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# ESEA Flexibility

## Request



**February 28, 2012**

**New York State Education Department  
89 Washington Avenue  
Albany, NY 12234**



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## COVER SHEET FOR ESEA FLEXIBILITY REQUEST

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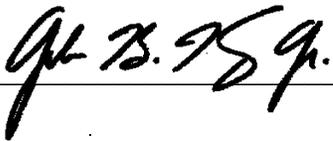
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John B. King, Jr.

Telephone:  
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Signature of the Chief State School Officer:

Date:

X  \_\_\_\_\_

2/28/2012

The State, through its authorized representative, agrees to meet all principles of the ESEA Flexibility.

## WAIVERS REQUESTED

By submitting this flexibility request, the SEA requests flexibility through waivers of the ten ESEA requirements listed below and their associated regulatory, administrative, and reporting requirements by checking each of the boxes below. The provisions below represent the general areas of flexibility requested; a chart appended to the document titled ESEA Flexibility Frequently Asked Questions enumerates each specific provision of which the SEA requests a waiver, which the SEA incorporates into its request by reference.

- 1. The requirements in ESEA section 1111(b)(2)(E)-(H) that prescribe how an SEA must establish annual measurable objectives (AMOs) for determining adequate yearly progress (AYP) to ensure that all students meet or exceed the State's proficient level of academic achievement on the State's assessments in reading/language arts and mathematics no later than the end of the 2013–2014 school year. The SEA requests this waiver to develop new ambitious but achievable AMOs in reading/language arts and mathematics in order to provide meaningful goals that are used to guide support and improvement efforts for the State, LEAs, schools, and student subgroups.
- 2. The requirements in ESEA section 1116(b) for an LEA to identify for improvement, corrective action, or restructuring, as appropriate, a Title I school that fails, for two consecutive years or more, to make AYP, and for a school so identified and its LEA to take certain improvement actions. The SEA requests this waiver so that an LEA and its Title I schools need not comply with these requirements.
- 3. The requirements in ESEA section 1116(c) for an SEA to identify for improvement or corrective action, as appropriate, an LEA that, for two consecutive years or more, fails to make AYP, and for an LEA so identified and its SEA to take certain improvement actions. The SEA requests this waiver so that it need not comply with these requirements with respect to its LEAs.
- 4. The requirements in ESEA sections 6213(b) and 6224(e) that limit participation in, and use of funds under the Small, Rural School Achievement (SRSA) and Rural and Low-Income School (RLIS) programs based on whether an LEA has made AYP and is complying with the requirements in ESEA section 1116. The SEA requests this waiver so that an LEA that receives SRSA or RLIS funds may use those funds for any authorized purpose regardless of whether the LEA makes AYP.
- 5. The requirement in ESEA section 1114(a)(1) that a school have a poverty percentage of 40 percent or more in order to operate a schoolwide program. The SEA requests this waiver so that an LEA may implement interventions consistent with the turnaround principles or interventions that are based on the needs of the students in the school and designed to enhance the entire educational program in a school in any of its priority and focus schools that meet the definitions of "priority schools" and "focus schools," respectively, set forth in the document titled ESEA Flexibility, as appropriate, even if those schools do not have a poverty percentage of 40 percent or more.
- 6. The requirement in ESEA section 1003(a) for an SEA to distribute funds reserved under that section only to LEAs with schools identified for improvement, corrective action, or restructuring. The SEA requests this waiver so that it may allocate section 1003(a) funds to its LEAs in order to serve any of the State's priority and focus schools that meet the definitions

of “priority schools” and “focus schools,” respectively, set forth in the document titled ESEA Flexibility.

- 7. The provision in ESEA section 1117(c)(2)(A) that authorizes an SEA to reserve Title I, Part A funds to reward a Title I school that (1) significantly closed the achievement gap between subgroups in the school; or (2) has exceeded AYP for two or more consecutive years. The SEA requests this waiver so that it may use funds reserved under ESEA section 1117(c)(2)(A) for any of the State’s reward schools that meet the definition of “reward schools” set forth in the document titled ESEA Flexibility.
- 8. The requirements in ESEA section 2141(a), (b), and (c) for an LEA and SEA to comply with certain requirements for improvement plans regarding highly qualified teachers. The SEA requests this waiver to allow the SEA and its LEAs to focus on developing and implementing more meaningful evaluation and support systems.
- 9. The limitations in ESEA section 6123 that limit the amount of funds an SEA or LEA may transfer from certain ESEA programs to other ESEA programs. The SEA requests this waiver so that it and its LEAs may transfer up to 100 percent of the funds it receives under the authorized programs among those programs and into Title I, Part A.
- 10. The requirements in ESEA section 1003(g)(4) and the definition of a Tier I school in Section I.A.3 of the School Improvement Grants (SIG) final requirements. The SEA requests this waiver so that it may award SIG funds to an LEA to implement one of the four SIG models in any of the State’s priority schools that meet the definition of “priority schools” set forth in the document titled ESEA Flexibility.

**Optional Flexibilities:**

If an SEA chooses to request waivers of any of the following requirements, it should check the corresponding box(es) below:

- 11. The requirements in ESEA sections 4201(b)(1)(A) and 4204(b)(2)(A) that restrict the activities provided by a community learning center under the Twenty-First Century Community Learning Centers (21st CCLC) program to activities provided only during non-school hours or periods when school is not in session (i.e., before and after school or during summer recess). The SEA requests this waiver so that 21st CCLC funds may be used to support expanded learning time during the school day in addition to activities during non-school hours or periods when school is not in session.
- 12. The requirements in ESEA sections 1116(a)(1)(A)-(B) and 1116(c)(1)(A) that require LEAs and SEAs to make determinations of adequate yearly progress (AYP) for schools and LEAs, respectively. The SEA requests this waiver because continuing to determine whether an LEA and its schools make AYP is inconsistent with the SEA’s State-developed differentiated recognition, accountability, and support system included in its ESEA flexibility request. The SEA and its LEAs must report on their report cards performance against the AMOs for all subgroups identified in ESEA section 1111(b)(2)(C)(v), and use performance against the AMOs to support continuous improvement in Title I schools that are not reward schools, priority schools, or focus schools.

13. The requirements in ESEA section 1113(a)(3)-(4) and (c)(1) that require an LEA to serve eligible schools under Title I in rank order of poverty and to allocate Title I, Part A funds based on that rank ordering. The SEA requests this waiver in order to permit its LEAs to serve a Title I-eligible high school with a graduation rate below 60 percent that the SEA has identified as a priority school even if that school does not rank sufficiently high to be served.

## ASSURANCES

By submitting this application, the SEA assures that:

- 1. It requests waivers of the above-referenced requirements based on its agreement to meet Principles 1 through 4 of the flexibility, as described throughout the remainder of this request.
- 2. It will adopt English language proficiency (ELP) standards that correspond to the State's college- and career-ready standards, consistent with the requirement in ESEA section 3113(b)(2), and that reflect the academic language skills necessary to access and meet the new college- and career-ready standards, no later than the 2013–2014 school year. (Principle 1)
- 3. It will develop and administer no later than the 2014–2015 school year alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities that are consistent with 34 C.F.R. § 200.6(a)(2) and are aligned with the State's college- and career-ready standards. (Principle 1)
- 4. It will develop and administer ELP assessments aligned with the State's ELP standards, consistent with the requirements in ESEA sections 1111(b)(7), 3113(b)(2), and 3122(a)(3)(A)(ii). (Principle 1)
- 5. It will report annually to the public on college-going and college credit-accumulation rates for all students and subgroups of students in each LEA and each public high school in the State. (Principle 1)
- 6. If the SEA includes student achievement on assessments in addition to reading/language arts and mathematics in its differentiated recognition, accountability, and support system and uses achievement on those assessments to identify priority and focus schools, it has technical documentation, which can be made available to the Department upon request, demonstrating that the assessments are administered statewide; include all students, including by providing appropriate accommodations for English Learners and students with disabilities, as well as alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities, consistent with 34 C.F.R. § 200.6(a)(2); and are valid and reliable for use in the SEA's differentiated recognition, accountability, and support system. (Principle 2)
- 7. It will report to the public its lists of reward schools, priority schools, and focus schools at the time the SEA is approved to implement the flexibility, and annually thereafter, it will publicly recognize its reward schools as well as make public its lists of priority and focus schools if it chooses to update those lists. (Principle 2)
- 8. Prior to submitting this request, it provided student growth data on their current students and the students they taught in the previous year to, at a minimum, all teachers of reading/language arts and mathematics in grades in which the State administers assessments in those subjects in a manner that is timely and informs instructional programs, or it will do so no later than the deadline required under the State Fiscal Stabilization Fund. (Principle 3)
- 9. It will evaluate and, based on that evaluation, revise its own administrative requirements to reduce duplication and unnecessary burden on LEAs and schools. (Principle 4)
- 10. It has consulted with its Committee of Practitioners regarding the information set forth in its request.

- 11. Prior to submitting this request, it provided all LEAs with notice and a reasonable opportunity to comment on the request and has attached a copy of that notice (Attachment 1) as well as copies of any comments it received from LEAs (Attachment 2).
- 12. Prior to submitting this request, it provided notice and information regarding the request to the public in the manner in which the State customarily provides such notice and information to the public (e.g., by publishing a notice in the newspaper; by posting information on its website) and has attached a copy of, or link to, that notice (Attachment 3).
- 13. It will provide to the Department, in a timely manner, all required reports, data, and evidence regarding its progress in implementing the plans contained throughout this request.
- 14. It will report annually on its State report card, and will ensure that its LEAs annually report on their local report cards, for the “all students” group and for each subgroup described in ESEA section 1111(b)(2)(C)(v)(II): information on student achievement at each proficiency level; data comparing actual achievement levels to the State’s annual measurable objectives; the percentage of students not tested; performance on the other academic indicator for elementary and middle schools; and graduation rates for high schools. It will also annually report, and will ensure that its LEAs annually report, all other information and data required by ESEA section 1111(h)(1)(C) and 1111(h)(2)(B), respectively.

**If the SEA selects Option A in section 3.A of its request, indicating that it has not yet developed and adopted all the guidelines for teacher and principal evaluation and support systems, it must also assure that:**

- 15. It will submit to the Department for peer review and approval a copy of the guidelines that it will adopt by the end of the 2011–2012 school year. (Principle 3)

## CONSULTATION

An SEA must meaningfully engage and solicit input from diverse stakeholders and communities in the development of its request. To demonstrate that an SEA has done so, the SEA must provide an assurance that it has consulted with the State's Committee of Practitioners regarding the information set forth in the request and provide the following:

1. A description of how the SEA meaningfully engaged and solicited input on its request from teachers and their representatives.

A comprehensive overview of the consultation process can be found in the response to question 2 below. Specific to the engaging and soliciting input on New York State's waiver request from teachers and their representatives, in January 2012, NYSED conducted individual meetings with teacher representative organizations, New York State United Teachers (NYSUT) and United Federation of Teachers (UFT). NYSED staff presented the proposed ESEA Waiver for discussion and feedback. NYSUT is New York's statewide organization representing teachers and the UFT is the union that represents New York City teachers, the school district that educates over 30 percent of New York's public school students, and more than 60 percent of New York's students served by Title I. In addition to those specific meetings with teacher organizations, teacher representatives were also active participants in many of the other groups that were consulted, such as the School and District Accountability Think Tank, the Title I Committee of Practitioners and the Bilingual Committee of Practitioners.

2. A description of how the SEA meaningfully engaged and solicited input on its request from other diverse communities, such as students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English Learners, business organizations, and Indian tribes.

New York State's ESEA waiver application provided multiple opportunities for key public stakeholders to participate in this process. The organizations with which the New York State Education Department (NYSED) consulted represent widely diverse communities including students, parents, community-based organizations, civil rights organizations, organizations representing English Language Learners and students with disabilities, and business organizations. The specific organizations include:

- Advocates for Children
- Alliance for Quality Education
- Asian American Legal Defense and Education Fund
- Boards of Cooperative Educational Services (BOCES)
- Commissioner's Advisory Panel (CAP) for Special Education Services
- Conference of Big Five School Districts
- Council of School Supervisors & Administrators (CSA)
- Greece Central School District
- New York Charter Schools Association
- New York City Charter School Center

- New York City Department of Education
- New Rochelle Board of Education - Office of Special Education Start
- New York Schools Data Analysis Technical Assistance Group (DATAG)
- New York State Bilingual and ESL Committee of Practitioners (Bilingual COP)
- New York State Council of School Superintendents (NYSSCOSS)
- New York State Parent Teacher Association
- New York State School Boards Association (NYSSBA)
- New York State United Teachers (NYSUT)
- School Administrators Association of New York State (SAANYS)
- Special Act Schools
- Staff/Curriculum Development Network
- State University of New York (SUNY)
- The Business Council of New York State, Inc.
- Title I Committee of Practitioners (Title I COP)
- United Federation of Teachers (UFT)
- Webster Central School District

As a result of the iterative and developmental process undertaken, the following key changes were made to the application:

- **Guiding Principles:** The ESEA waiver application was based on a set of guiding principles adopted by the Board of Regents at their November 2011 meeting. These guiding principles were developed in consultation with NYSED’s School and District Accountability Think Tank (described in the next section), which reviewed and commented upon several iterations of the principles. Many of the recommendations of Think Tank members were incorporated into the final guiding principles adopted by the Regents, which then shaped the development of the application.
- **Definition of College- and Career- Readiness:** Based on a number of comments, additional clarification regarding career readiness standards was provided in the application. Consistent with the position of The Association for Career and Technical Education (ACTE), (which states that “career-ready core academics and college-ready core academics are essentially the same, thus creating overlap in the preparation students need to be ready for postsecondary education and careers”) and Achieve’s American Diploma Project Network, (which states “In the last decade, research conducted by Achieve as well as others shows a convergence in the expectations of employers and colleges in terms of the knowledge and skills high school grads need to be successful after high school”) the request clarifies that the academic standards that apply to college readiness are equally appropriate for measuring the academic skill level a student should have to pursue a career upon graduation. In addition in order to be identified as a reward school, schools must now demonstrate that either their percentage of students graduating with a Regents diploma with advanced designation or their percentage of students graduating with a Regents diploma with CTE endorsement exceeds the State average.
- **Methodologies for Identification of Reward, Focus and Priority Schools and Focus Districts:** Based on modeling of data and public comment, revisions to these methodologies

were made. For example, as a result of public comment NYSED incorporated the performance of subgroups of students into its progress standards for identification of priority schools and expanded the use of the five year cohort graduation rate as a factor in the identification of Focus districts.

- **Special Act School Districts and Transfer High Schools:** Based on a number of comments, NYSED has clarified the conditions under which Schools in Special Act School Districts and Transfer High Schools will be identified as Priority Schools. These changes are intended to ensure that these schools are held accountable for results in a way that recognizes the special populations they serve and the unique missions of these schools.
- **Expanded Learning Time and 21<sup>st</sup> Century Community Learning Center Grants:** Based on comments from a number of organizations, the request has been amended to provide greater clarity on how the optional flexibility that allows these funds to support expanded learning time during the school day will be incorporated into the next 21<sup>st</sup> Century Community Learning Center grant competition. The request also provides additional information on the requirement that Priority Schools must offer expanded learning time to students.
- **District Comprehensive Improvement Plans and Local Assistance Plans:** Based on comments, the request has been revised to clarify that a district that has both Priority and/or Focus Schools and schools that require a Local Assistance Plan will use its District Comprehensive Improvement Plan to meet the Local Assistance Plan requirement, and will develop one plan – not two plans.
- **Equitable Participation Requirements for Nonpublic Schools:** Based on comments received from organizations representing nonpublic schools, the request has been amended to explicitly state that consistent with USDE's ESEA Flexibility guidelines, no statutory or regulatory requirements related to the equitable participation of private school students and teachers in Title I programs may be waived. Accordingly, nothing in NYSED's ESEA waiver request will affect any applicable obligations governing the equitable participation of students enrolled in private elementary and/or secondary schools in the State's Title I program.

In addition to the above, the request in response to comments now provides a more extensive overview of the state's current accountability system; more details on such elements of the plan as Integrated Intervention Teams and the Diagnostic Tool for School and District Effectiveness; and more information on strategies to address the needs of students with disabilities and English language learners.

### **Consultation Process**

The New York State Board of Regents (Board of Regents or Regents) is responsible for the general supervision of all educational activities within the State, presiding over The University of the State of New York and NYSED. As the administrative arm of the Board of Regents and part of the University of the State of New York, NYSED helps to make up one of the most complete, interconnected systems of educational services in the United States. As a matter of best practice, the NYSED and the Board of Regents regularly communicate and collaborate with stakeholders in a

variety of ways including advisory committees, forums, web postings, listservs, webinars, public meetings, and as needed, individual meetings with key stakeholders regarding specific policy issues.

The Regents Reform Agenda, which has guided NYSED's work for the last several years, addresses the same principles that a state must submit in its flexibility application. For instance, the Board of Regents has adopted the Common Core Standards, put in place a strategy to align state assessments with these standards and established measures of proficiency on the grades 3-8 English language arts and mathematics assessments that are benchmarked to college- and career-ready success. The Board of Regents has also put in place a new teacher and principal evaluation system that includes student growth as a significant factor. This new evaluation system, required by Education Law §3012-c, provides districts with a powerful tool to support effective teaching and leadership. Throughout the adoption of these various policies and initiatives, NYSED consulted with stakeholders through Regents Forums, public meetings, web postings, and convening of Task Forces. The feedback and comments received were considered and frequently incorporated into Regents' policy and regulatory actions, resulting in a Reform Agenda that brings a sustained systemic focus on improving student achievement in New York State.

In 2010, an advisory committee, known as the Regents Task Force on Teacher and Principal Effectiveness, was established to offer assistance, ideas and expertise in development of the regulations for the new teacher- and principal-evaluation system. The committee had 60 members and was composed of teachers, principals, superintendents of schools, school boards, school districts and Board of Cooperative Educational Services (BOCES) officials, the unions representing teachers and administrators, representatives from educator preparation programs, as well as research advisers, NYSED staff, and other interested parties. After six (6) months of collaborating, the group released recommendations in April 2011 that were largely incorporated into the regulations that the Board of Regents adopted in May 2011.

In anticipation that Secretary Duncan would offer ESEA flexibility, NYSED, in August 2011 invited representatives of key stakeholder organizations, as well as experts in accountability systems, to participate in a "School and District Accountability Think Tank" ("the Think Tank"). The Think Tank included representatives from 23 external organizations, in addition to technical experts and NYSED staff. The expertise of the Think Tank members provided NYSED with an opportunity to review and rethink the key elements of New York State's current Differentiated Accountability system. The role of the Think Tank was to advise NYSED on how to build upon best practices that exist within the current accountability system in a way that better supports the efforts of schools and districts to ensure that all students graduate high school, college- and career-ready.

Think Tank members (see Attachment 11 for a listing of member organizations) committed to meeting once per month for day-long, face-to-face meetings where NYSED staff and external members acted as thought partners to envision New York State's Next Generation Accountability System. Meetings were conducted each month between August 2011 and January 2012. In addition to the monthly meetings, the Think Tank held interim teleconference meetings for the purpose of following up or delving deeper. The Think Tank was divided into three (3) subgroups: 1) Accountability Measures, 2) School Classification and Support, as well as 3) Linking Schools and Stakeholders to allow more focused group conversations and feedback from the experts in their respective areas of interest. Extensive documentation of the deliberations of the Think Tank was maintained and members were encouraged to submit written recommendations to NYSED staff either on behalf of their organizations or as individuals with expertise in accountability systems.

## **Special Education Consultation**

In October 2011, NYSED staff met with the Commissioner's Advisory Panel (CAP) for Special Education Services to discuss New York State's application for ESEA Flexibility and presented information, pertaining to the waiver process to the group. The meeting included CAP members representing individuals with disabilities, parents of children with disabilities, teachers, State/local education officials, administrators of programs for children with disabilities, State agencies that are involved in the delivery of related services, a provider of transition services and business/vocational representative, institutions of higher education, private and charter schools, corrections agencies (juvenile and adult), State official representing homeless children, State child welfare agency officials responsible for foster care, and ad hoc members. An additional meeting with this group was held in January 2012 to review NYSED's waiver application and seek comment on the specific proposals.

In October 2011, the Statewide Coordinator for Special Education met with special education directors of central New York State's small city school districts in Syracuse and reviewed the ESEA waiver process. The directors recommended use of a growth model and raised concerns around school choice and students with disabilities.

In November 2011, NYSED staff also discussed New York State's application for ESEA Flexibility with special education directors representing four of the Big 5 city school districts (Yonkers, Syracuse, Buffalo and Rochester) at a meeting in Syracuse, New York. This group of special education directors made a recommendation pertaining to the use of a growth model in the measures. NYSED meets regularly with representatives of the Big 5 city school districts not only because they represent a significant percentage of the State's population, but they also represent some of the largest high-needs communities in the State.

## **Title I Consultation**

In October 2011, the Title I Committee of Practitioners met to discuss ESEA Waiver Flexibility, and considered a "Next Generation Accountability System" memo from P-12 Deputy Commissioner Ken Slentz to the Board of Regents, which speaks directly to developing the Waiver Request. The Committee met again on January 12, 2012 and January 31, 2012 to review and provide comment on the draft ESEA waiver application.

## **Bilingual Education Consultation**

In December 2011, the New York State Bilingual and English as a Second Language Committee of Practitioners (Bilingual COP) held its final meeting of the year in Brooklyn, New York. The Bilingual COP was created in 2006 as a response to the Bilingual Community requesting a platform to interact and advise the Commissioner and the Board of Regents on issues related to the educational, social, and cultural needs of English Language Learners (ELLs). Bilingual COP members, over seventy (70), consist of advocacy groups, parents, institutions of higher education, media, school superintendents, district administrators and teachers. During the December 2011 Bilingual COP meeting, NYSED staff presented the proposed recommendations for the ESEA Flexibility Waiver that were slated to be presented to the Board of Regents at its December meeting. On January 25, 2012, a statewide conference call was held with the Bilingual COP to review the draft ESEA waiver application.

## **Meetings of the Education Commissioner**

The New York State Education Commissioner conducts regular meetings with the following organizations: New York State United Teachers (NYSUT), New York State Council of School Superintendents (NYSCOSS), School Administrators Association of New York State (SAANYS), Conference of Big 5 School Districts and the New York State School Boards Association (NYSSBA). Agendas reflect that during the months of October 2011 through February 2012, the Commissioner has regularly updated these stakeholders and constituents on New York State's ESEA Waiver Flexibility Request. In meetings conducted in January and February 2012, each organization was provided the opportunity to review and comment upon the draft waiver application.

## **Public Meetings of the Board of Regents**

NYSED staff began discussing New York State's Next Generation Accountability System with the Board of Regents at its October 2011 meeting and presented reports to the Board of Regents at their November 2011, December 2011, and January and February 2012 meetings. The meetings are held in Albany, New York, and are open to the public. In addition, agendas and materials for all meetings are posted to the NYSED website at: <http://www.regents.nysed.gov/meetings/archived-2011.html>. Materials available for public review include the Guiding Principles for design of a system for accountability for student success, timelines, an extensive question and answer document outlining the key elements of the waiver application, a summary of the draft application, and a review of the entire application prior to its issuance for public comment.

## **Statewide Webinars**

In January 2012, the Assistant Commissioner for Accountability, Ira Schwartz, conducted a statewide webinar to discuss New York State's Next Generation Accountability System and the ESEA Waiver Flexibility Request.

## **Public Comment Period**

Prior to submitting this waiver request, New York State provided all local educational agencies with notice (see Attachment 1) and a reasonable opportunity to comment on this request. New York State provided notification to District Superintendents, School Superintendents, Charter School Administrators, and Title I Coordinators. An e-copy of the notification is found in Attachment 3. The notification was also posted for comment on January 20, 2012.

From January 20, 2012 to January 30, 2012, the New York State Education Department solicited public comment on a draft of the waiver request for regulatory flexibility from provisions of the Elementary and Secondary Education Act (ESEA). Over 450 public comments were received via e-mail and regular mail. Many comments began with endorsements for the Regents' Reform Agenda and commended the Department's work overall. In addition, many comments that contained specific, and oftentimes numerous, recommended changes began with compliments for the overall waiver request plans. Some of the positive comments consist of:

- Compliments on a comprehensive and clear flexibility application.
- Support for the establishment of revised Annual Measurable Objectives.

