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Our Students. Their Moment.

Proposed Draft Commissioner's Regulations related to New York's Approved ESSA Plan

Committee of Practitioners

April 16, 2018

New York State's plan builds upon the current accountability system while looking beyond just student test scores

Current System

Primarily based on student achievement in ELA and math

Includes goals for academic achievement and graduation rate

Identifies Priority schools based on low overall ELA and math performance and/or graduation rates

Identifies Focus schools based on low performing subgroups; requires a minimum of ten percent of Title I schools be identified.

Recognizes high-performing and rapidly improving schools as Reward schools

Revised System

Based on student achievement in core subjects and opportunity to learn indicators such as chronic absenteeism

Includes goals for academic achievement; graduation rate; English language proficiency; chronic absenteeism; and college, career, and civic readiness

Identifies Comprehensive Support and Improvement schools based on school academic and progress measures; acquisition of English by English learners; chronic absenteeism. Elementary/middle schools are also measured on student growth and high schools on graduation rates and the college, career, and civic readiness of students

Identifies Targeted Support and Improvement schools based on low-performing subgroups

Recognizes high-performing or rapidly improving schools as Recognition Schools

Proposed Amendments to Current Regulations

Amendment	Description
Subdivision 100.2(ff)	Designation of a district employee(s) to be the transition liaison(s) with residential facility personnel, parents, students, and State and other local agencies to facilitate a student's effective educational transition into, between, and out of facilities, to ensure that each student receives appropriate educational and "wrap-around" supports, services, and opportunities.
Subdivision 100.2(m)	Updates the information to be provided in report cards to align with the provisions of ESSA and requires local educational agencies (LEAs) to post the local report cards on their website. If an LEA does not operate a website, the LEA must provide the information to the public in another manner determined by the LEA.
Section 100.18	Clarifies that the section, which contains provisions relating to implementation of New York's approved ESEA flexibility waiver, only applies to accountability designations made prior to July 1, 2018.
Section 100.19	Clarifies that Failing Schools means schools that have been identified as Priority Schools and/or Comprehensive Support and Improvement Schools (CSI) for at least three consecutive years. Also clarifies that beginning with the 2018-19 school year, removal from receivership will be based upon a school's status as a CSI rather than as a Priority School.

Proposed Commissioner's Regulations 100.21

Subdivision	Description
(a)	Applicability clause.
(b)	Defines various terms, which are divided into general definitions, definitions related to school and district accountability, definitions related to school and district accountability designations, and definitions related to interventions for designated schools and districts.
(c)	Outlines the procedures and requirements for registration of public schools, which remain the same as under the previous accountability regulations.
(d)	Provides that the registration of public schools shall continue unless revoked by the Board of Regents upon recommendation of the Commissioner.
(e)	Specifies that, commencing with the 2017-2018 school year results, the Commissioner will annually review the performance of all public schools, charter schools, and school districts in the State. The Commissioner shall determine whether such public school, charter school or school district shall be identified for Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI), or identified as a Target District.
(f)	Specifies the methodology by which schools will be identified as either CSI (which will be identified every three years beginning with the 2018-2019 school year using 2017-2018 school year results) or TSI (which will be identified annually beginning with the 2017-2018 school year results), and the methodology for identifying Target Districts.

Proposed Commissioner's Regulations 100.21

(cont.)

Subdivision:	Description
(g)	Provides that preliminarily identified CSI and TSI schools and Target Districts shall be given the opportunity to provide the Commissioner with any additional information concerning extenuating or extraordinary circumstances faced by the school or district that should be cause for the Commissioner to not identify the school as CSI or TSI or the district as a Target District.
(h)	Specifies the interventions that must occur in CSI or TSI schools, as well as Target Districts as well as those schools that perform at Level 1 on a measure for an accountability group. Also describes the requirements for identified schools as they relate to parental involvement, participatory budgeting, school improvement plans, and school choice.
(i)	Establishes the criteria for a school's or a district's removal from an accountability designation.
(j)	Provides the criteria for the identification of schools for public school registration review. This subdivision is essentially unchanged from previous requirements, except that registration review is now linked to CSI rather than Priority School status.
(k)	Specifies the process by which the Commissioner will place a school under registration review; and the required actions of the district and the school related to the designation.
(l)	Specifies the criteria and process for removal of schools from registration review, school phase-out or closure. This subdivision has been modified from current regulations to better align with the requirements of ESSA and School Receivership.

