New York State Education Department Proposed Revision to ESSA Draft Plan
In Response to Public Feedback Received at Public Hearings and Via Email and Post
Public Comment Period: May 10 – June 16, 2017

General Topic Area	May Draft	July Draft	Rationale for the Change
Entire Plan	N/A	The Department revised the application to include language emphasizing the State's commitment to cultural responsiveness.	The Board of Regents has repeatedly expressed support for creating culturally responsive school and district conditions for students. This issue was also raised frequently at some of the public hearings.
Accountability Measures and Methodologies: Long-Term Goals and Measures of Interim Progress	Long-term Goals and Measures of Interim Progress were based on preliminary analysis.	Long-term goals and Measures of interim Progress have been updated to reflect newer data and closer adherence to the rules by which the Achievement Index and Graduation Rate Cohorts will be computed under ESSA.	Data was rerun to increase accuracy. As a result, the baselines and consequently the long-term goals for Grades 3-8 ELA and math are now higher, as are the high school baselines and long-term goals for most subgroups. The recomputed baselines and long-term goals for graduation rate are now slightly lower.
Accountability Measures and Methodologies: Measure of School Quality and Student Success	Out of school student suspensions was scheduled to initially be a "state reported" measure that would be considered for possible future inclusion in the accountability system.	Out of school suspensions will become a measure of school quality and student success beginning with 2018-19 school year results after baseline information is collected in 2017-18.	There was strong public support for making out of school suspensions a measure of school quality and student success, although there was also concern that the number of students who are suspended is not a good measure of school climate. If necessary, this decision can be re-examined once 2017-18 and

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			2018-19 school year data are available.
Accountability Measures and Methodologies: Middle Level Success Index	A Middle School Success Index is listed as a potential future measure of School Quality and Student Success	The intent to include middle school success as a measure of school quality as soon as two years of data is available is more explicitly stated.	Based on discussions with national experts, the Department concludes that a Middle School Success (i.e., academic and non-academic measures that research demonstrates prepare middle school students for success in high school) is likely to incentivize positive changes in middle school programs.
Accountability Measures and Methodologies: Progress towards Acquisition of English Proficiency	The acquisition of English Language Proficiency (ELP) Measure was grouped together and equally weighted with the Progress; Chronic Absenteeism; and College, Career and Civic Readiness Indicators.	Separate decision rules have been created for the use of the acquisition of English Proficiency measure so that results on the measure are more consequential for schools that are held accountable for the measure and schools that perform well on this measure can benefit from their strong performance.	Based upon a discussion with the Center for Assessment, the ELP measure will apply to only a limited number of schools, because many schools do not enroll sufficient number of English language learners/Multi lingual Learners to be accountable for results on this measure. In the May draft, the decision rules used the ELP measure only as a way for low performance on the measure to contribute to a school's identification. Now in the July draft, schools accountable for the ELP measure can use good performance on the measure to potentially avoid identification.

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Accountability Measures and Methodologies: Weighting of Growth and Achievement	The Achievement Index was weighted slightly more than Growth Index at the Elementary and Middle School Level in making accountability determinations.	The Achievement Index and Growth Index are weighted equally.	Public comment and national experts supported a more equal weighting of achievement and growth.
Accountability Measures and Methodologies: Missing Data	General rules for what happens when a result for a measure cannot be computed for a subgroup were provided.	More explicit information is provided on how the decision rules for differentiating school performance are modified when data is missing.	This revision addresses United States Department of Education (USDE) directions to peer reviewers regarding this question.
Challenging Standards and Assessments: Testing Time	The State will consider strategies to reduce time of testing.	The Board of Regents in June reduced the number of sessions for testing from 3 to 2 for the Grade 3-8 ELA and math assessments.	Stakeholders across the State have been urging NYSED to consider strategies to reduce the time of testing.
Challenging Standards and Assessments: Use of Grade Level Assessments for Certain Students with Disabilities	The State will submit a waiver that would allow schools to administer below-grade level assessments to students with disabilities.	Additional language has been added to explain that the request for a waiver is being done in accordance with the requirement in Ed Law §305(48), and that NYSED: • will provide guidance to ensure this option is only used for the small population of students for whom it is appropriate; and • intends over time to implement the ESSA approved method of computerized adaptive testing, which will allow	As many stakeholders were concerned about this waiver request, the Department has clarified that the waiver is being submitted consistent with the requirements of State law; is intended to be applied to only a very small group of students; and is temporary, with the intent to sunset the waiver once computer adapted testing is implemented.

