UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

September 8, 2023

The Honorable Betty A. Rosa
Commissioner
New York State Education Department
89 Washington Avenue, Room 111
Albany, NY 12234

Dear Commissioner Rosa:

I am writing in response to New York's June 29, 2023, request to the U.S. Department of Education (Department) to amend its approved consolidated State plan under the Elementary and Secondary Education Act of 1965 (ESEA). Prior to implementing any revisions to its approved consolidated State plan, a State must submit its proposed amendments to the Department for review and approval.

I have determined that the amendment request meets ESEA requirements and, for this reason, I am approving New York's amended State plan. A summary of New York's amendment is enclosed. This letter, as well as New York's revised ESEA consolidated State plan, will be posted on the Department's website. Any further requests to amend New York's ESEA consolidated State plan must be submitted to the Department for review and approval.

Please be aware that approval of this amendment to New York's consolidated State plan is not a determination that all the information and data included in the amended State plan comply with Federal civil rights requirements, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and requirements under the Individuals with Disabilities Education Act. It is New York's responsibility to comply with these civil rights requirements.

Thank you for the work the New York State Education Department has devoted to its consolidated State plan under the ESEA. If you need any assistance regarding its implementation, please contact the Office of School Support and Accountability at: OESE.Titlei-a@ed.gov.

Sincerely,

Adam Schott

Adam Schott
Deputy Assistant Secretary for Policy and Programs
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

Enclosure
cc: Theresa Billington

Amendment to the New York Consolidated State Plan
The following is a summary of New York's amendment request. Please refer to the Department's website https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/essa-consolidated-state-plans/ for New York's complete consolidated State plan.

- *Eighth Grade Math Exception*
  NYSED made revisions to reflect the extension of the waiver the Department granted to permit NYSED to extend the eighth grade mathematics exception (allowing eighth grade students enrolled in high school mathematics to take the high school end-of-course mathematics assessment in eighth grade) to science and lower grades in mathematics.

- *Subgroups*
  NYSED added a multiracial subgroup to the subgroups it uses in its accountability system and clarified the definitions of its Hispanic or Latino and gender student subgroups (note that NYSED does not include "gender" as a subgroup for accountability purposes).

- *Minimum N-size*
  For 2022–2023 and 2023–2024 school year results, NYSED will use only current year data and a minimum number of students (n-size) of 30, with two exceptions where NYSED will use a minimum n-size of 15: First, NYSED will use a minimum n-size of 15 to calculate its Core Subject Performance Index as long as these results equal at least 50 percent of the results for the subgroup on the Weighted Average Achievement Index; and, second, NYSED will use a minimum n-size of 15 in cases where the 4-, 5-, and 6-year graduation rate cohort has fewer than 30 students and the number of results for the Weighted Average Achievement Index is equal to or greater than 30.

- *Long-Term Goals*
  NYSED shifted its long-term goals and measurements of interim progress for academic achievement, graduation rates, and progress in achieving English language proficiency (ELP) forward by three years beginning with measurements of interim progress for the 2019-2020 school year (extended to the 2022-2023 school year) and extending its long-term goals to the 2025-2026 school year.

- *Academic Achievement Indicator*
  Consistent with its previously approved ESEA State plan Addendum, NYSED will continue to use a rank-ordered approach to assign each school a performance level between one and four points (based on its percentile performance for that indicator) for its Academic Achievement indicator for 2022–2023 and 2023–2024 school year results.

- *Other Academic Indicator*
  For 2022–2023 and 2023–2024 school year results, NYSED will pause the use of its Academic Progress Index, its individual student growth measure, and its Science Performance Index as Other Academic Indicators for elementary and secondary schools that are not high schools (Other Academic Indicator). NYSED also revised its remaining Other Academic Indicator, its Core Subject Performance Index, to include only school performance in mathematics and reading/language arts (and not science).

- *Graduation Rate Indicator*
  Consistent with its previously approved ESEA State plan Addendum, NYSED will continue to use a rank-ordered approach to assign each school a performance level between one and four points (based on its percentile performance for that indicator) for Graduation Rate indicator for 2022–2023 and 2023–2024 school year results.

