days of attendance.
College, Career, and Civic Readiness (CCCR)	For high schools , measures the percentage of students who are leaving school prepared for college, career and civic readiness as measured by diplomas, credentials, advanced course credits and enrollment, career and technical education certifications, high school equivalency diplomas and other similar indicators against State long-term goals and State, school and district MIPs.

New methodology for identification of Schools and Districts, using Decision Tables

Each school’s data for each of the indicators, for each subgroup, will be calculated and then assigned a level, 1-4. Level 1 represents the lowest level of achievement for that indicator, and Level 4 represents the highest level of achievement for the indicator.

Using the levels given to each school and district for each of the indicators, for the “all students” subgroup and for each accountability subgroup, which in New York are the major racial/ethnic groups, English language learners, low-income students, and students with disabilities, the Department will use decision tables to identify CSI and TSI schools. Below are the scenarios under which schools will be identified as CSI or TSI.

1. Decision Table for Identification of Elementary/Middle Schools

Composite Performance Level	Student Growth Level	Combined Performance & Growth Level	Composite & Growth Level	ELP Level	Academic Progress Level	Chronic Absenteeism Level
Both Level 1		Level 1		Any Level	Any Level	
Either Level 1		Level 1		None*	Any One of the Two is Level 1	
Either Level 1		Level 1		Level 1	Any Level	
Either Level 1		Level 1		Level 2	Any Level 1	
Either Level 1		Level 1		Level 3 or 4	Both Level 1	

2. Decision Table for Identification of High Schools

Composite Performance Level	Grad Rate Level	Combined Composite Performance & Grad Rate Level	ELP Level	Progress Level	Chronic Absenteeism Level	CCCR Level
Both Level 1		Level 1	Any Level	Any Level		
Either Level 1		Level 1	None*	Any One of the Three is Level 1		
Either Level 1		Level 1	Level 1	Any Level		
Either Level 1		Level 1	Level 2	Any Level 1		
Either Level 1		Level 1	Level 3 or 4	Any Two Level 1		

Note: In the above tables, “None” means the subgroup in a school or district for which a determination is being made has not been assigned an ELP level because there are fewer than 30 student results for this measure.

An elementary, middle, or high school will be identified as a CSI school if the school’s all students group matches the pattern of performance in any one of the rows in the above tables. An elementary, middle, or high school will be identified as a TSI school if for two consecutive years any of the school’s subgroups match the pattern of performance in any one of the rows in the above tables, except that, using 2017-18 school year results, a Priority or Focus School can be identified for TSI if it matches a pattern of performance in any one of the rows in the above tables based on 2017-18 school year results only. A district may be identified as a Target District if it has any schools identified as either TSI or CSI. In addition, if a district has no schools identified as TSI or CSI, the district may still be identified as a Target District if the district for two consecutive years matches a pattern of performance in any of the rows in the above tables.

New and Revised Supports and Interventions for Schools and Districts

Schools and districts are first identified in the 2018-19 school year using 2017-18 school year data. Schools and districts will use the 2018-19 school year to develop their comprehensive education plans, which will be implemented in the next school year. However, any school that has been identified as a Priority or Focus School during the 2017-18 school year must continue to implement its School Comprehensive Education Plan during the 2018-19 school year, regardless of whether the school is identified as a CSI or a TSI.

CSI school requirements and supports are differentiated, based on the amount of time a school or district has been identified and progress made during the years of identification.

- All CSI schools must:
 - Participate in a needs assessment that includes a review of school quality, a review of select State-reported and State-supported data indicators and survey results, and a resource audit that examines the effectiveness of professional development and how schools and districts use their time (e.g., instructional time, length of school day and/or school year), space (facilities), staff, and funds in relation to best practices. In the first year of identification, the review of school quality will look at practices related to the tenets of the Diagnostic Tool for School and District Effectiveness. In subsequent years, the review of school quality may focus on providing feedback about the implementation of the school's comprehensive education plan.
 - Develop and implement, in consultation with parents, school staff, and other stakeholders, a school comprehensive education plan based on the results of the needs assessment that is submitted for approval to the school district and the New York State Education Department (NYSED or "the Department"). The Commissioner has the authority to reject any plan that does not provide sufficient evidence that parents and pedagogical staff and in high schools, students, meaningfully participated in the development of the plan.
 - Describe in detail within the school comprehensive education plan the initiatives that will be implemented to positively affect student learning and to address the accountability measures for which the school has been identified, including the implementation of school-level evidence-based interventions and job-embedded professional development.
 - School-level evidence-based intervention means an activity, strategy, or intervention that has met the criteria outlined in section 8101(21)(A) of ESSA by demonstrating either a statistically significant effect on improving student outcomes or other relevant outcomes, or a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes and includes ongoing efforts to examine the effects of such activity, strategy, or intervention; provided that such intervention must be implemented so as to affect such percentage of a school's enrollment or such percentage of classrooms as may be prescribed by the Commissioner for the school.
 - Job-embedded professional development means professional development for teachers and leaders that is informed by the results of the comprehensive needs assessment or progress needs assessment of the school and by the teacher or leader evaluation system and any applicable supports, and addresses identified teacher and student needs.