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		for the use of above or below grade assessment items.	
Challenging Standards and Assessments: English Language Learners	The State will implement Native Language Assessments (Spanish) beginning in 2020-21, if funding is secured in FY2018.	The State will implement Native Language Assessments (Spanish) beginning in 2021-22, if funding is secured in FY2018.	The timeline has been revised to more accurately reflect the length of time necessary for test development, field testing, and administration of an operational test.
Challenging Standards and Assessments	NA	NYSED will provide guidance on what must be in participation plan for schools that fail to meet 95% requirement.	Public comments indicated desire for additional information
Challenging Standards and Assessments: Local Control of Curriculum	NA	The public facing document indicates continuation of local control for curriculum.	Public comments indicated a desire for additional information on this issue.
Challenging Standards and Assessments: Universal Design for Learning	NA	Added additional references to support use of Universal Design for Learning and added a definition in public facing document glossary.	Public comments indicated a desire for additional information on this issue.
Supporting English Language Learners/Multilingual Learners: Exemption for Newly Arrived ELLs/MLLs	Recently arrived ELLs/MLLs will take New York State's ELA assessment only to set a baseline for growth in their 2nd year of enrollment in New York State schools, but not to measure achievement for accountability purposes.	New York State will apply for a waiver from the United States Department of Education for recently arrived ELLs/MLLs to take New York State's ELA assessment only to set a baseline for growth in their 2nd year of enrollment in New York State schools, but not to measure achievement for accountability purposes.	The Department's proposal remains the same, but now the Department acknowledges that a waiver from the United States Department of Education will be required to implement the proposal.

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Supporting English Language Learners/Multilingual Learners: Measuring Progress of Students Toward Proficiency in English.	This concept was not in the May 2017 draft.	A "safe harbor" rule will be applied to the English Language Proficiency model. For accountability purposes, schools receive credit for students who are achieving specified growth targets or are reaching specified proficiency level targets. For example, if a student exceeds their annual growth target in year 1, but does not meet the annual growth target in Year 2, so long as the student meets a combined proficiency level target for Year2, the school will receive credit for the student's performance.	This "safe harbor" concept was formulated with the help of Pete Goldschmidt from CCSSO, who is a nationally recognized expert in the area of measuring ELL progress. The Department determined that inclusion of a "safe harbor" rule is appropriate, in that districts will get credit for students' cumulative growth when students exceed growth targets for one year, and then fail to meet targeted growth for a subsequent year, but still meet the cumulative expected growth for their total number of years in United States schools.
Supporting English Language Learners/Multilingual Learners: Measuring Progress of Students Towards Proficiency in English	This concept was not in the May 2017 draft.	Accountability for Long Term ELLs/MLLs will be incorporated into the English Language Proficiency model, with growth targets established for those students who do not reach Commanding (i.e., the level required to exit from ELL/MLL status) within the specified period.	A number of the public comments received asserted that student specific characteristics, such as Long-Term ELL/MLL status, may impact the length of time students take to gain English Language Proficiency. Therefore, the Department has worked with Pete Goldschmidt, a nationally recognized expert in measuring ELL/MLL progress, to provide schools serving Long Term ELLs/MLLs additional opportunities for these students to meet growth targets, even after these students have

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			exceeded the time frame in which students are expected to become proficient.
Supporting English Language Learners/Multilingual Learners: Measuring School Progress in Students Achieving Proficiency in English	This concept was not in the May 2017 draft.	The Department will adjust a school's English Language Proficiency targets to reflect the projected percentage of students who should make progress based on the prior proficiency level of a school's population. Therefore, rather than all schools being expected to have the same percentage of students make annual progress towards proficiency in English, each school's target will be based on the percentage of students who would be expected to make annual progress, given such factors as the student's prior proficiency level and years of receiving services.	A number of public comments received noted that student specific characteristics may impact the length of time students take to gain English Language Proficiency. Therefore, the Department has worked with Pete Goldschmidt, a nationally recognized expert in measuring ELL/MLL progress, to create a method to adjust a school's targets based on the school's student population in order to equalize a school's likelihood of achieving these targets, regardless of the composition of a school's ELL/MLL population and their incoming level of proficiency.
Supporting Effective Instruction: Research on Retention of Educators	This research was not in the May 2017 draft.	Inclusion of research from Learning Policy Institute regarding factors influencing an educator's decision to enter and stay in the field.	Inclusion of this information provides a research-based context to support the Educator Effectiveness Framework and addresses public comments on the need to emphasize educator retention.

