




THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: P-12 Education Committee
FROM: Ken Slentz 
SUBJECT: Update on New York State's Next Generation Accountability System
DATE: December 7, 2011
AUTHORIZATION(S):

SUMMARY

Issue for Decision

Should the Department use the proposed responses in Attachment A as the basis to develop the initial draft of New York's Elementary and Secondary Education Act (ESEA) Flexibility Request, which will then be further reviewed by the Board of Regents at their January 2012 meeting?

Proposed Handling

This item will come before the P-12 Education Committee for discussion at its December 2011 meeting.

Background Information

As reported in the November 2011 Regents item regarding New York State's Next Generation Accountability System, a State Educational Agency (SEA) that requests to receive an ESEA flexibility waiver must provide evidence that it will meet certain conditions pertaining to implementation of college- and career- ready standards and assessments, systems of principal and teacher evaluation, and intervention in the state's lowest performing schools. If the United States Department of Education (USDE) approves New York's waiver application, rather than meet current ESEA requirements, New York would be able to implement its own set of school and district classifications, which must at a minimum, include Priority, Focus and Reward Schools. New York would also be able to implement its own system of support and interventions for these schools, provided that Priority Schools implement interventions that are consistent with the USDE's "turnaround principles."

The Department sees the ESEA waiver as an opportunity to:

- Incorporate into New York's accountability system a growth component and standards that are better aligned with college- and career-readiness.
- Create a more coherent system of classification of school and districts with performance categories better matched to New York's needs.
- Better align supports and interventions for identified schools and districts with key components of the Regents' Reform Agenda, such as implementation of the Common Core State Standards (CCSS), creating a system of data driven inquiry in schools, and promotion of teacher and principal effectiveness through systemic professional development aligned to principal and teacher evaluations.
- Develop additional measures of school success and begin the immediate use of some of these for identifying Reward Schools.

Staff recommends using the ESEA flexibility waiver not to create an entirely new regimen of assessments, accountability measures, interventions and/or supports, but rather to build upon existing structures and better align them with the Regents' Reform Agenda, as outlined in New York's Race to the Top Scope of Work.

Among the key changes to New York's current accountability system that staff are proposing be approved by the Regents and incorporated into the ESEA Flexibility Request are plans to:

- Revise the Annual Measurable Objective (AMO) goals that establish the timeframe by which schools and districts are expected to ensure that all students are proficient in English language arts (ELA) and mathematics to make the goals more realistic and attainable.
- Hold schools and districts accountable for high school performance in ELA and mathematics using standards that are better aligned to college- and career-readiness.
- Discontinue the identification of schools for improvement, corrective action and restructuring, and instead identify Priority and Focus Schools. Ensure that Priority Schools adopt a rigorous whole school reform model supported by partner organizations.
- Identify Focus Districts as a means to ensure that districts take dramatic actions in support of their schools in which the performance of disaggregated groups of students is among the lowest in the State. Since district policies often contribute to why schools have low performance for specific groups of students, districts must play a lead role in helping schools to address this issue. Using mathematical methodologies prescribed by the Commissioner, districts will be required to identify the Focus Schools upon which they will concentrate their support and interventions.
- Discontinue the identification of schools as high performing/rapidly improving and instead identify Reward Schools. Make the Reward School designation both more rigorous and more meaningful.

- Use both proficiency and growth towards proficiency to make accountability determinations, and include the use of normative growth measures as filters in the process of making accountability determinations.
- Create a single diagnostic tool to be used throughout the school and district improvement continuum to drive supports and interventions. Place more emphasis on conducting district level diagnostic reviews that include a school sampling method.
- Reframe the existing set-asides in ESEA. Instead of focusing funding on supplemental education services (SES), set-asides would support enhanced implementation of the Regents' Reform Agenda in Priority and Focus Schools, and increased parental involvement and engagement in low-performing schools. In addition, the Department should revise its grant approval processes to ensure greater alignment in how ESEA Title funds (Title I, Title IIA, and Title III) are used to support implementation of the Regents' Reform Agenda.

The submission of an ESEA waiver application should be seen not as the culmination of the development of a next generation accountability system, but as the beginning of the process of re-imagining and reframing this system. Attachment B provides several concepts to consider in the future, which are not to be included in this waiver request.

Recommendation

The Board of Regents directs the Commissioner of Education and the State Education Department to use the responses outlined in Attachment A as the basis to develop the initial draft of New York State's ESEA Flexibility Request, for further review by the Board of Regents at their January 2012 meeting.

