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

Presented to the Board of Regents
December 10, 2018

ESSA Regulations Timeline: January - September 2018

January 2018

- USDE approves New York's ESSA Plan.

April

- At the April meeting, the Board of Regents approved posting the draft regulations for public comment.

June

- The Department presented the Board of Regents with a summary of the comments received through June 4, 2018 and resulting revisions to the regulations. The Board of Regents took Emergency Action on ESSA regulations, effective July 1, 2018.
- A 2nd public comment period commenced.
- NYSED began conducting regional 1.5 day trainings on the new ESSA Accountability system and proposed regulations, which continued through August. Representatives of almost 450 districts, including nearly 300 Superintendents, attended the trainings.

September

- Board of Regents presented with revised regulations, based upon public comment.
- Board of Regents took a second emergency action to implement the revised regulations.

ESSA Regulations Timeline: October - December 2018

October

- Notice of Emergency Action and Revised Rule Making was published in the State Register on October 3, 2018. 30-day Public Comment period begins.

November

- Board of Regents adopted the regulations by a third emergency action, effective November 6, 2018. The regulations adopted were identical to those adopted in September 2018.

December

- Board of Regents are presented with complete assessments for the public comment period that ended November 2.
- The Department recommends additional changes to draft regulations, based on interactions with field and based on public comment.

Overview of Public Comments

- Majority of comments were received between May 9, 2018 through August 17, 2018.
- We made extensive revisions as a result of that feedback, which were part of the regulations approved for emergency action in September and November.
- Very few comments were received between September and November - many were in support of the revised regulations.
- Changes proposed in today's draft are primarily in response to interactions with districts as they received information on their performance on ESSA indicators.

Regulatory Revisions through September 2018

Regulatory Revisions through September 2018 included, but were not limited to:

- Participation Rate
- N-size
- Out of school suspensions
- School interventions
- Participatory Budgeting
- District Report Cards
- Translations
- Accountability for New York City High Schools
- Required Actions for Certain Schools under Registration Review (including schools in Receivership) that do not make progress.

Changes Proposed to Emergency Regulations Adopted November 2018

- Basis for Districts to Petition the Commissioner to revise Measures of Interim Progress (MIPs)
 - Allows districts to be able to petition the Commissioner to revise MIPs if the district seeks to correct an error in the data used to establish an MIP for a school or district. Would allow the Commissioner to revise MIPs to reflect the administration of new assessments or changes in state standards.
- Computation of Combined Composite Performance and Growth Level and Combined Composite Performance and Graduation Rate Level
 - A subgroup would receive the higher of its Combined Composite Performance and Growth/Graduation Level based on its combined ranking on these indicators or the average of its Composite Performance Level and its Growth/Graduation Level rounded down, whichever is higher.

Changes Proposed to Emergency Regulations Adopted November 2018

- Computation of Academic Progress Level, English Language Proficiency Level, and Student Growth Level
 - The Commissioner would be able to assign a Level 2 to a subgroup whose performance is above a Performance Index (academic progress), a percentile (student growth), or a Success Ratio (ELP) established by the Commissioner.
 - The Commissioner would be able to assign a Level 1 to a subgroup whose performance is below a Performance Index (academic progress), a percentile (student growth), or a Success Ratio (ELP) cut point established by the Commissioner.

Changes Proposed to Emergency Regulations Adopted November 2018

- Principal Support Report and Principal Needs Assessment
 - The name of the report and the needs assessment has been changed to “Leadership Team Support Report” and “Leadership Team Needs Assessment” to reflect that the focus of these documents should be the district and school leadership teams, not just the principal.
- Identification of Target Districts
 - Clarifies that a school district must meet the criteria for identification for the all students group for two consecutive years in order to be identified as a Target District, except for Focus Districts, which may be identified based on 2017-18 school year data only.

Changes Proposed to Emergency Regulations Adopted November 2018

- Assignment of teachers to schools identified for Comprehensive Support and Improvement (CSI)
 - Clarifies that districts may take certain actions with regard to teacher transfers to the extent possible and subject to collective bargaining as required under Article 14 of the Civil Service Law and may require that any successor collective bargaining agreement authorize such transfers to the extent possible and subject to collective bargaining as required under article 14 of the Civil Service Law.

Changes Proposed to Emergency Regulations Adopted November 2018

- Identification and appointment of leadership and staff to a new school replacing a closing SURR or Receivership school.
 - Clarifies that districts may take certain actions with regard to staff of new schools to the extent possible and subject to collective bargaining as required under Article 14 of the Civil Service Law and may require that any successor collective bargaining agreement authorize such appointments to the extent possible and subject to collective bargaining as required under article 14 of the Civil Service Law.

Next Steps

December
2018

- Notice of Revised Rule Making will be published in the State Register on December 26, 2018.
- Public comment on the revised rule will be open from December 26 for 30 days.

February
2019

- Proposed amendment will be presented for permanent adoption at February Board of Regents Meeting.
- If adopted by the Board of Regents, the proposed amendment will be effective as a permanent rule on February 27, 2019.