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**Our Students. Their Moment.**

# **For Emergency Action: Proposed Draft Commissioner's Regulations Related to New York's Approved ESSA Plan**

**Presented to the Board of Regents  
June 11, 2018**

# To craft its ESSA plan, including accountability proposals, NYSED engaged with many stakeholders

- Representatives from over 100 organizations, including district leaders, teachers, parents, community members, and students
- Met at least monthly between June 2016 and July 2017

**Established an ESSA Think Tank**

**Engaged in extensive research and meetings**

- Including, but not limited to:
- U.S. Department of Education (USED)
- Brustein & Manasevit law firm
- Experts made available through the Council of Chief State School Officers (CCSSO)

**Consulted with national education experts**

**Met with the Title I Committee of Practitioners**

- Teachers, school and district leaders, school board members, parents, and representatives of other educational stakeholders
- Met 10+ times

**Held 120+ fall and winter regional in-person meetings**

**Posted online survey stakeholder surveys**

- 2,400+ responses for the potential indicators of school quality and student success survey
- Survey collecting additional feedback on regional meeting topics

- Linda Darling-Hammond - Learning Policy Institute
- Scott F. Marion - National Center for the Improvement of Educational Assessment

- Across the state in coordination with the state's 37 BOCES and five largest city school districts
- 4,000+ students, parents, teachers, school and district leaders, school board members, and other stakeholders participated

# ESSA Theory of Action

## IF...

1. New York identifies the characteristics of highly effective schools that provide culturally responsive teaching and learning,
2. Schools, districts, and the State collaborate to determine the degree to which each school demonstrates the characteristics of highly effective schools,
3. Schools, districts, and the State collaborate to develop plans to address gaps between the current conditions in each school and the characteristics of highly effective schools,
4. Schools and districts are provided with resources, including human capital, to implement these plans,
5. These resources are used to effectively implement plans that are assessed regularly and revised as appropriate,
6. Additional supports and interventions occur when schools and districts that are low-performing do not improve,

## THEN...

New York State will eliminate gaps in achievement.

# New York State's plan builds upon the current accountability system while looking beyond just student test scores

## Current System

Primarily based on student achievement in ELA and math

Includes goals for academic achievement and graduation rate

Identifies Priority schools based on low overall ELA and math performance and/or graduation rates

Identifies Focus schools based on low performing subgroups; requires a minimum of ten percent of Title I schools be identified.

Recognizes high-performing and rapidly improving schools as Reward schools

## Revised System

Based on student achievement in core subjects and opportunity to learn indicators such as chronic absenteeism

Includes goals for academic achievement; graduation rate; English language proficiency; chronic absenteeism; and college, career, and civic readiness

Identifies Comprehensive Support and Improvement schools based on school academic and progress measures; acquisition of English by English learners; chronic absenteeism. Elementary/middle schools are also measured on student growth and high schools on graduation rates and the college, career, and civic readiness of students

Identifies Targeted Support and Improvement schools based on low-performing subgroups

Recognizes high-performing or rapidly improving schools as Recognition Schools

# Proposed Amendments to Current Regulations

| Amendment             | Description                                                                                                                                                                                                                                                                                                                        |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Subdivision 100.2(ff) | Transition liaison(s) for students in residential facilities will be appointed by the district to facilitate a student’s effective educational transition into, between, and out of facilities. Liaisons will ensure that each student receives appropriate educational and “wrap-around” supports, services, and opportunities.   |
| Subdivision 100.2(m)  | Report cards will align with the provisions of ESSA. Local educational agencies (LEAs) must post the local report cards on their website. If an LEA does not operate a website, the LEA must provide the information to the public in another manner determined by the LEA.                                                        |
| Section 100.18        | Schools and districts that were identified before July 1, 2018 are the only ones that must follow Section 100.18.                                                                                                                                                                                                                  |
| Section 100.19        | Failing Schools are those schools that have been identified as Priority Schools and/or Comprehensive Support and Improvement Schools (CSI) for at least three consecutive years. 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. |