Timetable for Implementation

Staff will prepare a preliminary draft waiver application for consideration by the Regents in January 2012. With the approval of the Regents, staff will release the draft for public comment during the remainder of January and will submit a final draft waiver application for action by the Regents in February 2012.

Attachments

Attachment A: Proposed Option for the Elementary and Secondary Education Act (ESEA) Flexibility Plan

New York's differentiated recognition, accountability, and support system will address all the requirements listed in Principle 2 of the ESEA Flexibility Request. Below are recommendations of Department staff to the Board of Regents regarding how New York's application should address key components of the ESEA Flexibility Waiver.

Q1. What assessments and other academic measures will be used to hold schools and districts accountable for student results?

At present, New York (NY) uses the following assessments and measures to hold schools and districts accountable for student results:

- Grades 3-8 English language arts (ELA)
- Grades 3-8 Mathematics
- High School ELA
- High School Mathematics
- Grades 4 and 8 Science
- Four and Five Year Cohort Graduation Rates

Under the ESEA waiver, the Department recommends that New York continue to use these same measures, although in somewhat different ways, to hold schools and districts accountable for results. Over time, as new assessments are developed and the build out of the longitudinal data system allows for the collection of more complete information on certain measures of student achievement, the Department recommends that the Regents consider including additional indicators in its accountability system. In particular, the Department has a strong interest in aligning school and district growth measures with those used to evaluate principals and teachers. Commissioner's Regulations 100.2(o) require that as value added growth models are approved for existing or new State assessments, including Regents examinations, that they be used for principal evaluation and, therefore, these should also be adapted for use for institutional evaluation.

The Department expects that in the near future, subject to the availability of funds, new assessments in ELA in grades 9 and 10 will be administered and that the results of these should be incorporated into the accountability system. In addition, as the State's longitudinal data system begins to capture new data elements or captures existing data elements more fully at the individual student level, there will be opportunities for the Regents to consider including in the accountability system such measures as: college retention and credit accumulation; performance on Advanced Placement (AP), International Baccalaureate (IB), SAT and American College Testing

(ACT) and other measures of college readiness; Career and Technical Education (CTE) program completion and industry certification; and high school course credit earned in middle school and college credit earned in high school.

Q2. What standards of individual performance represent college- and career- readiness on these assessments and academic measures?

Department staff recommends, for purposes of the ESEA flexibility waiver, the Regents designate proficiency in Grades 3 through 8 ELA and mathematics and Grades 4 and 8 Science as representing students being on track for college- and career- readiness. The ELA and mathematics proficiency standards (i.e., Level 3) were established by the Regents in July 2010 and are based on a review of research that analyzed how the grades 3 through 8 state tests relate to the National Assessment of Educational Progress (NAEP) exam; how the State's eighth grade mathematics and ELA tests relate to the Regents exams; how performance on the Regents exams relates to SAT scores; and how performance on the Regents exams relates to first-year performance in college.

Department staff recommend that at the high school level, college- and career- readiness be aligned to the "on track to college- and career-readiness" standards by which districts are being measured in their Race to the Top Scopes of Work: a score of 75 on the Regents Comprehensive Examination in English and a score of 80 on a Regents Examination in Mathematics. These aspirational standards were adopted by the Board of Regents at their May 2011 meeting and the performance of schools and districts in relation to them will appear on the 2010-11 school year report cards.

As current assessments are revised and rescaled, new assessments are implemented, and additional information becomes available through the creation of value-added growth models and the expansion of the Department's longitudinal data system, the Department recommends that the Regents review these standards and recalibrate them as appropriate. In particular, additional data that will be collected from SUNY and CUNY on how well graduates from individual schools and districts perform at their institutions will be helpful in informing the process of reviewing college- and career- ready standards.

Q3. What are the goals (Annual Measurable Objectives) for schools and districts in terms of the assessments and academic measures?

The Department recommends that New York's Annual Measurable Objectives (AMOs) be set in annual equal increments toward a goal of reducing by half the percentage of students in the "all students" group and in each subgroup who are not proficient within six years (Option A under

the ESEA flexibility waiver). The Department recommends that New York use English language arts, Mathematics, and Science assessments administered in the 2010–11 school year as the starting point for setting its AMOs. (Note: Because New York uses a Performance Index¹ that gives partial credit to students who perform at Level 2, the AMOs will be expressed in terms of closing by half the gap between a group’s 2010-11 school year performance and the goal of a performance index of 200, which represents all students being proficient or on track towards proficiency.)