- Support for setting College- and Career- Ready Standards using a growth model in addition to student achievement.
- Support for not identifying schools if they are above median state growth percentile in ELA and Mathematics grades 4-8.
- Support for giving full credit to any student who is or is on track to proficiency using growth measure.
- Support for the Reward school proposal and granting increased flexibility to Reward schools.
- Support for the creation of a single diagnostic tool for school and district accountability.
- Support for the proposal for districts to develop a singular improvement plan.
- Support for the recommendation to no longer mandate the 20 percent set aside for SES as SES is currently executed.
- Support for many of the funding revisions including the transfer of various funding streams into Title I Part A, removing the 40 percent poverty school-wide program threshold, and the waiver of 21<sup>st</sup> Century Community Learning Centers funds.
- Support for eliminating mandatory set-asides and allowing transfer of funds.

NYSED received comments from individuals, organizations (e.g., LEA, community organizations, and foundations), as well as from regions (i.e., Big 5, Long Island, NYC, Upstate, Westchester, etc.). Comments ranged across and touched on many areas of the ESEA Flexibility Request. Below is a general summary of comments by the topics with the greatest number of responses. These summaries are intended to provide an overview rather than a review of the comments in their entirety. Topics with the greatest number of responses, however, include:

- Supplemental Educational Services
- Annual Professional Performance Review (APPR)
- The Role of Testing
- 21<sup>st</sup> Century Community Learning Centers

### **Supplemental Education Services (SES) Comments:**

Numerous comments were received from parents, students, service providers and advocacy organizations recommending the Department not change the current mandated set-aside of Title I funds for SES. There were also recommendations that SES tutoring services be continued; that the current number of students receiving SES, students who are predominately both low-income and persons of color, be maintained; that students at Priority Schools should receive SES, as long as the school is not meeting specific academic targets; and that the SES set-aside be reduced or modified, but not eliminated completely.

The comments also included the following feedback on SES: districts that are already underperforming are unlikely to better serve students than if those students participated in SES programs; having service providers reapply to the state will result in a service disruption for students

in the upcoming school year; there will be a disproportionate impact of the proposed SES measures on low-income students in underperforming schools, with several saying that the proposed measure will exacerbate gaps between low-income and other students.

Lastly, it should also be noted that in meetings attended by representatives of school districts, almost all of these representatives expressed strong support for this provision of the waiver.

**DEPARTMENT RESPONSE:**

The waiver does not seek to eliminate the provision of SES services to students. Rather, the Department is proposing to change the set-aside requirements. New York will not require districts to offer SES or set aside a portion of their Title I allocation to pay for SES. Alternatively, districts can choose to offer SES and pay for the services using Title I funds. In order to support districts that choose to continue to provide SES, New York will require all SES providers to reapply for state approval. New York will evaluate whether the SES providers' programs are aligned with the Common Core standards. Districts that wish to offer SES will be allowed to determine the providers that parents in their district may select. The waiver will not eliminate the district's responsibility to provide interventions for students who need support services to increase student achievement. In addition, the Commissioner shall establish, as approved by the Board of Regents, a minimum amount of Expanded Learning Time that must be incorporated into the redesign of the school day, week and/or year for Priority Schools. Districts will be able to use funds from their Title I and Title II set-asides to implement these requirements. NYSED will assist districts by providing technical assistance to support development and implementation of this redesign, including assisting schools to redesign and expand their schedules in partnership with providers that have a demonstrated record of promoting student achievement.

**Annual Professional Performance Review (APPR) Comments (Teacher and Principal Evaluations):**

A large number of the comments received concerned APPR. The comments included the following feedback: the waiver would generate additional testing and children are already over-tested; the emphasis on testing and accountability is harming education; test-based accountability for teachers, schools, teacher education programs should be opposed; the proposal will perpetuate the flawed APPR system. It was recommended that New York seek a one-year extension of APPR phase-in and requested that stakeholders be engaged in this conversation

**DEPARTMENT RESPONSE:**

The waiver request does not establish any new policy or requirements in terms of teacher and principal evaluation. The waiver simply documents the actions that have been taken by the Governor and state legislature in enacting New York's new Teacher and Principal evaluation system (3102-c of Education Law), the Board of Regents in adopting conforming regulations (Section 100.2 of Commissioner's Regulations), and the Department in implementing the provisions of regulations. The actions outlined in the State's proposal are consistent with the requirements of the waiver and must be met in order to receive the flexibility requested. In February 2012 Governor Cuomo and New York State Education Commissioner John King, and New York State United Teachers President Richard C. Iannuzzi announced an agreement that gives significant guidance to local school districts for the implementation of a teacher evaluation

system that is based on multiple measures of performance including student achievement and rigorous classroom observations. The agreement also, for the first time, gives the SED Commissioner the authority to approve or disapprove local evaluation plans that are deemed insufficient and specifies that teachers who are rate ineffective on student achievement results must be given an overall rating of ineffective.

### **Testing Comments (Assessments and Other Academic Measures):**

Numerous comments pertaining to testing were received that expressed opposition to the waiver request. The comments included the following feedback: the waiver would generate additional testing and children are already over-tested; the emphasis on testing and accountability is harming education; the Department should not create additional ELA tests in grades 9 and 10; and should not have test-based accountability systems for teachers, schools, or teacher education programs.

Comments were submitted regarding the methodology for calculating adequate yearly progress (AYP) against the Performance Index, when used in the determination of what students in transfer schools have achieved while enrolled.

There were some comments regarding the extension of the length of the Graduation Rate Cohort beyond the four-year cohort for all schools. There was also mention of the inclusion of students who graduate within a “legal time period” as an accountability measure.

### **DEPARTMENT RESPONSE:**

The Department does not intend to impose new tests as a result of the waiver but will use the existing state assessment program to measure school and district performance. The Department believes that the aspirational goal of a score of 75 or above on the English Regents exam and a score of 80 or above on a Math Regents exam is a suitable proxy for college and career readiness. The Department acknowledges as new assessments are administered and/or as additional information is captured by our data system, other measures of college and career readiness may become available for consideration by the Regents.

The request has been amended to clarify that the academic standards that apply to college readiness are equally appropriate for measuring the academic skill level a student should have to pursue a career upon graduation. The application has also been amended to revise the way in which transfer high schools as well as special act schools will be held accountable for performance and the use of the five year cohort has been expanded in making accountability determinations.

### **21st Century Community Learning Centers (CCLC) Comments:**

A number of comments were submitted from service providers and advocacy organizations regarding the implications of seeking a waiver that includes the 21<sup>st</sup> Century Community Learning Centers. A majority of comments spoke to the fear that schools districts would use funds, not for quality after school programming, but to fill gaps in a very limited and strained budget (i.e., replace lost positions). Many after-school providers, students, and families saw the waiver as a threat to 21<sup>st</sup> CCLC programs. Accordingly, those providing comments noted the strong track record of learning centers providing “high-quality, school-linked expanded learning opportunities.” Additionally, there was angst regarding the future of the respective programs if the proposed waiver moved forward as planned.

Comments were made that suggest the waiver emphasize the importance of the addition of significantly more time to the traditional school day to facilitate well rounded curricula and more individual relationships with adult role models, including the integration of specialists during the school day. Several comments noted the research cited by New York City Commissioner Jeanne B. Mullgrav of the Department of Youth and Community Development, which argued that extended learning time during the school year and in the summer “can reinforce what students learn in school not only through explicit academic support, but also by giving them opportunities to use these basic skills in all their activities.”

Specifically, some comments noted:

- Applying for the optional waiver would permit expanded learning time and additional activities during the school day and non-school hours.
- The Request for Proposal process should take into consideration the range of models for expanded learning time (including before school, after school, summer learning programs, and/or expanded learning time programs), as long as the model includes research-based expanded learning opportunities that improve students academic, social, and emotional outcomes.
- The option for extending the school day in all schools, not just Priority Schools.
- Additional learning opportunities should be responsive to parents’ needs and desires, and thereby the Department should further clarify what is meant by “state approved services and programs.”

#### **DEPARTMENT RESPONSE:**

The Department understands the concerns expressed in the comments. The waiver request has been amended to provide greater clarity on how the Department proposes to incorporate into the next 21st CCLC grant competition the optional flexibility that allows these funds to support expanded learning time during the school day. The request also provides additional information on the requirements that Priority Schools offer expanded learning time to students.

Of the comments received, five were from LEA’s and are included in Attachment 2.

## EVALUATION

The Department encourages an SEA that receives approval to implement the flexibility to collaborate with the department to evaluate at least one program, practice, or strategy the SEA or its LEAs implement under principle 1, 2, or 3. Upon receipt of approval of the flexibility, an interested SEA will need to nominate for evaluation a program, practice, or strategy the SEA or its LEAs will implement under principles 1, 2, or 3. The Department will work with the SEA to determine the feasibility and design of the evaluation and, if its is determined to be feasible and appropriate, will fund and conduct the evaluation in partnership with the SEA, ensuring that the implementation of the chosen program, practice, or strategy is consistent with the evaluation design.

Check here if you are interested in collaborating with the Department in this evaluation, if your request for the flexibility is approved.

## OVERVIEW OF SEA’S REQUEST FOR THE ESEA FLEXIBILITY

Provide an overview (about 500 words) of the SEA’s request for the flexibility that:

1. explains the SEA’s comprehensive approach to implement the waivers and principles and describes the SEA’s strategy to ensure this approach is coherent within and across the principles;
2. and describes how the implementation of the waivers and principles will enhance the SEA’s and its LEAs’ ability to increase the quality of instruction for students and improve student achievement.

As a Race to the Top winner, New York is well positioned and firmly committed to implementing the principles outlined in the ESEA Flexibility Waiver Request. The USED cited New York’s leadership in turning around low-performing schools in its study, *Turning Around Low-Performing Schools: A Guide for State and Local Leaders*. *Education Week’s* annual report, *Quality Counts*, has for the last decade given New York an “A” rating each year for its system of standards, assessments, and accountability, and in the 2012 edition of *Quality Counts*, New York received a perfect score of 100 for its accountability system.

Motivated by a strong sense of urgency to accelerate all students’ progress toward college- and career-readiness, the New York State Board of Regents articulated an ambitious reform agenda in December 2009 that continues to shape dramatic changes in regulation, policy, and Department actions. The Regents Reform Agenda is grounded in four core strategies that align with the principles outlined in the Flexibility Request:

- Implementation of the Common Core State Standards (CCSS) and aligned assessments in all NYS schools (as described in Principle 1);
- Building instructional data systems that measure student success and inform teachers and principals how they can improve their practice (as described in Principle 1 and Principle 3);
- Promotion of effective teachers and leaders through the implementation of a multiple measures evaluation tool that incorporates student growth as a significant measure and is aligned with strong supports and professional development (as described in Principle 3); and
- Turning around the lowest performing schools (as described in Principle 2).

These four core areas are all focused on ensuring that students graduate from high school college- and career-ready. It is imperative that New York State succeeds in this mission. We are proud that we have school systems, particularly in our high resourced suburban districts, that are consistently recognized for excellence and that our largest urban school system has received a Broad Award for its reform efforts. We are also encouraged that New York State’s graduation rates continue to creep ever higher (73.4% as of June 2010 for students who first entered grade 9 in 2006 ) even as we have raised graduation standards and that New York is among the leading states on measures such as AP participation. But this is simply not good enough. Far too many students – particularly Black, Hispanic and low-income students, English language learners, and students with disabilities – fail to either graduate or to graduate college- and career-ready. Other student performance data also remain disappointing:

- Only 54 percent of elementary and middle level students met or exceeded English Language Arts (ELA) standards in 2010-11 essentially unchanged from the prior year while in math,

the State increased the percentage of students meeting or exceeding standards by only two percentage points, from 61 to 63 percent.

- The achievement gap in New York State continues to highlight the starkly disparate performance rates for Black and Hispanic students, students with disabilities and English language learners (ELLs) throughout the State.
- Over the past three years, student performance on the National Assessment of Educational Progress has either remained the same or, in some cases, dropped. Between 2009 and 2011, for example, fourth grade NAEP math performance decreased, making New York one of the only states to lose ground.
- There is increasing evidence that a New York State Regents Diploma does not ensure that students, particularly those who graduate by passing at the minimum required levels, are ready for college and career success. Extraordinarily high remediation rates in the State's community colleges are particularly concerning.

We see the strategies described in this Request as an opportunity to bring about a fundamental cultural shift at every level of education, starting within our State Education Department, and moving outward to New York State LEAs, schools and classrooms. We aspire to create a culture of both high individual and organizational accountability for student learning results and well-developed systems of support for achieving dramatic gains in student outcomes.

The work to create this culture has already begun, and will be accelerated by approval of our Flexibility Waiver. The new Common Core standards and aligned assessments are based on substantially higher expectations and goals for student learning. The State's new teacher and principal evaluation system, coupled with an enhanced and refined differentiated institutional accountability system, aligns and expands accountability for student learning to all educators for all students. Our response to each principle in this waiver will describe how the State will use its already established system of supports for all LEAs to transition to the new requirements of Common Core and teacher and leader effectiveness, and provide information on how we will expand this system even further. The Department has used the waiver request as an opportunity to review all current practices and develop plans to make necessary changes to ensure that differentiated support and assistance is provided to the LEAs and schools that and students who need it the most.

Principle 1 will outline how the State will:

- Ensure implementation of the Common Core State Standards in all New York schools, through use of statewide Network Teams.
- Revise and develop assessments aligned to CCSS to allow New York State to promote continuously improved instruction and establish school and district accountability goals at all grade levels that are even better aligned with ensuring college- and career-readiness.
- Evolve accountability measures over the course of the waiver period and beyond. For example, NYSED expects that, in the future, subject to the availability of funds and the approval of the Board of Regents, new assessments in key instructional areas will be administered and that the results of these will be incorporated into the accountability system.

- Use the State’s longitudinal data system to capture new data elements or captures existing data elements more fully at the individual student level.

Principle 2 will outline how the State will:

- Incorporate into New York State's accountability system a growth component and standards that are better aligned with college- and career-readiness.
- Create a more coherent system of classification of schools and districts with performance categories better matched to New York State's needs.
- Better align supports and interventions for identified schools and districts with key components of the Regents’ Reform Agenda, such as the implementation of the CCSS, the creation of a system of data-driven inquiry in schools, and the promotion of teacher and principal effectiveness through systemic professional development aligned to principal and teacher evaluations.
- Create a Diagnostic Tool for School and District Effectiveness that provides schools and districts with vital information on the needs of schools and a District Comprehensive Improvement Plan that allows districts to approach school improvement holistically and as part of an overall strategy for improving student achievement for all types of schools in the district.
- Revise New York State's consolidated application for Federal funding to incorporate new set-asides that will require districts to demonstrate how they are using funds to comprehensively and coherently to implement the turnaround principles in priority schools and the components of the Regents Reform Agenda in all schools along the accountability continuum.
- Develop and align systems to identify and address the needs of English Language Learners and Students with Disabilities within the various intervention efforts.
- Develop a comprehensive plan to provide interventions via targeted technical assistance; support by way of professional development opportunities to schools and districts; and assistance in developing partnerships with organizations with demonstrated success in helping districts and schools to implement proven interventions.
- Use the grades 3-8 ELA and mathematics tests; grades 4 and 8 science assessments; high school ELA and mathematics exams; and four- and five-year cohort graduation rates to hold schools and districts accountable for student results. Rather than create entirely new accountability measures, New York State will build upon existing structures to promote more appropriate and sophisticated identification of schools and districts by:
  - incorporating into New York’s accountability system standards that are better aligned with college and career readiness, including revising high school English language arts and mathematics accountability proficiency standards so that they represent a level of performance that means a student enrolling as a freshman in credit-bearing college courses has a high likelihood of being able to receive a grade of C or better;

- modifying how New York's grades 3-8 ELA and mathematics Performance Indices are computed to incorporate both proficiency and growth towards proficiency, using the well-established Student Growth Percentile methodology;
- using growth measures for all students, including ESEA subgroups, to determine which schools and districts are demonstrating progress compared to Statewide median growth percentiles as part of the process of determining Adequate Yearly Progress and identifying Reward, Focus and Priority Schools, and Focus Districts; and
- revising its Annual Measurable Objectives (AMOs) (using Option A) to reflect the rigor required of college and career readiness standards, while at the same time making them realistic and attainable for schools and districts.

Principle 3 will outline how the State will:

- Continue the process of implementing the State's system of teacher and school leader evaluation, based in part on student growth data. The teacher and principal evaluation legislation was signed into law on May 28, 2010 (Education Law §3012-c) and the Commissioner's regulations were adopted in May 2011. On February 15, 2012 Governor Andrew M. Cuomo, New York State Education Commissioner John King, and New York State United Teachers President Richard C. Iannuzzi announced an agreement that gives significant guidance to local school districts for the implementation of a teacher evaluation system that is based on multiple measures of performance including student achievement and rigorous classroom observations. The agreement requires that a majority of the 60 percent of teacher performance points will be based on classroom observations by an administrator or principal, and at least one observation will be unannounced. The agreement further states that 40 percent of a teacher's evaluation will be based on student academic achievement, with 20 percent from state testing and 20 percent from a list of three testing options including state tests, third party assessments/tests approved by the SED and locally developed tests that will be subject to SED review and approval. The agreement also, for the first time, gives the SED Commissioner the authority to approve or disapprove local evaluation plans that are deemed insufficient and specifies that teachers who are rate ineffective on student achievement results must be given an overall rating of ineffective.
- Continue the process of implementing the State's system of teacher and school leader evaluation, based in part on student growth data. The teacher and principal evaluation legislation was signed into law on May 28, 2010 (Education Law §3012-c) and the Commissioner's regulations were adopted in May 2011.
- Develop a comprehensive, complementary set of reforms that will help attract, develop, and retain effective teachers and principals and ensure that they are equitably distributed throughout the State.
- Balance the importance of local context and decision-making authority with the need to ensure that evaluations conducted statewide include design elements that research shows lead to improved teacher practice and student learning. This balance will be achieved through the system's key required components:

- annual evaluations for all classroom teachers and building principals;
- use of multiple measures of effectiveness, including observation against established professional standards;
- significant focus on student growth and achievement;
- differentiated overall performance using four summative rating categories;
- support and timely feedback to educators to enable improvement of their practice; and
- use of evaluation results as a significant factor in teacher and principal development and employment decisions.

As articulated throughout this application, New York State has a comprehensive, robust plan to support districts as they work with their schools to put in place best practices and create the optimal conditions for learning. By implementing the plan contained in this waiver application, we will make significant progress towards our goal of ensuring that every student in New York State high school graduate is college and career ready.

## PRINCIPLE 1: COLLEGE- AND CAREER-READY EXPECTATIONS FOR ALL STUDENTS

### 1.A ADOPT COLLEGE- AND CAREER-READY STANDARDS

Select the option that pertains to the SEA and provide evidence corresponding to the option selected.

#### Option A

The State has adopted college- and career-ready standards in at least reading/language arts and mathematics that are common to a significant number of States, consistent with part (1) of the definition of college- and career-ready standards.

Attach evidence that the State has adopted the standards, consistent with the State's standards adoption process. (Attachment 4)

#### Option B

The State has adopted college- and career-ready standards in at least reading/language arts and mathematics that have been approved and certified by a State network of institutions of higher education (IHEs), consistent with part (2) of the definition of college- and career-ready standards.

Attach evidence that the State has adopted the standards, consistent with the State's standards adoption process. (Attachment 4)

Attach a copy of the memorandum of understanding or letter from a State network of IHEs certifying that students who meet these standards will not need remedial coursework at the postsecondary level. (Attachment 5)

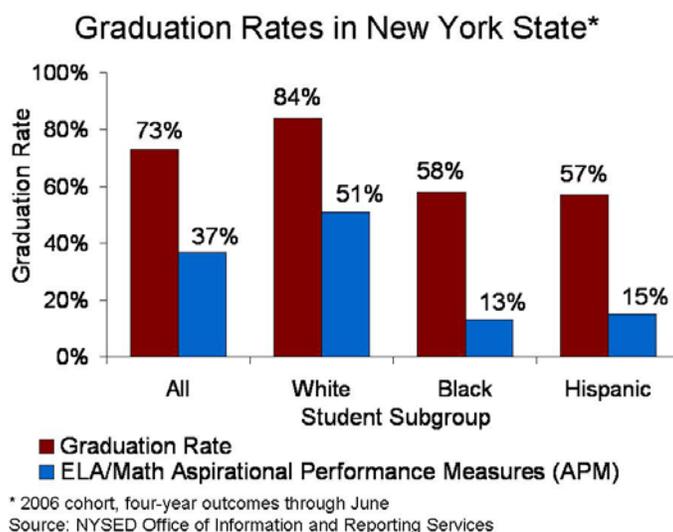
### PRINCIPLE 1 OVERVIEW

Although New York has made gains in recent years towards closing achievement gaps among student groups, New York in 2012 remains essentially a state with two school systems. One system is largely suburban, well-resourced and comprised of districts that produce among the very best results in the nation. The other system, which educates most of the state's low-income, Black and Hispanic students fails at very high rates to ensure that these students graduate from high school college and career ready.

Through New York State's successful Race to the Top application, the Board of Regents has defined a clear strategy for addressing the gaps between these two disparate systems, which will be supported further by the flexibility offered through the ESEA waiver. First, the Board of Regents is currently in the process of ensuring that all New York's students are assessed based on rigorous, college and career-ready performance standards for high-school and grades 3-8. As a result, teachers and administrators will have an accurate measure of what students need to achieve in order to be college and career ready. Second, the Board of Regents has put in place a comprehensive system of supports and resources for educators as they work with students to meet the new higher standards, particularly those students from the groups in New York that have been the lowest performing. Third, the use of locally developed rubrics and student growth data in conjunction with implementation of New York's new teacher and principal evaluation system as required by Education Law 3012-c will ensure that teachers and principals receive needed professional supports to improve instruction and, therefore, increase the probability that all students graduate from New York high schools ready for college and careers. Lastly, New York, through this waiver application as described in Principle 2, has developed new strategies for building the capacity of districts and their lowest performing schools to make dramatic gains in student achievement.

## College and Career-Ready Standards

Even as New York State's graduation rates continue to improve, with 73.4 percent of students who entered high school in 2006 graduating within four years compared to 71.8 percent the prior year, there is increasing evidence that a New York State diploma does not indicate for all students readiness to achieve in college and career. For example, approximately 41 percent of students in two-year colleges across the New York State are in remedial courses<sup>1</sup>.



In 2009, the Board of Regents as part of their Reform Agenda and New York State's approved Race to the Top Scope of Work acknowledged the disconnect between graduation rates and college performance data and began the process to create rigorous college and career-ready standards for New York State.

In 2010, State Education Department staff presented the Regents with a review of research that analyzed how performance on the grade 3-8 English language arts and mathematics assessments relate to the National Assessment of Educational Progress (NAEP) exam; how the state's eighth grade Math and English tests relate to the Regents exams; how performance on the Regents exams relates to SAT scores; and how performance on the Regents exams relates to first-year performance in college. As a result of this research, Department staff concluded that while the four-year graduation rate for all students in the 2006 cohort was 73.4 percent, only 36.7 percent of graduates scored sufficiently well on the ELA and mathematics Regents to have a high probability of obtaining a C or better in a first year entry-level course credit bearing college course.

In response to this data, in August 2010 the Board of Regents directed the State Education Department to raise the cut scores on grades 3-8 ELA and mathematics assessments and to correlate the cut scores for proficiency with college and career readiness. The new Proficiency standards were developed based on research from the state Testing Advisory Group (TAG) and CTB/McGraw-Hill, the state's testing contractor, to provide a clear indication to parents and schools as to whether a student was on-track for college success. The 8th grade Proficiency cut score is set at a level that offers students a 75 percent chance that they will score at a college-ready level (75 in English and 80

<sup>1</sup> <http://www.p12.nysed.gov/irs/pressRelease/20100728/home.html>

in Math) on their Regents exams in high school. The Grade 3-7 Proficiency scores are set so that a student making a year's worth of developmental growth for Math and ELA will be on track in 8th grade to achieve a Proficiency level indicating readiness for high school work that will lead to success in college.

Using these new higher standards, 2010-2011 data showed that:

- Only 53 percent of students met or exceeded the grade 3-8 ELA standards in 2010-11, unchanged from the 2009-10 school year.
- In mathematics, the percentage of students meeting or exceeding standards the grade 3-8 standards rose only modestly from 61 to 63 percent.
- Only thirty five percent of African American students met or exceeded the grade 3-8 ELA proficiency standard compared with 64 percent of White students. In mathematics, 44 percent met or exceeded the proficiency standard, compared to 73 percent for White students.
- Only 13 percent of ELLs met the proficiency standard in ELA in grades 3-8, a decrease from the prior year. Thirty two percent of ELLs met the mathematics proficiency standard.

