



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

Interim Commissioner of Education
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July 28, 2020

Mr. Frank Brogan
Assistant Secretary of Elementary and Secondary Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Mr. Brogan:

On behalf of the New York State Board of Regents and the New York State Education Department (NYSED or "the Department"), I am re-submitting amendments to New York State's United States Department of Education (USDE)-approved Every Student Succeeds Act (ESSA) consolidated plan for your review and approval. Our plan amendments were originally submitted for USDE review on Wednesday, July 24, 2019. We received feedback from members of USDE's Office of School Support and Accountability and have engaged in ongoing conversation over the last several months to resolve outstanding questions. The updated plan reflects the feedback received during our ongoing consultation and fully addresses the questions raised.

In accordance with the request outlined in an email received from Ms. Collette Roney on April 10, 2020, I am submitting a red-lined version of the approved ESSA plan that reflects changes to our approved plan and a clean version of the updated plan. A complete description of the changes, including additional updates since the July 24, 2019 submission, can be found in Attachment A.

As stated in our previous submission, stakeholders were given extensive opportunity to comment on the proposed regulations related to implementation of the plan. We also provided Governor Cuomo an opportunity to review and comment upon the proposed revisions.

We look forward to your review of our updated changes. Should you have any questions or concerns, please contact Jason Harmon, Assistant Commissioner for the Office of Accountability at Jason.Harmon@nysed.gov.

Sincerely,

Shannon Tahoe
Interim Commissioner

cc: John D'Agati
Kimberly Wilkins
Jason Harmon
Stephen Earley
Lisa Long

Attachment A

Proposed Amendments to New York's ESSA Plan

Page Number	Issue	Summary of Change
4	Updated contact information	Provided updated contact information for SEA Contact and Authorized Representative.
22	Technical Change: Double Testing Waiver Approved	Change from "seek a waiver" to implement the approved waiver related to double testing.
22-23	Off-Grade Tests and Computer Based Testing	Clarification that NYSED would use on grade-level academic content and achievement standards for ESAE assessment and accountability purposes and off-grade level assessments is not included as an accommodation.
24	Technical change: Reporting of numbers/percentages for students speaking languages other than English	Change in numbers/percentages for languages other than English.
28	Technical change: Correct Commissioner's Regulation citation	Change citation: from Section 154.3 to Subparts 154-2 and 154-3 of New York State's Commissioner's Regulations
29-30	Assessments for newly arrived ELLs	Clarification that newly arrived ELLs will take the New York State English as a Second Language Achievement Test (NYSESLAT).
30	N-size	Indicates that there are some indicators that will use an n-size of 15: Core Subject Performance, and Graduation Rate.
36	Update MIPs and long-term goals to reflect 2016-17 baseline	Change in High School ELA end goal to 215.
378-40	Update MIPs and long-term goals to reflect 2016-17 baseline	Change in long term and MIP goals for subgroups, based on 2016-17 baseline data.
42-45	Update MIPs and long-term goals to reflect 2016-17 baseline	Change in graduation long term and MIP goals for subgroups, based on 2016-17 baseline data.
46	Technical Change: Added the words "Language Arts" to English	Added "Language Arts" to English Language Arts
48	ELP Indicator	Students who remain classified as ELLs beyond the expected trajectory as shown in Table 1 below will have a target growth of 0.75 performance levels. This target growth level will continue to be expected of students each year until they exit ELL status.

Page Number	Issue	Summary of Change
55 and 57	Adjustment in levels for Academic Progress	Long term and MIP goals and Indicator Levels: The Commissioner can intervene to limit the percent of schools identified as Level 1 for each subgroup based on a percentage increase of Level 1 for the “all students” subgroup.
58	Accelerated Science Results	Correction of technical error - Both middle and high school students who score below 55 will have their results included in the Performance Index as Level 1.
62	Adjustment in Levels for Graduation Rates	Long term and MIP goals and Indicator Levels for graduation rate: The Commissioner can intervene to limit the percent of schools identified as Level 1 for each subgroup based on a percentage increase of Level 1 for the “all students” subgroup.
67	Adjustment in Levels ELP Indicator	Long term and MIP goals and Indicator Levels for ELP indicator: The Commissioner can intervene to limit the percent of schools identified as Level 1 for each subgroup based on a percentage increase of Level 1 for the “all students” subgroup.
68-69	Update MIPs and long-term goals to reflect 2016-17 baseline	Change in long term and MIP goals for chronic absenteeism, for subgroups, based on 2016-17 baseline data.
71-72	College, Career and Civic Readiness	Changes to weighting of measures in College, Career, and Civic Readiness Index.
72	Update MIPs and long-term goals to reflect 2016-17 baseline	Change in long term and MIP goals for CCCR Index, for subgroups, based on 2016-17 baseline data.
74-75	Adjustment in Levels for Chronic Absenteeism and College, Career, and Civic Readiness	Long term and MIP goals and Indicator Levels for chronic absenteeism and CCCR Index: The Commissioner can intervene to limit the percent of schools identified as Level 1 for each subgroup based on a percentage increase of Level 1 for the “all students” subgroup.
80-81	Technical change: Additional language added to CSI criteria chart	Within the chart, under the ELP Level, addition of “(including None)” to Any.
82	CSI identification of Additional TSI Schools	Addition of language describing methodology by which TSI Schools identified for additional targeted support are preliminarily identified as CSI.
86	TSI and CSI Exit Criteria	Addition of language describing the participation rate requirements that must be met for a school to be removed from CSI and TSI status.
104	Participatory Budgeting	Clarification that CSI schools can engage in participatory budgeting or another process for engagement of students and parents.
110, 114, 116	Principal Support Report and Principal Needs Assessment	The name of the Principal Support Report and Principal Needs Assessment has been changed to “Leadership Team Support Report” and “Leadership Team Needs Assessment” to reflect that the focus of these documents should be the district and school leadership teams, not just the principal.

Page Number	Issue	Summary of Change
113	Receivership Schools, Schools Under Registration Review (SURR), Schools with Poor Learning Environments, CSI Schools Failing to Make progress	The Department has revised the regulations to remove the provision that the Commissioner may direct the district to submit a plan to convert the school to a charter school pursuant to Education Law section 2851(3).
125	Timing of LEA-level teacher equity reports	Change, “annually,” to “in future school years” to be consistent with page 157.
158	Timing of LEA-level teacher equity reports	Change, “In each school year,” to “In future school years.”
183, 187	Statements on educational excellence in New York State	Removed: New York State can lay claim to excellence when a pathway to academic success exists for every student in the State who is willing to work hard.
202	Awards made to LEAs under Title IV, Part A	Clarifies that NYSED will use funds reserved under section 4104(a)(1) to award subgrants, on an allocational basis.
209-216	Updating of website links in McKinney Vento section	General updating of website links to reflect redesigned website.
217-230	Update Measures of Interim Progress (MIPs) and long-term goals to reflect 2016-17 baseline	New subgroup charts with revised long term and MIP goals based on 2016-17 baseline data.