In June 2011, in response to new Federal requirements, the Board of Regents established that New York’s graduation goal for determining AYP for schools and LEAs would be that 80 percent of students graduate within five years of first entry into grade nine. For Graduation Rate, the goal for the period of the waiver will remain that 80 percent of students achieve a local or Regents diploma within five years of first entry into Grade 9. Over time, the Department recommends instituting a graduation performance index that combines the percentage of students achieving a Regents diploma and the percentage of students achieving a Regents diploma with advanced designation.

Q4. How will schools and districts be categorized along a continuum of accountability?

At present, schools are categorized as either in Good Standing, Improvement, Corrective Action, or Restructuring based upon whether they achieve Adequate Yearly Progress (AYP) on state assessments. Schools that fail to make AYP for two consecutive years in the same measure lose their Good Standing status in that measure. Schools not in Good Standing must make AYP for two consecutive years in the measure to regain their Good Standing status in the measure. Districts are similarly identified as in Good Standing, Improvement or Corrective Action based on their history of making AYP.

In addition, schools and districts that are in Good Standing may be further designated as High Performing or Rapidly Improving and schools that are not in Good Standing may be placed under registration review if they have been identified for or otherwise meet the conditions to be identified as Persistently Lowest Achieving (PLA) schools.

¹ A Performance Index is a value from 0 to 200 that is assigned to an accountability group, indicating how that group performed on a required State test (or approved alternative) in English language arts, mathematics, or science. Student scores on the tests are converted to four performance levels, from Level 1 to Level 4. A score of 0 on the Performance Index means all students are at Level 1; a score of 200 means all students perform at Levels 3 or 4.

At the elementary/middle level, the PI is calculated using the following equation:
 $100 \times \frac{(\text{Count of Continuously Enrolled Tested Students Performing at Levels 2, 3, and 4} + \text{the Count at Levels 3 and 4})}{\text{Count of All Continuously Enrolled Tested Students}}$

At the secondary level, the PI is calculated using the following equation:
 $100 \times \frac{(\text{Count of Cohort Members Performing at Levels 2, 3, and 4} + \text{the Count at Levels 3 and 4})}{\text{Count of All Cohort Members}}$

Under the ESEA waiver, the Department recommends that New York identify, reward, and provide interventions, incentives and supports to Reward Schools, Priority Schools, and Focus Districts and Schools. Using a methodology that rank orders schools by a mathematical formula to be prescribed the Commissioner, a Focus District will be required in turn to identify the schools upon which it will focus its support and intervention efforts. Each Priority School may be further identified as a School Under Registration Review (SURR).

In addition, districts will be required to prepare Local Assistance Plans to support schools within the district that show a persistent pattern of failing to make AYP with a particular student population or which have large gaps in student achievement between one or more student subgroups but which are not designated Priority or Focus Schools. The plans must be posted to the district's website.

Q5. How will Adequate Yearly Progress (AYP) be determined and what will its role be?

AYP will be determined in a similar manner as currently required under NCLB, with a focus on the academic achievement of the current NCLB subgroups. As in the past, in order to make AYP, schools will continue to be required to achieve their AMO or make Safe Harbor, and demonstrate the required participation rate on state assessments for each disaggregated group on each measure for which the school is accountable.

Under the ESEA waiver, the Department proposes that while AYP results continue to be reported for all accountability groups at the school and district level, the use of AYP be limited to being one of the indicators in determining Reward Schools and in determining whether specific schools that do not fall into the Focus or Priority groups must complete a Local Assistance Plan.

The Department is currently studying an alternate methodology for computing Safe Harbor. Currently, Safe Harbor requires that schools or districts close the gap in performance for a particular accountability group by a fixed amount of ten percent. The Department is modeling the implications of benchmarking the gap reduction amount against the performance of those schools in the state that have been able to show the most progress in closing achievement gaps. In January, the Department will recommend whether to include such an alternative Safe Harbor methodology in New York's application waiver.

The Department also recommends that New York seek to revise the Safe Harbor methodology so as to eliminate the requirement that in order to

make Safe Harbor in ELA or mathematics a subgroup must also make AYP on the third academic indicator (i.e., Grades 4 and 8 science or graduation rate, depending on the grade configuration of the school).

