



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: January 5, 2012
AUTHORIZATION(S):

SUMMARY

Issue for Decision

Should Department staff issue for public comment a draft ESEA Waiver Application based upon the materials provided to the Board of Regents at its November 2011, December 2011 and January 2012 meetings?

Proposed Handling

This item will come before the P-12 Education Committee for discussion at its January 2012 meeting.

Background Information

In September 2011, President Obama announced an ESEA regulatory flexibility initiative, based upon the Secretary of Education's authority to issue waivers. The flexibility is intended to reward states that are "showing the courage" to raise expectations in their academic standards. This opportunity for flexibility is not a pass on accountability. In fact, many components of the ESEA will remain in place and are not subject to this waiver; such as, the core requirements for assessment, accountability and supports for schools and districts.

In October 2011, the Board of Regents directed the Commissioner to submit an Elementary and Secondary Education Act (ESEA) Flexibility Request to the United States Department of Education (USDE) in the second round of submissions in mid-February 2012 and designated five members of the Board to help lead the work of the

School and District Accountability Think Tank (“Think Tank”). The Think Tank was formed to allow key stakeholders the opportunity to consult with staff on how to build upon best practices that exist within the current accountability system in a way that better supports the efforts of schools and districts, to ensure that all students graduate high school, college- and career-ready. In November 2011, the Board of the Regents approved the Guiding Principles to be used to develop New York’s Elementary and Secondary Education Act (ESEA) Flexibility Request. Those principles are:

1. *Accountability Based on College and Career Standards:* New York State shall have a single, statewide accountability system that ensures all school districts and public schools are making acceptable progress towards having all students achieve college and career ready standards adopted by the Board of Regents, and assessed by multiple measures.
2. *Measures Aligned to the Common Core:* At minimum, accountability should be based on a broad set of measures aligned to the Common Core standards, including proficiency and growth in English language arts, mathematics, and graduation rates.
3. *Use of Both Student Achievement and Growth:* Both value-added student growth and proficiency should be used to measure teacher, principal, school, and district performance. The performance of schools and districts should be assessed annually, based on data from both current and prior school years.
4. *Fair, Accurate and Meaningful Data:* The accountability system shall be fair and accurate and shall report data in a way that is clear and meaningful to educators, parents, and the public. Data reported should include the performance of disaggregated groups of students, which should be used in making accountability determinations.
5. *Identification of High and Low-Performing Schools:* The State accountability system shall identify, in addition to focus and priority schools, other schools in need of improvement as well as schools that are highest performing and high progress. The system shall minimize opportunities for schools and districts to improve their performance on accountability measures through means other than improving student performance.
6. *Effective Interventions and Supports:* Interventions and supports should enable substantial positive change, including dramatic changes in teaching and learning and school culture in the lowest performing schools. SED should share accountability for the results of the interventions. As part of a tiered system, supports and interventions should add value to all schools in their continuous improvement efforts while concentrating upon the lowest performing schools and districts. Support to the lowest performers should include in-depth diagnostic reviews that assist schools to implement the key components of the Regents Reform agenda. Successful schools shall be rewarded with greater flexibility.
7. *Timely, accessible and actionable reporting:* Data should be reported in a manner that is timely, accessible, and actionable. Students, families, educators, principals, policymakers, and the public should be provided information that can be used to identify and replicate best practices, recognize and correct deficiencies, and continuously improve performance.

8. *Addressing Unique Circumstances:* The accountability system shall set standards of accountability that recognize on a case by case basis, consistent with provisions of ESEA, the special circumstances of students, schools, and districts.
9. *Alignment of Accountability Across Levels:* All aspects of the accountability system should be aligned across levels—from student, to school staff and principal, to district accountability, including the superintendent and school board. SED should develop an accountability system that is easy for all to understand and provides a simple, accurate explanation of the status of student learning in New York State.
10. *Single Unified System:* State aid, comprehensive planning, monitoring, and accountability should all be synergistic elements of a single unified system designed to ensure that all students can achieve college and career ready standards.

