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To: District Superintendents, Superintendents and Charter School Leaders

From: Jason Harmon, Assistant Commissioner 

Subject: 2019-20 Accountability Implications Based on April 2020 United States Department of Education Waivers and Changes to Commissioner's Regulations §100.21 to Address the COVID-19 Crisis

Date: April 17, 2020

This memo is to inform you that on Monday, April 6, 2020, the Board of Regents and the New York State Education Department (NYSED or "the Department") made the decision to modify the accountability rules for schools and districts based on a one-year waiver NYSED received from the United States Department of Education (USDE) from certain requirements under the Every Student Succeeds Act (ESSA) as a result of the COVID-19 pandemic. Specifically, USDE approved the Department's application for a one-year waiver from provisions pertaining to state assessments and school and district accountability determinations. Also, as a result of this waiver, rules regarding 2019-20 Title I School Improvement funds, as well as district and school report card reporting requirements are impacted.

To best support schools and districts during this turbulent time and to reflect the USDE COVID-19 waiver, the Board of Regents voted at its April 2020 meeting to amend Commissioner's Regulations §100.21. The amendments were adopted by the Board of Regents as an emergency measure, with permanent adoption of these regulations expected to occur at the July 2020 Board of Regents meeting after a 60-day public comment period. These amendments are described below.

Review of School and District Performance

NYSED staff will not conduct reviews of school and district performance using 2019-20 school year results.

Accountability Status

The accountability status of public schools and districts for the 2020-21 school year will be the same as it was for the 2019-20 school year. Also, 2018-19 school year results will be used in any instance for which 2019-20 school year results would have been used, as part of the process of making 2021-22 school year accountability determinations. Additionally, the Commissioner may modify any timeline beginning with the 2019-20 school year through the 2021-22 school year that pertains to accountability status notifications and improvement plan development and implementation.

Based on these changes, NYSED will take the following actions:

- Waive all assessment and participation requirements for the 2019-20 school year.
- Refrain from making 2020-21 accountability status determinations based on 2019-20 school year data for the following indicators within the system: composite performance; academic progress; student growth; English Language Proficiency; chronic absenteeism; graduation rate; and college, career, and civic readiness.
- Freeze the accountability status of all schools and districts. All districts/schools will have the same accountability status in the 2020-21 school year that the districts/schools had in the 2019-20 school year. Therefore:
 - Any district that was identified as a Target District in the 2019-20 school year will maintain that identification status in the 2020-21 school year.
 - Any school that was identified as a Comprehensive Support and Improvement (CSI) School or Targeted Support and Improvement (TSI) School in the 2019-20 school year will maintain that identification status in the 2020-21 school year.
 - There will be no progress determinations made based on 2019-20 school year data for identified Target Districts, CSI Schools, and TSI Schools; 2020-21 school year data will be used to make the second-year progress determinations.
 - No schools will be identified as Recognition Schools in the 2020-21 school year.
 - 2021-22 school year results, rather than 2020-21 school year results, will be used to create the next list of Comprehensive Support and Improvement Schools.
- Continue to provide supports in the 2020-21 school year to Target Districts, CSI schools, and TSI schools and provide interventions consistent with the school's support and improvement plan.
- Extend established Measures of Interim Progress (MIP) and Long-Term Goals by one year. For example, NYSED will use the MIPs for the 2019-20 school year for the 2020-21 school year instead of requiring schools and district to meet the previously set 2020-21 MIPs. If a school or subgroup does not have a 2020-21 MIP due to extenuating or extraordinary circumstances, or because of small N-size in prior years, the Department will set a 2020-21 MIP using 2018-19 school year data as baseline.
- Waive all requirements pertaining to participation rate for the 2019-20 school year.
- Extend until Friday, July 31, 2020 the deadline for the development and submission (if required) of Participation Rate Improvement Plans to be implemented in the 2020-21

school year. These plans were previously required to be approved by the Board of Education of the district or the Board of Trustees of the charter school by May 1, 2020.¹

- Extend deadlines for the development and submission of 2020-21 school improvement plans and/or district improvement plans as needed.

2019-20 Title I School Improvement Funds

NYSED will allow Local Education Agencies (LEA) to carryover unspent 2019-20 Title I School Improvement funds for use in the 2020-21 school year, in addition to the planned allocations districts will receive in the 2020-21 school year. This will apply to the following grant programs:

- 2019-20 Title I School Improvement Grant 1003 Basic
- 2019-20 Title I School Improvement Grant 1003 ENHANCED Comprehensive Support and Improvement (CSI) Support Options
- 2019-20 Title I School Improvement Grant 1003 TARGETD Support Grant
- 2019-20 Title I School Improvement Grant 1003 Basic - Planning

District/School Report Cards

The Department will not report or make changes to the 2019-20 School and District Report Cards related to assessments and accountability data that will include the following areas:

- Accountability system;
- Assessment results;
- Other academic indicator results;
- English language proficiency results;
- School quality or student success indicator results;
- Progress toward meeting long-term goals and measurements of interim progress;
- Percentage of students assessed and not assessed;
- Number and percentage of students with the most significant cognitive disabilities taking an alternate assessment; and
- Information showing how students in an LEA and each school, respectively, achieved on the academic assessments compared to students in the State and LEA (with respect to all waived requirements).

To access the Board of Regents item regarding amendments to §100.21 of the Commissioner's Regulations and COVID-19 Emergency Regulations addressing the COVID-19 crisis, please click here: [BOR April 2020 COVID-19 Amendments](#) and here [Emergency Regulations](#). To view the Board of Regents supplemental presentation on emergency regulations, please visit: [COVID-19 Emergency Regulations Presentation](#). Lastly, to view the Board of Regents presentation on our response to COVID-19, please visit [COVID-19 Response Presentation](#).

¹ Districts with one or more schools required to develop a 2020-21 Participation Rate Improvement Plan were notified via memo on March 5, 2020.

Should you have any questions regarding any of the above information, please contact us by using the e-mail addresses below based on the area of your inquiry. For questions related to:

- Accountability Identification and Status, please e-mail ACCOUNTINFO@nysed.gov
- Supports and Required Actions for Identified Schools and Districts, please e-mail FIELDSUPPORT@nysed.gov
- 2019-20 Title I School Improvement Funds, please e-mail SIGA@nysed.gov
- District/School Report Cards, please e-mail DATASUPPORT@nysed.gov

During these challenging times, the Department aims to be flexible and remains committed to supporting your efforts to provide the best education and support to the students of New York State. We are all in this together.

cc: Kim Wilkins
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Jennifer Todd
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