Q6. What will be the role of growth measures?

Currently, student growth is not used to determine school and district classifications.

Under the ESEA Waiver, the Department proposes that growth be incorporated into NY State's Accountability system in two ways. First, for Grades 4 and 8 in ELA and mathematics, schools and districts will be given credit in the computation of their Performance Index for each student who is on track towards meeting proficiency based on the student's academic growth between administrations of State assessments. Students who are on track to achieve proficiency by eighth grade or within three or four years (the Department is currently modeling both options), whichever comes first, will be included in the Performance Index in the same way as a student who is proficient. In other words, schools and districts will get "full credit" for any student who is proficient or is on track to become proficient within a prescribed time period. When reporting these results, the Department will provide information on both the percent of students achieving Levels 1 through 4 on these assessments as well as the percent of students at Levels 1 and 2 who are on track to become proficient.

Second, New York will use a normative growth measure as part of the process of determining the identification of schools and districts for Reward, Focus, and Priority status. If schools or districts that would otherwise be given Priority or Focus designation demonstrate median Student Growth Percentiles of at least 50 percent in both ELA and mathematics for two consecutive years they will not be so designated. Conversely, schools that otherwise would be categorized as Reward Schools but that fail to demonstrate median Student Growth Percentiles of at least 50 percent in both ELA and mathematics for two consecutive years will not be so designated.

Q7. How will Priority Schools be identified and what happens when a school is so identified?

The ESEA flexibility waiver requires that at least five percent of the Title I schools in the state be so identified.

The Department proposes that schools be identified as Priority Schools in the following order:

- First, schools that are implementing a School Improvement Grant or were identified as PLA in the 2011-12 school year will be identified.

- Second, high schools that have had graduation rates below 60 percent for three consecutive years that have not increased their graduation rate by a specified percent or do not have extenuating or extraordinary circumstances will be identified.
- Third, schools that had previously been identified for improvement, corrective action or restructuring that have the lowest combined Performance Index in ELA and mathematics and whose median Student Growth Percentile in ELA and mathematics is not above the 50th percentile in the past two years for elementary and middle schools, or whose Performance Index in ELA and mathematics has not shown specified increases for high schools, will be identified if they do not have extenuating or extraordinary circumstances.

Note: Schools will be identified regardless of their Title I status. At least five percent of the public schools in the State will be identified as Priority Schools.

Priority Schools will have to meet certain requirements:

Schools that are fully and completely implementing a School Improvement Grant (SIG) will be deemed to be meeting the requirements for a Priority School.

Districts may submit 1003(g) SIG applications for each Priority School that has been identified as PLA in the 2011-12 school year. These SIG applications must propose how the school will:

- meet the requirements of one of the four federal models (turnaround, restart, closure, or transformation), consistent with the action that the Board of Regents took in June 2010 to amend Commissioner's Regulations 100.2(p) to consolidate the processes for identifying PLA schools and Schools Under Registration Review (SURR);
- implement a whole school reform model (e.g., Full Service, College Pathways, Industry Partnership); and
- work in collaboration with partner organizations to implement the proposed plan. The SIG applications that these schools will complete will be modeled on the Department's competitive School Innovation Fund² grant program.

Priority Schools that are not implementing one of the four SIG intervention models will be required to implement a whole school reform model that addresses all of the Turnaround Principles outlined in the USDE waiver.

² The School Innovation Fund was approved in December 2009 by the Board of Regents as part of New York State's Race to the Top (RTTT) initiative.

Schools that are identified as Priority, but fail to receive SIG funding, may be identified as SURR. In order to meet the requirements of Commissioner's Regulation 100.2(p), these schools will be required to implement a whole school reform model in collaboration with partner organizations. These schools must implement a whole school reform model that includes all of the Turnaround Principles and will not receive SIG funding. Instead districts will have to use funds from their Title I fund set-aside or other funding sources to implement the reform model.

Districts with large numbers of Priority Schools may find it beyond their capacity to implement a SIG intervention or whole school reform model in all identified schools beginning in the 2012-13 school year. Therefore, districts with Priority Schools must implement a SIG intervention model or begin implementing elements of a whole school reform model in a minimum of 50 percent of these schools beginning in the 2012-13 school year. An additional 25 percent of the remaining schools must begin implementation in the 2013-14 school year and the remaining 25 percent of schools must begin implementation in the 2014-15 school year. Priority Schools must follow the requirements for Focus Schools until such time as they begin implementing a whole school reform model.

