

Update on the Elementary and Secondary Education Act Waiver Renewal for 2013-14



History of the ESEA Waiver

September 2011: President Obama announced an ESEA regulatory flexibility initiative.

May 2012: The USDE approved New York State's Flexibility Waiver Request.

September 2013: USDE offered states with approved ESEA Flexibility Waivers the opportunity to renew the waivers for the 2014-15 and 2015-16 school years.

November 2013: USDE rescinds its September 2013 renewal application process and replaces it with a one year streamlined renewal process for the 2014-15 school year only.

ESEA Flexibility Waiver

On September 23rd, President Obama announced an Elementary and Secondary Education Act (ESEA) regulatory flexibility initiative to revise No Child Left Behind (NCLB).

States were able to request flexibility only in the following areas:

- 2013-14 Timeline for All Students Becoming Proficient
- School and District Improvement Requirements
- Highly Qualified Teacher Improvement Plans
- Schoolwide Programs
- Transferability of Funds
- Use of School Improvement Grant Funds
- Rewards for Schools
- Rural Schools
- Twenty-First Century Community Learning Centers program (optional)
- Determining Annual Yearly Progress (AYP) for each school and district (optional)
- Rank Order Funding Allocation for districts (optional)

In exchange for flexibility, states with approved waivers committed to:

- Set College and Career-Ready Standards for All Students and Develop and Administer Annual, Statewide, Aligned, High-Quality Assessments that Measure Student Growth.
- Develop Systems of Differentiated Recognition, Accountability and Support.
- Support Effective Teaching and Leadership, including the implementation of Teacher and Principal Evaluation in which student growth is a significant factor.
- Reduce Duplication and Unnecessary Burden.

ESEA Waiver Renewal Process

- Submit a letter to USDE requesting an extension for 2014-15 and describe how the waiver has helped the SEA to be more effective and has contributed to improved student achievement.
- Resolve any State-specific “Next Step” issues as a result of USDE monitoring. NY has two next steps to address- the least of any state monitored during this year.

Highlights of ESEA Waiver Implementation

- Principle 1: NYS is one of two states with approved ESEA waivers that has implemented new State assessments aligned to the Common Core Learning Standards (CCLS).
- Principle 2: NYSED developed the Diagnostic Tool for School and District Effectiveness (DTSDE) and implemented the tool in 70 districts in the 2012–13 school year. NYSED made significant progress in providing support to LEAs to build their capacity to increase student achievement at low-performing schools.
- Principle 3: The Department used a rigorous review process to approve districts APPR plans, and every district in the State except New York City had an approved plan to implement during the 2012-13 school year. Approval of APPR plans also contributed to progress in awarding several districts competitive grants to support comprehensive and innovative approaches to turn around the lowest achieving schools and improve the effectiveness and equitable distribution of educators.

Next Step Issues to be Resolved

1. Reward Schools List Publicity

- NYSED will issue a press release on an annual basis and add language to the waiver regarding possible funding opportunities for Title I Reward Schools that agree to act as resource schools for the Department and for low performing schools.

2. Priority Principal Screening and Evaluation

- Districts with Priority Schools will submit, as part of each Priority School's Comprehensive Educational Plan, a rationale for each principal that it proposes to lead the Priority School's turnaround model.

Amending an Approved ESEA Waiver Plan

- States that wish to make amendments to their approved plan to take effect in 2014-15 may do so as part of their renewal process.
- States must consult with stakeholders before submitting a flexibility renewal request that includes amendments.



Amendment Recommendations –

Testing for Students with Disabilities

- Assess students with significant cognitive disabilities based on their instructional level rather than their chronological age.*

NYSED would:

- Issue criteria and guidance for identification and instructional levels for these students.
- Limit the number of grade levels below the student's chronological grade level at which the student could be assessed (e.g., two years).
- Require that the students be assessed at a higher grade level for each subsequent year.
- Use proficient and advanced scores of those students for accountability purposes:
 - the number of those scores cannot exceed a specified percent (e.g., one percent in ELA; two percent in math) of all students in the grades assessed in reading/language arts and in mathematics.

* Note: New York will continue to assess students with the most significant (severe) cognitive disabilities using the New York State Alternate Assessment (NYSAA). As required by the United States Department of Education, the use of proficient and advanced scores on the NYSA is capped for accountability purposes at one percent of all test takers.

Amendment Recommendations - Alignment of DTSDE and DCIP Activities

- Create an explicit alignment between the DTSDE rubric ratings and allowable activities within the District Comprehensive Improvement Plan (DCIP) and/or a School Comprehensive Education Plan (SCEP).
- As part of this amendment, NYSED would require districts with Priority and Focus Schools to:
 - Prioritize funds for implementation of systemic planning training, expanded learning time, and community school programs.
 - Select activities to be funded by Title I, II and III that directly support their areas of need based on the results of DTSDE reviews.

Amendment Recommendations -

AYP and AMO Changes

- Make a technical change to the computation of Adequate Yearly Progress (AYP) for the “all students” group.
 - Beginning with the 2013-14 school year results, New York would seek permission to allow the “all students” group in a district or school to make AYP if all the accountable subgroups in the school or district make AYP by meeting their respective Annual Measurable Objective (AMO) or Safe Harbor.
- Revise the AMOs for Grades 3-8 English language arts and mathematics to reflect the lower percentages of students who scored at or above Level 2 and at or above Level 3 on the Common Core aligned assessments first administered in 2012-13.

Amendment Recommendations – Testing for English Language Learners

- Exempt newly arrived ELLs from participating in the ELA assessments for two years and use NYSESLAT results for accountability purposes for these students.
- Create Spanish Language Arts assessments and allow districts to offer this assessment as a local option when it would best measure the progress of Spanish-speaking ELLs (beginning in 2015-16).
- Beginning in 2014-15, develop a Performance Index for newly arrived ELLs in their first two years in the United States. For these students, growth towards proficiency in language arts will be calculated based on rigorous expectations on the NYSESLAT assessment.

ESEA Renewal Time Line



- ESEA Waiver Renewal Think Tank Meetings – *November 2013 through August 2014*
- Public Comment – *January 16, 2014 to January 25, 2014*
- Action item presented to Board of Regents – *February 10, 2014*
- Submission of Waiver Renewal to USDE - *February 28, 2014*