



**TO:** P-12 Education Committee  
**FROM:** Ken Slentz  
**SUBJECT:** Update on New York State's Next Generation  
Accountability System  
**DATE:** November 8, 2011  
**AUTHORIZATION(S):**

### **SUMMARY**

#### **Issue for Decision**

Should the Department use the Guiding Principles proposed in Attachment A to develop New York's Elementary and Secondary Education Act (ESEA) flexibility application?

#### **Proposed Handling**

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

#### **Background Information**

On September 23rd, President Obama announced a regulatory flexibility initiative to revise the ESEA (also known as the No Child Left Behind Act or NCLB). On October 20<sup>th</sup>, New York submitted its letter of intent to the United States Department of Education (USDE), to submit a Round 2 waiver application in mid-February 2012. States may apply for flexibility for the 2012-13 and 2013-14 school years and, if certain conditions are met, flexibility may be extended to the 2014-15 school year (see Attachment C for USDE Timeline for Implementation of ESEA Flexibility).

The United States Department of Education (USDE) is seeking to support state and local innovation aimed at increasing the quality of instruction and improving student achievement. In order to receive this flexibility, an SEA 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 approved, New York would develop its own set of school classifications, which must at a minimum, include priority, focus and reward schools, and develop its own set of interventions for schools, so long as priority schools implement interventions that are consistent with the USDE's "turnaround principles."

In developing a flexibility request, New York is not seeking to decrease the levels of accountability for districts and schools, but rather to ensure that interventions and supports are now anchored to the more rigorous standard of college and career readiness. At the same time, the Department remains cognizant of the fiscal constraints under which most districts are currently operating and will strive to ensure that the waiver flexibility maximizes the use of existing resources to accomplish its goals.

By applying for flexibility, New York can receive waivers of ten provisions of ESEA. In order to receive this flexibility, the application must demonstrate that within the prescribed four-year period New York will adopt college and career-ready standards and implement assessments that measure student achievement and growth in terms of these standards; develop systems of differentiated recognition, accountability and support for districts and schools; implement teacher and principal evaluation and support systems, which include student growth as a significant factor; and reduce duplication and unnecessary burden on school districts.

The Reform Agenda adopted by the Board of Regents has already addressed changes in many of the areas that the USDE requires be addressed in a state's flexibility application. For instance, the Board of Regents has adopted the Common Core Standards, put in place a strategy to align state assessments with these standards and established measures of proficiency on the grade 3-8 English language arts and mathematics assessments that are benchmarked to college and career ready success. The Board of Regents has also put in place a new teacher and principal evaluation system that includes student growth as a significant factor. This new evaluation system, required by Education Law 3012-c, provides districts with a powerful tool to support effective teaching and leadership.

The following attachments provide a set of suggested principles to guide the modification of the current State accountability system; the timeline that states must adhere to receive ESEA flexibility; and the status/timeline for development of New York's flexibility waiver. The Department is currently developing easy-to-understand materials that can be used to explain the waiver opportunity to stakeholders and to encourage them to provide feedback on the waiver application as it is developed.

### Recommendation

VOTED: That the Board of Regents directs the Commissioner of Education and the State Education Department to use the guiding principles in Attachment A to prepare the ESEA Flexibility Request for submission by mid-February 2012.

### Timetable for Implementation

Staff will begin immediately to use the guiding principles to develop a waiver application for consideration by the Regents.

Attachments

## **Attachment A: Guiding Principles for Design of a System for Accountability for Student Success**

The Department proposes that the following principles guide its work in developing for Regents consideration a next generation accountability system for incorporation into New York's ESEA flexibility application:

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.

## **Attachment B: Timeline for Implementation of Provisions of an ESEA Flexibility Waiver**

States have a four-year period to adopt, develop, pilot, and fully implement key initiatives within the flexibility request, consistent with the requirements.

### **1. College- and Career-Ready Standards and High Quality Assessments**

At submission, states must provide:

- Evidence that the State has formally adopted college- and career-ready standards;
- A plan for transitioning to and implementing college- and career-ready standards by the 2013-14 school year;
- A plan for developing and administering high-quality assessments aligned with college- and career-ready standards by the 2014-15 school year; and,
- An assurance that the State Education Agency (SEA) will develop and administer alternate assessments consistent with 34 C.F.R. § 200.6(a)(2), adopt English Language Proficiency (ELP) standards, develop and administer ELP assessments by the 2014-15 school year.
- An assurance that by 2014-15 the SEA will report college-going and college credit accumulation rates for all students and subgroups of students in each Local Education Agency (LEA) and each public high school in the State.