- Limit incoming teacher transfers to teachers rated effective or highly effective pursuant to Education Law §3012-d by a school district in the previous school year, subject to collective bargaining as required under article 14 of the Civil Service Law. Districts shall be required to include this provision in any successor collective bargaining agreement unless otherwise prohibited by law.
- Establish a participatory budgeting process, which means a process by which CSI schools, beginning with the 2019-2020 school year, must annually set aside and spend a designated amount of allowable funds in such school year, in an amount specified by the Commissioner and not to be less than \$2,000, for the purpose of funding projects that are proposed by and voted on by the students and families of the school as determined by the Commissioner. The project proposal period and subsequent final vote must occur annually within each CSI school and be organized in such manner as may be specified by the Commissioner, which shall include, at a minimum, guidance that the final vote to determine the projects that are funded is open to all students and that the families of each student shall have a minimum of one vote per family.
- Conduct parent, teacher and student surveys.
- Provide notification to parents of the accountability status of the school prior to the first day of school following the identification of the school.
- Obtain approval of the school comprehensive education plan from the local board of education (or the Chancellor in New York City) and post the plan on its website.
- Requirements for CSI schools after the first year of identification are determined based on whether the school has met or exceeded its Annual Achievement Progression targets, which are based on the “all students” group’s performance on the Core Subject Performance Index and Mean Student Growth Percentiles for elementary and middle schools and the Composite Performance Index and Graduation Rate Index for high schools.
 - In the second school year of identification, CSI schools must continue the annual required actions identified above and the principal must submit quarterly reports to the district.
 - If a school has met or exceeded its Annual Achievement Progression targets, the school will proceed with the annual required actions identified above; however, the school can conduct a progress review that focuses on delivering feedback regarding the implementation of the school comprehensive education plan as its review of school quality.
 - If a school has not met its Annual Achievement Progression targets after the first year of identification, the school will receive additional technical assistance from the Department. The school will either conduct a progress review focused on the implementation of the school comprehensive education plan or a comprehensive review using the Diagnostic Tool for School and District Effectiveness as its review of school quality. In addition, any district with a CSI school that does not meet its Annual Achievement Progression target will submit a Principal Support Report to the

Commissioner to outline how the district will support the leadership of the CSI school.

- In the third year of identification, CSI schools that fail to meet their Annual Achievement Progression targets for two consecutive years will receive additional support and oversight. In addition to the annual requirements that all CSI schools must complete, the CSI schools that do not meet their Annual Achievement Progression targets for two consecutive years must:
 - Partner with the local Board of Cooperative Educational Services (BOCES), Regional Bilingual Educational Resource Network, Teacher Center, Regional Technical Assistance Center, or other technical assistance provider as approved by the Commissioner, to support implementation of the school comprehensive plan.
- In the fourth year of identification, CSI schools in which the Annual Achievement Progression results have declined for two consecutive years following identification must offer Public School Choice

In addition, any district with a CSI school that failed to meet its Annual Achievement Progression targets for two consecutive years will have as part of its district-level needs assessment an evaluation of the district's capacity to support its leaders in CSI schools.

Support and oversight for **TSI schools** will be the responsibility of the district, which will lead the needs assessment process and approve the school comprehensive education plan for the TSI school.

- All TSI schools must:
 - Participate in an annual needs assessment that includes a review of school quality, a review of select State-reported and State-supported data indicators and survey results, and a resource audit that examines the effectiveness of professional development and how schools and districts use their time (e.g., instructional time, length of school day and/or school year), space (facilities), staff, and funds in relation to best practices. In the first year of identification, the review of school quality will look at practices related to the tenets of the Diagnostic Tool for School and District Effectiveness to consider how the organization of the school may be impacting subgroup performance. In subsequent years the review of school quality may focus on providing feedback about the implementation of the school's comprehensive education plan.
 - Use the results of the needs assessment and other data concerning subgroup performance to create a school comprehensive education plan in collaboration and consultation with parents, teachers, and students, as required by Part 100.11.
 - Describe in detail within the school comprehensive education plan the implementation of evidence-based interventions and job-embedded professional development.
 - Provide notification to parents of the accountability status of the school prior to the first day of school following the identification of the school.