New York State will use multiple measures of success to identify schools, beginning with 2017-2018 school year results

Student Academic Achievement

For **all schools**, based on the **Composite Performance Index**, which measures achievement on state assessments in English language arts (ELA), math and science. For **high schools**, also measures achievement on state assessments in social studies.

Student Growth

For **elementary and middle schools**, measures **student growth** on statewide assessments in ELA and math for students in grades 4-8 by comparing the scores of students in the current year to the scores of students with similar scores in prior years.

Academic Progress

For **all schools**, measures change in performance of schools on state assessments in ELA and math against **long-term goals and** state and school specific **measures of interim progress (MIPs)**.

Graduation Rates

For **high schools**, measures four-, five-, and six-year cohort graduation rates against **long-term goals and** state and school specific **MIPs**.

English Language Proficiency

For **all schools**, measures the progress of English Language Learners in meeting their **individual progress targets** on the New York State English as a Second Language Achievement Test (NYSESLAT).

Chronic Absenteeism

For **all schools**, measures the percentage of students who miss 10% or more of the school year against **long-term goals and** state and school specific **MIPs**.

College, Career and Civic Readiness

For **high schools**, measures the percentage of students who are leaving school prepared for college, career and civic readiness as measured by diplomas, credentials, advanced course credits and enrollment, career and technical education certifications, and other similar indicators against **long-term goals and** state and school specific **MIPs**.

Note: NY will add an indicator based on out-of-school suspension rates in 2018-2019 (to be used for school identification after 2020-2021) and will consider adding additional indicators in the future.

Establishing Levels for Each Indicator

Composite Performance Index Rank	Composite Performance Level
10% or Less	1
10.1 to 50%	2
50.1 to 75%	3
Greater than 75%	4

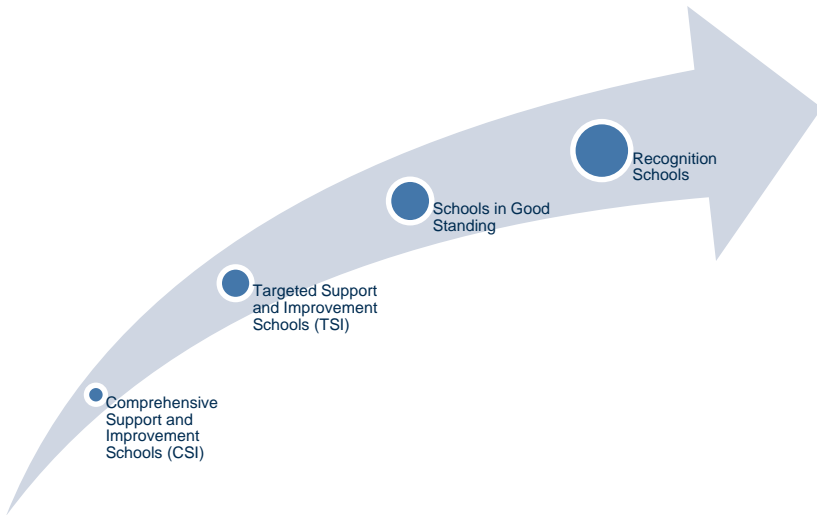
Mean Growth Percentile	Student Growth Level
45 or less	1
45.1 to 50	2
50.1 to 54	3
Greater than 54	4