By 2011–12 and 2012-13:

- SEAs and LEAs prepare to implement college- and career-ready standards; and,
- SEAs develop statewide high-quality assessments aligned with college- and career-ready standards.

By 2013–14:

- SEA and LEAs implement college- and career-ready standards;
- SEA pilot high-quality assessments aligned with college- and career-ready standards; and,
- SEA adopts ELP standards that correspond to State's college- and career-ready standards, consistent with the requirement in ESEA section 3113(b)(2).

### **2. Differentiated Recognition, Accountability, and Support**

At submission states, must provide:

- Proposed new Annual Measurable Objectives (AMOs) and justifications that they are ambitious yet achievable.
- A description of the SEA's differentiated recognition, accountability, and support system and the SEA's plan for implementation;
- The methodology for identifying reward schools and list of reward schools based on SY 2010-11 assessment results;

- The methodology for identifying priority schools, list of priority schools based on SY 2010–11 assessment results, and a plan to implement interventions consistent with the turnaround principles in such schools over the period of the flexibility;
- The methodology for identifying focus schools, list of focus schools based on SY 2010–11 assessment results, and the SEA's process for ensuring LEAs implement interventions based on needs, and examples of interventions and,
- A description of the SEA's process for building SEA, LEA, and school capacity.

By 2011–12:

- Apply new AMO's to Adequate Yearly Progress (AYP) determinations;
- Annually publicly identify and recognize or reward highest-performing and high-progress Title I schools; and,
- Make public the list of priority schools and focus schools.

By 2012–13 and 2013-14:

- SEA implements the system of differentiated recognition, accountability, and support;
- LEAs implement interventions consistent with the turnaround principles in each Title I school identified as a priority school and consistent with SEA's timeline for implementing such interventions in all of those schools over the period of the flexibility;
- LEAs implement interventions in each Title I school identified as a focus school; and,
- SEAs implement its process for building SEA, LEA, and school capacity through monitoring and technical assistance; holding LEAs accountable for improving school and student performance; and ensuring sufficient support for implementation of interventions in priority schools, focus schools, and other identified schools.

### **3. Teacher and Leader Evaluation and Support Systems**

At submission, states must provide:

- A plan to develop guidelines for evaluation and support systems, process for ensuring LEA implementation, and assurance that SEA has provided student growth data to teachers or will do so by the deadline required under the State Fiscal Stabilization Fund.

By 2011–12:

- Adopt guidelines for teacher and principal evaluation and support systems; and,
- Provide student growth data to teachers.

By 2012–13:

- LEAs develop evaluation and support systems consistent with State guidelines.

By 2013–14:

- LEAs pilot implementation of evaluation and support systems.

#### **4. Reduce Duplication and Unnecessary Burden**

At submission states must:

- Provide an assurance that the SEA will review and evaluate State-level administrative requirements and adjust appropriately in order to reduce duplication and unnecessary burden on LEAs and schools.

Between 2011–12 and 2013-14:

- Review and evaluate State-level administrative and reporting requirements and adjust appropriately in order to reduce duplication and unnecessary burden on LEAs and schools.

If SEAs are approved for an extension through 2014–15, the requirements are:

- SEA administers high-quality assessments aligned with college- and career-ready standards;
- SEA develops and administers ELP assessments aligned with the State's ELP standards, consistent with the requirements in ESEA sections 1111(b)(7), 3113(b)(2), and 3122(a)(3)(A)(ii);
- SEA annually reports to the public college-going and college credit-accumulation rates, as defined under State Fiscal Stabilization Fund Indicators (c)(11) and (c)(12);
- SEA continues implementing differentiated recognition, accountability, and support system;
- SEA continues annually publicly identifying reward schools;
- LEAs continue implementing interventions in priority schools and focus schools;
- LEAs fully implement teacher and principal evaluation and support systems; and
- SEA continues reviewing, evaluating, and adjusting administrative and reporting requirements.