In 2011, 14.5 percent of students with disabilities met or exceeded the grades 3 to 8 ELA proficiency standard. In 2011, only 26.9 percent of students with disabilities met or exceeded the grades 3-8 mathematics proficiency standard.

In June 2011, the Board of Regents defined readiness even more clearly by adopting *Aspirational Performance Measures (APMs)*—student achievement levels that highly correlate with success in a first-year credit-bearing college course. Specifically, the *APMs* are the achievement of a 75 on the ELA Regents Exam and an 80 a Mathematics Regents Exam or the attainment of a Regents Diploma with Advanced Designation. These standards are the basis for New York making decisions under this waiver regarding which schools and districts will make Adequate Yearly Progress (AYP) and be identified for Focus and Priority status.

### Supports for Implementing College and Career Ready Standards

The New York State Education Department (NYSED) is dedicated to providing educators the tools, resources, guidance, and training necessary to ensure that students graduate college and career ready. Specifically, the State has organized its efforts into three initiatives: 1) Common Core State Standards, 2) School-Based Inquiry (or Data-Driven Instruction), and 3) Teacher/Leader Effectiveness to drive school-based reforms across 695 districts and more than 170 public charter schools in New York State.

To better ensure that students leave high school ready to succeed in entry level college courses, in 2010, the Board of Regents adopted the Common Core State Standards (CCSS) and created the Network Team structure to assist districts and schools to implement the CCSS with fidelity in all classrooms across the state. Network Teams generally consist of three persons with expertise in curriculum, data analysis, and instruction that serve approximately 25 schools. The purpose

Regents Reform Agenda for New York State



of the Network teams is to work directly with educators in schools to deliver sustained, intensive professional development, which will include strategies for English language learners and students with disabilities; to support implementation of new standards, curriculum and assessments; and provide comprehensive, ongoing support. Network teams:

- Assist schools in implementing the Common Core standards and aligning instruction to the new standards and curricula.
- Support schools in implementing the State’s comprehensive assessment program and adapting to more rigorous performance-based assessments.
- Support school-based inquiry teams to analyze student performance data (both quantitative and qualitative) and make adjustments to instructional practices.
- Support schools and districts in the implementation of evidence-based observations and the Annual Professional Performance Review.
- Support Joint Intervention Teams in the evaluation of persistently lowest-achieving schools; facilitate professional development to support the implementation of the turnaround plan.

The State has provided superintendents, district staff, Network Teams, and school leaders a [school-level rubric](#) they can use to diagnose the current state of a school’s inquiry work and the steps necessary to get it right. The central skills principals are developing in this area are the ones required to run an effective data analysis meeting – creating risk-taking opportunities for teachers to reflect on which students are not yet proficient and what they can do differently to ensure achievement.

### **New Annual Professional Performance Review System**

Education Law 3012-c has provided districts and schools with a powerful mechanism for improving instructional quality. New York State Education Law §3012-c requires a new annual professional performance review (APPR) system for teachers and principals in school districts and boards of cooperative educational services (BOCES). The statute requires implementation of the new system for teachers of grades 4-8 ELA and mathematics and their building principals beginning in the 2011-12 school year. The following year, all teachers and principals will be subject to the new system. Under the new law, New York State will differentiate teacher and principal effectiveness using four rating categories – Highly Effective, Effective, Developing, and Ineffective (referred to as the “HEDI rating categories”). Specifically, Education Law §3012-c(2)(a) requires APPRs to result in a single composite teacher or principal effectiveness score, which incorporates multiple measures of effectiveness. Scores on locally developed rubrics are part of the composite score, and provide teachers and administrators with a valuable tool to view professional practice. Teachers and Principals who are rated Developing and Ineffective are required to receive professional development targeted towards the needs identified through the use of the rubric.

As part of the implementation of the law and regulations associated with the new APPR, the state is encouraging a cultural change that focuses principals’ attention on high quality, evidence-based observation. The more principals (and other teacher supervisors) are in classrooms, the more they are collecting valid evidence about teacher practice and student learning, and the more they are giving feedback using that evidence, the more dramatic an impact educators across the State are going to have on outcomes for New York State students. Student growth data are informing summative evaluations of educators across the state as well as regular formative data-driven

instructional analysis cycles in schools to help teachers tailor instruction closely to the needs of all students.

Together these strategies mean that New York's standards and assessments are being aligned with college and career readiness and schools and districts are being provided with the tools they need to transform classroom practice to match these new standards.

## **1.B TRANSITION TO COLLEGE- AND CAREER-READY STANDARDS**

Provide the SEA's plan to transition to and implement no later than the 2013–2014 school year college- and career-ready standards statewide in at least reading/language arts and mathematics for all students and schools and include an explanation of how this transition plan is likely to lead to all students, including English Learners, students with disabilities, and low-achieving students, gaining access to and learning content aligned with such standards. The Department encourages an SEA to include in its plan activities related to each of the italicized questions in the corresponding section of the document titled ESEA Flexibility Review Guidance, or to explain why one or more of those activities is not necessary to its plan.

### **1. Standards Alignment**

*Does the SEA intend to analyze the extent of alignment between the State's current content standards and the college- and career-ready standards to determine similarities and differences between those two sets of standards? If so, will the results be used to inform the transition to college- and career-ready standards?*

At the heart of the state's current efforts to tackle its achievement challenges is a realization that our past standards have not challenged students to reach their true potential. In July 2010, the Board of Regents expanded the rigor and depth of college- and career-readiness of its standards by adopting the Common Core Standards in English Language Arts and Literacy and the Common Core Standards in Mathematics. The Board of Regents subsequently approved additions to the CCS based on stakeholder recommendations.<sup>2</sup> As such, the Board of Regents has officially adopted The New York P-12 Common Core State Standards for English Language Arts and Literacy and The New York P-12 Common Core State Standards for Mathematics as its state standards.

New York State is revising its complementary standards. The state has already adopted new Prekindergarten (PreK) Learning Standards, which strengthen instruction in PreK classrooms in all settings, and help administrators and educators align PreK learning standards with the K-12 system. Plans are ongoing to revise the State's other standards. For example, New York is a lead state partner in the development of the Next Generation Science Standards, and is closely monitoring the National Coalition for Core Arts Standards on its development of voluntary national Arts standards. New York State will also ensure that its standards in other areas (e.g., social studies) are aligned to the Common Core.

The state entered into a formal partnership with Student Achievement Partners, a not-for-profit firm which includes several contributing authors of the Common Core, in order to ensure the quality and fidelity of New York's standards implementation. This partnership has deeply informed the work of the State's strategy, policy, assessment design, material resources, and professional development.

More rigorous standards require a teacher corps that can deliver more complex and challenging material. Since adopting the new standards, New York State has begun a comprehensive effort to ensure that educators are fully able to implement the new standards and prepare students for rigorous assessments that provide evidence of student readiness for college and careers. All New York State assessments are undergoing deep revision to ensure that student attainment of the new Common Core standards is measured with fidelity. The state's comprehensive P-20 data system will be used to validate the assessments and to drive expectations for college- and career-readiness.

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<sup>2</sup> "Approval of recommended additions to the Common Core State Standards (CCSS) for ELA and Literacy and CCSS for Mathematics and approval of new Prekindergarten Learning Standards," January 2011 Board of Regents action item. Accessed from <http://www.regents.nysed.gov/meetings/2011Meetings/January2011/111p12swa1.html>.

Throughout this process, ongoing professional development statewide will support the implementation and execution of the broader reform agenda.

After adopting the CCSS, NYSED contracted with the College Board to conduct alignment studies. The studies used rigorous methodologies to determine the alignment between the 2005 New York State English Language Arts (ELA) and mathematics standards and the new CCSS for ELA and Literacy and for mathematics. The College Board experts compared the 2005 New York State Core Curricula with the CCSS along multiple dimensions: content, depth-of-knowledge, and breadth of coverage. For both ELA and mathematics, the College Board's alignment studies concluded that while there were areas of agreement between the 2005 New York State Standards and the Common Core, several notable differences existed. The CCSS require educators in New York State to “shift” instructional practices to be consistently aligned with research-driven methods that result in deep learning for students and high, college-ready performance. As such, NYSED has asked that all school districts organize their implementation of the new standards around the [12 Shifts in Instruction](#) demanded by the Common Core.

The ELA/Literacy Standards compel a change in ELA, science, and social studies classrooms in particular, as well as any other discipline that relies on the functional literacy of its students. The shifts in literacy instruction in these classrooms call for close and thoughtful reading of text (including more informational text) and careful, evidence-based treatment of what is read. In mathematics, the shifts call for an intensive focus on fewer, pivotal topics, leading to deep conceptual understanding and balanced emphasis on application of mathematics concepts and fluency in high-impact functions.

The College Board alignment study and the messaging around the 12 Shifts in ELA and mathematics have been used to guide both training and supplemental materials development. The articulation of the Shifts has allowed for trainers and educators to look beyond cursory similarities within the standards to begin a more full exploration of what it will take to change instruction and assessment to be aligned to the Common Core.

For both sets of standards, this means that New York State teachers will require the gift of time: time for them to teach and time for students to learn. Teachers are expected to spend more time on fewer texts and concepts so that they might delve more deeply into the rich and absolute meaning of their content. They are spending time, together, to learn about and develop their own understanding of their content so that they might bring their students more deeply into learning experiences with rigor, curiosity, and joy. These shifts are reflected in the New York State teaching standards and are a central focus of our teacher and principal evaluation training.

## **2. English Language Learners**

*Does the SEA intend to analyze the linguistic demands of New York State’s college- and career-ready standards to inform the development of English Language Proficiency (ELP) standards corresponding to the college- and career-ready standards and to ensure that English Language Learners will have the opportunity to achieve to the college- and career-ready standards? If so, will the results be used to inform revision of the ELP standards and support English Language Learners in accessing the college- and career-ready standards on the same schedule as all students?*

For all students, New York State is developing Common Core Curriculum in ELA and Literacy (grades P-2), and curriculum modules in ELA and Literacy (grades 3-12) and in mathematics (grades P-12). All will have built-in scaffolding for ELLs demonstrating how teachers can provide rigorous,

grade-level instruction, and techniques for how to provide language support to ELLs so that they can access the same content as non-ELL students in ELA and mathematics classes. Scaffolding will take into account the different language proficiency levels of ELLs, as well as subgroups of ELLs – such as students with interrupted formal education, ELLs with disabilities, and long-term ELLs – and provide tools and resources for teachers to address their unique language and learning needs.

In addition, New York State is developing standards and resources specifically for ELLs that are Common Core-aligned. New English as a Second Language (ESL) and Native Language Arts (NLA) standards will be aligned with the Common Core by 2013. This alignment process will include, as a starting point, analysis of the linguistic demands of the new ELA and mathematics standards for ELLs, and the new standards will be based on that analysis. The alignment process will be spearheaded by leaders in ELL education and curriculum in New York State, and infused with guidance from national experts on both ELL and Common Core instruction.

Once the standards are developed, they will be accompanied by curriculum modules for ESL and NLA courses of study that are closely aligned with the ELA modules being developed. NLA modules will be developed in the top five languages spoken in New York State. Our goal is to develop these modules by 2013-14 and pilot them in schools with significant ELL populations throughout the state. Curriculum modules will work together across classes to support ELL language and content development. The pilot will also include curriculum-based professional development to support school-wide implementation among teachers and across subjects.

The state will align its English language proficiency exam, the NYSESLAT, with the Common Core by spring 2013. This alignment process will ensure that students who exit ELL status are prepared to be successful in new Common Core ELA classes.

### **3. Students with Disabilities**

*Does the SEA intend to analyze the learning and accommodation factors necessary to ensure that students with disabilities will have the opportunity to achieve to the college- and career-ready standards? If so, will the results be used to support students with disabilities in accessing the college- and career-ready standards on the same schedule as all students?*

New York State's Common Core curriculum in ELA and Literacy (grades P-2), and curriculum modules in ELA and Literacy (grades 3-12) and in mathematics (grades P-12) will have built-in scaffolding for students with disabilities. This scaffolding will demonstrate how teachers can provide rigorous grade-level instruction to students with disabilities, and techniques to provide additional supports to students with different learning needs, so that they can access the same content as their non-disabled peers in ELA and mathematics classes. Recommended strategies will align with the Response to Intervention model, to create tiers of intervention addressing both general education and special education students based on their levels of need.

For students with disabilities who take New York State's Alternate Assessment (NYSAA), new Alternate Achievement Standards are under development and will be introduced in conjunction with the new assessments. New York State is also one of 19 state partners in the National Center and State Collaborative (NCSC) Project, which is working to develop a comprehensive assessment system for students with significant cognitive disabilities by 2014-15. An initial part of this process was an analysis of the Common Core to determine the skills required by students with cognitive disabilities. Based on this analysis, NCSC is building a comprehensive system that will include curriculum and instructional modules, comprehensive professional development and an alternate

assessment based on alternate achievement standards (AA-AAS) that were developed from the best practice-oriented and psychometric research available. Statewide implementation is pending Board of Regents approval.

Since NCSC's Alternate Assessment will not be developed until 2014-15, the state is using this process to inform an alignment of our current Alternate Assessment with the new Common Core-aligned Alternate Achievement Standards. The new Alternate Achievement Standards are under development and will be introduced in conjunction with the new assessments. The new Alternate Assessments will be implemented on a rolling schedule, with each series of content area assessments to be implemented one year after the general education equivalent.

#### **4. Outreach and Dissemination**

*Does the SEA intend to conduct outreach on and dissemination of the college- and career-ready standards? If so, does the SEA's plan reach the appropriate stakeholders, including educators, administrators, families, and IHEs? Is it likely that the plan will result in all stakeholders increasing their awareness of the State's college- and career-ready standards?*

As part of its efforts to implement the state's RTTT grant, NYSED developed a phased approach to outreach and dissemination of the CCSS for ELA/literacy and mathematics. This approach establishes a common language at all levels of the State regarding early awareness building and development of a common language around the shifts in instruction, assessment, and content associated with the adoption of the standards. The earlier goal for the initiative is to ensure that every teacher in New York State is working with the Shifts and integrating the standards into their efforts with students in 2011-12. Our early strategy is focused on the building of the understanding and capacity of practitioners through deeply aligned professional development, resources, and sample materials that focus closely on the skills needed to operate in this new context. (A comprehensive curriculum will begin to arrive in school year 2012-13.) From the earliest moments of the project, key stakeholders have been involved in all major implementation efforts.

One of the central ways that schools, districts, families, and institutions of higher education are learning about these shifts at the school and classroom level is by viewing a State-produced video series and participating in the recommended professional development that accompanies each [video](#). The series invites viewers into the shifts and gives them time, together, to align their student learning to the standards. The videos have been viewed and/or downloaded more than 66,000 times since they were unveiled in August 2011.

Additionally, the New York State Commissioner of Education has asked that every teacher experiment with these ideas and implement at least one unit of instruction that embeds these shifts into their practice per semester. The State-provided material on EngageNY.org, high-quality professional development, and the reflective support of their peers is making this a reality in school after school. School year 2011-12 has been characterized as a learning and early implementation year. Principals are being asked to focus on the Shifts in their feedback that they regularly provide to teachers.

Today, New York State has several formal methods of outreach and dissemination to help move the field toward effective implementation. These include:

## EngageNY

EngageNY (EngageNY.org) is an evolving, collaborative platform for educators. It is populated and maintained by NYSED and Regents Research Fund staff. This Web site provides shared resources to help educators and schools statewide implement the Regents Reform Agenda (including the Common Core standards and assessments). The site is the primary access point for standards and information on reform efforts. Its myriad resources include but are not limited to:



- documents advising phased and early adoption of the standards;
- sample curricular material;
- a series of professional development videos and accompanying professional development workshop suggestions;
- a professional development “kit”;
- extensive professional development hand-outs, teacher practice video (to be added over time), facilitators guides, and power point decks; and
- a compendium of relevant reading.

### **Stakeholder Engagement Meetings**

Since January 2011, NYSED staff made formal presentations to superintendents, district leaders, principals, teachers, and school boards at conferences and professional meetings throughout the State. At each presentation there has been substantive discussion of key implementation plans and distribution of resource materials for stakeholders’ constituents. Ongoing formal interaction has taken place with, among others, the following organizations within the State:

- New York State Council of School Superintendents (NYSCOSS)
- Long Island Association for Supervision and Curriculum Development (LIASCD)
- State Council of Higher Education
- State University of New York (SUNY)
- City University of New York (CUNY)
- Commission on Independent Colleges and Universities (CICU)
- The Big Five City School Districts (Monthly meetings of five largest districts)
- Staff/Curriculum and Development Network (SCDN)
- School Administrators Association of New York State (SAANYS)
- Content Advisory Panels

In 2011, NYSED convened Content Advisory Panels. Panels were established for each of the core content areas: math, ELA, science and social studies. Each panel includes representation from early-childhood, ESL and Bilingual teachers, elementary, middle, high-school, special education teachers, as well as post-secondary faculty in Arts and Sciences, and Teacher Education. Members were selected from nominations from all educator professional organizations in the State, including the principal and teacher unions to ensure that New York State has educator expertise from Pre-K through post secondary to ensure rigor and coherence in the development of instructional materials and assessments. The meetings facilitate discussions across the P-20 spectrum to ensure that the rigor expected at the college-levels is translated to high school, middle school, elementary, and Pre-K, and appropriately accounts for the needs of both ELLs and students with disabilities. The Panels will also advise and help New York State in outreach and dissemination efforts, and as such, provide the broader field with direct influence on our reform efforts. Panelists are provided with materials and information to disseminate to the professional network(s) which they represent.

### **Webinars**

The Commissioner and senior staff have contributed to a series of webinars designed to inform the ongoing dialogue in the state. These webinars have served as a convenient, informal setting for the Department to communicate directly with the field. Two of the series, in particular, were devoted to Common Core implementation and were viewed widely.

### **Memos and Emails to the Field**

The Commissioner regularly communicates with educators, families, school boards, and the public regarding the Regents Reform Agenda. At multiple points throughout the spring, summer, and fall of 2011, the Commissioner has communicated directly with all stakeholders in an effort to further the dissemination of the State's message regarding the standards.

Outreach to the general public via press releases, websites and public forums allow New York State's stakeholders to quickly become familiar with the CCSS.

### **Regionally Based Technical Assistance**

The Board of Regents oversees all of the State's educational institutions, both public and private. Part of the Board's portfolio is 37 regional Boards of Cooperative Educational Services (BOCES). Each BOCES is led by a District Superintendent who is both its Chief Executive Officer and the Commissioner's representative in the field. BOCES employ more than 34,000 staff who provide services to school districts and operate 12 Regional Information Centers (RICs) which annually provide districts with over \$300 million in technology-related services. The BOCES governance structure, their statewide presence, and their cadre of practitioners and experts in data analysis, assessment, curriculum and instruction, and technology have made BOCES a reliable and consistent infrastructure for the delivery of professional development programs and technical assistance as New York rolls out its educational reform initiative and associated instructional tools and resources.

## **5. Supporting New York State Educators**

*Does the SEA propose to develop and disseminate high-quality instructional materials aligned with the new standards? If so, are the instructional materials designed (or will they be designed) to support the teaching and learning of all students, including English Learners, students with disabilities, and low-achieving students?*

NYSED is building a comprehensive system of supports for the state's educators through efforts that are creating new instructional resources and tools for teachers and principals, launching a regional infrastructure of Network Teams to provide professional development and coaching, and more tightly focusing the work of existing technical assistance networks such as Teacher Centers and Regional Special Education and Technical Assistance.

By the spring of 2013 NYSED will have released a series of Request for Proposals (RFPs) to commission a comprehensive set of curricular resources designed to guide implementation of the Common Core in 2012-13 and beyond. These resources include robust curricular modules mapped to the Common Core (and aligned to content-area standards) in ELA, mathematics, science, social studies, the arts, native languages, and English as a Second Language as well as a comprehensive video series of over 500 videos depicting exemplary classroom-level implementation of the Common Core. These modules and videos will be available on EngageNY.org for ready access by the field. The state anticipates widespread use of these tools.

The modules will:

- support teaching and learning in Pre-Kindergarten through Grade 12 (P-12) classrooms across New York State and provide access to sequenced, spiraled, content-rich statewide curriculum programming and instructional practices that support the attainment of the New York State P-12 Common Core Learning Standards and align to the Board of Regents' strategic goals;
- include teaching and learning experiences that scaffold P-12 grade levels, are focused on P-12 learning progressions, and project a trajectory of learning standards in each content area (ELA & literacy and mathematics);
- include curriculum maps, lesson plans, performance tasks, scaffolding materials, samples of student work, and other classroom artifacts. Newly developed modules will provide curriculum and instructional resources that are targeted at all learners within any classroom setting; and
- emphasize attention on resources that support the teaching and learning of ELLs, accelerated learners, students achieving and performing below grade level (up to two grade levels behind through grade 8, and up to four grade levels behind in high school grades 9-12), and students with disabilities. Emphasis is also placed on resources that are planned and developed according to the principles of Universal Design for Learning (UDL).

*Does the SEA intend to provide professional development and other supports to prepare teachers to teach all students, including English Learners, students with disabilities, and low-achieving students, to the new standards? If so, will the planned professional development and supports prepare teachers to teach to the new standards, use instructional materials aligned with those standards, and use data on multiple measures of student performance (e.g., data from formative, benchmark, and summative assessments) to inform instruction?*

In conjunction with the creation of curricular modules, vendors selected pursuant to the RFP process will also design and implement a statewide system of aligned professional development so that the State's teachers, teacher leaders, principals, instructional coaches, and Network Teams have the skills and knowledge necessary to inform and support the implementation of the standards and the State provided materials.

## Network Teams

The State's central vehicle for professional development is the Network Teams. Each Network Team works in districts across the state but are also brought together for training at Network Team Institutes (NTI). New York State's NTIs are a source of adult learning, collaboration, and professional development — essential to statewide reform. Participants return to local districts and BOCES and turnkey their learning, supported by EngageNY.org. The Institutes are intensive learning experiences that build the capacity of Network Team members so that they can, in turn, build the capacity of principals, teachers, coaches, and district leaders on the three school-based initiatives.

Network Teams met as a group for the first time in July 2011 at a well-received Institute. The Institutes have continued throughout 2011 and will continue monthly through 2012 and beyond. The scope and sequence of Network Team learning will encompass the standards, data driven inquiry, and teacher/leader effectiveness. Because of the interconnectedness of these three “school based initiatives,” the State ensures that all learning about their implementation remain deeply integrated and spiraled. As a result, the CCSS are central to every discussion and learning experience during the Institutes. In November, for example, Network Team members engaged in discussions of embedded non-fiction with Doug Lemov and the role of vocabulary in complex texts with Marilyn Jager Adams. In January, Network Teams conducted crosswalks between teacher evaluation rubrics with the concepts of data driven instruction and the shifts demanded by adoption of the Common Core. Network Team Institute faculty consist of high performing school leaders, contributing authors and contributors to the Common Core, scholars, coaches, and national thought-leaders.

Network Teams operate under a set of metrics for year one (school year 2011-12) and will operate under metrics for later years of implementation, as well. The metrics for each subsequent year (years 2, 3, and 4) will be released by July of that year. In addition to the evidence that districts collect to ensure quality and fidelity of implementation (as articulated in the metrics document), the State will use several key measures to assess and encourage effective turnkey practice:

- teacher, principal, and district “customer” surveys – designed and conducted to determine:
  - participant learning in delivered professional development;
  - the extent to which practice is changing in classrooms and schools;
  - the support being offered aside from off-site professional development, particularly the extent of job-embedded coaching; and
  - the quality and fidelity of learning experiences, materials, and coaching.
- site visits, observations, and interviews

Finally, as the work of Common Core implementation progresses in New York State, it is becoming increasingly clear, that the State and nation need a common rubric to evaluate the authentic CCSS alignment of pedagogy, content, and assessment. New York State is partnering with Rhode Island and Massachusetts to build and use such a rubric so that the tri-state consortium (at the very least) has a consistent measure against which to assess educator practice and materials. The three states, in partnership with Achieve, conducted a peer review process of draft Common Core item in January

and will conduct a second process in March. Materials that were determined to be aligned will be made public shortly.

## Teacher Centers

Another major resource for teachers in New York State is the state's network of Teacher Centers.<sup>3</sup> Teacher Centers collaborate with teachers, districts, schools, institutions of higher education and other education stakeholders (including several private sector partners) to provide tens of thousands of professional development opportunities every year. Teacher Centers are primary supporters and trainers of the development and implementation of New York's Professional Development Plan requirement, and its alignment with the New York State Professional Development Standards. Teacher Centers also support NYSED's implementation of APPR requirements.