# Proposed Commissioner's Regulations 100.21

| Subdivision | Description                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a)         | Defines the timeframe for when and how these regulations are applied to schools and districts.                                                                                                                                                                                                                                                                                                  |
| (b)         | Defines various terms within the regulations, 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.                                                                                     |
| (c)         | Outlines the procedures and requirements for registration of public schools.                                                                                                                                                                                                                                                                                                                    |
| (d)         | Provides that the registration of public schools shall continue unless revoked by the Board of Regents upon recommendation of the Commissioner.                                                                                                                                                                                                                                                 |
| (e)         | Specifies 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, and identify public schools, charter schools or school district as Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI), or identified as a Target District. |
| (f)         | Specifies the methodology by which schools will be identified as either CSI or TSI and describes the methodology for identifying Target Districts.                                                                                                                                                                                                                                              |

# Proposed Commissioner's Regulations 100.21

(cont.)

| Subdivision: | Description                                                                                                                                                                                                                                                                                                     |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (g)          | Provides the opportunity for preliminarily identified schools and districts to appeal their preliminary status to the Commissioner, based on extenuating or extraordinary circumstances.                                                                                                                        |
| (h)          | Specifies the interventions that must occur in CSI or TSI schools, as well as Target Districts as well as those schools that perform at Level 1 on a measure for an accountability group. Includes requirements for parental involvement, participatory budgeting, school improvement plans, and school choice. |
| (i)          | Establishes the removal criteria for CSI, TSI, and Target District identification.                                                                                                                                                                                                                              |
| (j)          | Provides the criteria for the identification of schools for public school registration review. Registration review is linked to CSI status.                                                                                                                                                                     |
| (k)          | Specifies the process by which the Commissioner will place a school under registration review; and the resulting required actions of the district and the school.                                                                                                                                               |
| (l)          | Specifies the criteria and process for removal of schools from registration review, school phase-out or closure. This aligns with the requirements of ESSA and School Receivership.                                                                                                                             |

# Additional Proposed Changes

Based on feedback from the field since publication of the proposed regulations in the State Register in May, additional changes are being proposed:

- First, the Department proposes changing from 1.5 to 2.0 the weighting for students who take a dual credit course and receive high school credit in the College, Career, and Civic Readiness Index.
- Second, the Department proposes changing from 0 to 2.0 the weighting for ELLs who earn a Regents Diploma and Seal of Biliteracy after 4 years in the College, Career, and Civic Readiness Index.
- The Department also proposes modifying the requirement that a new school replace a closed and restructured SURR/CSI school with staff who consist “primarily” of experienced teachers (at least three years) who have been rated Effective/Highly Effective in each of the past three years, to clarify that this provision is subject to collective bargaining as required under article 14 of the Civil Service Law, and require that any successor collective bargaining agreement authorize such appointments unless otherwise prohibited by law.

# New York State will use multiple measures of success to identify schools, beginning with 2017-18 school year results

## Student Academic Achievement

For **all schools**, based on the **Composite Performance Index**, which measures achievement on state assessments in English language arts (ELA), math and science. For **high schools**, also measures achievement on state assessments in social studies.

## Student Growth

For **elementary and middle schools**, measures **student growth** on statewide assessments in ELA and math 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.

## Academic Progress

For **all schools**, measures change in performance of schools on state assessments in ELA and math against **long-term goals and** state and school specific **measures of interim progress (MIPs)**.

## Graduation Rates

For **high schools**, measures four-, five-, and six-year cohort graduation rates against **long-term goals and** state and school specific **MIPs**.

## English Language Proficiency

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 **long-term goals and** state and school specific **MIPs**.

## College, Career and Civic Readiness

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, and other similar indicators against **long-term goals and** state and school specific **MIPs**.

**Note:** NY will add an indicator based on out-of-school suspension rates in 2018-2019 (to be used for school identification after 2020-2021) and will consider adding additional indicators in the future.

# New York's System is All About the Levels: Establishing Performance Levels for Each Indicator

| Composite Performance Index Rank | Composite Performance Level |
|----------------------------------|-----------------------------|
| 10% or Less                      | 1                           |
| 10.1 to 50%                      | 2                           |
| 50.1 to 75%                      | 3                           |
| Greater than 75%                 | 4                           |

| Mean Growth Percentile | Student Growth Level |
|------------------------|----------------------|
| 45 or less             | 1                    |
| 45.1 to 50             | 2                    |
| 50.1 to 54             | 3                    |
| Greater than 54        | 4                    |