Barring a significant increase in Federal School Improvement Grant 1003(g) funding, the Department will identify these Priority Schools only once during the three year waiver period. This identification will occur in the 2011-12 school year. Schools may be removed from Priority status if they meet performance targets established by the Commissioner. However, once a school begins implementing an intervention or whole school reform model, it must complete implementation of the model, even after removal from Priority designation. Schools that are removed from Priority status before they begin implementation of a model will not be required to implement the model.

Q8. How will Focus Schools be identified and what happens when a school is so identified?

The Department recommends that Focus Schools be identified in a two stage process under which the Commissioner would first identify the districts with the lowest performing subgroups as Focus Districts and the districts in turn would, with the Commissioner's approval, identify Focus Schools within the district.

The Department recommends that a district be identified as a Focus District³, if any of its student subgroups have a combined ELA and

The Department is currently modeling whether the New York City Department of Education should be required to identify Focus Schools based on citywide metrics, community school district metrics, or some combination of the two. In determining, the lowest performing ten percent of districts to be identified as Focus Districts, the Department recommends that school districts and charter schools be ranked separately.

mathematics Performance Index that places the subgroup among the lowest ten percent in the State for racial/ethnic subgroups, low-income students, students with disabilities, or English language learners. A district will not be identified for that subgroup's performance if that subgroup has a graduation rate above the State average on the four year graduation cohort and the group's median Student Growth Percentile in ELA and mathematics has been above the 50th percentile in the past two years for that group.

When a district is identified as a Focus District, all of the schools in the district are preliminarily identified as Focus Schools. A district may choose to either provide support to all of its schools to address the performance of subgroup(s) on the accountability measure(s) that caused the district to be identified or the District may choose to identify as Focus Schools at least a minimum number of its schools, as specified by the Commissioner. If the district chooses the latter option, the district must rank order its schools by either the number or percent of students who are not proficient in ELA or mathematics in the subgroup(s) that caused the district to be identified and then use that rank ordered list to identify the minimum required number of Focus Schools. If a district believes there are extraordinary circumstances why a school should not be identified as a Focus School, the district may seek permission from the Commissioner to identify a school with higher subgroup performance than the school with special circumstances.

The number of schools that a Focus District must identify will be based upon the number of students enrolled in the district who are members of subgroups whose results caused the district to be identified and the performance of these subgroups on ELA and mathematics assessments. The intent of the process is that a minimum of ten percent of the schools in the state will be identified by their districts as Focus Schools.

Focus Districts will be required to develop a plan to address the performance of subgroups on the accountability measures for which the district has been identified in those schools that have been designated as Focus Schools. The plan must be based upon the recommendations contained in the diagnostic review conducted by the Joint Intervention Team (JIT).

Depending on the percentage of students enrolled in the district that are members of the subgroup(s) whose results caused the district to be identified, a Focus District will be required to spend an amount equal to between five and fifteen percent of its Title I, Basic grant; Title II A grant; and Title III grant, if the district is identified for English language learners, to support implementation of the Regents' Reform Agenda in Focus Schools. This set-aside may be met through selecting from an approved

list of programs and services promulgated by the Commissioner that will be based upon the list of allowable activities in the RTTT Scope of Work. In some cases, the Commissioner may require that districts select these programs and services from a Department approved list of providers.

Focus Districts will be identified once during the grant waiver period. Districts may be removed from Focus status if they meet criteria established by the Commissioner. A Focus District may, with the Commissioner's approval, change annually the schools within the districts that are designated as Focus Schools.

Q9. How will Reward Schools be identified and what happens when a school is so identified?

Currently, New York identifies a school as high performing if the “all students” group achieves all applicable State standards, and the school makes AYP on applicable performance measures. A school can be identified as rapidly improving if the school makes AYP on applicable performance measures and the school demonstrates a specified amount of improvement.

The Department recommends that the process for identification of Reward Schools be made significantly more rigorous and that the consequences for identification as a Reward School be made more meaningful.

At the elementary and middle level, the Department recommends that a school will be designated highest performing if all of the following conditions are met:

- The school's combined ELA and mathematics Performance Index places it among the top ten percent in the State.
- The school has made AYP with all groups and all measures for which it is accountable.
- The school's student growth percentile for the past two years in ELA and mathematics equals or exceeds fifty percent.
- The school's student growth percentile for ELA and mathematics in the most recent year for its bottom quartile of students equals or exceeds fifty percent.
- The gap in performance between the members of the lowest performing subgroup(s) in a school and students who are not members of that subgroup is less than an amount specified by the Commissioner.