As part of their renewed funding in 2011-12, all Teacher Centers were asked to provide plans of the following in their Continuation Application:

- Collaboration with the Network Teams and Network Team Equivalents to receive, turn-key, and enhance trainings delivered by these groups as an intentional part of the State's professional development efforts; and
- Programs that specifically relate to RTTT initiatives – particularly the implementation of the standards, teacher/leader evaluation, and data driven inquiry.

Teacher Centers included work plans for each of the three Regents Reform Agenda initiatives.

Their work plan related to standards and assessments (PD in content and pedagogy) includes:

- enhancing and deepening teacher content knowledge of New York State P-12 CCSS and their 12 instructional shifts;
- understanding and applying New York State P-12 CCSS to instruction and ongoing assessment of student learning;
- aligning current practice with P-12 CCSS (lesson plans, etc.);
- developing and using local assessments aligned to P-12 CCSS; and
- integrating technology into curriculum and instruction; and enhancing educators' strategies/skills for "shifting" instruction to meet student learning needs as it supports New York State P-12 CCSS.

In addition to the evidence Teacher Centers collect to ensure quality and fidelity of implementation, the state will use several key measures to assess and encourage effective turnkey practice:

- teacher, principal, and district "customer" surveys – designed and conducted to determine:
  - participant learning in delivered professional development;
  - the extent to which practice is changing in classrooms and schools;
  - the support being offered aside from off-site professional development, particularly the extent of job-embedded coaching; and

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<sup>3</sup> Information on New York State Teacher Centers is found at <http://www.p12.nysed.gov/cia/teachercenters/home.html>.

- the quality and fidelity of learning experiences, materials, and coaching.

- site visits, observations, and interviews

### **Regional Special Education Technical Assistance and Support Centers (RSE-TASC)**

The State funds 10 Regional Special Education Technical Assistance and Support Centers (RSE-TASC) coordinated by the Coordinator for Special Education Policy and Professional Development along with BOCES (District Superintendents). RSE-TASC's are staffed with teams of highly trained special education specialists who provide regional training and embedded professional development to school personnel on research-based instructional strategies, particularly in the areas of literacy, behavior, and specially-designed instruction and individualized education program development to support students with disabilities in participating and progressing in the curriculum to meet the common core standards.

*Does the SEA intend to provide professional development and supports to prepare principals to provide strong, supportive instructional leadership based on the new standards? If so, will this plan prepare principals to do so?*

New York State sees principals as the linchpin in any school based change process. Our efforts, therefore, are targeted at providing principals with three avenues for support and development:

- high-quality online materials, provided through EngageNY.org (some specifically designed for principals, but all designed for school improvement) so that this might guide their own learning and implementation as well as that of their faculty and staff;
- turn-keyed professional development (originally provided by the State) which crisply explains what a principal must do in order to conduct a phased implementation of the standards; and
- job-embedded supports provided by Network Teams, district staff, and local coaches.

### **6. Preparing New Educators**

*Does the SEA intend to work with the State's IHEs and other teacher and principal preparation programs to better prepare—incoming teachers to teach all students, including English Learners, students with disabilities, and low-achieving students, to the new college- and career-ready standards; and incoming principals to provide strong, supportive instructional leadership on teaching to the new standards? If so, will the implementation of the plan likely improve the preparation of incoming teachers and principals?*

The Board of Regents and NYSED are working with traditional and alternative educator preparation programs across the state to ensure that New York State's next generation of educators is ready to support students in attaining the new college- and career-ready standards. New York State's plan includes an overhaul of New York State's educator certification exams to align them with the Common Core; a new outcomes-based accountability system for educator preparation programs; and capacity building for higher education faculty.

#### **New Certification Exams**

In November 2009, the Board of Regents directed NYSED to develop new certification exams for initial and professional certification of teachers and school building leaders. These new exams are consciously designed to reflect the Common Core shifts, with more constructed-response items and a mix of informational and literary text-based prompts. The performance expectations for educators

will be significantly higher than on the old certification exams, to reflect the new, higher college- and career-readiness standards for students.

### **Content Specialty Tests**

Research demonstrates the link between student achievement and teacher content knowledge—particularly in math.<sup>4</sup> Accordingly, the Department is developing more rigorous Content Specialty Tests (CSTs), aligned with the Common Core, to assess new teachers’ mastery of knowledge in content areas they will be teaching. One of the most significant changes is in the Multi-Subject CST required for elementary teachers. In the past, candidates could compensate for weak performance in one subject (such as math) with stronger performance in other subjects. On the new CST, New York State will ensure that elementary teachers have the content knowledge necessary to effectively teach to the Common Core standards by requiring candidates to separately pass each subtest: ELA/Literacy, math, and arts and sciences.

### **Academic Literacy Skills Test**

The New York State Common Core learning standards in ELA/Literacy require teachers across the disciplines to be critical readers, to engage with informational texts, and to reason using evidence. Thus, a new Academic Literacy Skills Test will demand a high standard of reading comprehension and analysis, written expression, and written analysis.

### **Educating All Students Test**

New York State, like many states, faces persistent achievement gaps for ELLs, students with disabilities, and black and Latino students. Therefore, the new Educating All Students test is designed to ensure that all incoming teachers and school building leaders understand how to address the learning needs of diverse student populations and how to support them in attaining the new college- and career-ready standards.

### **School Building Leader Performance Assessment**

Finally, New York State’s paper-and-pencil tests of pedagogy and school leadership will be replaced by new performance assessments that evaluate practice-based pedagogical and instructional leadership skills that have been proven to have a positive impact on student achievement. For the Teacher Performance Assessment, which is grounded in the New York State Teaching Standards, candidates will upload a portfolio of work to a web-based platform and will provide:

- two videos, each of a 15 to 20 minute Common Core-aligned lesson;
- a lesson plan that includes intended outcomes and demonstrates an understanding of the students, their prior achievement data, and their learning needs; and
- post-lesson reflection, analysis of student learning data/outcomes, and plans for future lessons.

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<sup>4</sup> Heather Hill, Brian Rowan and Deborah Ball link elementary teacher mathematical content knowledge to elementary student achievement (American Educational Research Journal, 2005). Liping Ma’s 1999 book, *Knowing and Teaching Elementary Mathematics*, documents gaps in mathematics knowledge of elementary teachers in U.S. compared to China.

The School Building Leader Performance Assessment will be aligned with the Interstate School Leaders Licensure Consortium (ISLLC) 2008 standards, and will have a strong emphasis on instructional leadership tasks. Candidates will be required to analyze student achievement data, observe and evaluate classroom instruction using a teacher practice and provide teachers with the feedback and support they need to improve their effectiveness at delivering Common Core-aligned lessons.

### **Holding Preparation Programs Accountable for Outcomes**

NYSED will work to ensure that educator preparation programs will make the major changes that are needed to prepare candidates for these new, higher standards. Consistent with the federal policy direction articulated in *Our Future, Our Teachers: The Obama Administration's Plan for Teacher Education Reform and Improvement (2011)*, NYSED will hold preparation programs accountable for student outcomes and educator effectiveness in addition to pass rates on certification exams. In our RTTT application, New York State committed to creating “institutional performance profiles” for all teacher- and principal-preparation programs in the State. The profile reports will be designed with Higher Education input and will include program-by-program information about:

- effectiveness of program graduates in promoting student learning, as measured by new teacher and principal evaluation systems;
- performance of graduates on the new certification exams; and
- percent of graduates certified/employed/retained overall and in shortage subjects and high-need schools, to gauge program effectiveness in preparing, placing, and supporting educators in alignment with district needs.

Other states have had success with this type of approach. In Louisiana, for example, which measures and reports a variety of teacher and preparation statistics, some preparation programs are now preparing new teachers whose effectiveness is significantly higher than that of the average experienced teacher in the state.

### **Building Program Capacity**

NYSED is engaging SUNY and CUNY partners to deliver professional development to higher education faculty and administrators in the arts and sciences as well as to those in schools of education. Regional programming, drawing on the Network Team Institutes and Teacher Centers as models, will provide participants with a deep grounding in the Common Core and the new certification requirements.

NYSED will also provide educator preparation programs with new tools and models to enhance their programs. For example, clinical preparation faculty will have access to the web-based Teacher Performance Assessment system, which they can use formatively with candidates to support their skill development. And NYSED has awarded 11 institutions RTTT-funded grants to develop clinically-rich graduate-level teacher-preparation pilot programs with a focus on preparing candidates to work with students with disabilities and ELLs, and in the sciences, which it will study to identify promising practices that can be replicated and scaled up across the state.

## 7. Assessment

*Does the SEA plan to evaluate its current assessments and increase the rigor of those assessments and their alignment with the State’s college- and career-ready standards, in order to better prepare students and teachers for the new assessments through one or more of the following strategies:*

*Raising the State’s academic achievement standards on its current assessments to ensure that they reflect a level of postsecondary readiness, or are being increased over time to that level of rigor? (E.g., the SEA might compare current achievement standards to a measure of postsecondary readiness by back-mapping from college entrance requirements or remediation rates, analyzing the relationship between proficient scores on the State assessments and the ACT or SAT scores accepted by most of the State’s 4-year public IHEs, or conducting NAEP mapping studies.)*

*Augmenting or revising current State assessments by adding questions, removing questions, or varying formats in order to better align those assessments with the State’s college- and career-ready standards?*

An essential step in the adoption of the Common Core is the redesign of all New York State assessments. NYSED has begun a fundamental redesign of the Grade 3-8 mathematics and English Language Arts and Regents assessments in mathematics, ELA, science and social studies. To ensure that New York State assessments are aligned to the Common Core requires an assessment design that measures the standards with fidelity, setting performance standards using contemporary best practice that integrates professional judgment and empirical data, as well as robust, comprehensive and ongoing validation.

### **Measuring the Common Core with Fidelity**

The College Board alignment study and the identification of the 12 Shifts provided a roadmap for the design of the 3-8 mathematics and ELA Common Core-aligned assessments that will be administered in spring 2013, as well as the Regents mathematics and ELA Common Core-aligned assessments that will begin roll-out in spring 2014. The assessments will measure the Common Core with fidelity through rigorous selected-response items that measure conceptual understanding (rather than discrete, decontextualized facts) and performance tasks that require problem-solving (mathematics) and writing in response to text (ELA). For each ELA and mathematics assessment, the instructional Shifts demanded by the Common Core will be reflected in the assessments as described below:

#### **In ELA**

- Passages will be authentic and balanced across informational and literary texts.
- Assessment will contain knowledge-based questions about the informational text; students will not need outside knowledge to respond.
- Passage selection will be based on text complexity that is appropriate to grade level as defined by the Common Core.
- Questions will require students to marshal evidence from the text, including from paired passages.
- Students will be tested directly on the meaning of pivotal, common terms, the definitions of which can be discerned from the text. Academic vocabulary will also be tested indirectly through general comprehension of the text.

## **In Mathematics**

- Priority standards will be the focus of the assessments. Other standards will be deemphasized.
- Assessments will reflect the progression of content and concepts as depicted in the standards across grade levels.
- It will be assumed that students possess the required fluencies as articulated through grade 8; as such, calculator use will not be permitted in early grades.
- Each standard will be assessed from multiple perspectives, while not veering from the primary target of measurement for the standard.
- Students will be expected to know grade-level mathematics content with fluency and to know which mathematics concepts to employ to solve real-world mathematics problems.

Although the 2012 assessments will be aligned to the 2005 New York State Standards, New York State will provide educators, students and parents throughout the State with an analysis of how the 2012 assessment results align with the Common Core and NAEP frameworks to signal the upcoming changes demanded by the new standards.

New York State has a thorough test development process that ensures curricular validity and that New York State educators are involved at each step of item development.<sup>5</sup> In addition, the assessment staff of NYSED will benefit from ongoing guidance from the expert Content Advisory Panels. Finally, the assessment staff in NYSED has partnered with nationally-renowned mathematics and ELA experts in the Common Core from both the College Board and Student Achievement Partners. Taken together, New York State is leading the way in determining what it means to measure the Common Core with fidelity within the constraints of large-scale assessment.

## **Setting Performance Standards**

New York State has pioneered the practice of using post-secondary performance data to empirically inform the performance standards on our State assessments. The approach to setting performance standards for New York State in 2010 described here will serve as a roadmap to setting performance standards for the Common Core aligned assessments.

In 2009, nationally-renowned assessment experts and members of the New York State Technical Advisory Group, Drs. Howard Everson (CUNY) and Daniel Koretz (Harvard University) investigated the rigor of the performance standards used for the high school ELA and Algebra I Regents examinations. Passing scores of 65 are required on Regents exams in order to obtain a high school diploma in New York State. In their analyses, student performance on the two Regents exams was used to predict grades in the comparable credit-bearing courses for first year students at the City University of New York (CUNY), the community college system within NYC. The four-year graduation rate for all students in the 2006 cohort was 73.4 percent; however, based on the research by Everson and Koretz, only 36.7 percent scored high enough on the ELA and mathematics Regents to have a high probability of scoring a C or better in entry-level courses at

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<sup>5</sup> NYS certified teachers participate in Item Development, Item and Passage Review, Rangefinding, and Final Eyes Review Committees for the Grades 3-8 English Language Arts and Mathematics tests, as well as the Grades 4 and 8 Science Tests and all high school Regents Exams. <http://www.p12.nysed.gov/apda/teacher/home.html#process>

CUNY. The Regents scores required to achieve a passing score in the CUNY courses were then backmapped to the 3-8 assessments to set the cut-scores for basic proficiency and for proficiency.

This empirically-based approach to setting rigorous, college-ready performance standards for high-school and grades 3-8 assessments will continue to be used as New York State redesigns all of its assessments to be aligned to the Common Core. Through New York State's P-20 data system, student performance at CUNY and SUNY schools can be leveraged to inform the performance standards. In addition, through New York State's data-sharing agreement with the College Board, New York State student performance on PSAT/NMSQT, SAT, and AP assessments can be leveraged to inform the performance standards. A pilot of this empirically-based approach will occur in 2012.

### **Robust, Comprehensive and Ongoing Validation Strategy**

To ensure that the design and implementation of the New York State assessments meet the rigorous expectations demanded by the Common Core, NYSED will design and execute a comprehensive and ongoing empirical validation strategy to collect and analyze a variety of evidence regarding our assessments. This evidence will be used to evaluate the quality, and when necessary, improve the rigor of our assessments. Leveraging the P-20 data system and our data-sharing partnership with the College Board, and under the guidance of New York's Technical Advisory Group and Content Advisory Panels, NYSED has begun to design this validation strategy.

### **Universal Design Reviews**

As New York State's assessments transition to the Common Core, the state's tests will continue to adhere to the rigorous guidelines set forth in the Standards for Educational and Psychological Testing (AERA, APA, NCME, 1999), as well as the United States Department of Education's peer review process. During the State's transition, which begins in the 2012-13 school year, all new assessment content frameworks, test specifications, and items will undergo the scrutiny of full Universal Design reviews prior to operationalization. Additionally, each assessment item and passage is subjected to a 36-part Universal Design Review checklist to ensure the item or passage will perform as expected for all students, especially our state's population of students with disabilities. Finally, NYSED prides itself on its comprehensive accommodations policies and procedures that ensure all students with disabilities will continue to access the state's assessments as the tests transition to the Common Core.

### **Partnership for Assessment of Readiness in College and Careers**

A major component of New York State's assessment reform initiative is New York State's membership in the Partnership for Assessment of Readiness in College and Careers (PARCC). As a Governing member, New York State plays an active role in the design of these new assessments. New York State readily shares with the other PARCC states the advancements that we have made in understanding how to measure the Common Core with fidelity.

### **New York State Assessment Transition Plan: Science and Social Studies**

The next generation of New York State science assessments at grades 4 and 8, and high school Regents examinations in four subject areas, will reflect a greater emphasis on the core ideas and cross-cutting concepts for each discipline, as outlined in the National Research Council's Next Generation Science Frameworks (<http://www.achieve.org/next-generation-science-standards>). The

assessments will move away from testing discrete facts and toward a greater emphasis on testing the understanding and application of the underlying concepts that cut across the disciplines (earth science, life sciences, physical sciences and engineering). New York State serves as a Lead State in the development of the Next Generation Science Standards, and will – subject to their approval by the Board of Regents – leverage these new Standards to inform the design and development of New York State assessments. In social studies, the assessments will reflect the orientation of the CCSS in ELA/Literacy for History and the social sciences, as well as the Common Core for mathematics. This means that the assessments will reflect a move away from the recitation of lists of facts throughout history and toward a greater emphasis on synthesis and evaluation of ideas and concepts as realized through reading and analysis of primary and secondary source documents. The assessments will also reflect a higher proportion of document-based questions to assess the higher-order critical thinking skills necessary for students to be ready for college and careers.

## **8. Coordination across State Agencies**

The New York State Board of Regents sets overall education policy for the State of New York and oversees The University of the State of New York (USNY).<sup>6</sup> While USNY has one main purpose – providing knowledge and skills to all – it carries this policy out in many ways. USNY is the most complete, interconnected system of educational services in the United States. USNY includes:

- more than 7,000 public and private elementary and secondary schools;
- 248 public and private colleges and universities;
- 251 proprietary (for-profit) schools;
- nearly 7,000 libraries, including the New York State Library;
- 750 museums;
- the State Archives;
- vocational rehabilitation and other services for adults with disabilities;
- special education services for pre-school and school-age children and teenagers;
- a School for the Blind;
- a School for the Deaf;
- 25 public broadcasting facilities, including seven public television stations;
- more than 750,000 professionals practicing in 48 licensed professions, including, for example, pharmacy, architecture, accounting, and nursing; and
- 240,000 certified public school teachers, counselors, and administrators.

Although these organizations are dedicated to maintaining and improving education, they largely work within their respective sectors. Each entity of this educational system then, is both an official and an organic component of the University of the State of New York. The challenge and the

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<sup>6</sup> Information adapted from <http://usny.nysed.gov/about/aboutusny.html>.

opportunity is for the sectors to work together as a whole, bringing unmatched levels of resources, people, information, facilities, technology, artifacts, and relationships together to address educational issues of the twenty-first century.

**1.C DEVELOP AND ADMINISTER ANNUAL, STATEWIDE, ALIGNED, HIGH-QUALITY ASSESSMENTS THAT MEASURE STUDENT GROWTH**

Select the option that pertains to the SEA and provide evident corresponding to the option selected.

Option A

The SEA is participating in one of the two State consortia that received a grant under the Race to the Top Assessment competition.

Attach the State’s Memorandum of Understanding (MOU) under that competition. (Attachment 6)

Option B

The SEA is not participating in either one of the two State consortia that received a grant under the Race to the Top Assessment competition, and has not yet developed or administered statewide aligned, high-quality assessments that measure student growth in reading/language arts and in mathematics in at least grades 3-8 and at least once in high school in all LEAs.

Provide the SEA’s plan to develop and administer annually, beginning no later than the 2014-2015 school year, statewide aligned, high-quality assessments that measure student growth in reading/language arts and in mathematics in at least grades 3-8 and at least once in high school in all LEAs, as well as set academic achievement standards for those assessments.

Option C

The SEA has developed and begun annually administering statewide aligned, high-quality assessments that measure student growth in reading/language arts and in mathematics in at least grades 3-8 and at least once in high school in all LEAs.

Attach evidence that the SEA has submitted these assessments and academic achievement standards to the Department for peer review or attach a timeline of when the SEA will submit the assessments and academic achievement standards to the Department for peer review. (Attachment 7)

## **PRINCIPLE 2: STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT**

### **2.A DEVELOP AND IMPLEMENT A STATE-BASED SYSTEM OF DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT**

2.A.i Provide a description of the SEA's differentiated recognition, accountability, and support system that includes all the components listed in Principle 2, the SEA's plan for implementation of the differentiated recognition, accountability, and support system no later than the 2012–13 school year, and an explanation of how the SEA's differentiated recognition, accountability, and support system is designed to improve student achievement and school performance, close achievement gaps, and increase the quality of instruction for students.

In January of 2009, New York was one of nine states that the United States Department of Education (USED) approved to operate a Differentiated Accountability (DA) Pilot ([http://www.p12.nysed.gov/accountability/APA/Differentiated\\_Accountability/DA16toUSED.pdf](http://www.p12.nysed.gov/accountability/APA/Differentiated_Accountability/DA16toUSED.pdf)). Through this pilot, NYSED sought to combine the State's accountability system and the lessons learned about how to support low performing schools with the requirements of ESEA. The State's goal was to create a single cohesive and comprehensive system for school and district accountability, which, in turn, worked to support dramatic gains in student achievement across the state. In December of 2009, the New York State Board of Regents took the next step in creating the conditions for increased student achievement, and approved a bold reform agenda focused on improving the lowest achieving schools and creating excellent schools across the State that prepare all students for college and careers.

This agenda was accelerated with the successful second round RTTT award from the USED and several large federal grant program awards, including a competitive federal Charter School Program grant award; adoption of the NYS Common Core Learning Standards; revision of the system for preparation of, in-service support to, and evaluation of teachers and principals; and alignment of the Schools Under Registration Review (SURR) Process<sup>7</sup> with the identification of persistently lowest achieving schools (PLA) and the four Federal School Intervention Models that are supported by federal School Improvement Grant (SIG) (§1003(g)) funding.

The Regents' Reform Agenda is grounded in four core strategies:

- Implementation of the CCSS in all NYS schools (as described in Principle 1);
- Building instructional data systems that measure student success and inform teachers and principals how they can improve their practice (as described in Principle 1 and Principle 3);

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<sup>7</sup> The SURR process was established in 1989 to identify for registration review schools that are farthest from a state standard in English language arts or mathematics and determined by the Commissioner to be most in need of improvement. Identified SURR schools are required to restructure their educational programs, staff, and operations to support increased student achievement. Schools that fail to meet targets established by the Commissioner are at risk of having their registration revoked. In 2009, Commissioner's Regulations were revised to merge the processes for identification of persistently lowest achieving schools and SURR schools so that schools that are identified as PLA are simultaneously preliminarily identified as SURR. In addition, SURR schools are required to implement one of four Federal intervention models and those that demonstrate the ability to fully and effectively implement a model according to the timelines prescribed by the United States Department of Education receive School Improvement Grants. In the future, Priority Schools will be identified as SURR schools if they fail to implement a plan aligned to either the four SIG intervention models or the Turnaround Principles. (See Attachment 21 for Commissioner's Regulations Section 100.2(p) that stipulate the SURR process.)

- Promotion of effective teachers and leaders through the implementation of a multiple measures evaluation tool, with aligned supports and professional development (as described in Principle 3); and
- Turning around the lowest performing schools, through our comprehensive system of identification, supports, and monitoring, as described in Principle 2.

**Recent Regents Action Steps  
Supporting School Turnaround**

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- Board adopts NYS Common Core Standards including PK standards – January, 2011
- Board adopts NYS Teaching Standards – January, 2011 (revised in August, 2011)
- Board adopts Social/Emotional and Developmental Learning Guidelines – July, 2011
- Higher Education Committee endorses the use of the Interstate School Leaders License Consortium (ISLLC) school leadership standards as the basis for the Department’s work on the Cohesive Leadership System – June, 2009
- Board adopts policy on Improving Student Achievement and School Performance through Parent and Family Partnerships – January, 2007 (revised from 1991 policy)

NYSED’s request for an Elementary and Secondary Education Act (ESEA) waiver is the next logical step in this reform agenda. New York State already has a well established system of differentiated accountability and support to build upon, which is codified in state statute, regulation, and New York’s approved USED Differentiated Accountability Pilot. This waiver would provide the State with an opportunity to further align elements of the Regents’ Reform Agenda with how we approach and define accountability at both the individual and institutional level, leading to improvements in student achievement and school performance. By clarifying the optimal conditions for learning and desired educational practices that we will support schools and districts in implementing, we can focus resources and efforts on closing achievement gaps and increasing the quality of instruction for all students.

The Board of Regents is committed to shifting NYSED’s accountability efforts from a compliance and inputs-based system to one that is performance and outcomes oriented. To do this, NYSED has developed a new theory of action which re-orientes our State accountability system at both the individual (teacher and principal) and institutional (school building and district) levels to be better linked with the Regents Reform Agenda and our RTTT approved Scope of Work. We will build our supports based upon how we know effective schools and districts operate, and use transparent communication tools to make our work public and easily accessible to all New Yorkers.