In December 2011, the Regents were presented with specific changes to New York's current accountability system which were based on the *Guiding Principles* and which, if approved, would be incorporated into the ESEA Flexibility Request. Those changes include:

1. Revising 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.
2. Holding schools and districts accountable for high school performance in ELA and mathematics using standards that are better aligned to college- and career-readiness.
3. Discontinuing 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.
4. Identifying 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.
5. Discontinuing 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.
6. Using 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.

7. Creating 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.
8. Reframing 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.

This month, Department staff seeks approval to issue a draft of New York's ESEA Waiver Flexibility Request, so that a period of formal public comment may be opened from approximately January 17 through January 27, 2012. At the February 13-14, 2012 meeting of the Board, Department staff will present the final draft of the ESEA Waiver Flexibility Request for approval to submit to the USDE. In addition to a formal solicitation of public comment, Department staff will hold a Webinar to explain the waiver proposal to the field and meet with key stakeholder groups. At the February meeting, staff will provide the Board of Regents with a summary of public comments and any suggested revisions to the application based on those comments.

Attached is a document that summarizes the key differences between New York's current accountability system and the one for which approval would be sought under the ESEA Waiver Flexibility. While this summary closely adheres to the document provided to the Regents in December 2011, it does contain the following changes:

- Reference to withholding up to two percent of Title I, IIA, and Title III allocations to districts with Priority or Focus Schools to support statewide activities to implement the Regents' Reform Agenda in these schools has been removed based on clarification from the United States Department of Education that the Secretary does not have the authority to grant this request under the waiver.
- The threshold for removing schools and districts from consideration for Focus designation has been revised to make clear that the Student Growth Percentile must exceed the statewide median for that group, not the 50th percentile for the "all students" group.
- The Department recommends that the growth to proficiency trajectory be three years rather than four. In the December 2011 Regents item, the Department had indicated it was considering both a three year and four year trajectory.
- The Department recommends that for determination of Focus District designation New York City be analyzed based on community school district performance. In the December 2011 Regents item, the Department had indicated it was considering treating New York City as a single district, as community school districts, or some combination.

- The Department recommends that the gap reduction computation for Safe Harbor remain a ten percent closure target. In the December 2011 Regents item, the Department had indicated it was considering establishing Safe Harbor gap reductions targets that would be based upon the performance of those schools in the state showing the most improvement.
- The Department recommends that for transfer high schools that may be considered for Priority designation, New York will compare the combined performance indexes generated through use of the regular and transfer high school cohort definitions. New York will use the higher of the combined Performance Indexes to make a determination regarding Priority designation. Any high school that submits documentation that its 2007 high school graduation rate will be above 60% and any transfer high school that has five year or six year graduation rate above 60% will not be identified.

Recommendation

The Board of Regents directs the Commissioner of Education and the State Education Department to issue for public comment a draft ESEA Waiver Application based upon the materials provided to the Board of Regents at its November 2011, December 2011 and January 2012 meetings.

Timetable for Implementation

With the approval of the Regents, staff will release the January 2012 draft for public comment from approximately January 17 through January 27, 2012, engage in additional stakeholder consultation as described in this item and submit a final draft waiver application for action by the Regents in February 2012.

Attachments

Attachment A: Key Proposed Changes to New York’s Differentiated Accountability System

Category	The Current System	New System After the ESEA Wavier Flexibility Request Approval
<p>1. Assessments and Other Academic Measures</p>	<p>New York (NY) uses the following assessments and measures to hold schools and districts accountable for student results:</p> <ul style="list-style-type: none"> • 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 	<p>New York will continue to use these same measures, although in somewhat different ways (e.g. introducing student growth measures), to hold schools and districts accountable for results.</p> <p>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 Regents may wish to consider including additional indicators that could include:</p> <ul style="list-style-type: none"> • Value added growth models [as required by the Commissioner’s Regulations 100.2(o)] when approved for existing or new State assessments. • New assessments in ELA in grades 9 and 10 and new middle level assessments in science and social studies (subject to fund availability). • New data elements or existing data elements, including: such measures as: <ul style="list-style-type: none"> ○ college retention and credit accumulation ○ performance on Advanced Placement (AP) ○ International Baccalaureate (IB) ○ SAT and American College Testing (ACT) ○ 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.

