



Our Students. Their Moment.

Elementary and Secondary Education Act (ESEA) Waiver Renewal Application



History

- **September 2011:** President Obama announced an ESEA regulatory flexibility initiative. In exchange for flexibility, states must:
 - Set College and Career Ready Standards for all students and develop and administer annual, statewide, aligned, high quality assessments that measure student growth.
 - Develop systems of differentiated recognition, accountability and support
 - Support effective teaching and leadership, including implementing a teacher and principal evaluation in which student growth is a significant factor
 - Reduce duplication and unnecessary burden
- **October 2011:** the Board of Regents directed the Commissioner to submit an ESEA Flexibility Request to the United States Department of Education (USDE) during the second round of submissions.

History (con't)

- **February 2012:** New York State's ESEA Flexibility Request was submitted.
- **May 2012:** the USDE approved New York State's Flexibility Waiver Request.
- **September 2013:** USDE offered states with approved ESEA Flexibility Waivers the opportunity to renew the waivers for the 2014-15 and 2015-16 school years.
- **November 2013:** USDE rescinds its September 2013 renewal application process and replaces it with a one year streamlined renewal process for the 2014-15 school year only.

Revised USED Flexibility Waiver Renewal Process

- Submit a letter to USDE requesting an extension for 2014-15 and describe how the waiver has helped the SEA to be more effective and has contributed to improved student achievement.
- Resolve any State-specific “next step” issues as a result of USDE monitoring.

Amending an Approved ESEA Waiver Plan

- States that wish to make amendments to their approved plan to take effect in 2014-15 may do so as part of their renewal process.
- States must consult with stakeholders before submitting a flexibility renewal request that includes amendments.

USDE Flexibility Waiver Renewal Amendment Recommendations

Strategies to consider adding as amendments to approved waiver:

- Seek permission from USDE to assess students with severe disabilities who are ineligible for the alternate assessment based on their instructional level, rather than chronological age.
- Explore greater flexibility in the testing requirements for English language learners.
- Use data on chronic absenteeism as a factor in accountability designations and report these statistics publicly.
- Have students that pass the advisory panel-recommended CTE exam in addition to ELA or mathematics Regents be included in the Performance Index for ELA or mathematics at Level 3.

USDE Flexibility Waiver Renewal Recommendations

Strategies to consider adding as amendments to approved waiver, continued:

- Require Priority and Focus Schools that are not making progress to use Title I set aside funds to implement Extended Learning Time and Community School Programs.
- Ensure that districts comply with current art, music, and physical education requirements.
- Incorporate into the high school accountability system the growth metrics used for high school principals for evaluation purposes to ensure strong alignment between institutional and school leader evaluation at the high school level.
- Move toward public reporting of college success metrics.

Assessing Students with Disabilities

Strategies to consider adding as amendments to approved waiver:

- Allow districts to administer the State assessments at the students' instructional grade levels as opposed to their chronological grade levels.
- Issue criteria and guidance for the identification of the population of students for whom this flexibility would apply and criteria to identify the instructional levels for ELA and Math for these students.
- Limit the number of grade levels below the student's chronological grade level at which the student could be assessed (e.g., two years).
- Require that the students be assessed at a higher grade level for each subsequent year.
- For ESEA accountability purposes, limit the percent of proficient and advanced scores of those students assessed in accordance with their instructional grade levels.

Assessing English Language Learners

Strategies to consider adding as amendments to approved waiver:

- **Seek funding to create Native Language Arts Assessments that will provide districts the opportunity to offer this assessment as a local option when it would best measure the progress of Spanish speaking ELLs.**
- **Allow Spanish speaking ELLs who have attended school in the US for less than three consecutive years to be tested in Spanish in lieu of the ELA assessment, and on a case by case basis for an additional two years in Spanish if such an assessment would better allow the student to demonstrate their knowledge of language arts.**
- **Incorporate the NYSESLAT exam into NY's accountability system in order to capture the growth of ELLs in the acquisition of English and give credit accordingly to schools and districts, rather than relying solely on ELA assessment performance for ELLs.**

Elimination of Double Testing

A waiver has been submitted to USDE that requests that NYS be permitted to:

- Eliminate the requirement that students in grade 7 and 8 who are enrolled in high school courses and take Regents Examinations also take the Common Core Mathematics Test for the grade in which they are enrolled.
- Use the students' results on the Regents Examination to meet participation rate requirements and include the results in the Performance Index for the school and district in which the students are enrolled.
- Revise the high school Performance Index so that schools and districts only get credit for the performance of students on Regents examinations that are taken after students first enter ninth grade.
- Note: Elimination of “Double Testing” has no effect on the courses or Regents examinations that a student must take in order to graduate from high school.