The intervention efforts critical to New York State’s achievement will be accomplished by the following key tenets of our new theory of action:

- Incorporating into New York State's accountability system a growth component and standards that are better aligned with college- and career-readiness, including raising the achievement level – at the school level – required for high school proficiency in English language arts and mathematics so that students who obtain this standard are well-prepared to

- Creating a more coherent system of classification of schools and districts with performance categories better matched to New York State's needs.
- Better aligning supports and interventions for identified schools and districts with key components of the Regents Reform Agenda, such as the implementation of the CCSS, the creation of a system of data-driven inquiry in schools, and the promotion of teacher and principal effectiveness through systemic professional development aligned to principal and teacher evaluations.
- Developing additional measures of school success to be used to identify Reward Schools, including reviewing graduation rates for students who begin high school at Levels 1 and 2; percentages of students who receive Regents diplomas with advanced designation and Career and Technical Education endorsements; and in elementary and middle schools, growth of students whose growth percentiles the previous year placed them in the bottom quartile for their school.
- Revising New York State's consolidated application for Federal funding to incorporate new set-asides that will require districts to demonstrate how they are using funds to comprehensively and coherently implement the turnaround principles in priority schools and the components of the Regents Reform Agenda in all schools along the accountability continuum.
- Developing and aligning systems to identify and address the needs of English Language Learners and Students with Disabilities within the various intervention efforts.
- Building upon our experiences and knowledge of working with struggling schools to provide schools and districts with interventions via targeted technical assistance, support by way of professional development opportunities, and assistance in developing partnerships with organizations with demonstrated success in helping districts and schools to implement proven interventions.

A table detailing the key changes that will occur in New York's accountability system as a result of approval of this waiver application can be found in Attachment 13.

## **2. Current Status of Accountability in New York**

During the past two decades, New York has pursued dramatic school change through a variety of interventions and policy initiatives, including Chapter 57 of the Laws of 2007, NYSED's Differentiated Accountability system, the Schools Under Registration Review (SURR) process, the actions taken to integrate the ESEA Title I, Title III, and Individuals with Disabilities Education Act (IDEA) accountability systems, and the Board of Regents P–12 Strategy. These initiatives have been supported further in the last five years by a strong statutory and regulatory framework put in place by our Board of Regents and the New York State Legislature, described below.

### **Chapter 57 of the Laws of 2007, and the New York State Differentiated Accountability Pilot**

The State legislature, through the passage of Chapter 57 of the Laws of 2007, increased the focus on intervening in low performing schools to improve achievement and target resources toward school improvement through the Contracts for Excellence program. This legislation also prescribed the intervention actions that were to be undertaken by the Department (described below), and subsequently were included in New York State's approved ESEA Differentiated Accountability pilot.

New York State's differentiated accountability model bases accountability designations on both the degree to which a school manifests systemic failure of groups of students to make AYP and the length of time such failure has persisted. The model creates three distinct phases of improvement, **Improvement**, **Corrective Action** and **Restructuring**, that are based on the number of years a school fails to make AYP. In addition to these phases, SED identifies for Registration Review (SURR) those schools that are persistently lowest achieving based on combined ELA and mathematics performance and/or high school graduation rate for the all students group. Within each phase a school utilizes the findings of a specific diagnostic and/or support (School Quality Review, Curriculum Audit, and Assignment of a Joint Intervention Team or Distinguished Educator) to create and implement a school improvement plan. A school moves from one phase to the next when it fails to achieve AYP for two years. SURR schools that fail to make progress will be accelerated into the NCLB restructuring phase and may be assigned a Distinguished Educator (More information on the Distinguished Educator program, including the selection and assignment process, is provided in Section 2.D.iii c and can also be found at: <http://www.p12.nysed.gov/accountability/iebp/DEProgram.html>). Under this system, the rigor of the interventions as well as the intensity of district and SED oversight increases as a school moves from one phase to the next.

The three phases are further differentiated into three categories (differentiated by the number of accountability measures and student groups not making AYP): **Basic**, for the Improvement phase only; **Focused**; and **Comprehensive** (see Attachment 16 for the chart entitled New York State's Differentiated Accountability Model, prior to the ESEA Flexibility Waiver.) Each category is determined by the degree to which there has been systemic failure of groups of students to make AYP. This model is designed to empower districts and give them the support and assistance necessary to take primary responsibility for developing and implementing improvement strategies in schools that are persistently failing to make AYP with groups of students. In such instances, districts have considerable flexibility to work with schools to design improvement plans that are tailored to the specific circumstances of the school.

The depth, scope, and comprehensiveness of each intervention vary by phase and category, as does the provider of support and oversight:

- Schools in improvement are required to participate in a school quality review (SQR), to include at a minimum a self-assessment of the educational program, using quality indicators in a form and content prescribed by the commissioner (Education Law §211-b; 8 NYCRR §100.2[p][6][iv][a][1]). The LEA and school must develop a school improvement plan to address the findings of the school quality review. The Department has protocols in place for the SQR, which can be found at: [http://www.p12.nysed.gov/accountability/School\\_Improvement/SQR.html](http://www.p12.nysed.gov/accountability/School_Improvement/SQR.html).

- Schools in corrective action are required to participate in a curriculum audit, called an External School Curriculum Audit (ESCA) to assess the school’s educational program. The school shall be assisted by a school quality review team, with district representation, appointed by the commissioner. (Education Law §211-b; 8 NYCRR §100.2[p][6][iv][b][1]). The LEA and school must develop a corrective action plan to address the findings of the curriculum audit. The Department has protocols in place for the ESCA, which can be found at: [http://www.p12.nysed.gov/accountability/School\\_Improvement/esca.html](http://www.p12.nysed.gov/accountability/School_Improvement/esca.html) .
- The Commissioner appoints a Joint Intervention Team (JIT) to conduct an on-site audit of the school program of schools in restructuring. The JIT then provides the LEA with recommendations that must be addressed in a restructuring plan by the LEA., which is subject to the Commissioner’s approval. These plans must include fundamental reforms such as significant changes in the staff, governance, or organization of the school, and may include closing or phasing out the school (Education Law §211-b; 8 NYCRR §100.2[p][6][iv][c]). The Department has protocols in place for the JIT Reviews, which can be found at: [http://www.p12.nysed.gov/accountability/School\\_Improvement/JIT.html](http://www.p12.nysed.gov/accountability/School_Improvement/JIT.html) .
- LEAs with schools identified as persistently lowest achieving (PLA)/SURR are required to develop plans to implement one of the four models (turnaround, closure, restart, or transformation) that are subject to the approval of the Commissioner. 8 NYCRR §100.2[p][10][ii]).

In addition to outlining the interventions for schools in improvement, corrective action, restructuring, and PLA/SURR stats, Commissioner’s Regulation 100.2[p][8]) also defines the methodology for identifying high performing and rapidly improving schools and districts in New York State.

### **Enhanced Accountability through Education Law**

In 2010, as part of a series of legislative reforms aligned with the Board of Regents Reform Agenda and our Race to the Top application, the New York State Legislature enacted Education Law §211-e, which allows the Commissioner to approve a board of education or Chancellor (in New York City) to contract with an educational partner organization (EPO) to intervene in a school designated by the Commissioner as persistently lowest achieving and/or school under registration review. (Education Law §211-e[1]). Under this statute, EPOs assume the authority of a Superintendent, including the ability to make recommendations to the board of education (or Chancellor in New York City) regarding the school’s budget, staffing, student discipline decisions, curriculum, daily schedule and school calendar. Contracts between the district and the EPO must include appropriate performance targets with defined sets of instructional and programmatic responsibilities.

### **Schools Under Registration Review**

Under Education Law §210, the Regents have the authority to register New York State educational institutions. Pursuant to §100.2(p) of the Commissioner’s regulations, only registered public and nonpublic high schools may issue diplomas and administer Regents examinations. Any public school in a school district that is identified as being among those that are farthest from meeting the benchmarks established by the Commissioner or as being a poor learning environment may be identified as a School Under Registration Review (SURR) (8 NYCRR §100.2[p][9]). A SURR must undergo a resource, planning, and program audit, and is required to develop and implement a

restructuring plan that outlines how the school will implement one of four federal (8 NYCRR §100.2[p][10][i]). If a SURR fails to demonstrate adequate improvement within a specified timeframe, usually two full school years, its registration may be revoked by the Board of Regents (8 NYCRR §100.2[p][10][iii]). Following revocation of a school's registration, the Commissioner has the authority to develop a plan to ensure that the educational welfare of affected students is protected (8 NYCRR §100.2[p][10][iii]). In June 2010, the Board of Regent voted to amend Commissioner's Regulation §100.2(p) to merge the identification of persistently lowest achieving schools with Schools under Registration Review, and to require that SURR schools implement one of the four federal intervention models as part of their required restructuring plan (8 NYCRR §100.2[p][9],[10],[11]).

A SURR must undergo a resource, planning, and program audit, and is required to develop and implement a restructuring plan that outlines how the school will implement one of four federal intervention models (8 NYCRR §100.2[p][10]). If a SURR fails to demonstrate adequate improvement within three academic years, the Commissioner shall recommend to the Board of Regents that its registration be revoked (8 NYCRR §100.2[p][10][vi]). Following revocation of a school's registration, the Commissioner has the authority to develop a plan to ensure that the educational welfare of affected students is protected (8 NYCRR §100.2[p][10][vi]).

### **Actions to Integrate ESEA Title I, III, and IDEA Accountability Systems**

The New York State Education Department has taken steps to align the Accountability Systems under NCLB (Title I AYP), Title III (Annual Measurement Achievement Objectives [AMAOs]), and the Individuals with Disabilities Education Act (IDEA) when identification of a school and/or district is a result of poor performance of the students with disabilities and/or the ELL subgroups. This action will result in greater continuity in the assessment of the needs of these schools/districts and the resulting supports and interventions.

To accomplish this, the Office of Special Education has revised its performance criteria for determination of school districts under IDEA as "Needs Assistance" or "Needs Intervention" to be based primarily on whether a school district has one or more schools not making AYP for the students with disabilities subgroup.

The State is also, to the extent resources allow, assigning a Special Education School Improvement Specialist (SEIS) from the Regional Special Education Technical Assistance Support Centers (RSE-TASC) to provide technical assistance and participate as a subgroup specialist during the various differentiated accountability reviews. In addition, for districts determined to be "Needs Intervention," staff from the NYSED P-12 Office of Special Education (OSE) will participate in the Joint Intervention Team reviews. Upon completion of such reviews, a determination will be made as to which school(s) in the district the SEIS will work with through its "Quality Improvement Process" that will lead to systemic instructional improvements particularly in the areas of literacy instruction, behavioral supports and/or the provision of specially designed instruction for students with disabilities. For further information on RSE-TASC, see <http://www.p12.nysed.gov/specialed/techassist/rsetasc/>.

For districts not meeting Title III AMAOs, the Office of Bilingual Education and Foreign Language Studies (OBE-FLS) will continue to focus on those schools identified because of the performance of ELL students. The State will continue to direct its technical assistance resources to the schools identified for the ELL subgroup. School districts identified for failing to meet AMAOs under Title

III for two consecutive years are required to submit an Improvement Plan and those failing to make AMAO for four consecutive years are required to develop a Corrective Action Plan. Additional information regarding AMAOs and required plans can be found on the OBE-FLS website: <http://www.p12.nysed.gov/biling/NEWTIII.html>.

The USED cited New York's leadership in turning around low-performing schools in its study, *Turning Around Low-Performing Schools: A Guide for State and Local Leaders (1998)*. In that publication, USED highlighted Registration Review as a successful strategy for intervening in chronically low-performing schools. *Education Week's* annual report, *Quality Counts*, has for the last decade given New York an "A" rating each year for its system of standards, assessments, and accountability, and in the 2012 edition of *Quality Counts*, New York received a perfect score of 100 for its accountability system. Additionally, preliminary findings from a state-commissioned external evaluation of the effectiveness of the current Differentiated Accountability pilot suggest that both Department staff conducting Differentiated Accountability interventions, as well as schools and districts implementing the interventions, have found the processes and interventions useful. According to the evaluators, most schools reported that they found the SQR, JIT, and ESCA helpful in the development and revision of their Comprehensive Educational Plans<sup>8</sup>.

From its long experience working with low-performing schools, NYSED has learned valuable lessons regarding the characteristics of these schools and the districts in which they are concentrated, the areas in which these schools struggle, the types of interventions necessary to turn them around, and the challenges of sustaining improvement over time. While these interventions have contributed to New York State's four-year cohort graduation-rate increase in recent years, despite rising graduation standards, far too many students – particularly Black, Hispanic and low-income students, English language learners, and students with disabilities – fail to either graduate or to graduate college- and career-ready.

Despite the successes New York State has realized, and the national recognition we have received, we know that we have room for improvement. While the intent of our current Differentiated Accountability system is to calibrate the diagnosis, plan, and interventions to match the particular needs of schools and districts at each stage of the accountability continuum, we believe that we can reduce the burden upon districts and increase the efficacy of our supports and interventions by consistently using a single diagnostic tool and planning process to track the progress of schools and districts in addressing their areas of need. This effort is consistent with the actions that the Board of Regents has taken as articulated in Principle Four to reduce duplicative and unnecessary burdens upon school districts through a program of mandate relief.

### **3. Executing the New Theory of Action**

New York State's revised comprehensive system of differentiated supports and interventions aligned to the Regents Reform Agenda will provide increased opportunities for improved student achievement and teacher practice. Building upon the strengths of the existing system as described in Section 2.A NYSED has identified the following challenges and complementary strategies that we

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<sup>8</sup> The External Evaluation was begun in the winter of 2011 by Measurement Inc. From the 70 DA schools designated for study in Year 1, Measurement Inc. representatively sampled 20 schools for the first round of site visits, drawing from all geographic regions of the state, weighted in favor of the Big Five urban districts (NYC, Buffalo, Syracuse, Rochester, and Yonkers). The first round of site visits occurred between December 2011 and January 2012.

are currently pursuing to ensure that all students receive a high-quality education and that all families and communities are well served by our P-12 public schools.

**CHALLENGE:** *Ensure the capacity of districts to support school turnaround.* A turnaround strategy must encompass not only individual schools, but also districts. A school is frequently identified as persistently lowest-achieving because a district does not optimally utilize resources to support all of its schools.

**STRATEGY:** *Identify Focus Schools in a two stage process.* First, the Commissioner will identify the districts with the lowest performing subgroups that are not demonstrating growth as Focus Districts. Second, Focus Districts will, with the Commissioner's approval, identify Focus Schools within the district. (See Section 2.E.ii for a more information on the identification methodology.) In addition, districts not identified as Focus Districts, but that have schools that either have unacceptably large gaps in performance among groups of students or that persistently fail to make AYP for a group of students, will be required to develop a Local Assistance Plan to help the school address such issues (see Section 2.F).

**CHALLENGE:** *Ensure that low-performing schools engage in whole-school reform, not a mere check-list of disconnected activities.*

**STRATEGY:** *Use a systematic approach to ensure that all students, both high and low performing, are college- and career- ready.* While districts and schools will operationalize their approach to addressing these issues in different ways, New York State will require that priority schools implement the turnaround principles not in isolation, but rather through the adoption of systemic, whole-school reform models. (Section 2.D.iii provides detailed information on the standards that New York State will use to guide districts in the adoption of such models.)

**CHALLENGE:** *Ensure that the support provided fits the needs of schools and districts.* Due to variations in school and district capacity, there is no single intervention strategy that works in all situations. Schools and districts vary in their ability to devise and implement effective turnaround strategies. School districts must be viewed as whole systems and interventions should be built systemically, taking into consideration the capacity of the delivery chain(s). Brady (2003) ensures that an important aspect of building capacity is ensuring that the people working together provide a positive synergy towards improving schools. (See also Brinson & Rhim, 2009.) Again, building the systematic capacity of districts to support their persistently lowest-achieving schools is a key ingredient to success. Schools most typically succeed in large part because of effective district support. Districts must have a broad strategy, not just a school-by-school approach. In some cases, support external to the district may need to be leveraged to assist a school (see Fullan, 2003). It is critical that schools have assistance in coordinating the many and different resources available to them (see Murphy & Myers, 2008; Brinson & Rhim, 2009; Hess, 2008). It is equally critical that New York State works to assist districts and schools in determining the best intervention strategies matched to the needs of the school communities and to the district as a whole.

**STRATEGY:** *Employ a range of differentiated interventions and supports.* New York State has developed a range of interventions that vary from the requirement for the development of a Local Assistance Plan by districts with strong capacity to support

schools, to the Commissioner's ability to assign a Distinguished Educator to assist low-performing districts in improving their academic performance, to the ability of districts with low-performing schools to contract with an Educational Partnership Organization to assume the role of the superintendent in such schools. New York State's Diagnostic Tool for School and District Effectiveness, comprehensive improvement plans, professional development offerings, and external partnership brokering will all have strands geared towards district support. (Please see Section 2A.5 for more information on the development of the Diagnostic Tool for School and District Effectiveness.)

New York will also require districts with identified schools to develop a District Comprehensive Improvement Plan that articulates how the district will use the full range of its resources, which may include Title I, Title II, and/or Title III funding to support improvement efforts in identified schools (see Section 2.D.iii for more information on the District Comprehensive Improvement Plan).

Both the Diagnostic Tool for School and District Effectiveness and the District Comprehensive Improvement Plan will provide an effective framework for managing the range of interventions and supports being provided by the State.

**CHALLENGE: *Ensure that teachers and leaders receive the support they need to be effective.*** School turnaround or transformation of a learning community, as a concept, has not proven itself at scale here in the US. Merely changing the administration and a significant percentage of a school's staff will not typically, in itself, engender dramatic school improvement.

**STRATEGY: *Encourage continuous improvement of teacher and leader effectiveness.*** Where appropriate, New York will insist that the use of a federal SIG/RTTT turnaround model that focuses on staff replacement be accompanied by a strategic plan to ensure the new vision of the school is actualized by employing a rigorous process to ensure that highly qualified and effective staff are selected and matched well with the school's needs, and that the needs of new staff members for curriculum, instructional, and student engagement professional development are fully met. (See Section 2.D.iii for how the State will employ this strategy.)

**CHALLENGE: *Ensure that the support is sustained.*** The gains that transformed schools make are often fragile. It takes continued sustained support to ensure that changes in the school's culture become institutionalized (see Hess, 1999). After schools improve performance, it is critical that they create viable strategic plans for sustainability that focus on those system elements described above, to avoid relapse into performance patterns that initially led to intervention.

**STRATEGY: *Continue State support after removal from status.*** Given the fragile nature of federal SIG/RTTT turnaround schools, New York State will continue to support model implementation. Schools that meet the conditions for removal from priority status and that have started to implement a whole-school reform model will continue to receive full support through the initial three years of program implementation. Focus Districts will continue to receive full support for one year following removal from focus status.

#### 4. A New Approach to Differentiated Accountability and Recognition

New York State's goal for districts and schools is not for students to simply graduate from high school, but rather to be able to pass college-level course work without the need for remediation and/or to be able to be successfully employed in a position that requires technical skills and provides the opportunity for a career with advancement opportunities. New York recognizes that there are currently large gaps in high school graduation rates among the various ESEA accountability groups and that these gaps are even more pronounced when measured against college and career readiness standards.

The Regents' Reform agenda and New York State's new theory of action regarding accountability allows New York State to better focus on this goal of College and Career Readiness and closing gaps in student performance. At present, New York State uses the grades 3-8 ELA and mathematics tests; grades 4 and 8 science assessments; high school ELA and mathematics exams; and four- and five-year cohort graduation rates to hold schools and districts accountable for student results. Rather than create entirely new accountability measures, New York State will build upon existing structures to promote more appropriate and sophisticated identification of schools and districts by:

- incorporating into New York's accountability system standards that are better aligned with college and career readiness<sup>9</sup>, including revising high school English language arts and mathematics accountability proficiency standards so that they represent a level of performance that means a student enrolling as a freshman in credit-bearing college courses has a high likelihood of being able to receive a grade of C or better;
- modifying how New York's grades 3-8 ELA and mathematics Performance Indices are computed to incorporate both proficiency and growth towards proficiency, using the well-established Student Growth Percentile<sup>10</sup> methodology, which is also the basis for computing for teachers of grade 4-8 ELA and math and their principals the growth measure component of their annual evaluation rating as described in Principle 3;
- using growth measures for all students, including ESEA subgroups, to determine which schools and districts are demonstrating progress compared to Statewide median growth percentiles as part of the process of determining Adequate Yearly Progress and identifying Reward, Focus and Priority Schools, and Focus Districts; and
- revising its Annual Measurable Objectives (AMOs) (using Option C) to reflect the rigor required of college and career readiness standards, while at the same time making them realistic and attainable for schools and districts.

New York State's accountability measures will continue to evolve over the course of the waiver period and beyond. For example, NYSED expects that, in the future, subject to the availability of

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<sup>9</sup> The Association for Career and Technical Education (ACTE) has stated that "career-ready core academics and college-ready core academics are essentially the same, thus creating overlap in the preparation students need to be ready for postsecondary education and careers." (See: [http://www.acteonline.org/uploadedFiles/Publications\\_and\\_Online\\_Media/files/Career\\_Readiness\\_Paper.pdf](http://www.acteonline.org/uploadedFiles/Publications_and_Online_Media/files/Career_Readiness_Paper.pdf)) While readiness for careers also requires students to use academics in context as well as to acquire employability and technical skills, NYSED believes that the academic standards that apply to college readiness are equally valid for measuring the academic skill level a student should have to pursue a career upon graduation.

<sup>10</sup> For detailed information on NY's Growth model, its use and its impact on accountability determinations Attachment 22 New York State Student Growth Percentile Methodology -A Technical Overview and Impact and "A Technical Overview of the Student Growth Percentile Methodology for the New York State Education Department" By Damian W. Betebenner. The National Center for the Improvement of Educational Assessment Dover, New Hampshire February 3, 2012.

funds and the approval of the Board of Regents, new assessments in ELA in grades 9 and 10 will be administered and that the results of these will be incorporated into the accountability system. As other assessments are revised or developed (see Principle 1), they will allow New York State to establish school and district accountability goals at all grade levels that are even better aligned with ensuring college- and career-readiness. In addition, as New York State's longitudinal data system begins to capture new data elements or captures existing data elements more fully at the individual student level, there will be opportunities for the Regents to consider including in the accountability system measures of post-secondary readiness such as: college retention and credit accumulation; performance on measures of college readiness (e.g., Advanced Placement (AP), International Baccalaureate (IB), SAT and American College Testing (ACT)); Career and Technical Education (CTE) program completion and industry certification; and high school course credit earned in middle school and college credit earned in high school. Over the term of the waiver period, we expect to present these additional measures of post-secondary readiness to the Board of Regents for their consideration. If the Regents approve additional measures, NYSED will seek amendments to our approved State Accountability workbook to incorporate such measures as elements of our State accountability system. Alternatively, the Regents may choose to include these measures in New York's public reporting system<sup>11</sup> but not make them ESEA accountability measures.

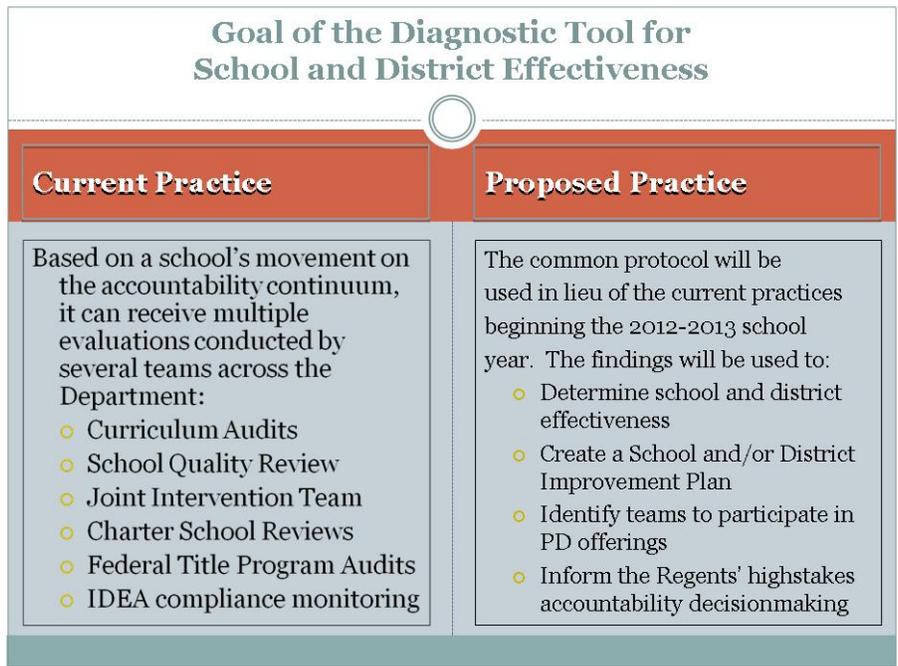
## **5. Differentiated Interventions and Supports**

As previously described, NYSED currently provides differentiated interventions and supports by conducting district- and school-level visits that provide qualitative information on instructional practices to accompany the findings of the State's accountability system. Moving forward, as we align the Regents Reform Agenda, New York State's new theory of action for accountability, and revisions pursuant to this waiver, support and intervention in our schools and districts will be made more systematic and cohesive.