At the high school level, a school will be considered highest performing if all of the following conditions are met:

- The school's combined ELA and mathematics Performance Index places it among the top ten percent in the State.
- The school has made AYP with all groups on all measures for which it is accountable.
- The percentage of students who graduated with a Regents diploma equals or exceeds 80 percent and the percentage of students who have graduated with a Regents diploma with advanced designation exceeds the State average.
- The percentage of the students who scored Level 1 or Level 2 on an ELA or mathematics exam in Grade 8 who subsequently graduated within four years of first entry in Grade 9 equaled or exceeded the State average for these students.
- The gap in performance between the members of the lowest performing subgroup(s) in a school and students who are not members of that subgroup is less than an amount specified by the Commissioner.

At the elementary and middle level, a school will be considered a high progress school, if at the elementary and middle level if all of the following conditions are met:

- The school's combined ELA and mathematics Performance Index places it among the top ten percent in the State in terms of gains between the most recent assessment data and the data from three year's previously.
- The school has made AYP with all groups and all measures for which it is held accountable.
- The school's student growth percentile for the past two years in ELA and mathematics equals or exceeds fifty percent.
- The school's student growth percentile for ELA and mathematics in the most recent year for its bottom quartile of students equals or exceeds fifty percent.
- The gap in performance between the members of the lowest performing subgroup(s) in a school and students who are not members of that subgroup is less than an amount specified by the Commissioner.

At the high school level, a school will be considered high progress if all of the following conditions are met:

- The school's combined ELA and mathematics Performance Index places it among the top ten percent in the State in terms of gains between the most recent assessment data and the data from three year's previously.
- The school has made AYP with all groups for which it is accountable.

- The percentage of students who graduated with a Regents diploma equals or exceeds 60 percent and the percentage of students who have graduated with a Regents diploma with advanced designation exceeds the State average.
- The percentage of the students who scored Level 1 or Level 2 on an ELA or mathematics exam in Grade 8 who subsequently graduated within four years of first entry in Grade 9 equaled or exceeded the State average for these students.
- The gap in performance between the members of the lowest performing subgroups in a school and students who are members of that subgroup is less than that specified by the Commissioner.

Reward Schools will be identified annually and be publicly recognized with a press release and a posting of the list to the Department's website. Reward Schools will be eligible to compete for a Commissioner's Schools Dissemination Grant of up to \$100,000, which is currently funded through the RTTT initiative. The Department will discuss with the Division of the Budget whether including the number/percentage of schools designated as Reward Schools could be a factor in determining which districts receive School District Performance Improvement Award Grants beginning in the 2012-13 school year. The Department, after consultation with representatives of high performing and rapidly improving schools, will recommend to the Regents a process by which Reward Schools may seek expedited variances from certain provisions of Commissioner's Regulations.

Q10. What diagnostic reviews will be conducted in identified schools and districts?

Currently, in identified schools and districts, New York conducts a School Quality Review (SQR), Joint Intervention Team (JIT) or an External School Curriculum Audit (ESCA) site visit, based on the accountability status of a school. Each type of visit requires a different review protocol with a separate corresponding diagnostic tool.

The Department recommends that a single diagnostic tool closely aligned to implementation of the key components of the Regents' Reform Agenda, be developed for use in all identified schools. The single diagnostic tool will allow for focus-driven visits, repeated to see if benchmarks are achieved. Joint Intervention Teams and Department staff will make visits to Priority Schools using the diagnostic tool. For a Focus District, the diagnostic will be used in a sample of schools. In districts that are required to develop a Local Assistance Plan for specified schools, the district will be expected to use the diagnostic tool or an approved alternative to inform development of its plans. The intent is that Department staff and/or designated representatives will make regular visits using the single diagnostic tool to determine the progress that

schools and districts are making in implementing their plans and improving educational results. A key purpose of the diagnostic is to measure the degree to which there is a strong delivery chain from the State to the district to the school leadership to support the implementation of the key elements of the Regents' Reform Agenda in the classroom (i.e., CCSS implementation, data-driven instruction/inquiry, and evidence-based observation).

Q11. What plans will be required in identified schools and districts?