## ATTACHMENT C

### NYS Status/Timeline for Implementation of ESEA Flexibility

<u>ESEA Flexibility Required Actions</u>	<u>ESEA Flexibility Request Submission Requirements</u>	<u>Status</u>	<u>Evidence/Next Steps</u>
Letter of Intent	Include the submission window in which SED intends to submit the flexibility request.	<b>Completed</b>	Submitted on October 20, 2011, following Regents' approval indicating New York will apply in mid-February 2012 during Round 2.
Required Stakeholder Consultation	Request includes evidence that the state meaningfully engaged and solicited input from diverse stakeholders and communities in the development of its request.	<b>In Progress</b>	<p>In August 2011, SED invited representatives of key stakeholder organizations, as well as experts in accountability systems, to participate in a "School and District Accountability Think Tank" ("the Think Tank"). The Think Tank currently includes representatives from 24 external organizations in addition to technical experts and SED staff. On October 26th, SED also met with the Title I Committee of Practitioners to discuss the waiver. Meetings with both groups will continue. Additionally, SED is in the process of creating a waiver website to share information about the application with the broader community.</p> <p>SED is also in the process of creating an ESEA waiver website to support meaningful engagement of stakeholders in the process.</p> <p>P-12 Education – New York State's Next Generation Accountability System  <a href="http://www.regents.nysed.gov/meetings/2011Meetings/October2011/1011monthmat.html">http://www.regents.nysed.gov/meetings/2011Meetings/October2011/1011monthmat.html</a></p>

<u>ESEA Flexibility Required Actions</u>	<u>ESEA Flexibility Request Submission Requirements</u>	<u>Status</u>	<u>Evidence/Next Steps</u>
Adopt college- and career-ready standards	Request includes evidence that the state has formally adopted college- and career-ready standards	<b>Completed</b>	<p>In January 2011, the Board of Regents adopted the NYS P-12 Common Core Learning Standards, which are aligned to the Council of Chief State School Officers (CCSSO) and the National Governor’s Association (NGA) Center for Best Practices draft of the common core college- and career-ready standards.</p> <p><a href="http://www.regents.nysed.gov/meetings/2011Meetings/January2011/11p12swa1.html">http://www.regents.nysed.gov/meetings/2011Meetings/January2011/11p12swa1.html</a></p> <p><a href="http://www.oms.nysed.gov/press/CommonCoreStandardsP-12.html">http://www.oms.nysed.gov/press/CommonCoreStandardsP-12.html</a></p>
Implement college- and career-ready standards by the 2013-14 school year	Request includes plan for transitioning to and implementing college- and career-ready standards	<b>In Progress</b>	<p>Implementation of the NYS P-12 Common Core Learning Standards began in all schools in the 2011-12 SY, which are aligned to the draft of the common core college- and career-ready standards. The reporting of state assessment results for 2011-12 SY will include performance mapped to both the existing NYS standards and the new NYS standards (inclusive of the Common Core). In school year 2012-13, classroom instruction is expected to be fully aligned to the new standards.</p> <p><a href="http://www.p12.nysed.gov/ciai/common_core_standards/faq.html">http://www.p12.nysed.gov/ciai/common_core_standards/faq.html</a></p>
Develop and administer high-quality assessments aligned with college- and career-ready standards by the 2014-15 school year	Request includes plan for developing and administering high-quality assessments aligned with college- and career-ready standards, and assurance that SEA will develop and administer alternate assessments consistent with 34 C.F.R. § 200.6(a)(2)	<b>Pending</b>	<p>Assessments for 2012-13 will test achievement of the New York State P-12 Common Core Learning Standards for English Language Arts &amp; Literacy and Mathematics. The Common Core Standards are directly linked to the RTTT Common Assessment project.</p> <p><a href="http://www.regents.nysed.gov/meetings/2011Meetings/May2011/511p12ccrwgcommitteereport.html">http://www.regents.nysed.gov/meetings/2011Meetings/May2011/511p12ccrwgcommitteereport.html</a></p> <p><a href="http://usny.nysed.gov/rttt/docs/ccsstimeline.pdf">http://usny.nysed.gov/rttt/docs/ccsstimeline.pdf</a></p>