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<p>2. Definition of Proficiency for Purposes of Determining Adequate Yearly Progress in English Language Arts, Mathematics, and Science</p>	<p>For Grades 3-8 ELA and math: the proficiency standards established by the Regents in July 2010. These standards were 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 and 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.</p> <p>For Grades 4 and 8 Science Exams: Level 3, passage of a Regents exam in Science or score of Level 3 on the NYSAA (for students with severe disabilities).</p> <p>For High School ELA: Score of 65 on the Comprehensive Regents Examination in English, a designated score on an approved alternative to the Regents, or a score of Level 3 on the NYSAA (for students with severe disabilities).</p> <p>For High School Math: Score of 65 on a Regents examination in math, a designated score on an approved alternative to the Regents, or a score of Level 3 on the NYSAA (for students with severe disabilities).</p>	<p>Same</p> <p>Same</p> <p>The definition of proficiency for purposes of determining Adequate Yearly Progress will be:</p> <ul style="list-style-type: none"> • The score of 75 on the Comprehensive Regents Examination in English, a designated score on an approved alternative to the Regents, or a score of Level 3 on the NYSAA (for students with severe disabilities). • The score of 80 on a Regents examination in math, a designated score on an approved alternative to the Regents, or a score of Level 3 on the NYSAA (for students with severe disabilities). <p>In addition, the Department is working with USDE to determine if "partial" credit can be awarded to districts for students who score between 55 and 64 on Regents examinations in ELA or math or who pass Regents Competency Exams in Reading and Writing or math.</p>
<p>3. The Goals for Schools and Districts in Terms of the Assessments and Academic Measures (Annual Measurable Objectives)</p>	<p>Annual Measurable Objectives (AMO) have been established such that for Grades 3-8 ELA, Grades 3-8 math, High School ELA and High School Math, the AMO increases annually in equal increments until they reach in 2013-14 a Performance Index of 200, which requires 100 percent of students to be proficient.</p> <p>The same AMOs apply to the all student group and each subgroup.</p>	<p>The baseline for 2010-11 school year performance for grades 3-8 ELA and math will be reset to reflect the incorporation of student growth into the Performance Index.</p> <p>The baseline for 2010-11 school year performance for high school ELA and math will be reset to reflect the use of the higher aspirational goals on Regents examinations as the cut scores for proficiency.</p>

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	<p>For grades 4 and 8 science the AMO is fixed at a Performance Index of 100.</p> <p>For Graduation Rate, the goal is 80 percent of students achieve a local or Regents diploma within five years of first entry into Grade 9.</p>	<p>Once the revised baselines are calculated for grades 3-8 and high school ELA and math, New York will increase Annual Measurable Objectives (AMOs) for these measures and grades 4 and 8 Science in annual equal increments toward the goal of reducing by half, within six years, the gap between the Performance Index for the "all students" group and each subgroup in 2010-11 and a Performance Index of 200.</p> <p>Same.</p>
<p>4. The Categorization of Schools and Districts Along a Continuum of Accountability</p>	<p>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. Districts are similarly identified as in Good Standing, Improvement or Corrective Action based on their history of making AYP.</p> <ul style="list-style-type: none"> Schools that fail to make AYP for two consecutive years in the same measure lose their status of Good Standing in that measure. Schools not in Good Standing must make AYP for two consecutive years in the same measure in which they failed to regain their status of Good Standing. Districts that fail to make AYP for two consecutive years for the same subject lose their status of Good Standing in that subject. Districts not in Good Standing must make AYP for two consecutive years in the same subject in which they failed to regain their status of Good Standing. 	<p>New York will 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.</p> <p>A Focus District will be required 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).</p> <p>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.</p>