The Department recommends that schools and districts be required to develop the following plans:

- Priority Schools will be required to develop a plan that either implements one of the four Federal SIG intervention models as part of a whole school reform model and in cooperation with partner organizations; or that implements the entire ESEA waiver Turnaround Principles as part of a whole school reform model and in collaboration with partner organizations. The plan must be approved by the board of education and posted to the district's website.
- A district with one or more Focus Schools must develop a District Improvement Plan for these schools. This plan must be informed by the recommendations of the School Quality Review or Joint Intervention Team visit and must identify the programs and services that will be provided to schools from the list promulgated by the Commissioner. School leadership, staff, parents, and students, if appropriate, must have a meaningful opportunity to participate in the development of the plan and comment upon it before it is approved. The plan must be approved by the school board of the district and posted to the district's website. A Focus District will incorporate into its plan the actions it will take with any school that requires a Local Assistance Plan.
- A district that does not have any Priority or Focus Schools, but instead has schools that have persistently failed to make AYP with a one or more subgroup(s) on an accountability measure or which have large gaps in student achievement among subgroups will be required to develop a Local Assistance Plan for these schools. The Local Assistance Plan shall specify:
 - The process, by which the plan was developed and how school leadership, staff, parents, and students, if appropriate, were given meaningful opportunities to participate in the development of the plan.

- The diagnostic tool that was used to assess the needs of the school and the results of the diagnostic.
- The additional resources and professional development that will be provided to Focus Schools to support implementation of the plan.
- The timeline for implementation of the plan.
- The plan must be approved by the Board of Education of the district and posted to the district's website.

Q12. Will districts still be required to offer public school choice?

The Department recommends that districts continue to be required to offer public school choice for students attending either Priority or Focus Schools. The Department recommends that the Regents consider advancing legislation to expand choice options to include BOCES programs.

Q13. Will districts still be required to offer supplemental educational services (SES)?

The Department recommends that districts not be required to offer SES or set aside a portion of their Title I allocation to pay for SES. However, districts can choose to offer SES and pay for the services using Title I funds.

In order to support districts that choose to continue to provide SES, the Department will require all state-approved SES providers to reapply for state approval. As part of the new application, the Department will evaluate whether the SES providers' programs are aligned with the common core standards. Districts that wish to offer SES will be allowed to determine the providers that parents in their district may select.

Q14. Will there be any changes to the current set-aside requirements under ESEA?

Under the current system, districts are required to set aside a percentage of their Title I allocation for SES and Public School Choice (20 percent); professional development at identified schools (10 percent); and for parent involvement activities (1 percent).

Under the ESEA waiver, the Department recommends these set-asides be eliminated and replaced by three new set-asides:

- Districts will be required to set aside between 5 percent and 15 percent of their total Title I; Title IIA; and Title III allocations, if identified for the performance of their English language learners,

- Districts will be required to set aside up to 2 percent of their total Title I allocation, based on student enrollment in Priority and Focus Schools, for parent involvement and engagement activities. The plans for this set-aside must be made in collaboration with district parent organization leadership.

The Department recommends that should USDE provide flexibility to any states that have submitted applications in November to implement a state level set-aside, that the Regents consider authorizing the Department to withhold up to 2 percent of a Focus District's total Title I allocation in order to fund state-level technical assistance support for Focus Districts and Priority Schools (e.g., expansion of professional development to implement Positive Behavior Interventions and Supports). These funds are in addition to the administrative funds New York State receives as part of the state's total Title I allocation from the USDE.

Q15. How will the Schools Under Registration Review (SURR) Program and other provisions of the enhanced accountability system that are required by Education Law §211-b be affected by the ESEA waiver?

Currently, Education Law §211-b requires the assignment of School Quality Review and Joint Intervention Teams to schools in accountability status and the expansion of the Schools Under Registration Review process. The law also requires that District Improvement Plans be created under certain conditions and gives the Commissioner the authority in certain circumstances to appoint a Distinguished Educator to certain schools and districts.

Because, under the ESEA waiver, schools and districts will no longer be identified using the specific categories of improvement, corrective action, or restructuring, the Department proposes the following system to ensure compliance with Education Law under the ESEA waiver:

- Schools Under Registration Review will be a subset of Priority Schools; School Quality Review Teams will be assigned to Focus Districts; and Joint Intervention Teams will conduct visits to Priority Schools using the new diagnostic tool.
- Districts that have Focus Schools will submit a District Improvement Plan that proposes a district-based approach to supporting these schools.
- As appropriate, the Commissioner will assign Distinguished Educators to support Focus Districts or Priority Schools.