<u>ESEA Flexibility Required Actions</u>	<u>ESEA Flexibility Request Submission Requirements</u>	<u>Status</u>	<u>Evidence/Next Steps</u>
Adopt ELP standards that correspond to college- and career-ready standards by the 2013-14 school year	Request includes assurance that SEA will adopt ELP standards	<b>In Progress</b>	As schools and districts begin to implement a new statewide Common Core curriculum, NYSED is developing guidance and tools to assist educators of ELLs. The Department will be contracting with vendors to develop curricular modules in ELA and Math to guide educators on how to implement common core instruction. These curriculum modules are required to have additional educational teaching and learning systems and pathways embedded in the curriculum to support ELLs. By building the needs of ELLs directly into the Common Core curriculum, the Department will address one of the key reasons for why ELLs complete school at rates below those of many other groups of students.
Develop and administer ELP assessments by the 2014-15 School Year	Request includes assurance that SEA will develop and administer ELP assessments	<b>In Progress</b>	SED is aligning the New York State English as a Second Language Achievement Test (NYSESLAT) to the Common Core and field testing new items for implementation in the 2013-14 school year in parallel with the new English language arts assessment.
Annually report college-going and college credit-accumulation rates for all students and subgroups of students in each LEA and each public high school in the State by 2014-15	Request includes assurance that SEA will annually report to the public the required data	<b>Completed</b>	See <a href="http://www.highered.nysed.gov/oris/Graduation_Rates.htm">http://www.highered.nysed.gov/oris/Graduation_Rates.htm</a> for report on 2005-06 high school graduates college-going and credit-accumulation rates.
Set new ambitious but achievable AMOs	Request includes proposed new AMOs and justification that they are ambitious but achievable	<b>Pending</b>	SED staff are currently developing options for review by Board of Regents.

<u>ESEA Flexibility Required Actions</u>	<u>ESEA Flexibility Request Submission Requirements</u>	<u>Status</u>	<u>Evidence/Next Steps</u>
Develop and implement a state-based system of differentiated recognition, accountability, and support	Request includes a description of the SEA's differentiated recognition, accountability, and support system and the SEA's plan for implementation	<b>Pending</b>	SED staff are currently developing options for review by Board of Regents.
Annually identify and recognize or reward highest-performing and high-progress Title I schools	Request includes SEA's methodology for identifying schools and list of schools based on SY 2010-11 assessment results	<b>Pending</b>	SED staff are currently developing options for review by Board of Regents.
Implement school interventions consistent with the turnaround principles in priority schools	Request includes SEA's methodology for identifying schools, list of schools based on SY 2010–11 assessment results, and a plan to implement interventions consistent with the turnaround principles in such schools over the period of the flexibility	<b>Pending</b>	SED staff are currently developing options for review by Board of Regents.
Implement interventions in focus schools	Request includes SEA's methodology for identifying schools, list of schools based on SY 2010–11 assessment results, SEA's process for ensuring LEAs implement interventions based on needs, and examples of interventions	<b>Pending</b>	SED staff are currently developing options for review by Board of Regents.

<u>ESEA Flexibility Required Actions</u>	<u>ESEA Flexibility Request Submission Requirements</u>	<u>Status</u>	<u>Evidence/Next Steps</u>
Build capacity to improve student learning	Request includes description of the SEA's process for building SEA, LEA, and school capacity	<b>Pending</b>	SED staff are currently developing options for review by Board of Regents.
Develop, adopt, and implement teacher and principal evaluation and support systems	Request includes a plan to develop guidelines for evaluation and support systems, process for ensuring LEA implementation, and assurance that SEA has provided student growth data to teachers or will do so by the deadline required under the State Fiscal Stabilization Fund	<b>In Progress</b>	Effective 2011-12 SY teachers in grades 4-8, ELA and Math (including common branch teachers who teach ELA or mathematics), and their building principals, and teachers and principals in schools receiving 1003(g) School Improvement Grants will be subject to the new NYS APPR. By 2012-13 all classroom teachers and their principals will be subject to the new NYS APPR.  <a href="http://www.p12.nysed.gov/newsnotes/archive/201105.html#tpe">http://www.p12.nysed.gov/newsnotes/archive/201105.html#tpe</a>
Review and evaluate state-level administrative and reporting requirements to reduce duplication and unnecessary burden	SEA assures it will review and evaluate state-level administrative requirements and adjust appropriately in order to reduce duplication and unnecessary burden on LEAs and schools.	<b>In Progress</b>	SED launched the 2011-12 School Reporting Requirements (SRR) web-based system. The SRR system provides school districts, charter schools, and BOCES with a single access point for all PreK-12 plans, applications, reports, and data that must be submitted to the Department throughout the year. In school year 2013-14, an on-line grant application and review program will be developed to streamline the review and approval of state and federal grants.  <a href="http://www.p12.nysed.gov/mgtserv/streamlining/home.html">http://www.p12.nysed.gov/mgtserv/streamlining/home.html</a>