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<p>5. The Determination and Role of Adequate Yearly Progress (AYP)</p>	<p>In order to make AYP, schools and districts are required to achieve their Effective Annual Measurable Objectives 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.</p>	<p>New York will determine AYP 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 EAMO or make Safe Harbor, and demonstrate the required participation rate on state assessments for each sub group on each measure for which the school is accountable. However, New York is seeking to eliminate the requirement that in order to make Safe Harbor in grades 3-8 ELA or math an accountability group must also make AYP with that group in science, as well as the requirements that to make Safe Harbor for high school ELA or math, an accountability group must also make AYP with that group for graduation rate.</p> <p>New York will continue to report AYP results for all accountability groups at the school and district level. The use of AYP will 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.</p>
<p>6. The Role of Growth Measures</p>	<p>Student growth is currently not used to determine school and district classifications.</p>	<p>New York State will incorporate growth into the Accountability system in two ways:</p> <ul style="list-style-type: none"> • For Grades 4-8 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. 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. • 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 that are above the State median 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 at least equal to the State median in both ELA and mathematics for two consecutive years will not be so designated.

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<p>7. The Identification of Priority Schools</p>	<p>Identification of Priority Schools is not a part of New York State's accountability system.</p>	<p>New York State will identify Priority Schools in the following order:</p> <ul style="list-style-type: none"> • Schools that are implementing a School Improvement Grant or were identified as PLA in the 2011-12 school year. • 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. • 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. <p>At least 5 percent of the public schools in the State will be identified as Priority Schools. If necessary, additional schools will be identified to ensure that at least five percent of the Title I schools in the State are identified as priority schools.</p>
<p>8. The Identification of Focus Schools</p>	<p>Identification of Focus Schools is not a part of New York State's accountability system.</p>	<p>New York will identify Focus Schools 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.</p> <p>New York will identify districts as a Focus District, if any of its student subgroups have a combined ELA and 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 three year graduation cohort and the group's median Student Growth Percentile in ELA and mathematics has been above the Statewide median for the group in the past two years for that group.</p> <p>New York will identify at least ten percent of districts and ten percent of charter schools as Focus Districts and Focus Schools. For purposes of determination of a Focus District, each New York City Community School District will be analyzed individually.</p>

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<p>9. The Identification of Reward Schools</p>	<p>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.</p> <p>There is currently no reward for these schools beyond their posting to SED's website.</p>	<p>New York will identify Reward Schools in a significantly more rigorous way than previously done for high performing schools.</p> <p>At the elementary and middle level, New York will use the following criteria to designate a school as highest performing:</p> <ul style="list-style-type: none"> • 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; and, • 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. <p>At the high school level, a school will be considered highest performing, if all of the following conditions are met:</p> <ul style="list-style-type: none"> • 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; and • 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.

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		<p>At the elementary and middle levels, a school will be considered a high progress school, if all of the following conditions are met:</p> <ul style="list-style-type: none"> • 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 years 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 50 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; and, • 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. <p>At the high school level, a school will be considered high progress if all of the following conditions are met:</p> <ul style="list-style-type: none"> • 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; and, • 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.

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<p>10. The Diagnostic Reviews to be Conducted in Identified Schools and Districts</p>	<p>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 or district. Each type of visit requires a different review protocol with a separate corresponding diagnostic tool.</p>	<p>Reward Schools will be:</p> <ul style="list-style-type: none"> • identified annually and be publicly recognized with a press release and a posting of the list to the Department's website. • eligible to compete for a Commissioner's Schools Dissemination Grant of up to \$100,000, which is currently funded through the RTTT initiative. • a potential factor beginning in the 2012-13 school year in determining which districts receive District Performance Improvement Award Grants. <p>After consultation with representatives of Reward Schools, a process will be recommended to the Regents by which Reward Schools may seek expedited variances from certain provisions of Commissioner's Regulations.</p> <p>New York will use a single diagnostic tool closely aligned to implementation of the key components of the Regents' Reform Agenda, for use in all identified schools.</p> <ul style="list-style-type: none"> • The single diagnostic tool will allow for focus-driven visits, repeated to see if benchmarks are achieved. • School Quality Review Teams will conduct diagnostic reviews in Focus Districts, which will include visits to a sample of Focus Schools within the district. • 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 the 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.