Q16. Should New York apply for the optional waiver that would permit learning centers to receive funds under the 21st Century Community Learning Centers to use funds to support expanded learning time during the school day in addition to activities during non-school hours or periods when school is not in session?

The Department recommends that New York apply for this optional waiver and incorporate it into the next grant round for this program. The Request For Proposal developed for this next grant round should be informed by legislation under consideration by the United States Senate as part of reauthorization of ESEA that calls for comprehensive school redesign. The Request For Proposal will allow additional hours of learning time as well as additional collaborative planning time and professional development for teachers and community partners who provide expanded learning in core academic subjects for 21st Century Community Learning Center program recipients.

Q17. What other changes will occur as a result of implementation of the ESEA waiver?

The Department recommends that these other changes be incorporated into New York's waiver application:

- When a district has fewer than 30 students in an accountability group, the Department should combine together results for the past two years in order to hold more districts accountable for subgroup performance.
- The Department should explore as part of the Focus District identification process creating additional accountability groups by further subdividing the current NCLB accountability groups. For example, the Department might recommend further disaggregation in reporting of students with disabilities, English language learners, gender by racial/ethnic group, and performance by prior proficiency level.

Attachment B: Continued Development of a Next Generation Accountability System

As the Department moves forward in its work of revising existing assessments and creating new ones, expanding the State's data infrastructure, and implementing new systems of teacher and principal evaluation that incorporate growth and valued-added models, the Department recommends that the Regents consider at appropriate points in the future:

- Incorporating into the accountability system measures of college-going and college credit accumulation rates once more complete data at the individual student level becomes available.
- Incorporating into the accountability system additional measures such as Advanced Placement (AP), International Baccalaureate (IB), Career and Technical Education (CTE) industry certification, SAT and American College Testing (ACT) results, high school credit accumulation in middle school and college course credit in high school once more complete data at the individual student level becomes available. As a number of states have done, the Regents should consider seeking legislation that would provide state support so as to reduce barriers to AP/IB access and student participation in PSAT, ACT, and SAT examinations.
- Aligning institutional accountability measures with the build out of the principal evaluation system, pursuant to Education Law 3012c. Beginning in the 2011-12 school year, the growth scores for principal evaluation will be based on state tests for Grades 4 through 8 English language arts (ELA) and mathematics, and for high schools, beginning in the 2012-13 school year, a measure of student growth. Staff are currently working with the American Institute of Research to explore the feasibility of measures based on current Regents tests and Grade 8 science exams. As the state adds ELA tests in grades 9 and 10 to supplement the current Comprehensive Regents Examination in English, these assessment results should be incorporated into both New York's institutional and individual accountability systems. In addition, when funding becomes available, the Department will add Grades 6 through 8 social studies and Grades 6 and 7 science assessments that can also be considered as measures of institutional and individual accountability.
- Reporting on the performance of additional disaggregated groups at the school and district level in addition to those required currently under the No Child Left Behind Act (NCLB) and considering their use for accountability purposes. This might include further disaggregation in reporting of students with disabilities, English language learners, racial/ethnic groups disaggregated by gender, and disaggregated groups based on prior levels of proficiency.
- Implementing a Potential Report of Outcomes Protocol (PROP), which reports the results of the proposed new measures prior to their becoming a part of the Accountability Report. This should be done in coordination with the creation of an Early Warning System. This system will also provide schools and

- Continuing to seek legislation that will permit the Board of Regents and the Department to put chronically underperforming school districts with school board governance issues into three levels of Academic and/or Fiscal Restructuring Status, with tools and supports to help them get on track and remove them from oversight.
- Seeking legislation that would provide the Board of Regents and the Department with more explicit authority to take bold, dramatic action to protect the educational welfare of children when a school's chronic failure causes the Regents to revoke the registration of a school. After reviewing the effectiveness of strategies being employed by other states, the Regents may wish to consider including provisions that would give the Board of Regents greater authority to compel school districts to take such actions as entering into contracts with educational partner organizations (EPO), converting schools to charter schools, paying tuition for students to attend schools in other districts, requiring school staff to reapply to work in a school, temporary placement of a school in a Board of Regents Recovery Zone, etc.
- Advocating for ESEA reauthorization that incorporates the Regents' guiding principles for a next generation accountability system.