To do this, NYSED is building upon the best elements of its current differentiated accountability system as described in the introduction of Section 2A and what we know about effective school and district reviews and accountability. NYSED is working with national experts and New York educators to identify best practices for all of the elements to be incorporated into a common Diagnostic Tool for School and District Effectiveness that is aligned to the Regents Reform Agenda.

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<sup>11</sup> New York State's accountability reporting system consists of a series of district- and school-level reports that provide users with the opportunity to verify data before they are finalized and preview outcomes before they are released to the public. Districts and schools can update data daily, and reports are refreshed at least once per week. Over the period of the waiver and in order to support the next generation of accountability measures, the reporting system will be enhanced to report data at the classroom level (in addition to districts and schools) and deliver results, including rosters and growth/value-added scores, directly to classroom teachers. An example of how NY will report accountability results under this waiver is provided in Attachment 23.



The Diagnostic Tool for School and District Effectiveness will build upon NYSED's current structures and systems by synthesizing the varied diagnostic tools currently used by NYSED program offices (such as the tools used in the Joint Intervention Team visits, School Quality Reviews, and Curriculum Audits). Incorporated in the Diagnostic Tool for School and District Effectiveness will be NYSED's articulation of the optimal conditions for district and school effectiveness so that NYSED, LEAs, schools, and the general public have a common understanding and language to communicate districts' and schools' next steps for improvement and/or sustainability efforts. Six tenets have been identified as the guiding principles of effective schools and districts. These tenets are at the core of the Diagnostic Tool for School and District Effectiveness and are closely aligned to the Federal Principles for School Turnaround. A chart comparing the tenets to the Principles follows:

COMPARISON OF TENETS TO THE TURNAROUND PRINCIPLES	
Diagnostic Tool Tenets	Federal Turnaround Principles
School Leadership Practices and Decisions	<ul style="list-style-type: none"> <li>● Providing strong instructional leadership</li> <li>● Utilizing real time data to improve teaching and learning</li> <li>● Redesigning the school day</li> </ul>
Teacher Practices and Decisions	<ul style="list-style-type: none"> <li>● Ensure all teachers are effective and able to improve instruction</li> <li>● Using data to inform instruction</li> </ul>
Implementation of the Common Core Standards	<ul style="list-style-type: none"> <li>● Strengthening the school's instructional program</li> </ul>
Student Social Emotional Development and Health	<ul style="list-style-type: none"> <li>● Establishing a school environment that improves safety, discipline, and other non-academic factors</li> </ul>
Parent and Community Engagement	<ul style="list-style-type: none"> <li>● Providing an on-going mechanism for increased parent and community engagement</li> </ul>
District Capacity	<ul style="list-style-type: none"> <li>● Assisting schools to address all of the Turnaround</li> </ul>

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The graphic below further explores the Six Tenets for the Diagnostic Tool for School and District Effectiveness, which will serve as the fundamental principles linking our accountability, recognition, intervention, and support systems. An additional key component of the diagnostic is that it will focus not just on school-level conditions but also on measuring the capacity of the district to support school improvement over time.

The Key to School Turnaround in NYS

Six Focused Tenets for School and District Effectiveness

Curriculum development aligned to the Common Core State Standards

Teacher Instructional Practices and Decisions

Leadership Development

Parent and Community Engagement

Student Social/Emotional and Developmental Health

District Capacity

**Curriculum development aligned to the CCSS**

- Implementation of the CCSS.
- Articulated professional development that supports effective implementation of the CCSS.
- Instructional practices that lead to students' full understanding of the CCSS.

**Teacher Instructional Practices and Decisions**

- Use of data to drive instructional and operational decision-making.
- The use of research-based instructional and programmatic practices with English Language Learners and Students with Disabilities.

**Leadership Development**

- Leadership practices, including effective evidence-based observation of instruction, that promote and foster environments that lead to greater student achievement and increased teacher effectiveness.
- Effective human capital and staffing practices that optimize district and school resources.
- Effective use of time and scheduling.

**Parent and Community Engagement**

- Effective practices to promote family and community engagement.

**Student Social/Emotional and Developmental Health**

- School culture that leads to a safe, healthy and supportive climate for students and adults.

**District Capacity**

- Aligning systems and structures

NYSED will begin to use this tool in the 2012-13 school year and will integrate all of the current review teams into a single entity that looks at schools and districts holistically. School Quality Review Teams<sup>12</sup> and Joint Intervention Teams will be deployed as Integrated Intervention Teams to aid districts in planning and implementing systematic SIG/RTTT turnaround models. These teams will be comprised of NYSED staff and external educational experts, as well as administrators and educators from the district and, if one has been appointed, a Distinguished Educator (see Section 2).

<sup>12</sup> Currently, School Quality Review Teams and Joint Intervention Teams may be comprised of outside educational experts, persons with subject area expertise, experts in the provision of services to students with disabilities and English language learners, Department staff and District representatives. Depending on the reason for the school's identification and the type of district in which the school is located, the mix of representatives may vary. A Joint Intervention Team is always led by an Outside Educational Expert and includes district administrators and educators, as well as any Distinguished Educator appointed by the Commissioner.

The teams will be appointed by the Commissioner of Education and will conduct on-site resource, program and planning reviews of Focus and Priority Schools and Districts, reviews which will aid schools and districts in the development of improvement plans based on the Diagnostic Tool for School and District Effectiveness reviews, and will monitor and assist in the implementation of those plans. These teams, with input from educators (including administrators, teachers and Distinguished Educators), will also advise the Commissioner in developing district-wide strategic plans as well as school-based plans for intervention in SURR schools that fail to demonstrate progress on established performance measures and may be targeted for closure. Such plans may include alternatives and strategies to reorganizing, restructuring or reconfiguring schools.

NYSED will work with external partners to develop resources and protocols for use of the Diagnostic Tool for School and District Effectiveness by the on-site teams, and to support the teams' capacity to conduct district and school visits. The plan for development will encompass:

Actions	What	How
Develop the new Diagnostic Tool for School and District Effectiveness that measures performance against the optimal conditions for effective schools and districts (spring 2012).	The Diagnostic Tool for School and District Effectiveness is created and piloted in districts and schools <sup>13</sup> , where principals volunteer to have a low-stakes review conducted in their school, to ensure that all relevant priorities and components are addressed and measured by the tool.	Led by Senior Staff from NYSED and the Regents Research Fund and supported by: - Advisory members from NYSED's existing School and District Accountability Task Force; - Experts in the evaluation of programs for English language learners and students with disabilities; and - Educational experts from universities and colleges.
Engage an external partner to train and mentor members of the Integrated Intervention Teams (summer 2012).	In spring 2012, NYSED engages, through a competitive RFP process, an external partner, with a proven record in successfully creating, conducting and documenting school/district visits, to assist NYSED in conducting school visits using the newly developed Diagnostic Tool for School and District Effectiveness.	NYSED staff oversees the development of the RFP and selection of an external partner.
Appoint and Train Integrated Intervention Teams (fall 2012).	The Commissioner appoints Integrated Intervention Teams and the external partner provides training and mentoring.	The appointed Integrated Intervention Teams receive professional development and are mentored by the external partner.
Conduct visits to Priority Schools and Focus Districts and Schools (fall 2012)	Integrated Intervention Teams begin using the single diagnostic tool to conduct site visits.	NYSED staff and the external partner oversee the process.

<sup>13</sup> It should be noted that identified schools and districts will use the results of the SQR, ESCA, and JIT for creating the plans that they will implement in the 2012-2013 school year. During the 2012-13 school year districts will be able to use the results of the Diagnostic Tool for School and District Effectiveness to develop the plans that they will implement in the 2013-14 school year.

<p>Complete Process of building within NYSED the knowledge base necessary to sustain a system of high quality school and district reviews using the Diagnostic Tool for School and District Effectiveness as implemented by the Integrated Intervention Teams <sup>14</sup>(2013-14 school year).</p>	<p>The external partner transitions to NYSED staff the responsibility for professional development and mentoring of appointed Integrated Intervention Teams.</p>	<p>A robust plan is implemented to shift to NYSED staff the best practices knowledge base necessary for staff to assume full responsibility for professional development and mentoring of appointed Integrated Intervention Teams.</p>
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During the remainder of the 2011-12 school year, as a bridge from our current approved State Accountability Workbook, Differentiated Accountability System and current practice of school review and grant and program monitoring, SED will be piloting revised and improved school site visit protocols that will field test critical elements of the common diagnostic tool in order to assure that all critical components are included.

NYSED will also conduct annual on-site visits to Priority Schools with approved SIG plans, and Priority Schools with approved Comprehensive Education Plans (aligned to the Turnaround Principles) during their implementation period. This will ensure that NYSED is fully aware of each school’s progress toward implementation of a SIG intervention model or their Comprehensive Education Plan. The information gathered during these visits will inform NYSED’s efforts to work with Priority Schools to ensure full compliance with SIG plans or Comprehensive Education Plans. These visits will enable NYSED to differentiate the types of interventions provided to districts and schools as described below. It will also enable NYSED to determine if amendments need to be made to implementation plans.

NYSED will provide differentiated supports to schools and districts based on their accountability status to ensure that districts and schools are on track to fully and effectively implement the Regents Reform Agenda:

- Regional **network teams**, which are funded by local and RTTT dollars and consist of more than 700 professionals throughout the State, will be continuously trained in the areas of Common Core Standards, Data Driven Inquiry, and Teacher and Principal Evaluation. Network Teams are more fully described in 2.D.ii and 2.F of this waiver application.
- The School Turnaround Office (STO) will continue to work with schools and districts as outlined in our approved RTTT application (please see description of the STO under 2G, Building SEA Capacity). The STO will continue to administer incentive-based grant funds designed to interrupt the downward trajectory of failing schools; match external turnaround resources to schools; and provide professional development for PLA school and district leaders across the State.

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<sup>14</sup> By the 2013-2014 school year NYSED will be able to deploy Integrated Intervention Teams that can draw on offices across P-12 to assist in staffing the teams with persons with expertise in school improvement, finance, human capital development, curriculum, assessments and services to students with disabilities and English language learners as required by the needs of the districts and schools. These persons may also be deployed to support a more comprehensive and coordinated approach to program monitoring. Integrated Intervention Teams will also leverage the expertise of NYSED supported partners such as BOCES Professional Development resources, the Teacher Centers, the RBE-RNs, and RSE-TASCs to provide appropriate content and specialty expertise to the teams.

- NYSED’s Commissioner is in the process of appointing, where appropriate, Distinguished Educators to selected districts that have failed to make AYP for four years. Where appointed, the Distinguished Educators will be members of the Integrated Intervention Teams and will work closely with the superintendents and boards of education to assure that reform initiatives are being deployed systematically and with fidelity. See Section 2.D.ii.c for a full discussion of the Distinguished Educator program.
- New York State has a long history of providing extensive specialized Technical Assistance to identified subgroups of students through External Technical Assistance Centers. Regional Special Education Technical Assistance Support Centers (RSE-TASC) and Regional Bilingual Education Resource Networks (RBE-RNs) will continue to provide high-quality technical assistance, professional development, information dissemination (materials) to school districts with Priority and Focus Schools.

To ensure there is a coordinated and consistent effort, LEA representatives involved in providing direct supports to Priority Schools will participate in monthly professional development sessions discussed in Principle 1 and additional staff development offered by the School Turnaround Office. The professional development sessions will align to the tenets outlined in the Diagnostic Tool for School and District Effectiveness and the Regents Reform Agenda. During these regular sessions, Department and LEA staff will “check-in” to ensure that the supports that the LEA chooses to receive are being provided in a consistent and coherent manner. At the same time, Department staff and other external support providers will meet regularly to strategize around the best method of support delivery to Priority Schools, and ensure that the menu of supports offered are connected with results from school/district diagnostic reviews and achievement data.

2A.ii Select the option that pertains to the SEA and provide the corresponding information, if any.

Option A

The SEA includes student achievement only on reading/language arts and mathematics assessments in its differentiated recognition, accountability, and support system and to identify reward, priority, and focus schools.

Option B

If the SEA includes student achievement on assessments in addition to reading/language arts and mathematics in its differentiated recognition, accountability, and support system or to identify reward, priority, and focus schools, it must:

- a. provide the percentage of students in the “all students” group that performed at the proficient level on the State’s most recent administration of each assessment for all grades assessed; and
- b. include an explanation of how the included assessments will be weighted in a manner that will result in holding schools accountable for ensuring all students achieve college- and career-ready standards.

Notes:

While accountability in New York State is based on reading/language arts and mathematics, through this waiver, we are proposing an additional criterion for an elementary or middle school to receive a reward designation: an eligible school must achieve Adequate Yearly Progress in science, as measured by the elementary and middle level science assessments, administered in Grade 4 and 8, (which are currently New York State’s approved third academic indicator in its NCLB accountability workbook). This additional criterion for Reward School designation is discussed further in 2.C below, along with other additional criteria for Reward School designation, such as percentage of students earning Regents diplomas with advanced designation or career and technical certification.

## 2B. SET AMBITIOUS BUT ACHIEVABLE ANNUAL MEASURABLE OBJECTIVES

Select the method the SEA will use to set new ambitious but achievable annual measurable objectives (AMOs) in at least reading/language arts and mathematics for the State and all LEAs, schools, and subgroups that provide meaningful goals and are used to guide support and improvement efforts. If the SEA sets AMOs that differ by LEA, schools, or subgroup, the AMOs for LEAs, schools, or subgroups that are further behind must require great rates of annual progress.

### Option A

Set AMOs in annual equal increments toward a goal of reducing by half the percentage of students in the “all students” group and in each subgroup who are not proficient within six years. The SEA must use current proficiency rates based on assessments administered in the 2010–2011 school year as the starting point for setting its AMOs.

i. Provide the new AMOs and an explanation of the method used to set these AMOs.

### Option B

Set AMOs that increase in annual equal increments and result in 100 percent of students achieving proficiency no later than the end of the 2019–2020 school year. The SEA must use the average statewide proficiency based on assessments administered in the 2010–2011 school year as the starting point for setting its AMOs.

i. Provide the new AMOs and an explanation of the method used to set these AMOs.

### Option C

Use another method that is educationally sound and results in ambitious but achievable AMOs for all LEAs, schools, and subgroups.

- i. Provide the new AMOs and an explanation of the method used to set these AMOs.
- ii. Provide an educationally sound rationale for the pattern of academic progress reflected in the new AMOs in the text box below.
- iii. Provide a link to the State’s report card or attach a copy of the average statewide proficiency based on assessments administered in the 2010–2011 school year in reading/language arts and mathematics for the “all students” group and all subgroups. (Attachment 8)

New York plans to use the methodology established in Option A to reset its AMO's and will in addition give a subgroup credit on an accountability measure for making AYP as described below.

New York State’s current AMOs are established in such a way that the AMO for 2013-14 for English language arts and mathematics measures requires that all students be proficient. The baseline for 2010-11 school year performance for grades 3-8 ELA and mathematics will be reset to reflect the incorporation of student growth (i.e., a student in grades 4-7 is on track to become proficient within three years or by grade 8 whichever is earlier) into the Performance Index, and the baseline for 2010-11 school year performance for high school ELA and mathematics will be reset to reflect the use of the higher aspirational performance measures on Regents examinations as the cut scores for proficiency.

- Once the revised baselines are calculated for grades 3-8 and high school ELA and math, New York State will increase Annual Measurable Objectives (AMOs) for these measures and grades 4 and 8 science in annual equal increments toward the goal of reducing by half, within six years, the gap between the Performance Index for the “all students” group and each subgroup in 2010-11 and a Performance Index of 200, which indicates that all students are at or above proficiency. A Performance Index is a value from 0 to 200 that is assigned to an accountability group, indicating how that group performed on a required State test (or approved alternative) in English language arts, mathematics, or science. Student scores on the tests are converted to four performance levels, from Level 1 to Level 4. Each student scoring at level 1 is credited with 0 points, each student scoring at Level 2 with 100 points, and each student scoring at level 3 or 4 with 200 points. The Performance Index<sup>15</sup> for each accountability group is calculated by summing the points and dividing by the number of students in the group.

New York State’s proposed new Annual Measurable Objectives (AMOs) for grades 3-8 English language arts, grades 3-8 math, high school English language arts, high school mathematics, and grades 4 and 8 science are as follows:

Grade 3 - 8 English Language Arts								
		Targets by Year						
Measure	Group	2010 - 2011 Baseline	2011 - 2012	2012 - 2013	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017
Subject and Grade Level	Accountable Group							
Grade 3-8 ELA	All Students	145.98	150	155	159	164	168	173
Grade 3-8 ELA	Students with Disabilities	92.32	101	110	119	128	137	146
Grade 3-8 ELA	American Indian/Native American	131.72	137	143	149	154	160	166
Grade 3-8 ELA	Asian or Pacific Islander	162.25	165	169	172	175	178	181
Grade 3-8 ELA	Black (not Hispanic)	123.45	130	136	143	149	155	162
Grade 3-8 ELA	Hispanic	125.94	132	138	144	151	157	163
Grade 3-8 ELA	White	160.39	164	167	170	174	177	180
Grade 3-8 ELA	English Language Learners	101.67	110	118	126	134	143	151
Grade 3-8 ELA	Economically Disadvantaged	128.26	134	140	146	152	158	164
Grade 3-8 ELA	Mixed Race	154.36	158	162	166	170	173	177

Grade 3 - 8 Math								
		Targets by Year						
Measure	Group	2010 - 2011	2011 - 2012	2012 - 2013	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017

<sup>15</sup> New York’s High School Performance Index is based upon a student’s best performance on a state examination within four years of their first entry into grade 9. The Regents examinations are not census tests but a condition for graduation in New York State. While most Regents examinations are typically given to students in particular grades, for example the Comprehensive Regents Exam in Comprehensive English is given to most students in Grade 11, some students take these examinations either in lower or higher grades than when they are typically administered based upon whether students are doing accelerated coursework, need additional time to prepare, or are retaking the examination because of failure or a desire for a higher score.

		<i>Baseline</i>						
Subject and Grade Level	Accountable Group							
Grade 3-8 Math	All Students	160.26	164	167	170	174	177	180
Grade 3-8 Math	Students with Disabilities	114.96	122	129	136	143	150	157
Grade 3-8 Math	American Indian/Native American	147.57	152	156	161	165	169	174
Grade 3-8 Math	Asian or Pacific Islander	183.17	185	186	187	189	190	192
Grade 3-8 Math	Black (not Hispanic)	136.36	142	147	152	158	163	168
Grade 3-8 Math	Hispanic	145.21	150	154	159	163	168	173
Grade 3-8 Math	White	172.02	174	177	179	181	184	186
Grade 3-8 Math	English Language Learners	134.45	140	145	151	156	162	167
Grade 3-8 Math	Economically Disadvantaged	146.27	151	155	160	164	169	173
Grade 3-8 Math	Mixed Race	162.72	166	169	172	175	178	181

<b>Grades 4 and 8 Science</b>								
		<i>Targets by Year</i>						
Measure	Group	<i>2010 - 2011 Baseline</i>	<i>2011 - 2012</i>	<i>2012 - 2013</i>	<i>2013 - 2014</i>	<i>2014 - 2015</i>	<i>2015 - 2016</i>	<i>2016 - 2017</i>
Subject and Grade Level	Accountable Group							
Grade 4 and 8 Science	All Students	177.50	179	181	183	185	187	189
Grade 4 and 8 Science	Students with Disabilities	149.61	154	158	162	166	171	175
Grade 4 and 8 Science	American Indian/Native American	171.46	174	176	179	181	183	186
Grade 4 and 8 Science	Asian or Pacific Islander	185.42	187	188	189	190	191	193
Grade 4 and 8 Science	Black (not Hispanic)	157.67	161	165	168	172	175	179
Grade 4 and 8 Science	Hispanic	162.32	165	169	172	175	178	181
Grade 4 and 8 Science	White	189.81	191	192	192	193	194	195
Grade 4 and 8 Science	English Language Learners	145.91	150	155	159	164	168	173
Grade 4 and 8 Science	Economically Disadvantaged	165.42	168	171	174	177	180	183
Grade 4 and 8 Science	Mixed Race	187.36	188	189	191	192	193	194

<b>High School English Language Arts</b>								
		<i>Targets by Year</i>						
Measure	Group	<i>2010 - 2011 Baseline</i>	<i>2011 - 2012</i>	<i>2012 - 2013</i>	<i>2013 - 2014</i>	<i>2014 - 2015</i>	<i>2015 - 2016</i>	<i>2016 - 2017</i>
Subject and Grade Level	Accountable Group							
High School ELA	All Students	156.11	160	163	167	171	174	178
High School ELA	Students with Disabilities	94.77	104	112	121	130	139	147
High School ELA	American Indian/Native American	139.02	144	149	154	159	164	170
High School ELA	Asian or Pacific Islander	170.26	173	175	178	180	183	185
High School ELA	Black (not Hispanic)	129.00	135	141	147	153	159	164
High School ELA	Hispanic	132.47	138	144	149	155	161	166

High School ELA	White	172.10	174	177	179	181	184	186
High School ELA	English Language Learners	93.56	102	111	120	129	138	147
High School ELA	Economically Disadvantaged	136.77	142	147	153	158	163	168
High School ELA	Mixed Race	163.82	167	170	173	176	179	182

High School Math								
		Targets by Year						
Measure	Group	2010 - 2011 Baseline	2011 - 2012	2012 - 2013	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017
Subject and Grade Level	Accountable Group							
High School Math	All Students	131.99	138	143	149	155	160	166
High School Math	Students with Disabilities	83.65	93	103	113	122	132	142
High School Math	American Indian/Native American	109.25	117	124	132	140	147	155
High School Math	Asian or Pacific Islander	161.51	165	168	171	174	178	181
High School Math	Black (not Hispanic)	96.80	105	114	123	131	140	148
High School Math	Hispanic	102.31	110	119	127	135	143	151
High School Math	White	150.71	155	159	163	167	171	175
High School Math	English Language Learners	94.55	103	112	121	130	138	147
High School Math	Economically Disadvantaged	109.75	117	125	132	140	147	155
High School Math	Mixed Race	138.01	143	148	154	159	164	169

Upon approval of this waiver, New York State will seek Regents approval to revise its regulatory definitions of student performance as follows:

- Below Standards will be defined as the performance of a student who scores Level 1 on State assessments in grades 3-8 English language arts, grades 3-8 mathematics; grades 4 and 8 science or scores Level 1 on a State alternate assessment; or scores less than a 65 on the Regents Comprehensive Examination in English or a Regents mathematics examination; or fails to take the Regents Comprehensive Examination in English or a Regents mathematics examination; or receives a failing score on a State-approved alternative examination for those Regents examinations.
- Meets Basic Standards will be defined as the performance of a student who scores Level 2 on the State assessments in grades 3-8 English language arts, grades 3-8 mathematics; grades 4 and 8 science; or scores Level 2 on a State alternate assessment; or scores between 65 and 74 on the Regents Comprehensive Examination in English or a Regents mathematics examination<sup>16</sup>.

<sup>16</sup> Basic proficient (meets basic standards) is currently defined for elementary and middle grades as a score of level 2 on State assessments in English language arts, mathematics and science or a score of level 2 on a State alternate assessment; and for high school as a score between 55 and 64 on the Regents comprehensive examination in English or a Regents mathematics examination; a passing score on the Regents competency test in reading and writing; a passing score on the Regents competency test in mathematics; or a score of Level 2 on a State alternate assessment for students with severe disabilities recommended by the committee on special education.

- Meets Proficiency Standards will be defined as the performance of a student who scores Level 3 on State assessments in grades 3-8 English language arts, grades 3-8 mathematics; grades 4 and 8 science<sup>17</sup>; or scores Level 3 on a State alternative assessment; or scores between 75 and 89 on the Regents Comprehensive Examination in English or between 80 and 89 on a Regents examination in mathematics; or passes a State-approved alternative to those Regents examinations<sup>18</sup>;
- Exceeds Standards will be defined as the performance of a student who scores Level 4 on State assessments in grades 3-8 English language arts; grades 3-8 mathematics, grade 4 and 8 science or scores Level 4 on a State alternate assessment; or scores 90 or higher on the Regents Comprehensive Examination in English or a Regents mathematics examination<sup>19</sup>.
- For all of the above accountability measures New York State is currently approved to use a Performance Index which gives schools and districts “partial credit” for students who score basic proficient and “full credit” for students who are proficient.