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<p>11. The Required Plans for Identified Schools and Districts</p>	<p>New York State's accountability system includes the following required plans for identified schools and districts:</p> <ul style="list-style-type: none"> • Professional Development Plan • School Improvement Plan • Local Assistance Plan • Professional Performance Review • Corrective Action Plan • Restructuring Plan • District Improvement Plan (for non Title I districts) • Improvement Plan • Comprehensive Education Plan 	<p>New York will require schools and districts to develop the following plans:</p> <ul style="list-style-type: none"> • 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 all ESEA waiver Turnaround Principles as part of a whole school reform model 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 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. <p>A district that does not have any Priority or Focus Schools, but instead has schools that have persistently failed to make AYP with one or more subgroup(s) on an accountability measure or that 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:</p> <ul style="list-style-type: none"> • 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; <p>The plan must be approved by the board of education of the district and posted to the district's website.</p> <p>1</p>

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<p>12. The Requirements for Public School Choice</p>	<p>Title I, Part A, Section 1116 (E) of the federal No Child Left Behind legislation requires an LEA with Title I schools identified in need of improvement (Year 2), corrective action or restructuring to provide all students enrolled in those schools with the option to transfer to another public school served by the LEA that has not been identified for school improvement.</p>	<p>New York will require districts to continue offering public school choice for students attending either Title I Priority or Focus Schools. New York will consider advancing legislation to expand choice options to include BOCES programs (offered by a consolidated group of districts).</p>
<p>13. The Requirements for Districts that Offer Supplemental Educational Services (SES)</p>	<p>New York currently supports Supplemental Educational Services (SES) as defined in the federal No Child Left Behind Act (NCLB). Under NCLB, districts are responsible for notifying parents of eligible students in Title I schools identified for improvement, corrective action or restructuring that their children are eligible for supplemental educational services (including tutoring) from a provider on the New York State's list of approved providers. Districts are required to pay for these SES services up to an amount equal to 20 percent of the District's basic Title I grant.</p>	<p>New York will not require districts 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.</p> <p>In order to support districts that choose to continue to provide SES, New York will require all SES providers to reapply for state approval. New York 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.</p>
<p>14. The Changes to the Current Set-Aside Requirements Under ESEA</p>	<p>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).</p>	<p>New York will eliminate the previous rules for set-asides and replace them with new set-asides. The new rules include the following:</p> <ul style="list-style-type: none"> Districts will set aside between 5 percent and 15 percent of their Title I; Title IIA; and Title III allocations, if identified for the performance of their English language learners based on student enrollment in Priority and Focus Schools to provide state approved programs and services in these schools. Districts will set aside a percentage 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.

Category	The Current System	New System After the ESEA Wavier Flexibility Request Approval
<p>15. Logistics for Schools Under Registration Review (SURRE) and Provisions of the Enhanced Accountability System</p>	<p>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.</p>	<p>New York's schools and districts will no longer be identified using the specific categories of improvement, corrective action, or restructuring. New York will use the following system to ensure compliance:</p> <ul style="list-style-type: none"> 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. <p>As appropriate, the Commissioner will assign Distinguished Educators to support Focus Districts or Priority Schools.</p>
<p>16. Applying for the optional Waiver Which Permits Expanded Learning Time, and Additional Activities During the School Day and Non-school Hours</p>	<p>Not applicable</p>	<p>New York will 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 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.</p>
<p>17. The Other Changes that May Occur as a Result of Implementation of the ESEA Waiver</p>	<p>Not applicable</p>	<p>New York will incorporate the following changes into the accountability system:</p> <ul style="list-style-type: none"> When a district has fewer than 30 students in an accountability group, New York will combine the results for the past two years in order to hold more districts accountable for subgroup performance. New York will explore, as part of the Focus District identification process, creating additional accountability groups by further subdividing the current NCLB accountability groups. For example, further disaggregation in the reporting of students with disabilities, English language learners, gender by racial/ethnic group, and performance by prior proficiency level may be used.