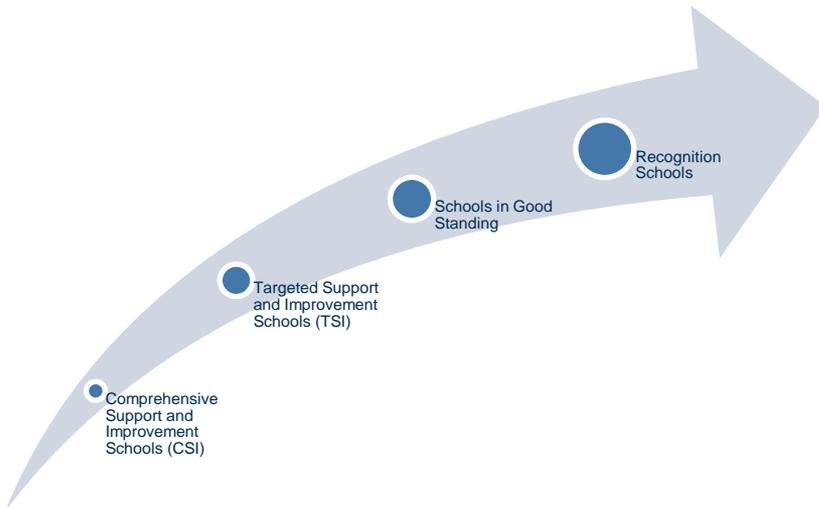
| Rank Based on Combined Composite Performance and Growth | Level |
|---------------------------------------------------------|-------|
| In the lowest 10%                                       | 1     |
| Between 10.1% and 50%                                   | 2     |
| Between 50.1 and 75%                                    | 3     |
| In the highest 75%                                      | 4     |

| Success Ratio | English Language Proficiency Level |
|---------------|------------------------------------|
| 0 - 0.49      | 1                                  |
| 0.50 - 0.99   | 2                                  |
| 1.0 - 1.24    | 3                                  |
| 1.25+         | 4                                  |

# New York's System is All About the Levels: Establishing Performance Levels for Each Indicator

| Academic Progress ,<br>Graduation Rate,<br>Chronic Absenteeism,<br>College, Career and Civic<br>Readiness Index | Did Not Meet<br>Long-Term Goal | Met Long-term<br>Goal | Exceeded<br>Long-Term<br>Goal |
|-----------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------|-------------------------------|
| Did not meet either<br>Measure of Interim<br>Progress (MIP)                                                     | Level 1                        | N/A                   | N/A                           |
| Met lower of State or<br>School MIP                                                                             | Level 2                        | Level 3               | Level 4                       |
| Met higher of State or<br>School MIP                                                                            | Level 3                        | Level 4               | Level 4                       |

# New York State classifies all schools into one of four categories



## How does New York State identify schools for recognition and support?

- New York uses each of the seven indicators to identify schools.
- All public schools will receive one of four designations:

|                                                      |                                                                                                                                                                               |
|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Recognition Schools</b>                           | A school that is <b>high-performing</b> or <b>rapidly improving</b> as determined by the Commissioner                                                                         |
| <b>Schools in Good Standing</b>                      | A school that is <b>not TSI, CSI or Recognition</b>                                                                                                                           |
| <b>Targeted Support and Improvement Schools</b>      | A school with <b>low-performing subgroups</b> of students                                                                                                                     |
| <b>Comprehensive Support and Improvement Schools</b> | A school with <b>low overall performance</b> for the All Students group, a graduation rate below 67%, or a school with <b>low-performing subgroups that have not improved</b> |

# Comprehensive Support and Improvement Schools – Requirements & Interventions

## Comprehensive Support and Improvement Schools (CSI)

- The school must participate in a **Comprehensive Diagnostic Needs Assessment** and develop a **school improvement plan**;
- The improvement plan must be **approved by the school, LEA and state**;
- The plan must include at least **one evidence-based intervention that is a School-Wide Improvement Strategy** and the school must provide **professional development** connected to the school improvement plan;
- NYSED will require that future Collective Bargaining Agreements limit **incoming teacher transfers to identified schools to those teachers who have been rated as Effective or Highly Effective** in the most recent evaluation year, unless otherwise prohibited by law; and
- CSI schools must institute a Participatory Budgeting Process by the 2019-20 school year. NYSED will provide guidance on this requirement.
- All CSI schools must **annually survey parents, teachers, and students**.