Pursuant to this waiver, New York State will revise its Performance Indices as follows:

- Students who perform at Level 1 or Level 2 on a grade 4-8 ELA or mathematics assessment but are determined to be on track to proficiency within three years, or by grade 8, whichever is earlier, based on their student growth percentile will be weighted in the Performance Index in the same way as are students who meet or exceed proficiency standards. Student Growth Percentiles will be assigned based on how a student achieved compared to all students with similar test histories in New York State. As discussed in New York Technical Overview and Impact Report, the incorporation of growth changes on average the Performance Index for ELA by three index points and for mathematics by four index points. Thus, the percentage of students who meet or exceed proficiency standards will be the overwhelming factor in determining the Performance Index for the groups of students for which a school or district is accountable.
- The High School Performance Index will be revised to better align with standards of college- and career-readiness so that the standard for basic proficiency in English and mathematics will be raised from 55 to 65; the standard for proficiency in English language arts will be raised from 65 to 75, and in mathematics from 65 to 80; and the standard for advanced in ELA and mathematics will be raised from 85 to 90. In addition students with disabilities who pass the Regents Competency Tests, which are given as a part of a safety net for students

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<sup>17</sup> Students who pass a Regents exam in science in lieu of taking the Grade 8 Science exam are also considered proficient.

<sup>18</sup> Proficient (meeting proficiency standards) is currently defined for elementary and middle grades as a score of level 3 on State assessments in English language arts, mathematics and science or a score of level 3 on a State alternate assessment for students with severe disabilities recommended by the committee on special education; and for high school as a score of between 65 and 84 on the Regents comprehensive examination in English or a Regents mathematics examination; a passing score on a State-approved alternative to the Regents examinations; or a score of level 3 on a State alternate assessment for students with severe disabilities recommended by the committee on special education.

<sup>19</sup> Advanced (exceeding standards) is currently defined for elementary and middle grades as a score of level 4 on required State assessments in English language arts, mathematics and science or a score of Level 4 on a State alternate assessment for students with severe disabilities recommended by the committee on special education; and for high school a score of 85 or higher on the Regents comprehensive examination in English or a Regents mathematics examination or a score of Level 4 on a State alternate assessment for students with severe disabilities recommended by the committee on special education.

with disabilities to demonstrate basic competency in required subjects for graduation purposes, will no longer be considered to have achieved basic proficiency.<sup>20</sup>

At the elementary/middle level for English language arts and mathematics, the Performance Index will be calculated using the following equation:

- $100 \times [(Count\ of\ Continuously\ Enrolled\ at\ Levels\ 2) + (2 \times the\ Count\ of\ Students\ on\ Track\ to\ Proficiency + Students\ at\ Levels\ 3\ and\ 4) / Count\ of\ All\ Continuously\ Enrolled\ Tested\ Students]$

For elementary/middle level science, the Performance Index is calculated using the following equation:

- $100 \times [(Count\ of\ Continuously\ Enrolled\ at\ Levels\ 2) + (2 \times the\ Count\ of\ Students\ at\ Levels\ 3\ and\ 4) / Count\ of\ All\ Continuously\ Enrolled\ Tested\ Students]$

At the secondary level, the Performance Index is calculated using the following equation:

- $100 \times [(Count\ of\ Cohort\ Members\ Performing\ at\ Levels\ 2,\ 3,\ and\ 4 + the\ Count\ at\ Levels\ 3\ and\ 4) / Count\ of\ All\ Cohort\ Members]$ <sup>21</sup>

Using the above formulas, New York State will continue to compute the statewide Performance Index for the 2010-11 school year for each of the following groups for grades 3-8 ELA and mathematics, high school ELA and mathematics and grades 4 and 8 science:

- All Students
- Asian
- Black or African-American
- Hispanic
- American Indian or Alaskan Native
- Native Hawaiian or other Pacific Islander

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<sup>20</sup> Please note that New York State is currently exploring as an alternate option to the one described above subdividing the definition of Basic Proficiency into two components: Meets Basic Standards A and Meets Basic Standards B. Meets Basic Standards A would be a score on a Regents examination or an RCT that meets the requirements for a Local Diploma (i.e., a score of 55-64 on a Regents exam or a score of passing the RCT in Reading and Writing or in Mathematics.) Meets Basic Standards B would be a score on the ELA Regents exam of between 65 and 74 and a score of between 65 and 79 on a mathematics Regents exam. Students who first enter grade nine in September 2007 must attain a score of 65 or above on four of the five required Regents examinations and a score of 55 or above on the one remaining required Regents examination in order to earn a local diploma. For students with disabilities who first enter grade nine in September 2005 and thereafter, a score of 55-64 may be considered a passing score on any Regents examination required for graduation with a local diploma. General education students who first enter grade 9 in 2008 and thereafter must pass all five Regents examinations with a score of 65 or above, and may only earn a local diploma through an appeal process. In the event that NY decides to use this methodology, we will request permission to amend our application and submit a revised list of Reward and Priority Schools and Focused Districts.

<sup>21</sup> Please note that if New York State uses the alternative option described above, then the PI at the secondary level will be calculated using the following equation:  $100 \times [(0.5 \times Count\ of\ Cohort\ Members\ Performing\ at\ Levels\ 2A) + (Count\ of\ Cohort\ Member\ Performing\ at\ Levels\ 2B,\ 3,\ and\ 4 + the\ Count\ at\ Levels\ 3\ and\ 4) / Count\ of\ All\ Cohort\ Members]$ .

- White
- Economically Disadvantaged Students
- Students with Limited English Proficiency (including students previously identified as limited English proficient students during the preceding one or two school years)
- Students with Disabilities (including students no longer identified as students with disabilities but who had been so identified during the preceding one or two school years)

New York State will then set AMOs in annual equal increments toward the goal of reducing by half, within six years, the gap between the Performance Index for the “all students” group and each subgroup in 2010-11 and a Performance Index of 200, which would represent all students achieving Level 3, meeting proficiency standards, or better. Credit is awarded equally for students meeting or exceeding proficiency standards.

An example of how the Performance Index would be computed follows:

#### Computation of Performance Index for Grade 3-8 ELA Results

Performance Level	On Track to Proficiency?	Number of Students	Multiplier	Total Points
1 (Below Standards )	No	30	0	0
1 (Below Standards)	Yes	10	200	2,000
2 (Meeting Basic Standards)	No	40	100	4,000
2 (Meeting Basic Standards)	Yes	40	200	8,000
3 (Meeting Proficiency Standards)	NA	60	200	12,000
4 (Exceeding Proficiency Standards)	NA	20	200	4,000
Total		200		30,000

Since there are 200 students in the school, we divide  $30,000/200 = 150$ . The Performance Index for this group in this school would be 150. If 150 equals or exceeds the school's Effective Annual Measurable Objective for this group or represents the closure of ten percent of the gap between the group's prior year performance and a Performance Index of 200 and the group has met the 95 percent participation requirement, the group will have made AYP. On track to proficiency means that if the student continues to show growth at the same rate, the student will be proficient within three years or grade eight, whichever is earlier.

#### Computation of Performance Index for High School Mathematics Results

Performance Level	Regents Score	Number of Students	Multiplier	Total Points
1 (Below Standards)	0 – 64	30	0	0
2 (Meeting Basic Standards)	65 - 79	40	100	4,000

3 (Meeting Proficiency Standards)	80 - 89	60	200	12,000
4 (Exceeding Proficiency Standards)	90 -100	20	200	4,000
Total		150		20,000

Since there are 150 students in the school, we divide  $20,000/150 = 133$ . The Performance Index for this group in this school would be 133. If 133 equals or exceeds the school's Effective Annual Measurable Objective<sup>22</sup> for this group or represents the closure of ten percent of the gap between the group's prior-year performance and a Performance Index of 200 and the group has met the 95 percent participation requirement, the group will have made AYP. The student's level represents the student's best performance within four years of the student's first entry into grade nine.

As noted above, an additional way in which a group may make AYP is through the use of Safe Harbor. Safe Harbor provides an alternate means to demonstrate AYP for accountability groups that do not achieve their EAMOs in English, mathematics, or science. The safe harbor targets are calculated using the following equation:  $\text{prior year PI} + (200 - \text{the prior year PI}) \times 0.10$ . In order for a group to make AYP, the group must also meet the 95 percent participation requirement. For Transfer High Schools the alternative high school cohort will be used in addition to the regular high school cohort to determine whether AYP has been made.

New York concludes that these new Annual Measurable Objectives are ambitious but achievable. They are ambitious in that they require beginning with 2012-13 school year that the vast majority of schools demonstrate improvement with one or more accountability groups in English language arts and/or mathematics. For example, with the exception of the Asian and Pacific Islanders for Grade 3-8 ELA and mathematics and High School ELA, the majority of schools in the state have a 2010-11 school year base performance that is below the 2012-13 AMO targets established for each accountability group on ELA and mathematics measures. In the most extreme case, 80 percent of schools have a 2010-2011 base year performance that is below the 2012-13 AMO target for black students in high school math. At the same time, we know that these targets are achievable because our highest performing schools are already meeting them. With the exception of the American Indian/Native American and Mixed Race groups, for which the sample size is small, there are only three groups – Black students for high school mathematics and English language learners for high school ELA and mathematics – where there are not at least ten percent of the schools in the state whose 2010-2011 base line performance does not already exceed the 2014-2015 AMO target. In summary, while these AMO's will require the vast majority of our schools to demonstrate progress during the waiver period, the level of performance that schools will be expected to achieve is not inconsistent with that which are highest performing schools have been able to obtain.

### **Use of High School Graduation Rates to Make Accountability Determinations**

New York uses high school graduation to inform decisions throughout the school and district accountability continuum:

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<sup>22</sup> The Effective Annual Measurable Objective is the Performance Index (PI) value that each accountability group within a school or district is expected to achieve to make AYP. The Effective AMO is the lowest PI that an accountability group of a given size can achieve in a subject for the group's PI not to be considered significantly different from the AMO for that subject. If an accountability group's PI equals or exceeds the Effective AMO, it is considered to have made AYP. This use of confidence interval to make AYP determinations is part of NY's approved NCLB Accountability workbook. For more information see: <http://www.p12.nysed.gov/irs/accountability/amos/confidence-intervals.html>

- **Priority Schools:** Any school that has a four year graduation rate below 60 percent for the all student group on the 2004, 2005, and 2006 high school accountability cohort is preliminarily identified as a priority school. Transfer schools are removed from consideration if they have a five or six year graduation rate on the 2006 cohort that is above 60 percent. Schools may also be removed from identification as priority schools if their 2007 high school graduation rate cohort is above 60 percent or they provide evidence that their graduation rate is the result of extraordinary or extenuating circumstances.
- **Focus Districts:** A district whose four year graduation rate is among the lowest five percent in the State for any subgroup will be identified as a Focused District, except that if the subgroup's five year graduation rate exceeds the State median for the group or the group has made a minimum ten percentage point gain during the past three years the district will not be identified for graduation rate. In addition a district will not be identified as a Focus District for ELA and math performance for any subgroup whose four year graduation rate exceeds the state average for that group.
- **Focus Schools:** The percentage of students in a subgroup for which a district has been identified as a Focused District will be a consideration in determining the minimum number of Focus Schools that a district must serve.
- **Local Assistance Plan Schools:** A school that has failed to make AYP for graduation rate for three consecutive years with a subgroup of students and that is not otherwise identified as a Priority or Focus School will be identified as a Local Assistance Plan School. To make AYP for graduation rate, a group must either have a graduation rate on the four of five year cohort that equals or exceeds the State graduation rate goal of 80 percent or the group must meet the four year graduation rate progress target (10% gap reduction) or five year graduation progress target (20% gap reduction).
- **Reward Schools:** To be identified as a high performing reward school, the percentage of students who graduated with a Regents diploma must equal or exceed 80 percent and the percentage of students who have graduated with a Regents diploma with advanced designation or CTE endorsement must exceed the State average. To be identified as a high progress reward school, the percentage of students who graduated with a Regents diploma must equal or exceed 60 percent and the percentage of students who have graduated with a Regents diploma with advanced designation or CTE endorsement must exceed the State average.

## 2.C REWARD SCHOOLS

2.C.i Describe the SEA’s methodology for identifying highest-performing and high-progress schools as reward Schools. If the SEA’s methodology is not based on the definition of Reward Schools in ESEA flexibility (but instead, e.g., based on school grades or ratings that into account a number of factors), the SEA should also demonstrate that the list provided in Table 2 is consistent with the definition, per the Department’s “Demonstrating that an SEA’s Lists of Schools meet ESEA Flexibility Definitions” guidance.

Currently, New York State identifies a school as high performing if the “all students” group achieves all applicable State standards, and the school makes AYP on applicable performance measures. A school can be identified as rapidly improving if the school makes AYP on applicable performance measures and the school demonstrates a specified amount of improvement (8 NYCRR §100.2[p][8]).

New York State will revise this process so that criteria to become a Reward School are significantly<sup>23</sup> more rigorous and the benefits of identification as a Reward School are more meaningful. New York State will identify both highest performing and high progress reward schools.

New York will identify Reward Schools in a significantly more rigorous way than previously done for high performing schools.

At the elementary and middle level, New York will use the following criteria to designate a school as highest performing:

- the school’s combined ELA and mathematics Performance Index places it among the top twenty percent of public schools in the State for each of the past two years;
- the school has made AYP with all groups and all measures for which it is accountable;
- the school’s student growth percentile for the past two years in ELA and mathematics equals or exceeds fifty percent;
- the school’s student growth percentile for ELA and mathematics in the most recent year for its bottom quartile of students, as measured by their student growth percentile in the previous year, equals or exceeds fifty percent in the current year; and,
- the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of the subgroup.

At the high school level, a school will be considered highest performing, if all of the following conditions are met:

- the school’s combined ELA and mathematics Performance Index places it among the top twenty percent of public schools in the State for each of the past two years;
- the school has made AYP with all groups on all measures for which it is accountable;

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<sup>23</sup> The State standard is a specified Performance Index for Elementary/Middle and High School English Language Arts and mathematics established annually by the Commissioner. For the 2010-11 school year, the State Standard was a Performance Index of 175 at the elementary/middle level and 185 at the high school level using the Performance Index in place at that time.

- the percentage of students who graduated with a Regents diploma equals or exceeds 80 percent and the percentage of students who have graduated with a Regents diploma with advanced designation or CTE endorsement exceeds the State average;
- the percentage of the students who scored Level 1 or Level 2 on an ELA or mathematics exam in Grade 8 who subsequently graduated within four years of first entry in Grade 9 equaled or exceeded the State average for these students; and
- the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of the subgroup.

At the elementary and middle levels, a school will be considered a high progress school, if all of the following conditions are met:

- the school's combined ELA and mathematics Performance Index places it among the top ten percent of public schools in the State in terms of gains between the most recent assessment data and the data from the previous year;
- the school has made AYP with all groups and all measures for which it is held accountable;
- the school's student growth percentile for the past two years in ELA and mathematics equals or exceeds 50 percent;
- the school's student growth percentile for ELA and mathematics in the most recent year for its bottom quartile of students, as measured by their student growth percentile in the previous year, equals or exceeds fifty percent in the current year; and,
- the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of the subgroup.

At the high school level, a school will be considered high progress if all of the following conditions are met:

- the school's combined ELA and mathematics Performance Index places it among the top ten percent of public schools in the State in terms of gains between the most recent assessment data and the data from the previous year;
- the school has made AYP with all groups for which it is accountable;
- the percentage of students who graduated with a Regents diploma equals or exceeds 60 percent and the percentage of students who have graduated with a Regents diploma with advanced designation or CTE endorsement exceeds the State average;
- the percentage of the students who scored Level 1 or Level 2 on an ELA or mathematics exam in Grade 8 who subsequently graduated within four years of first entry in Grade 9 equaled or exceeded the State average for these students; and,
- the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of the subgroup.<sup>24</sup>

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<sup>24</sup> Please see Attachment 23 for additional technical information on the process for selection of reward schools.

**2.C.ii Provide the SEA’s list of Reward Schools in Table 2.**

The list of Reward Schools is provided in Attachment 9. All schools identified as Reward Schools will meet the criteria described in Section 2.C.i. In total 215 schools have been identified as Reward schools: 134 schools based on grade 3-8 assessment results, 16 for high school results, and 66 for grade 3-8 and/or high school results. Of these schools 178 have been designated as high achieving schools and 37 as high progress schools. (Two schools were both high achieving and high progress.) In total 150 Local Educational Agencies in New York had one or more schools identified as reward schools.

**2.C.iii Describe how the SEA will publicly recognize and, if possible, reward highest-performing and high-progress schools.**

NYSED will identify Reward Schools annually and will publicly recognize these schools with a press release and a posting of the list to NYSED’s website. Reward Schools will be eligible to compete for a Commissioner's Schools Dissemination Grant of up to \$100,000, which is currently funded through NYSED’s State-share of our RTTT award. NYSED will recommend that districts with Reward Schools receive bonus points for the competitive School District Performance Improvement Awards Grants, a State-funded grant program developed in collaboration with the Governor, beginning with the 2012-2013 award cycle.

Additionally, after consultation with representatives of Reward Schools, New York State will create a process by which Reward Schools may obtain flexibility by, for example, seeking expanded and/or expedited variances from certain provisions of the Commissioner's Regulations beginning in the 2013-14 school year.

NYSED will also consult and partner with Reward Schools to determine best practice initiatives that can be highlighted on our instructional support website, [www.EngageNY.org](http://www.EngageNY.org), so that other schools can learn from and implement the practices used in Reward Schools.

## 2.D PRIORITY SCHOOLS

2.D.i Describe the SEA's methodology for identifying a number of lowest-performing schools equal to at least five percent of the State's Title I schools as priority schools, If the SEA's methodology is not based on the definition of priority Schools in ESEA Flexibility (but instead, e.g., based on school grades or ratings that take into account a number of factors), the SEA should also demonstrate that the list provided in Table 2 is consistent with the definition, per the Department's "Demonstrating that an SEA's Lists of Schools meet ESEA Flexibility Definitions" guidance.

New York State will identify Priority Schools through the following methodology:

Pursuant to USDE's methodology, New York is required to identify 182 Title I schools as priority schools. It is New York State's intent to identify a minimum of five percent of all schools in the state (241 schools) as priority schools, of which at least 182 will be Title I schools.

First, New York will identify the 75 schools that were awarded a 1003(g) School Improvement Grant in the 2011-12 school year.

Second, New York will identify high schools that have had graduation rates below 60 percent for three consecutive years on the 2004, 2005, and 2006 high school graduation cohorts (i.e., students who first entered ninth grade in these years and their high school completion status four years later). There are 15 Title I high schools and one Title I eligible secondary schools in this category.

Third, New York will identify schools that are among the lowest achieving in the State in ELA and math combined for the all students group and that have failed to demonstrate progress over a number of years. There are 121 Title I elementary and middle schools and 22 Title I high schools in this category, after removing Transfer high schools<sup>25</sup>, schools in Special Act School Districts, and schools that are in the process of closing as described below.

Elementary and middle schools that have a combined Performance Index in ELA and mathematics of 113 and below and high schools that have a combined Performance Index in ELA and math of 107 or below in the 2010-11 school year will be considered among the lowest achieving in the State.

An elementary or middle school will be considered to have failed to show progress if:

- the school is in improvement, corrective action or restructuring in the 2011-12 school year;
- the school has made less than a ten point gain in its 2010-11 Performance Index compared to its 2009-10 Performance Index;
- the school's combined median student growth percentile in ELA and math for the 2009-2010 and 2010-11 school years combined is below 50 percent; and
- the majority of subgroups in the school did not have 2010-2011 SGP's that exceeded the statewide median SGP for that subgroup.

A high school will be considered to have failed to show progress if:

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<sup>25</sup> A transfer high school is one in which the majority of students have not articulated from middle school but have previously attended another high school. All or almost all of the students who attend transfer high schools are under credited and/or over age for their grade and number of years of high school attendance. Transfer high schools also include schools in which more than 50 percent of currently enrolled students are ELL's who 1) were born outside of the United States and 2) have attended school in the United States for less than three years.

- the school is in improvement, corrective action or restructuring in the 2011-12 school year; and
- the school has made less than a five point gain in its 2010-11 Performance Index compared to its 2009-10 Performance Index;

For Transfer high schools, New York State will use the higher of the combined Performance Index using the regular and the transfer high school cohort definitions.

Before identifying a transfer high school as a priority school the Commissioner reviewed the performance of the school on a case-by-case basis, giving careful consideration to the mission of a particular school, student performance, and the intent of the priority school requirements. In particular for these schools, the Commissioner took into account when reviewing graduation cohort data the age and number of credits that members of the cohort had upon admission to the school and the success of the school in graduating students up to the age of 21.

Special Act public school districts were created by an act of the New York State legislature to provide transitional, intensive intervention to special student populations. These school districts educate both day and residential students referred by medical and mental health professionals, parents, school districts (CSE referrals), and social service agencies: i.e., Administration of Children Services (ACS), Office of Children and Family Services (OCFS) and Office of Mental Health (OMH). The population of the Special Act School Districts is highly transitory, with many students placed for less than one year. In addition the majority of students have either been classified as students with a disability and/or as Neglected or Delinquent and typically enroll in a Special Act schools with literacy and mathematics skills that are well below grade level. Because Special Act School Districts will by the nature of the population they serve typically be among the lowest five percent in performance in the state, the Commissioner will not identify a Special Act school as a priority school unless the school meets both the criteria to be identified as a priority school and is further identified by the Commissioner as a School Under Registration Review because of a poor learning environment.

In addition schools that are not currently implementing a school improvement grant and that are in the process of closing will not be identified as priority schools.

Based on this methodology, New York State has preliminarily identified as Priority Schools 75 Tier I and Tier II Schools that have received SIG grants, 15 Title I and 1 Title I eligible high schools for graduation rates below 60 percent for three consecutive years, 21 Title I high schools for being among the lowest achieving in the State and failing to show progress, and 121 Title I elementary schools for being among the lowest achieving schools in the state and failing to show progress. In total, New York has preliminary identified 233 Title I schools and Title I eligible secondary schools as priority schools. Both public schools and charter schools that meet the criteria have been identified as priority schools.

Prior to making the priority list final, New York will remove any schools whose 2007 graduation rate cohort exceeds 60 percent and any schools deemed to have extenuating or extraordinary circumstances.<sup>26</sup> However, in no case will the final list of priority schools equal less than five percent

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<sup>26</sup> An example of an extraordinary circumstance is a school began instruction in the fall, asbestos was discovered in the building, students had to be relocated to several other buildings in the district, and then the building was reopened in the Spring after abatement work was completed. The disruption caused a significant drop in student performance compared to prior year performance.

of the state's Title I schools. New York will inform districts of the preliminary status of their schools in March and offer school districts the opportunity to appeal the identification of any preliminarily identified schools. A final list of schools will be made public upon the approval of New York's waiver application.

**2D.ii Provide the SEA's list of Priority Schools in Table 2.**

This list is contained in Attachment 8. See attachment 18 for more information on the identification of Priority Schools.

**2D.iii Describe the meaningful interventions aligned with the turnaround principles that the NEA with Priority Schools will implement.**

NYSED is working to bridge our current approved Differentiated Accountability system with our new approach to school and district accountability as proposed in this waiver application. We understand the need to link current and future practice. NYSED has taken the Secretary's turnaround principles, our approved §1003(g) SEA and LEA SIG applications, and cross-walked these indicators to design prompts and quality indicators that lead districts and schools through the process of developing improvement plans consistent with the waiver turnaround principles and New York State's expectations for creation of the optimal conditions for learning and utilization of best educational practices. Through processes and regulations already in place, we have a strong foundation to ensure that Priority Schools implement meaningful interventions aligned with the turnaround principles.

Schools that are fully and completely implementing an approved SIG plan will be deemed to be meeting the requirements for Priority School status. Districts may submit §1003(g) SIG applications for each Priority School. These SIG applications must propose how the school will:

- Meet the requirements of one of the four federal models (turnaround, restart, closure, or transformation), consistent with Commissioner's Regulations §100.2(p), which consolidates the processes for identifying and intervening in PLA schools and Schools Under Registration Review (SURR).
- Implement a systematic whole school reform model. Schools and LEAs may wish to propose a new school or partnership.
- Work in collaboration with partner organizations, Integrated Intervention Teams and Distinguished Educators to implement the proposed plan.