Rank Based on Combined Composite Performance and Growth	Level
In the lowest 10%	1
Between 10.1% and 50%	2
Between 50.1 and 75%	3
In the highest 75%	4

Success Ratio	English Language Proficiency Level
0 - 0.49	1
0.50 - 0.99	2
1.0 - 1.24	3
1.25+	4

Academic Progress , Graduation Rate, Chronic Absenteeism; CCCR	Did Not Meet Long- Term Goal	Met Long- term Goal	Exceeded Long-Term Goal
Did not meet either MIP	Level 1	N/A	N/A
Met lower of State or School MIP	Level 2	Level 3	Level 4
Met higher of State or School MIP	Level 3	Level 4	Level 4

New York State classifies all schools into one of four categories



How does New York State identify schools for recognition and support?

- New York uses each of the seven indicators to identify schools.
- All public schools will receive one of four designations:

Recognition Schools	A school that is high-performing or rapidly improving as determined by the Commissioner
Schools in Good Standing	A school that is not TSI, CSI or Recognition
Targeted Support and Improvement Schools	A school with low-performing subgroups of students
Comprehensive Support and Improvement Schools	A school with low overall performance for the All Students group, a graduation rate below 67%, or a school with low-performing subgroups that have not improved

Identification of CSI and TSI Schools: *Elementary and Middle Schools*

Elementary and middle schools will be identified if the “All Students” group meets all of the criteria in any of the five scenarios in the table below.

Scenario	Composite Index	Student Growth	Combined Composite & Growth	ELP	Progress	Chronic Absenteeism
1	Both Level 1	Level 1	Level 1	Any Level	Any Level	
2	Either Level 1	Level 1	Level 1	None*	Any One of the Two is Level 1	
3	Either Level 1	Level 1	Level 1	Level 1	Any Level	
4	Either Level 1	Level 1	Level 1	Level 2	Any Level 1	
5	Either Level 1	Level 1	Level 1	Level 3 or 4	Both Level 1	

*A school would receive a rating of “None” if it has fewer than 30 ELLs.

If a school does not meet all the criteria in one of the five rows, it will not be identified. For example, if a school receives a “2” or above on both Composite Performance Index and Growth, it will not be identified for CSI (regardless of its performance on other indicators)



Identification of CSI and TSI Schools: *High Schools*

High schools will be identified in two ways: (1) if the “All Students” group meets all of the criteria in any of the five scenarios below or (2) if they have low graduation rates.

Scenario	Composite Index	Graduation Rate	Combined Composite Index & Graduation Rate	ELP	Progress	Chronic Absenteeism	CCCR
1	Both Level 1	Level 1	Level 1	Any Level	Any Level		
2	Either Level 1	Level 1	Level 1	None	Any One of the Three is Level 1		
3	Either Level 1	Level 1	Level 1	Level 1	Any Level		
4	Either Level 1	Level 1	Level 1	Level 2	Any Level 1		
5	Either Level 1	Level 1	Level 1	Level 3 or 4	Any Two Level 1		

What does it mean to have “low graduation rates?”



All public schools, beginning with 2017-18 school year accountability, that have graduation rates below 67% for the four-year graduation rate cohort and do not have graduation rates at or above 67% for the five- or six-year cohorts will be preliminarily identified for CSI.

Exercise: Identify Likely CSI Elementary/Middle Schools

School	Achievement	Growth	Combined Achievement & Growth	Progress	ELP	Chronic Absenteeism
A	1	1	1	2	3	4
B	1	2	1	1	2	3
C	2	1	1	1	1	2
D	1	2	1	2	2	2
E	2	1	1	1	2	3
F	1	2	1	2	3	1
G	2	1	2	1	1	1

Weighted Academic Achievement vs. Core Subject Performance Index

At the elementary and middle school level, ELA, math and science achievement is measured in two ways.