### What happens to a CSI school after its first year of identification?

If a CSI school does not make progress after its first and/or second year of implementation, it will receive additional support from NYSED and it will be required to undertake additional actions. For example, if a school does not make progress after one year, the district must submit a Principal

Support Report.



# Transfer High Schools

## Transfer High Schools

- Will be preliminarily identified in the same way as all other schools. They may present extenuating and extraordinary circumstances to be removed from final identification.
- If identified as CSI, the school may petition the Commissioner to be subject to differentiated interventions.
- The State has been working with a Transfer School group to ensure that these schools are held accountable in ways that make sense for the student population that they educate and to promote strategies within regular middle and high schools to prevent students from becoming over-aged and under-credited.

# Identification of CSI Schools: *Elementary and Middle Schools*

Elementary and middle schools will be identified if the “All Students” group meets all of the criteria in any of the five scenarios in the table below.

| Scenario | Composite Performance | Student Growth | Combined Composite & Growth | ELP          | Progress                      | Chronic Absenteeism |
|----------|-----------------------|----------------|-----------------------------|--------------|-------------------------------|---------------------|
| 1        | Both Level 1          | Level 1        | Level 1                     | Any Level    | Any Level                     | Any Level           |
| 2        | Either Level 1        | Level 1        | Level 1                     | None         | Any One of the Two is Level 1 |                     |
| 3        | Either Level 1        | Level 1        | Level 1                     | Level 1      | Any Level                     | Any Level           |
| 4        | Either Level 1        | Level 1        | Level 1                     | Level 2      | Any Level 1                   | Any Level 1         |
| 5        | Either Level 1        | Level 1        | Level 1                     | Level 3 or 4 | Both Level 1                  | Both Level 1        |

If a school does not meet all the criteria in one of the five rows, it will not be identified. For example, if a school receives a “2” or above on both Composite Performance Index and Growth, it will not be identified for CSI (regardless of its performance on other indicators)

A school would receive a rating of “None” if it has fewer than 30 ELLs.



# Identification of CSI Schools: *High Schools*

High schools will be identified in two ways: (1) if the “All Students” group meets all of the criteria in any of the five scenarios below or (2) if they have low graduation rates.

| Scenario | Composite Performance | Graduation Rate | Combined Composite Index & Graduation Rate | ELP          | Progress                        | Chronic Absenteeism | CCCR |
|----------|-----------------------|-----------------|--------------------------------------------|--------------|---------------------------------|---------------------|------|
| 1        | Both Level 1          |                 | Level 1                                    | Any Level    | Any Level                       |                     |      |
| 2        | Either Level 1        |                 | Level 1                                    | None         | Any One of the Three is Level 1 |                     |      |
| 3        | Either Level 1        |                 | Level 1                                    | Level 1      | Any Level                       |                     |      |
| 4        | Either Level 1        |                 | Level 1                                    | Level 2      | Any Level 1                     |                     |      |
| 5        | Either Level 1        |                 | Level 1                                    | Level 3 or 4 | Any Two Level 1                 |                     |      |

## What does it mean to have “low graduation rates?”

All public schools, beginning with 2017-18 school year accountability, that have graduation rates below 67% for the four-year graduation rate cohort and do not have graduation rates at or above 67% for the five- or six-year cohorts will be preliminarily identified for CSI.



# Identification Examples

| School | Composite Level | Growth Level | Combined Composite and Growth | ELP | Progress | Chronic Absenteeism |
|--------|-----------------|--------------|-------------------------------|-----|----------|---------------------|
| A      | 1               | 1            | 1                             | 2   | 2        | 2                   |
| B      | 1               | 2            | 2                             | 2   | 4        | 1                   |
| C      | 2               | 1            | 1                             | 1   | 2        | 4                   |
| D      | 1               | 2            | 1                             | 2   | 2        | 3                   |
| E      | 2               | 1            | 1                             | 4   | 1        | 1                   |
| F      | 3               | 2            | 3                             | 1   | 3        | 2                   |

# Targeted Support and Improvement Schools – Requirements and Interventions

## Targeted Support and Improvement Schools (TSI)

- The school must participate in a **Comprehensive Diagnostic Needs Assessment** and develop a **school improvement plan**;
- The improvement plan must be **approved by the school and LEA, but not the State**;
- The plan must **include evidence-based interventions** such as those listed in the [DTSDE Resource Guide](#);
- The school must **annually survey parents, teachers, and students**.

