



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

OCT 31 2008

The Honorable Richard P. Mills
Commissioner
New York State Education Department
111 Education Building
Albany, New York 12234

Dear Commissioner Mills:

Thank you for submitting a differentiated accountability proposal to the U.S. Department of Education (Department). Through this pilot, the Department hopes to discover various approaches to differentiation that produce more targeted and effective interventions for schools and school districts in need of improvement.

The Department has reviewed New York's differentiated accountability proposal and has decided to forward the proposal for peer review. As explained by the Secretary in her letter on August 1, 2008, to participate in the pilot, states must commit to build their own capacity for school reform, take the most significant actions for the lowest-performing schools, and use data to determine the method of differentiation. The Department will take into consideration a number of issues before approving any proposal.

As noted in the Secretary's letter, priority for participation in the pilot will be given to states that have at least 20 percent of their Title I schools identified as in need of improvement; states that propose substantive and comprehensive interventions for the lowest-performing schools and school districts (i.e. restructuring); and states that propose an innovative model of differentiation and interventions.

It is important to note that in the case of New York, upon evaluating the timely release of adequate yearly progress (AYP) determinations to local educational agencies and schools prior to the start of the school year, the Department is concerned that the state did not meet this requirement.

I also want to provide you with additional information about how we will handle the next steps in the review and approval process. First, the peers will independently review each state's proposal. As the peers review each proposal, they may seek clarifications. Consequently, to the extent necessary, we may facilitate a conference call between your staff and the peer review team some time during the week of November 7-14. In the meantime, we will post all of the states' submissions on our website at: <http://www.ed.gov/admins/lead/account/differentiatedaccountability/index.html>. The posting of the submissions on our website will help ensure that this process is open and transparent to all those concerned.

The peer reviewers will meet in Washington, DC, on November 17 to discuss each proposal. During this meeting, the Department may request more information or facilitate another conference call between the peer reviewers and your staff to discuss any necessary additional clarifications regarding your proposal. The peer reviewers will document their comments on each proposal and each state will receive a copy of these peer notes. Following their review, the peers will make recommendations to the Secretary.

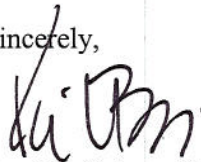
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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

The Department intends to complete the approval process by early December to allow sufficient time for approved states to apply their differentiated accountability model in the 2009–10 school year for AYP determinations based on assessment results from the 2008–09 school year.

Again, I appreciate your work on the proposal and your continued efforts to ensure quality education for all children.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerri L. Briggs". The signature is written in a cursive style with a large initial "K".

Kerri L. Briggs, Ph.D.

cc: Governor David Paterson
Ira Schwartz