Weighted Academic Achievement:

$$\frac{(\# \text{ of students at Level 2}) + (\# \text{ of students at Level 3} \times 2) + (\# \text{ of students at Level 4} \times 2.5)}{(\# \text{ of continuously enrolled students who are tested or } 95\% \text{ of continuously enrolled students with or without test scores}) \times 100}$$

[The greater of: (1) # of continuously enrolled students who are tested or (2) 95% of continuously enrolled students with or without test scores] × 100

Core Subject Performance:

$$\frac{(\# \text{ of students at Level 2}) + (\# \text{ of students at Level 3} \times 2) + (\# \text{ of students at Level 4} \times 2.5)}{(\# \text{ of continuously enrolled students who are tested}) \times 100}$$

Example:

In School A, there are 100 continuously enrolled students and 97 take the assessment. The denominator for both the Weighted Academic Achievement Index and Core Subject Performance Index is 97. If all students were Level 4, the school's Weighted Achievement Index and Core Subject Performance Index would both be 250 $(97 \times 2.5)/97 \times 100$.

In School B, there are also 100 continuously enrolled students and 80 take the assessment. The denominator for the Core Subject Performance Index is still 97 but the denominator for the Weighted Academic Achievement Index is 95. If all students were Level 4 the school's Core Subject Performance Index would be 250, but its Core Subject Performance Index would be 211. $(80 \times 2.5)/95 \times 100$.

Comprehensive Support and Improvement Schools – Requirements & Interventions

Comprehensive Support and Improvement Schools (CSI)

- The school must participate in a **Comprehensive Diagnostic Needs Assessment** and develop a **school improvement plan**;
- The improvement plan must be **approved by the school, LEA and state**;
- The plan must include at least **one evidence-based intervention that is a School-Wide Improvement Strategy** and the school must provide **professional development** connected to the school improvement plan;
- Beginning with the district's next Collective Bargaining Agreement, only permit **incoming teacher transfers to identified schools to those teachers who have been rated as Effective or Highly Effective** in the most recent evaluation year, unless otherwise prohibited by law; and
- CSI schools must institute a Participatory Budgeting Process by the 2019-20 school year. NYSED will provide guidance on this requirement.
- All CSI schools must **annually survey parents, teachers, and students**.

What happens to a CSI school after its first year of identification?

If a CSI school does not make progress after its first and/or second year of implementation, it will receive additional support from NYSED and it will be required to undertake additional actions. For example, if a school does not make progress after one year, the district must submit a Principal Support Report.



Targeted Support and Improvement Schools – Requirements and Interventions

Targeted Support and Improvement Schools (TSI)

- The school must participate in a **Comprehensive Diagnostic Needs Assessment** and develop a **school improvement plan**;
- The improvement plan must be **approved by the school and LEA, but not the State**;
- The plan must **include evidence-based interventions** such as those listed in the [DTSDE Resource Guide](#);
- The school must **annually survey parents, teachers, and students**.



What happens to a TSI school that is identified for “Additional TSI?”

If a TSI school is identified for “Additional TSI,” it must take all the actions outline above. In addition, based upon subgroup performance, it may be required to implement some of the interventions of CSI schools, such as partnering with a regional technical assistance center or submitting their plan to implement their evidence-based intervention to the state for approval. If the school does not improve over time it is eligible to be identified for CSI.

Other Issues Addressed by the Draft Regulations

✓ Participation Rate Plans

- Beginning with 2017-2018 and 2018-2019 school year results, schools that fail to meet the 95% participation rate requirement for two consecutive years with the same subgroup on the same measure (ELA or math) will have to create a plan to address the reasons for not meeting it. Initially the plan is done by the school but over time first the district, then the BOCES, and the state become involved if participation rate does not improve.

✓ Public School Choice

- Districts can voluntarily choose to offer public school options out of low performing schools. CSI schools that have not made progress after two years will be required to offer public school choice. Finally, students who are currently taking advantage of this option must continue to receive transportation until they exit the school's highest grade.