- *School Quality or Student Success Indicator*
  For 2022–2023 and 2023–2024 school year results for secondary/high schools, NYSED will pause use of its social studies performance index and its college, career, and civic readiness index as separate School Quality or Student Success (SQSS) indicators. Instead, NYSED will use a core subject performance index for secondary/high schools that includes school performance indices for reading/language arts, mathematics, and science. Consistent with its previously approved ESEA State plan Addendum, NYSED will continue to use a rank-ordered approach to assign each school a performance level between one and four points (based on its percentile performance for that indicator) for its SQSS indicators for 2022–2023 and 2023–2024 school year results.

- *Annual Meaningful Differentiation*
  For 2022–2023 and 2023–2024 school year results, consistent with its previously approved ESEA State plan addendum, NYSED revised its business rules for its system of annual meaningful differentiation, specifically its business rules for identifying schools for the lowest-performing five percent of Title I schools for comprehensive support and improvement (CSI), additional targeted support and improvement (ATSI), and targeted support and improvement due to consistently underperforming subgroups (TSI). The revised business rules use NYSED's Weighted Average Achievement and Core Subject Performance indices (in place of NYSED's Composite Performance Index) along with NYSED's progress in achieving ELP indicator, SQSS indicator for chronic absenteeism and, for high schools, the Graduation Rate indicator to rate school performance based on numbered scenarios that consider school performance across these measures, which collectively include all indicators.

- *Alternate Methodology*
  NYSED specified two scenarios when the State will use its previously approved alternative methodology (i.e., for including schools without the data necessary to be included in the regular accountability system). Those two scenarios are: (1) when the number of results for a school do not meet minimum n-size for the Weighted Average Achievement Index; and (2) when results for a school do not meet minimum n-size for a graduation rate determination.

- *Frequency of Identification*
  NYSED made revisions to restart identifying schools for CSI and ATSI every three years, beginning with the 2022-2023 school year based on results from the 2021-2022 school year.

- *Targeted Support and Improvement - Consistently Underperforming Subgroups (TSI)*
  NYSED clarified that it will annually identify schools for TSI beginning with the 2022-2023 school year based on results from the 2021-2022 school year.

- *Additional Statewide Categories*
  For 2022–2023 and 2023–2024 school year results, NYSED will not identify schools for recognition as an additional statewide category of schools.

- *CSI Exit Criteria*
  Consistent with its previously approved ESEA State plan Addendum, NYSED will continue to use modified exit criteria for CSI schools in the 2022-2023 and 2023-2024 school years. Specifically, for 2022–2023 school year data, a CSI school will exit CSI status if the school does not meet the CSI identification criteria and meets one of the following conditions: (1) Weighted Average Achievement Index or Core Subject Performance Index is higher than at the time of identification, based on 2021–2022 school year results; (2) graduation rate is higher than at the time of identification, based on 2021–2022 school year results; and (3) for schools identified for having graduation rate less than 67 percent, the school's graduation rate (average 4-, 5- and 6-year rates) is 67 percent or higher. For 2023–2024 school year data and exit criteria, NYSED clarified CSI schools will not be eligible to exit this status until after the following school year.

- *ATSI Exit Criteria*
  Consistent with its previously approved ESEA State plan addendum, NYSED will continue to use its modified exit criteria for ATSI schools in the 2022-2023 and 2023-2024 school years. An ATSI school may exit this status if the subgroup for which the school was identified does not meet TSI identification criteria and either (1) has a Weighted Average Achievement Index or Core Subject Performance Index that is higher than at the time of identification; or (2) has a graduation rate (average 4-, 5-, and 6-year rates) that is higher than at the time of identification.

  For 2022–2023 and 2023–2024 school year results, NYSED also added TSI exit criteria, specifically: (1) a school identified for TSI for the 2022-2023 school year based on 2021-2022 results may exit TSI status if the subgroup for which the school was identified does not meet TSI identification criteria for 2022-23, and (2) for schools identified for TSI based on school year 2022-2023 and 2023-2024 results, as well as TSI schools identified in 2021-2022 results that did not exit TSI status based on 2022-2023 results, a school may exit TSI status if the subgroup for which the school was identified does not meet TSI identification criteria for two consecutive years.

- *Other Continued Support*
  NYSED clarified that it will conduct resource allocation reviews in LEAs with a significant number of CSI and ATSI schools, as required under ESEA section 1111(d)(3)(A)(ii). NYSED also refined the types of technical assistance it will provide to LEAs serving a significant number or percentage of schools identified for support and improvement.