ESEA Renewal Think Tank

- Think Tank members will be thought partners with the Department as it drafts its renewal application and prepares for future renewals of the waiver.
- Most members of the ESEA Renewal Think Tank also participated in the original ESEA Waiver Think Tank.
- The Think Tank will be divided further into four smaller workgroups:
 - Curriculum and Assessment (focused on Principle 1 of the waiver);
 - Metrics (Principle 2);
 - Supports and Interventions (Principle 2); and
 - Teacher and Leader Effectiveness (Principle 3).
- The workgroups will report back to the Think Tank on their progress at additional meetings scheduled for late November, December, and January.

ESEA Renewal Time Line

- Presentation to the Board of Regents – *November 18, 2013*
- Think Tank Meetings – *November through January*
- Discussion item presented to Board of Regents – *January 13, 2013*
- Public Comment – *January 16, 2014 to January 25, 2014*
- Action item presented to Board of Regents – *February 10, 2014*
- Submission of Waiver Renewal to USDE - *February 28, 2014*

ESEA Renewal Think Tank - Invitees

Name	Title	Organization
Sonia Apker	Superintendent	George Junior Republic, Special Act Schools Representative
Peter S. Applebee	Manager of the Higher Education, School Finance and Federal Programs	New York State United Teachers
Khin Mai Aung	Director for Educational Equity & Youth Rights Project	Asian American Legal Defense and Education Fund
Jim Baldwin	District Superintendent	Questar III BOCES
Jackie Bennett	Special Representative	United Federation of Teachers
Adele Bovard	Superintendent	Webster Central School District
Joanna Cannon	Chief Strategic Officer, Talent, Labor and Innovation	New York City Department of Education
Joseph Colletti	Special Representative	United Federation of Teachers
Barbara Deane-Williams	Superintendent of Schools	Greece Central School District
Donald DeJohn	Project Manager - Data Warehouse and Test Scoring Central New York Regional Information Center (CNYRIC)	New York Schools Data Analysis Technical Assistance Group (DATAG)
Julie Donlon	Assistant Superintendent	Staff/Curriculum Development Network
Mary Doyle	Executive Director, Office of State Portfolio Policy	New York City Department of Education
Ashli Dreher	New York State Teacher of the Year	Lewiston-Porter Central School District
Billy Easton	Executive Director	Alliance for Quality Education
Bill Evans	President	Empire State Supervisors and Administrators Association
Lev Ginsburg	Director of Government Affairs	The Business Council of New York State, Inc.
Yvette Goorevitch	President	Council of New York State Special Education Administrators
Jacqueline Harris	Deputy Superintendent	South Huntington School District
Larry Hirsch	Director	New York Comprehensive Center, RMC Research
Debra Jackson	Superintendent	Highland Falls School District
Noreen Leahy	Assistant Superintendent Pupil Personnel Services and Special Education	Rockville Centre UFSD
Ernest Logan	President	Council of School Supervisors & Administrators
Rick Longhurst	Executive Administrator	New York State Parent Teacher Association
Robert Lowry	Deputy Director	New York State Council of School Superintendents

ESEA Renewal Think Tank - Invitees (cont.)

Name	Title	Organization
Marina Marcou-O'Malley	AQE Policy Director	Alliance for Quality Education
Eloise Messineo	Executive Director for the Executive Leadership Institute for CSA	Council of School Supervisors & Administrators
Abja Midha	Senior Project Director	Advocates for Children
Anita Murphy	Deputy Superintendent of Administration	Rochester City School District
Bill Phillips	President	North East Charter Schools Network
Rosemarie Posillico	CTE Teacher	Burnt Hills-Ballston Lake High School, Burnt Hills-Ballston Lake Central Schools
Jennifer Pyle	Deputy Director	Conference of Big 5 School Districts
Michael Regnier	Director of Policy	New York City Charter School Center
Robert Reidy	Executive Director	New York State Council of School Superintendents
Corinne Rello-Anselmi	Deputy Chancellor, Divisions of Students with Disabilities and English Language Learners	New York City Department of Education
Jessica Richman Smith	Deputy Executive Director, Office of Research, Accountability and Data	New York City Department of Education
Andrea Rogers		North East Charter Schools Network
Jonathan Schleifer	Executive Director	Educators 4 Excellence
Jack Schwarz	Research Associate	RMC Research
Pilar Sokol	Deputy General Counsel	New York State School Boards Association
Beth St. Clair Bedell	Teacher	Questar III BOCES
Lauren Sypek	Director of Strategic Communications and State and Federal Evaluation	Office of Research, Accountability, and Data NYC Department of Education
Deborah Sykes	Chief of Strategic Alignment and Innovation	Buffalo Public Schools- Conference of Big 5 School Districts
Adam Tanney	Research Associate	New York Comprehensive Center, RMC Research
Anthony Tolbert	Director of School Reform	Syracuse City School District- Conference of Big 5 School Districts
James Viola	Director of Government Relations	School Administrators Association of New York State
Larry Waite	Manager of Educational Services	New York State United Teachers
David Weinberger	Executive Director for Student Information, Assessment and Reporting for Yonkers Public Schools	Conference of Big 5 School Districts