Other Issues Addressed by the Draft Regulations

✓ Transfer High Schools

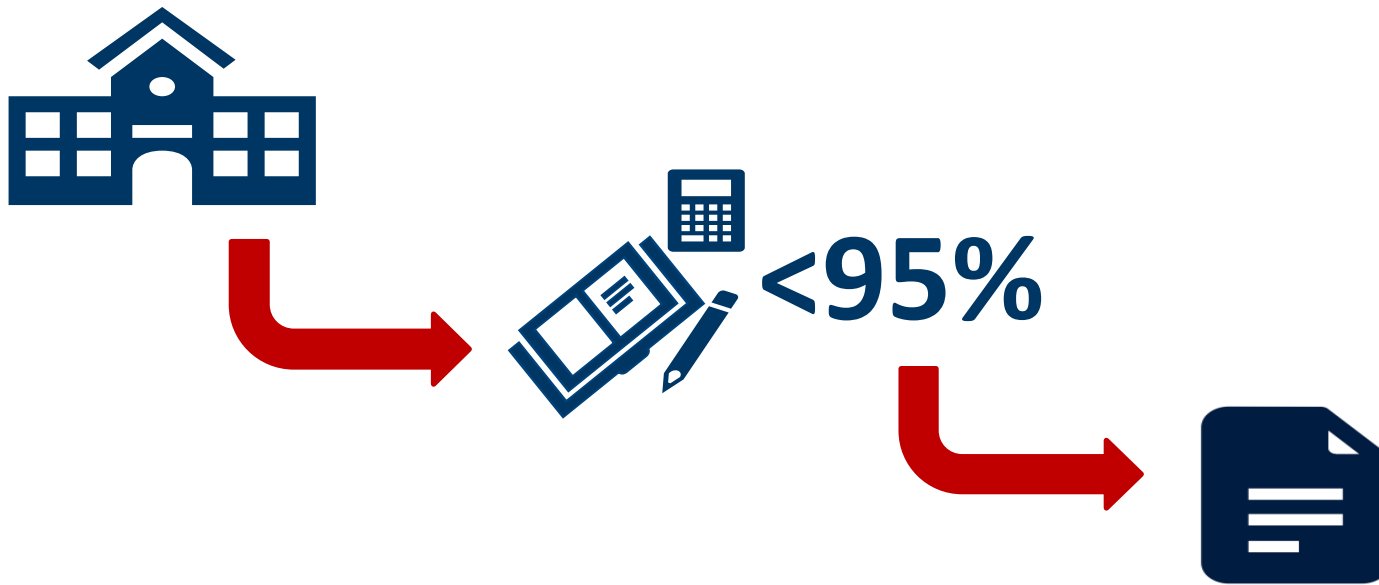
- Will be preliminarily identified in the same way as all other schools. May present extenuating and extraordinary circumstances to be removed from final identification.
- If identified as CSI, the school may petition the Commissioner to be subject to differentiated interventions.