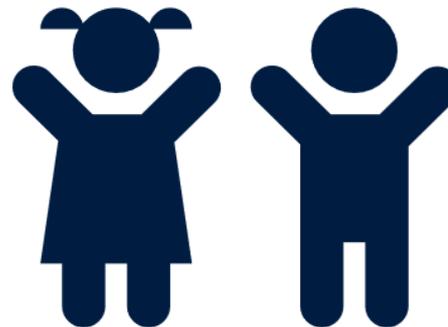


### What happens to a TSI school that is identified for “Additional TSI?”

If a TSI school is identified for “Additional TSI,” it must take all the actions outline above. In addition, based upon subgroup performance, it may be required to implement some of the interventions of CSI schools, such as partnering with a regional technical assistance center or submitting their plan to implement their evidence-based intervention to the state for approval. If the school does not improve over time it is eligible to be identified for CSI.

# New York State will hold schools and districts accountable for the performance of these student subgroups

- 1 All Students
- 2 American Indian or Alaska Native
- 3 Black or African American
- 4 Hispanic or Latino
- 5 Asian or Native Hawaiian/Other Pacific Islander
- 6 White
- 7 Multiracial
- 8 English Language Learner (ELL)
- 9 Students with Disabilities (SWDs)
- 10 Economically Disadvantaged



# Weighted Academic Achievement Performance Index

At the elementary and middle school level, ELA, math and science achievement is measured in two ways: 1) Weighted Academic Achievement Index and 2) Core Subject Performance Index.

## 1. Weighted Academic Achievement:

$$\frac{(\# \text{ of students at Level 2}) + (\# \text{ of students at Level 3} \times 2) + (\# \text{ of students at Level 4} \times 2.5)}{}$$

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[The greater of: (1) # of continuously enrolled students who are tested or (2) 95% of continuously enrolled students with or without test scores] × 100

= The Weighted Academic Achievement Index.

# Core Subject Performance Index

## 2. Core Subject Performance:

$$\frac{(\# \text{ of students at Level 2}) + (\# \text{ of students at Level 3} \times 2) + (\# \text{ of students at Level 4} \times 2.5)}{(\# \text{ of continuously enrolled students who are tested}) \times 100}$$

= The Core Subject Performance Index.

### Examples of Weighted Academic Achievement Performance Index vs. Core Subject Performance Index:

1. In School A, there are 100 continuously enrolled students and 97 take the assessment. The denominator for both the Weighted Academic Achievement Index and Core Subject Performance Index is 97. If all students were Level 4, the school's Weighted Achievement Index and Core Subject Performance Index would both be 250  $(97 \times 2.5)/97 \times 100$ .
2. In School B, there are also 100 continuously enrolled students and 80 take the assessment. The denominator for the Core Subject Performance Index is 80 but the denominator for the Weighted Academic Achievement Index is 95. If all students were Level 4 the school's Core Subject Performance Index would be 250, but its Weighted Academic Achievement Index would be 211.  $(80 \times 2.5)/95 \times 100$ .

# Compute the Composite Performance Index

For **elementary and middle schools**, sum the Weighted Average Achievement Level and the Core Subject Performance Index Level for a **Composite Performance Index** from 2 to 8; then, rank the schools again to determine the **Final Rank**

## Elementary/Middle Schools



| Combined Level (All Students Group) |                                 |                                         |                          |
|-------------------------------------|---------------------------------|-----------------------------------------|--------------------------|
| Elementary/<br>Middle School        | Weighted Average<br>Index Level | Core Subject Performance Index<br>Level | Combined Level*<br>(2-8) |
| DEF                                 | 2                               | 2                                       | 4                        |
| ABC                                 | 2                               | 2                                       | 4                        |
| GHI                                 | 4                               | 4                                       | 8                        |