- Obtain approval of the school comprehensive education plan from the local board of education (or the Chancellor in New York City), and post the plan on its website.
- TSI schools submit their plans annually to the district for review and approval.
- **Schools that perform at Level 1 for one or more accountability groups on one or more accountability measures but are not CSI or TSI schools**

Based on a needs assessment, the district, in consultation with parents, school staff, and other stakeholders at the school, consistent with the district plan pursuant to section 100.11, shall identify additional resources that the district will provide to the school to assist it to increase performance on the accountability measure for the identified group(s). The district in its consolidated application must also identify the additional resources and professional development that the district will provide the school to improve performance.

Target Districts will be required to develop plans that address the needs of the identified schools within their district and/or address the areas for which the district has been identified.

- All Target Districts must:
 - Participate in a comprehensive needs assessment.
 - Develop a district comprehensive improvement plan that describes in detail the implementation of interventions and professional development that address the needs identified by the school and district needs assessments and in consultation and collaboration with parents, teachers, and students consistent with 100.11.
 - Provide notification to parents of the accountability status of the district prior to the first day of school following the identification of the school.
 - Obtain approval of the district comprehensive improvement plan from the local board of education (or the Chancellor in New York City) and post the plan on its website.

Public School Choice

- The draft regulations define public school choice as the option for students enrolled in a CSI school to transfer to a public school in good standing at the appropriate grade level within the district.
- Under New York's approved plan and as described in the draft regulations, districts are only required to offer public school choice when a CSI school does not make its Annual Achievement Progression targets for two consecutive years. In that instance, parents at the school must be notified of their right to public school choice, and the district must conduct a school choice enrollment process. The district must pay for transportation costs for any student who takes advantage of public school choice.
- Any student who is currently enrolled in a school as a result of a public school choice plan must be allowed to remain enrolled in that school until completing the

highest grade level at that school and must continue to receive transportation to such school.

- Districts have the option to continue offering public school choice, though as stipulated in ESSA, districts may not use more than five percent of their Title I allocation to support such choice programs.
- Districts that are required to offer Public School Choice, but cannot do so (e.g. the only high school in the district has been identified), must increase the amount they expend on participatory budgeting.

Participatory Budgeting

- Beginning with the 2019-2020 school year, CSI schools must set aside and spend no less than \$2,000 annually for the purposes of funding projects that are proposed and voted on by the students and families of the school. All students and their families will have the right to vote on which projects are funded with these funds. Where a CSI school has declined in performance for two consecutive school years on the measures used to make Annual Achievement Progress determinations and the district is unable to provide public school choice for all of the students in the CSI school who request it, the district must ensure that the CSI school expends greater amounts through the participatory budgeting process.

Principal Support Report

- To be completed by any district with at least one CSI school that does not meet its Annual Achievement Progression targets.
- The district identifies any areas in which the district determines it could more effectively support the Principal(s) of CSI schools based upon the specific needs of the school(s).
- The report is intended to provide summary information for the district and the State and must be consistent with Education Law §§3012-c (10) and 3012-d(15) with respect to safeguarding personally identifiable information.

Principal Needs Assessment

- To be completed by any Target District with one or more CSI schools that fail to meet their Annual Achievement Progressions targets for two consecutive years.
- Is an additional component of the District Needs Assessment that assesses the capacity of the district to support its principals.
- The results of the Principal Needs Assessment along with a plan to address the findings must be submitted to the Department.

Requirement for at least 95% Participation Rate in State Annual Assessments

- Identification of schools that fail to meet participation rate requirements
 - Beginning with 2017-2018 and 2018-2019 school year results, a school will be identified for participation rate if the school has a participation rate below 95% for the same subgroup, in the same subject (i.e., ELA or mathematics) for two consecutive years, and fails to improve participation rate as compared to the previous year for the same subgroup(s) and subject(s).

Such school must develop a participation rate improvement plan as described below.