✓ Charter Schools

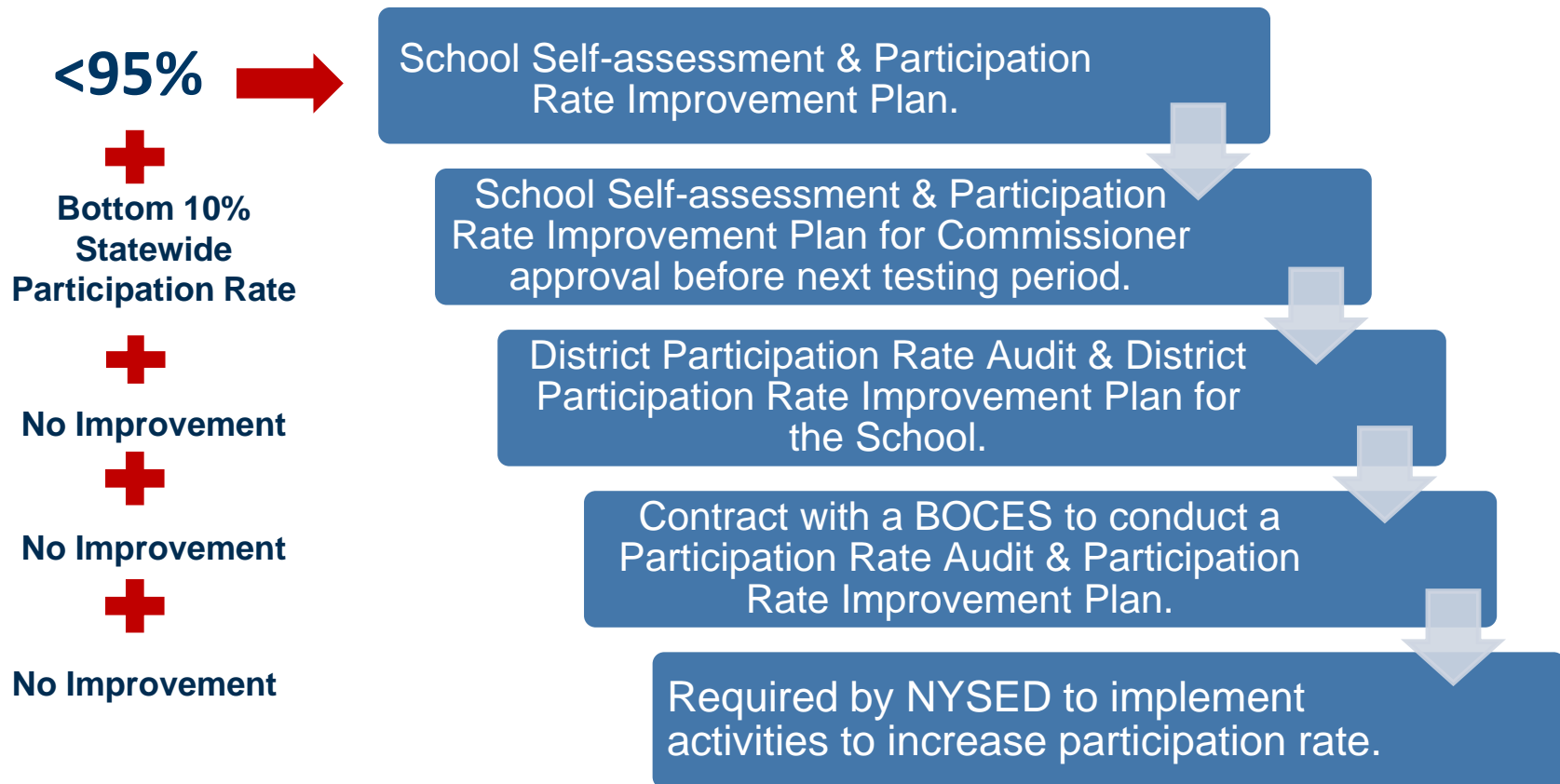
- Identified in the same way as all other schools. Intervention requirements are determined by the charter agreement and the school's authorizers. This approach is consistent with past regulations.

Districts & Schools Failing to Meet 95% Participation Rate

Districts and schools that fail to meet the 95% participation rate for all students and/or one or more subgroups will be required to create a plan that will address low testing rates.



Districts & Schools Failing to Meet 95% Participation Rate – continued



Timeline for Regulation Adoption

April

- Conceptual Draft of Regulations presented to the Board.
- Board approves posting the draft regulations for public comment within next few weeks.
- Department publishes Draft Regulations in State Register.

Spring

- Draft Regulations will be posted for 60-day public comment period.

June

- Proposed regulations will be presented to the Board of Regents for adoption as an emergency action at the June Regents meeting and become effective on July 1, 2018 as an emergency measure.

Summer

- Staff will provide the Board with an analysis of public comment received, and recommendations for revisions to the regulations based on the public comment.
- Proposed rule will be presented to the Board of Regents for permanent adoption.