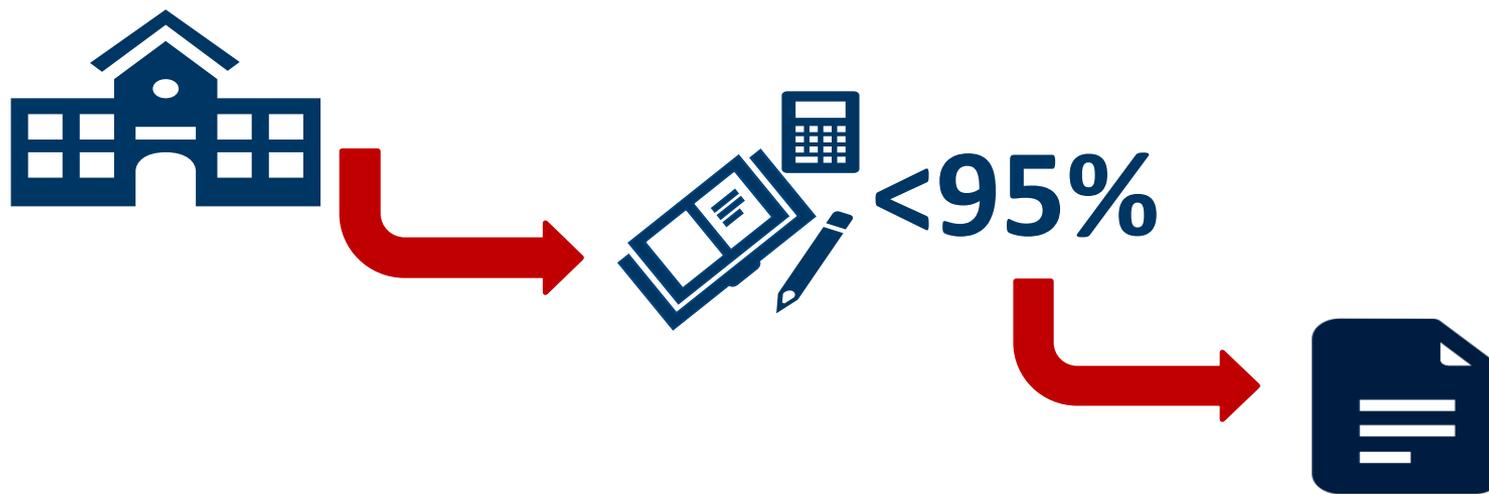
\* For schools with the same Combined Composite Performance Index, rank schools using the higher of the Weighted Average Achievement Rank and the Core Subject Performance Index Rank to determine the Final Rank. For example, schools DEF and ABC above have the same Composite Performance Index.

| Elementary/<br>Middle School | Weighted Average<br>Achievement Rank | Core Subject<br>Performance Index<br>Rank | Higher Rank | Composite<br>Performance Index<br>(see above) | Final Rank |
|------------------------------|--------------------------------------|-------------------------------------------|-------------|-----------------------------------------------|------------|
| DEF                          | 1,100                                | 1,100                                     | 1,100       | 4                                             | 1,099      |
| ABC                          | 1,190                                | 1,250                                     | 1,250       | 4                                             | 1,220      |
| GHI                          | 2,600                                | 2,600                                     | 2,600       | 8                                             | 2,625      |