- Required plan for schools that fail to meet participation rate requirements
 - In the first year of identification, the school will conduct a participation rate self-assessment and develop a participation rate improvement plan:
 - The plan will be developed in collaboration with a committee composed of the school principal or their designee(s); school staff including teachers and student support staff, no more than fifty percent of whom shall be selected by the representative collective bargaining organization(s); and parents selected by school-related parent organizations (not employed by the district or a collective bargaining organization representing teachers or administrators in the district).
 - The plan must address participation of students from all subgroups, as defined in the regulation, for which the school has failed to meet the required 95% participation rate and failed to improve the participation rate as compared to the previous year.
 - The plan must be adopted by the district Board of Education (in New York City, the chancellor or chancellor's designee), after consultation with the committee.
 - In the second year of identification, if the school fails to improve its participation rates for the subgroup(s) and subject(s) for which the initial plan was required, the district will conduct a participation rate audit and develop an updated participation plan.
 - In the third year of identification, for any school for which a district audit and district participation improvement plan was completed in the previous school year and that fails to improve its participation rates for the subgroup(s) and subject(s) for which the plan was required, the district must work with a Board of Cooperative Educational Services (BOCES) to conduct a participation rate audit and develop an updated participation rate plan.
 - In the fourth year of identification, for any school for which a BOCES audit and BOCES participation improvement plan was completed in the previous school year and that fails to improve its participation rates for the subgroup(s) and subject(s) for which the plan was required, the Department will conduct an audit of the participation rate and the school may be required by the Commissioner to undertake additional activities to raise student participation in State assessments.
 - Beginning with 2017-2018 and 2018-2019 school year results, schools that are identified for participation rate and are among the lowest ten percent of schools within the State for participation rate must submit a participation rate plan for approval by the Commissioner.
 - Once a school is required to develop a participation improvement plan for a subgroup, the school must continue to update and implement the plan annually until such time as the subgroup meets the 95% participation requirement.

Schools under Registration Review process

- A school can be identified for Registration Review in three ways:
 1. If the school has been placed into Receivership.
 2. If school has been identified for three consecutive years as a Comprehensive Support and Improvement School.
 3. If the school has been identified as a poor learning environment by the Commissioner.
- Schools under Registration Review that are also identified as schools in Receivership or as CSI schools continue to engage in the activities required by those designations.
- If a school is placed under Registration Review because of being designated a poor learning environment, an integrated intervention team, which may include a Distinguished Educator, will conduct a diagnostic review of the school and make recommendations to the Commissioner regarding whether the school should:
 - Continue to implement its current school comprehensive education plan, with modifications as suggested by the Integrated Intervention Team;
 - Phase-out or close the school; or
 - Create and implement a new school comprehensive education plan.

The Commissioner shall review the recommendations of the integrated intervention team and may approve, or modify and approve as so modified, such recommendations. Upon such approval, the Commissioner shall direct that the school district submit in a format and according to a timeline prescribed by the Commissioner a revised improvement plan or intervention plan, a new intervention plan, or a plan for phase out or closure that implements the recommendations of the integrated intervention team. Upon approval of the plan by the Commissioner, the school shall be required to implement such plan.

- If a School Under Registration review that is also a school in Receivership fails to make Demonstrable Improvement, as required pursuant to Section 100.19, for two consecutive years or a School Under Registration Review that is a CSI school or a school identified as poor learning environment fails to make required progress for two consecutive year as determined by the Commissioner, the Commissioner may direct the district to submit a plan to take one of these actions:
 - (a) convert the school to a charter school pursuant to Education Law section 2851(3); or
 - (b) enter into a contract with the State University of New York Board of Trustees, subject to the approval of the Commissioner of Education, pursuant to Education Law section 355(n) for the education of the children of the school; or
 - (c) for the city school district of the City of New York, entering into a contract with the City board and the City University of New York pursuant to Education Law section 2590(k) to administer a New York City public high school; or
 - (d) close or phase out the school.

In the event that the school district does not submit an acceptable plan in such format and in such timeline as the Commissioner may establish, the Commissioner may

direct that the school district close or phase out the school pursuant to a plan approved by the Commissioner. And if the district has not taken the required actions to close or phase out a school, the Commissioner shall recommend that the registration of the school be revoked.

Charter Schools

- As is in the case in current regulations, charter schools continue to be identified in the same manner as all other public schools in New York State.
- As is the case in current regulations, each charter school identified as a CSI or TSI school will be required to take such actions as are required by its charter authorizer pursuant to article 56 of the Education Law, consistent with the charter agreement that each charter school has with its charter authorizer and as determined by the charter school's board of trustees in consultation with the charter school's authorizer.

Transfer Schools

- Transfer schools proceed through the same preliminary identification process as all other schools in the State. Transfer schools may appeal their preliminary identification based on extenuating or extraordinary circumstances.
- Should a transfer school be identified as CSI, the school may petition the Commissioner to be subject to differentiated interventions, which might, for example, include having the school district rather than the Department conduct the required needs assessment.