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Supporting Effective Instruction: Educator Effectiveness Framework	General description of Educator Effectiveness Framework and equity labs.	Inclusion of Educator Effectiveness Framework components with sample metrics chart and information on NYSED Equity Labs (gatherings for district teams to come together to explore talent management metrics and strategies for improving access to effective educators).	Responds to public comments requesting additional information about how the Department will conduct root cause analysis in conjunction with release of equity reports and how the Department will provide LEAs with support in interpreting their data and implementing strategies to address equity gaps.
Supporting Effective Instruction: Preparation, Recruitment, and Placement	Reference is made to convening a Clinical Practice Work Group related to the preparation of educators.	More explicitly links these statements to recommendations from the Principal Preparation Project and TeachNY Advisory Council.	Addresses public comments asking about the alignment of NYSED's ESSA plan to other initiatives, including TeachNY and the Principal Preparation Project.
Supporting Effective Instruction: Professional Development and Growth	Reference to current mentoring requirements and the need to explore revisions to existing regulatory requirements.	Additional information and research pertaining to educator mentoring, including recommendations from the Principal Preparation Project and TeachNY, has been incorporated into the draft.	Provides additional research-based context on the importance of mentoring to improving the retention and effectiveness of early career educators. Also, addresses public comments asking about the alignment of NYSED's ESSA plan to other initiatives.
Supporting Effective Instruction: Professional Development and Growth and Extending the Reach of Effective Educators	In referring to teacher leadership opportunities, the May 2017 draft only references the Department's Career Ladder Pathways Framework.	Career Ladder Pathways are now framed as providing historical context for the Department's efforts to encourage teacher and principal leadership as an outgrowth of Strengthening Teacher and Leader Effectiveness (STLE) and Teacher Incentive Fund (TIF) grants. The updated	Addresses stakeholder feedback that "Career Ladder Pathways" implies vertical ascension only (i.e., teacher leadership as a means for moving from the teacher role to the principal role). Also aligns this section of the application with current research and policy analysis

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		draft now uses the term Leadership Pathway Continuums. This section of the application was also updated to speak more broadly about efforts NYSED will undertake to encourage teacher and principal leadership.	about the benefits of leadership opportunities outside of formal career ladders.
Supporting Effective Instruction: Enhancing educator preparation	Draft did not include a separate response in this section and instead referred readers back to Section (D)(1).	Includes a description of the goals and recommendations of the Principal Preparation Project.	Addresses public comments asking about the alignment of NYSED's ESSA plan to other initiatives.
Supporting Effective Instruction: Clinical Practice	Language related to enhancing clinical practice requirements by increasing number of hours of field experiences.	Clarifies that both the amount of time and the quality of the experience are important.	Addresses public comments about the importance of not just the amount of time aspiring educators spend in the classroom as part of their preparation, but also the quality of those experiences.
Supporting Effective Instruction: Connection to Higher Education	Some references made to the connection between P-12 and Higher Education in improving the quality of the educator workforce.	More clearly articulates the connection between P-12 and Higher Education in addressing the quality of the educator workforce.	Responds to public comments supportive of the existing language connecting P-12 to Higher Education and requesting that the Department further strengthen this connection.
Supporting Effective Instruction	This concept was not in the May 2017 draft	Inclusion of language stating that the Department will explore the feasibility of longitudinal data collection related to student performance for NYS students who graduate and attend SUNY/CUNY as an important data point to improve instruction and teacher skills for student	Responds to public comments on the need to further strengthen the connection between P-12 and Higher Education initiatives to both improve the quality of the educator workforce and improve student outcomes.