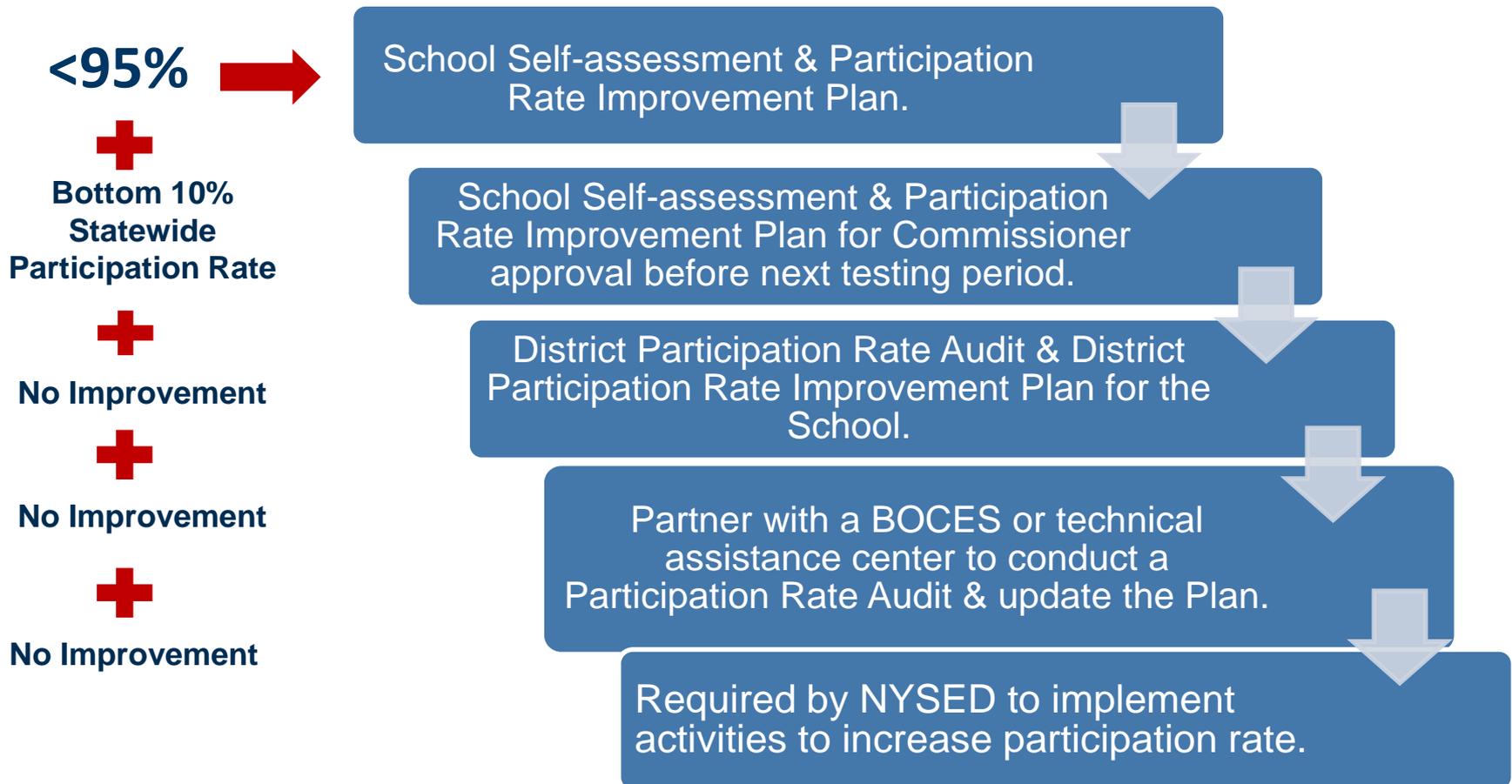
**Note:** NYS will perform the same calculations for each accountability subgroup within each school.

# Districts & Schools Failing to Meet 95% Participation Rate

Districts and schools that fail to meet the 95% participation rate for two consecutive years for the same accountability subgroup on the same measure (i.e., ELA or math) and that do not show improvement between the current and prior year will be required to create a plan that will address low testing rates. First required plans will be based on 2017-18 and 2018-19 school year results and will be due in the 2019-20 school year.



# Districts & Schools Failing to Meet 95% Participation Rate – continued



# Other Issues Addressed by the Draft Regulations

## ✓ Public School Choice

- Only required to be offered in CSI schools that have not made progress after two years. Districts can voluntarily choose to offer, but may not spend more than 5% of their Title I funds on transportation. Students who have transferred from Title I Priority and Focus School must continue to receive transportation until they exit the school's highest grade.

## ✓ Transfer High Schools

- Will be preliminarily identified in the same way as all other schools. May present extenuating and extraordinary circumstances to be removed from final identification.
- If identified as CSI, the school may petition the Commissioner to be subject to differentiated interventions.

## ✓ Charter Schools

- Identified in the same way as all other schools. Intervention requirements are determined by the charter agreement and the school's authorizers. This approach is consistent with past regulations.

# Timeline for Regulation Adoption

Spring-  
Summer

- Draft Regulations will be posted for 60-day public comment period.
- ESSA Accountability Training Sessions are being held across the State for Superintendents and Chief Accountability Officers

June

- Proposed regulations are presented to the Board of Regents for adoption as an emergency action at the June Regents, effective July 1, 2018.

July -  
August

- Publication of a Notice of Emergency Adoption and Revised Rulemaking in the State Register on July 18, 2018 and an expiration of the 30-day public comment period for revised rulemakings.

September

- Staff will provide the Board with an analysis of public comment received, and recommendations for revisions to the regulations based on the public comment.
- Proposed rule will be presented to the Board of Regents for permanent adoption.