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		outcomes.	
Supports and Improvements: Use of School Improvement Grant Funds	A base allocation will be provided to identified Title I Comprehensive Support and Improvement Schools (CSI) and Targeted Improvement and Support Schools (TSI)	Clarification is made that in accordance with flexibility permitted under the law Non-Title I TSI schools are also eligible to receive a base allocation.	The Department expects a small number of non-Title schools to be identified as TSI. These grants will assist these schools to conduct their required needs assessments and develop the required improvement plans.
Supports and Improvements: Provisions for Transfer and Alternative High Schools	All schools that are re-identified as CSI will become Receivership Schools; all current Priority Schools that are identified as CSI schools will become Receivership Schools.	Transfer and Alternative High Schools will not automatically become Receivership schools upon re-identification; instead, the Commissioner will partner with the district to determine the most appropriate interventions for the school, which could still include Receivership.	Stakeholders advocated for separate accountability indicators and decision rules for Transfer High Schools.
Supports and Improvements: Needs Assessments	Schools will review data as part of the Needs Assessment process	Examples of the types of data to be reviewed have been added to the text. These include Opportunity to Learn indicators.	Stakeholders recommended that the accountability system take into consideration a range of Opportunity to Learn indicators.
Supports and Improvements: Parent Engagement	School Improvement plans will be developed in consultation with parents, school staff, and others in accordance with the requirements of Commissioner's Regulations §100.11	In addition to the language in the original draft, all improvement plans will include a section that outlines the extent of stakeholder involvement. The State will reject plans from CSI schools that do not provide adequate evidence of involvement from parents and	Stakeholders requested that NYSED provide more assurances that parents would be involved in the improvement planning process.

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		families.	
Supports and Improvements: Support for School Board	Focus was on support provided to identified district and school staff.	NYSED will also consider ways to support school boards and promote legislation that allows for interventions in school boards that are not meeting basic educational needs.	The plan acknowledges the crucial role school boards play in school improvement and the need to provide support for school boards to effectively carry out their responsibilities.
Supports and Improvements: Staffing of Schools	CSI schools can only accept in-district transfers of teachers who have been rated Highly Effective or Effective the previous year.	CSI schools can only accept in-district transfers of teachers who have been rated Highly Effective or Effective the previous year. This would go into effect at the start of a new collective bargaining agreement for each district.	Stakeholders wanted to ensure that existing collective bargaining agreements would not be effected by this rule.
Supporting All Students: Aversive behavioral interventions	Not addressed in the section on School Conditions	The Department revised the application to include additional language on how the State will reduce the use of aversive behavioral interventions.	Stakeholders expressed concerns that the original draft did not explicitly address this question.
Supporting All Students: Early Education	Generally addressed in the Early Learning portion of School Transitions section.	The Department revised the application to include language emphasizing the State's work to include PreK in the revised ELA Learning Standards, including the work of the Early Learning Standards Task Force.	Stakeholders across the State urged NYSED to include additional information about PreK standards within the scope of current early learning initiatives.

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Supporting All Students: Raise the Age	Raise the Age is mentioned in passing.	The Department revised the application to include language focused on concerns associated with the implementation of the new legislation – specifically its impact on services and transitions for students in County Jails, Secure/Non-Secure detention facilities, and other voluntary placement agencies.	Department staff believe highlighting this issue and its potential impact on students will help support state and local planning for this transition.
Supporting All Students: Well-Rounded Education	This issue was addressed in the May draft, but with limited specificity.	The Department revised the application to include language emphasizing the State's commitment to promoting a well-rounded education that includes the visual and performing arts.	The Board of Regents has repeatedly expressed support for a greater emphasis on providing students with access to a broad learning experience that includes the arts. There were also many public comments in support of offering students more opportunities to engage in the arts.
Supporting All Students: Safe, Healthy, Supportive Learning Environment	This issue was addressed in the May draft, but with limited specificity.	The Department revised the application to include language emphasizing the State's commitment promoting health wellness and physical education, including updating current regulations.	The Board of Regents and stakeholders expressed support for a greater emphasis on ensuring students have access to health wellness and physical education as part of a well-rounded education and a safe, healthy, supporting learning environment.
Supporting All Students: Definition of Specialized Instructional Support Personnel	Examples of specialized instructional support personnel were not provided.	The Department revised the application to include the provision of social-emotional support services provided by	Stakeholders across the State urged the inclusion of additional language about social emotional supports.

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		"specialized instructional support personnel" such as school counselors, school social workers, school psychologists school nurses, speech language pathologists, audiologists, behavioral specialists, and licensed creative arts therapists as part of a well-rounded education.	Stakeholders also requested that the Department provide explicit examples of specialized instructional support personnel.
Supporting All Students: Personalized Learning	This issue was addressed in the May draft, but with limited specificity.	The Department revised the application to include language emphasizing the State's utilization of technology to support personalized learning.	NYSED staff and stakeholders across the State urged NYSED to include a greater emphasis on educational technology initiatives.