Current NYS SIG LEA recipients may amend their implementation plan in order to better align with the tenets outlined in the Diagnostic Tool for School and District Effectiveness. Schools implementing SIG plans must demonstrate that they have:

- Selected a leader for the Priority School that has the necessary turnaround skills and competencies to implement the chosen model successfully;

- For a school implementing the Transformation and Restart Models, begun to implement a new teacher and principal evaluation system consistent with Education Law §3012-c and Commissioner’s regulations<sup>27</sup>; (described in detail in Principle 3);
- Aligned job imbedded professional development for teachers with the needs identified by the district and SED;
- Engaged in collective bargaining with local teachers and principals unions to implement Education Law 3012-c, the teacher and principal evaluation system (described in detail in Principle 3);
- Engaged in any necessary additional collective bargaining related to extending the school day and implementation of a system of rewards for high-performing teachers and administrators; and
- Developed a plan for engaging parents and community organizations in the creation and implementation of the chosen model.

LEAs that fail to provide a SIG plan that addresses each of these issues in a comprehensive and focused manner will not be approved for SIG funding.

Priority Schools that are not implementing one of the four SIG intervention models will be required to construct a Comprehensive Education Plan (which will be submitted as part of the District Comprehensive Improvement Plan) that addresses all of the Turnaround Principles outlined in this waiver and the tenets outlined in the Diagnostic Tool for School and District Effectiveness. Upon approval of this waiver, NYSED will recommend regulatory amendments to the Board of Regents so that Schools Under Registration Review will become a subset of Priority Schools. If an LEA fails to meet the Department’s quality bar during the application review process to receive SIG funding for a priority school, that school may be identified as a School Under Registration Review. The Department believes that if a district and school cannot meet the quality bar established in our SIG application review process, this is an indication of larger, more systemic problems at both the district and school. In order to meet the requirements of Commissioner's Regulation §100.2(p), and to dramatically increase the chances that students in these schools receive the supports and services that they need and deserve, these schools will be required to implement systematic whole school reforms that fully implement the Secretary’s Turnaround Principles.

For all Priority Schools, the SEA and LEA on-site reviews guided by the Diagnostic Tool for School and District Effectiveness will form the basis for all school and District Comprehensive Improvement Planning. The needs identified by the diagnostic will also serve as a guide for SEA and LEA technical assistance for and monitoring of plan implementation.

As indicated in the chart below, New York has carefully calibrated its interventions to align with The Secretary’s seven turnaround principles.

1. providing strong leadership by: (1) reviewing the performance of the current principal; (2) either replacing the principal if such a change is necessary to ensure strong and effective leadership, or demonstrating to the SEA that the current principal has a track record in

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<sup>27</sup> Principle 3 provides additional information on the development of standard teacher competencies, and the work that the State is engaging in to ensure that these competencies can be used as a starting point for local discussions.

improving achievement and has the ability to lead the turnaround effort; and (3) providing the principal with operational flexibility in the areas of scheduling, staff, curricula, and budget;

2. ensuring that teachers are effective and able to improve instruction by: (1) reviewing the quality of all staff and retaining only those who are determined to be effective and have the ability to be successful in the turnaround effort; (2) preventing ineffective teachers from transferring to these schools; and (3) providing job-embedded, ongoing professional development informed by the teacher evaluation and support systems, and tied to teacher and student needs<sup>28</sup>;
3. redesigning the school day, week, or year to include additional time for student learning and teacher collaboration;
4. strengthening the school's instructional programs based on student needs and ensuring that the instructional programs are research-based, rigorous, and aligned with State academic content standards;
5. using data to inform instruction and for continual improvement, including the provision of time for collaboration on the use of data;
6. establishing a school environment that improves school safety and discipline, and addressing other non-academic factors that have an impact on student achievement, such as students' social, emotional, and health needs; and
7. providing ongoing mechanisms for family and community engagement.

Note: Public charter schools in New York State are considered schools for accountability purposes. Please see Note in 2.E.iii that describes the technical assistance, support and intervention expected from charter authorizers and the schools they oversee in New York State.

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<sup>28</sup> Please see Principle 3 for an in-depth discussion of how the State is currently and will in the future support districts in providing on-going professional development informed by the teacher evaluation and support systems.

**New York State’s Organizing Framework for Dramatic School Turnaround:  
Quality Indicators that Evidence Turnaround Principle/SIG Requirements Implementation**

NYSED has merged the Secretary’s turnaround principles and USED’s requirements for SIG in order to define quality indicators that lead districts and schools through the process of developing improvement plans consistent with the waiver turnaround principles and New York State's expectations for creation of the optimal conditions for learning and utilization of best educational practices. We believe strongly that the quality indicators described below and the support we will provide districts to implement them will increase the quality of instruction in Priority Schools; improve the effectiveness of leadership and teaching in these schools; and improve student achievement and graduation rates for all students including English Language Learners, students with disabilities, and the lowest achieving students.

<b>Turnaround Principle elements from ESEA waiver (also aligned with USDE SIG Requirements)</b>	<b>Quality Indicators that will be used by SED as Evidence of Turnaround Principle/SIG Requirements Implementation</b>	<b>Supports for Districts and Schools for Achievement of Quality Indicators</b>
Overall Capacity	<p>The district has:</p> <ul style="list-style-type: none"> <li>• A clear and cogent theory of action guiding logical key district-level redesign strategies that are likely to ensure that all students graduate high school ready for college and careers.</li> <li>• Completed an analysis of the root causes of poor student achievement and the current strengths and weaknesses of the systems and structures at the district and school level, in order to match identified needs to model selection and turnaround principle implementation for each PLA/Priority school.</li> <li>• Completed an assessment and analysis of the districts’ student population, and identified clear pathways for recruiting, retaining, and moving students to the school of their choice.</li> <li>• Articulated a strategic and robust district plan for continual improvement that includes putting in place or improving systematic district and school level processes and procedures for: <ul style="list-style-type: none"> <li>- The implementation of the common core learning standards, Data-Driven inquiry (DDI) and student assessment, and the performance review and evaluation of teachers in PLA/Priority and Focus Schools.</li> <li>- Frequent monitoring of leading indicators and student achievement outcomes for PLA/Priority schools.</li> <li>- Implementation of defined policies and procedures for monitoring and acting on leading and lagging indicators or student achievement metrics.</li> <li>- Matching specific models and turnaround principles/strategies to school and student-specific data.</li> </ul> </li> <li>• Identified annual goals matched to each PLA/Priority School within the district.</li> <li>• Articulated a rigorous process for identifying, selecting, matching,</li> </ul>	<p>The New York School Turnaround Office (STO) – housed in the Office of School Innovation – has as its mission to implement the following core strategies to support LEAs with Priority Schools:</p> <ul style="list-style-type: none"> <li>• Provide LEAs with access to information and models of best practice,</li> <li>• Create professional communities of practice across the State,</li> <li>• Connect districts and schools to key change partners and partner organizations, and</li> <li>• Promote high quality school design through funding and outreach.</li> </ul> <p>The STO is planning to support Priority Schools/districts through:</p> <ul style="list-style-type: none"> <li>• Statewide professional development events for PLA principals and district administrators. These events are being planned in collaboration with the Offices of Curriculum, Instruction and Field Services; Accountability; and Special Education. These events are being planned to complement the statewide Network Team trainings. The principals, key staff members instrumental to leading the school’s work outlined in the School Improvement Grant (SIG) plans, and district level staff members will be required to attend the quarterly professional development sessions.</li> <li>• Quarterly statewide meetings with district improvement and turnaround offices and NYSED to share information and resources geared toward improving district capacity to support PLA and Priority Schools and to provide guidance on SIG implementation and partner selection.</li> <li>• The launch of a web-based communication platform for PLA principals to share information, tools, and resources across districts.</li> <li>• Provision of guidance on external partner selection and matching.</li> </ul>

	<p>and evaluating turnaround partner organizations, which includes requesting evidence of a proven track record of success with the targeted sub-groups.</p> <ul style="list-style-type: none"> <li>• Articulated performance expectations for partner organizations and the means by which the LEA will hold the partner organization accountable for meeting those expectations.</li> </ul> <p>The school has:</p> <ul style="list-style-type: none"> <li>• A compelling 1-2 sentence vision statement that defines the purpose of the school.</li> <li>• A clear plan for how the school will achieve the goals articulated in the vision, based upon the school’s key design elements and unique characteristics.</li> <li>• Identified 3-5 key interim benchmark indicators that will provide evidence of early change, as well as a plan to track these indicators.</li> <li>• If the school design draws on existing models: historical evidence that the design, or at least components thereof, has led to positive outcomes in existing schools. If the school design does not have a precedent: a clear rationale for the design, and any research or other supporting information that provides plausible evidence that the model will likely meet the needs and outcomes identified for the school.</li> <li>• An understanding of how the school’s plan fits within the larger district strategy and approach to district and school redesign.</li> </ul>	
<p><b>1. Providing strong leadership by: (1) reviewing the performance of the current principal; (2) either replacing the principal if such a change is necessary to ensure strong and effective leadership, or demonstrating to the SEA that the current principal has a track record in improving achievement and has the ability to lead the turnaround effort; and (3) providing the principal with operational flexibility in the areas of scheduling, staff, curricula, and budget.</b></p>	<p>The district has:</p> <ul style="list-style-type: none"> <li>• Systems and processes for anticipating and addressing school staffing, instructional, and operational needs in a timely, efficient, and effective way. These systems can be optimized by key partnerships.</li> <li>• Provided operational autonomies for all of its PLA/Priority and Focus Schools in terms of human resource practices, school-based budgeting, and use of time strategies that are matched to the needs of the schools. The district has articulated how these autonomies are different and unique from those of the other schools within the district, and outlined the accountability measures that were put in place in exchange for these autonomies.</li> <li>• A designated office/structure charged with directing district-wide turnaround, innovation, improvement, or choice efforts; including the management of a cluster or PLA/Priority and/or Focus schools.</li> <li>• Formalized policies and procedures for providing schools the appropriate autonomy, operating flexibility, resources, and support to reduce barriers through adoption by the local Board of Education.</li> <li>• Evidence of labor-management collaboration, such as formally executed thin-contracts or election-to-work agreements, which outline the conditions for work that match the needs of PLA/Priority and Focus Schools.</li> </ul>	<ul style="list-style-type: none"> <li>• Through a competitive process the STO will select successful educational consultants skilled at improving struggling schools and developing teacher practices to provide comprehensive professional development to district personnel. This professional development will be specifically focused on strategies to increase operational flexibility and recruit and retain strong leadership.</li> <li>• The State is overhauling its school leadership certification requirements to include a performance assessment of a candidate’s ability to observe teaching practice.</li> </ul> <p><u>Under Education Law § 3012-c:</u></p> <ul style="list-style-type: none"> <li>• NYSED has established a list of principal evaluation rubrics that that have been approved through a rigorous RFQ process.</li> <li>• Evaluators for the principal evaluation system must be trained. The State will provide the turn-key training and online resources for evaluator training. This training will ensure that superintendents and their designees evaluate principals based upon rigorous standards and rate principals on the HEDI (Highly Effective, Effective, Developing, Ineffective) scale.</li> <li>• HEDI ratings will provide Superintendents and district administrators with data regarding the effectiveness of principals, which can be used to ensure that priority schools are staffed with leaders with appropriate Turnaround skills.</li> <li>• Districts can use the new Title I and Title II set-asides to support leadership professional development, for screening and outreach to recruit qualified individuals, and other activities associated with increases in leadership capacity.</li> <li>• Network Teams and Institutes provide Superintendents and other district administrators with training on the teacher/principal evaluation system.</li> <li>• EngageNY (<a href="http://www.engageny.org">http://www.engageny.org</a>) – rich web-based toolkits of resources,</li> </ul>

<p><b>2. Ensuring that teachers are effective and able to improve instruction by: (1) reviewing the quality of all staff and retaining only those who are determined to be effective and have the ability to be successful in the turnaround effort; (2) preventing ineffective teachers from transferring to these schools; and (3) providing job-embedded, ongoing professional development informed by the teacher evaluation and support systems and tied to teacher and student needs.</b></p>	<p>The district has:</p> <ul style="list-style-type: none"> <li>• A clear understanding of the type and nature of staff that are needed to create dramatic improvements in PLA/Priority Schools.</li> <li>• Articulated a robust human capital strategy, with a comprehensive pipeline for recruiting, training, and retaining teachers and school leaders who are highly qualified to work in PLA/Priority Schools. This strategy includes, but is not limited to: <ul style="list-style-type: none"> <li>- Marketing attractive characteristics of the district and its schools to teachers;</li> <li>- Identification of teacher quality and quantity recruitment goals for the district as a whole;</li> <li>- Identification of teacher quality recruitment goals and strategies for high poverty and high minority schools, to ensure that students in those schools have access high-quality teachers;</li> <li>- Identification of schools within the district that have challenges in teacher recruitment, with plans to overcome those challenges;</li> <li>- Altered district hiring procedures and budget timelines to ensure that the appropriate number/types of teachers and principals can be recruited and hired in time to bring schools through dramatic change; and</li> <li>- Creation of key partnerships with universities and colleges that provide teacher and leader preparation.</li> </ul> </li> <li>• A system for the annual professional review and evaluation of school leaders and teachers in a manner that takes into account student growth (Ed Law § 3012-c).</li> </ul>	<p>such as webinars, to support implementation of the teacher/principal evaluation system.</p> <ul style="list-style-type: none"> <li>• Through initiatives outlined in Principles 1 and 3, NYSED plans to: overhaul the State’s educator certification exams to align with Common Core State Standards; develop a new outcomes-based accountability system for educator preparation programs; and increase capacity for higher education faculty.</li> <li>• New certification exams will be designed to reflect Common Core shifts, and expectations for high performance.</li> </ul> <p><u>Under Education Law § 3012-c:</u></p> <ul style="list-style-type: none"> <li>• NYSED has established a list of teacher evaluation rubrics that have been approved through a rigorous RFQ process.</li> <li>• Evaluators for the teacher evaluation system must be trained. The State will provide the turn-key training and online resources for evaluator training. This training will ensure that Principals and school administrators evaluate teachers based upon rigorous standards, and rate teachers on the HEDI (Highly Effective, Effective, Developing, Ineffective) scale.</li> <li>• HEDI ratings will provide Principals and school administrators with data regarding the effectiveness of teachers, which can in turn be used as a significant factor in teacher development and employment decisions such as promotion, retention, tenure determination, termination, and supplemental compensation.</li> <li>• Districts can use the new Title I and Title II set-asides to support professional development, for screening and outreach to recruit qualified individuals, and other activities that are informed by the results of the teacher evaluation and support systems and tied to teacher and student needs.</li> <li>• Network Teams and Institutes provide Principals and other school administrators with training on the teacher/principal evaluation system.</li> <li>• EngageNY (<a href="http://www.engageny.org">http://www.engageny.org</a>) – rich web-based toolkits of resources, such as webinars, to support implementation of the teacher/principal evaluation system.</li> </ul>
<p><b>3. Redesigning the school day, week, or year to include additional time for student learning and teacher collaboration.</b></p>	<p>At the school:</p> <ul style="list-style-type: none"> <li>• The plan for additional time for student learning and teacher collaboration is aligned with the school’s overall academic focus.</li> <li>• Additional time is used to accelerate learning in core academic subjects, by making meaningful improvements to the quality of instruction in identified areas of need.</li> <li>• Additional time is used (either in core and/or specialty classes) to offer enrichment opportunities that connect to state standards, build student skills and interests, and deepen student engagement in school/learning in identified areas of need.</li> <li>• Additional time is used to build a professional culture of teacher leadership and collaboration, (e.g., designated collaborative planning time, on-site targeted professional development) focused on strengthening instructional practice and meeting school-wide achievement goals.</li> </ul>	<ul style="list-style-type: none"> <li>• Through a competitive process, the STO will select successful educational consultants skilled at improving struggling schools and developing strategies to increase student and teacher time for learning.</li> <li>• The Commissioner shall establish as approved by the Board of Regents the minimum amount of Expanded Learning Time that must be incorporated into the redesign of the school day, week, and/or year for Priority Schools. Districts may use funds from their Title I and Title II set-asides to implement these requirements.</li> <li>• Districts and/or schools may be required to participate in an audit of scheduling as a result of diagnostic tool findings.</li> <li>• Priority schools will be given special consideration for 21st Century Community Learning Center programs. The Request for Proposals for this program will allow additional hours of learning time, as well as additional collaborative planning time and professional development for teachers and community partners who provide expanded learning in core academic subjects for 21<sup>st</sup> Century Community Learning Center program recipients.</li> </ul>

<p><b>4. Strengthening the school’s instructional program based on student needs and ensuring that the instructional program is research-based, rigorous, and aligned with State academic content standards.</b></p>	<p>At the school, and supported by the district:</p> <ul style="list-style-type: none"> <li>• There is a curriculum and accompanying instructional practices in place that are clearly aligned to the Common Core learning standards. Research-based instructional practices will ensure successful implementation of the curriculum with the identified sub-groups</li> <li>• The curriculum and instructional practices are presented in a logical flow, with enough specificity to provide confidence that all students (including identified sub-groups) will achieve standards at each grade level and graduate high school college- and career-ready.</li> <li>• The professional development reflects a streamlined focus on improving instruction and the implementing the Common Core learning standards.</li> <li>• Teachers and administrators understand what classroom instruction will look like as a result of proper implementation of the Common Core learning standards and the school’s curriculum.</li> </ul>	<ul style="list-style-type: none"> <li>• In July 2010, the Board of Regents approved the Common Core State Standards in English Language Arts and Literacy and the Common Core State Standards in Mathematics.</li> <li>• New York State is developing Common Core Curricula in ELA and Literacy (grades P-2), and curriculum modules in ELA and Literacy (grades 3-12) and in Mathematics (grades P-12). All will have built-in scaffolding for ELLs and for students with disabilities, demonstrating for teachers how to provide grade-level and rigorous instruction based on student needs.</li> <li>• New York State is developing standards and resources specifically for ELLs that are Common Core-aligned. We expect to seek Regents approval of new English as a Second Language (ESL) and Native Language Arts standards that are aligned with the Common Core by 2013.</li> <li>• The State, its providers and Network Teams provide Superintendents, District administrators, Principals and other school administrators with training on the Common Core Standards and their implementation.</li> <li>• NYSED has created Engage NY (<a href="http://www.engageny.org">http://www.engageny.org</a>) – rich web-based toolkits of resources which include documents advising phased and early adoption of the standards; sample curricular material; a series of professional development videos and accompanying professional development workshop suggestions; a professional development “kit”; extensive professional development hand-outs, teacher practice video, facilitators’ guides, and power point decks; and a compendium of relevant reading.</li> <li>• NYSED expects to release (by the spring of 2013)a series of RFPs that will commission a comprehensive set of curricular resources designed to guide implementation of the Common Core beginning in the fall of 2013. These resources include robust curricular modules mapped to the Common Core (and aligned to content area standards) in ELA, Mathematics, Science, Social Studies, the Arts, Native Languages, and English as a Second Language, as well as a comprehensive video series (500+ segments) depicting exemplary classroom-level implementation of the Core. These modules and videos will be available on EngageNY.org so that they can inform, support, and articulate and model truly aligned instruction, content, and assessment.</li> <li>• Teacher Centers will collaborate with Network Teams to develop professional development work plans in support of implementation of the Common Core Standards in schools and districts.</li> <li>• 10 Regional Special Education Technical Assistance and Support Centers (RSE-TASC) staffed with teams of highly trained special education specialists will provide support to Priority Schools. These specialists provide regional training and embedded professional development to school personnel on research-based instructional strategies, particularly in the areas of literacy, behavior and specially-designed instruction and individualized education program (IEP) development to support students with disabilities in participating and progressing in the curriculum to meet the Common Core Standards.</li> </ul>
<p><b>5. Using data to inform instruction and for continual improvement, including the provision of time for</b></p>	<p>At the school, and supported by the district, there is:</p> <ul style="list-style-type: none"> <li>• A school-wide system of diagnostic, formative, interim, and summative assessments varied in type and frequency. The system provides staff with confidence in identifying the areas that students need improvement in order to achieve standards at each grade level. There is an early warning system, which allows staff to tailor</li> </ul>	<ul style="list-style-type: none"> <li>• Network Teams and Institutes provide training and materials to school and district personnel to ensure a clear path and the resolutions to many questions as schools establish systems to collect real-time data on student performance, analyze that data, and make logical, action oriented progress towards addressing the gaps highlighted in student learning.</li> <li>• NYSED has created Engage NY (<a href="http://www.engageny.org">http://www.engageny.org</a>) – rich web-based</li> </ul>

<p><b>collaboration on the use of data.</b></p>	<p>instruction to bring students to proficiency.</p> <ul style="list-style-type: none"> <li>• A plan to evaluate the progress of individual students, cohorts over time, and the school as a whole, as they work toward meeting requirements under New York State’s accountability system.</li> <li>• A set of policies and criteria for promoting students to the next level and for graduation from the school that are aligned with college- and career-ready standards.</li> <li>• Evidence that the school uses Data-Driven inquiry (DDI) and assessment information to modify the educational program and improve instruction, student learning, and staff development.</li> </ul>	<p>toolkits of resources, which include a school-level rubric that superintendents, district staff, Network Teams, and school leaders can use to diagnose the current state of data inquiry work in a school and the steps necessary to get it right.</p>
<p><b>6. Establishing a school environment that improves school safety and discipline and addressing other non-academic factors that have an impact on student achievement, such as students’ social, emotional, and health needs.</b></p>	<p>At the school, and supported by the district, there is:</p> <ul style="list-style-type: none"> <li>• Evidence that the school has strategies for ensuring a safe, supportive school climate that is strengths-based, aligned with the school’s overall educational goals, consistent with evidence-based best-practices, which are encouraged and fully supported by parents and community.</li> <li>• Evidence that the school encourages parent/family involvement and communication to support student learning. There is a plan in place to gauge parent satisfaction with school climate.</li> </ul>	<ul style="list-style-type: none"> <li>• Priority Schools will be required to implement a systematic whole school reform model, which can be based upon a Full Service School model with wrap-around social and health services.</li> <li>• As a condition for meeting the turnaround principles, priority Schools must also work in collaboration with partner organizations to implement the proposed plan. These partners may be selected based upon their competencies in improving school safety and discipline and addressing other non-academic factors that impact student achievement, such as students’ social, emotional, and health needs.</li> <li>• The findings of the Diagnostic Tool for School and District Effectiveness may direct districts and schools to seek out support partners and implement strategies for issues related to safety, community, and discipline.</li> </ul>
<p><b>7. Providing ongoing mechanisms for family and community engagement.</b></p>	<p>At the district level, and seen within the school, there are:</p> <ul style="list-style-type: none"> <li>• Processes and procedures for regularly communicating with municipal and civic leaders, community and faith-based organizations, and parent groups in the restructuring and planning efforts of the school.</li> <li>• Processes for assisting school leaders in networking with the community partners and engaging parents.</li> </ul>	<ul style="list-style-type: none"> <li>• Districts are required by Commissioner's Regulation Part 100.11 to implement plans for school based management and shared decision making. In New York City, State Education Law requires that each public school have a school leadership team that includes parent representatives.</li> <li>• NYSED as part of its monitoring protocols ensures that Title I schools have in place parent compacts.</li> <li>• Districts will be required to set aside up to 2 percent of their total Title I allocation, based on student enrollment in Priority and Focus Schools, for parent involvement and engagement activities. The plans for this set-aside must be made in collaboration with district parent organization leadership.</li> </ul>

To support implementation of the quality indicators, New York State will require districts with Priority and Focus Schools to develop a single District Comprehensive Improvement Plan, which addresses each type of school in the district, in the context of the district's overall plan for improving instruction in the district and the identified needs of the schools. For the 2012-13 school year, this plan will be based upon the results of SQR, ESCA, and Joint Intervention Team visits currently being conducted in the 2011-12 school year. Once the Diagnostic Tool for School and District Effectiveness is fully implemented in the 2012-13 school year, districts and schools will be given opportunities to amend their earlier plans to ensure that their efforts are addressing the findings from the employment of the new tool. Beginning in the 2013-14 school year and thereafter, schools will base their improvement plans on the results of the diagnostic tool.

NYSED will continue to require districts to document how they will use federal funds and the mandatory set-asides in a revised Federal consolidated application with the goal that Title I, Title II, and Title III funds will be used synergistically to support implementation of the comprehensive education plan. In addition, the consolidated application will be used to document how funding from a new system of mandated set-asides will be used to implement the Regents Reform Agenda in Priority and Focus Schools and address the findings from the Diagnostic Tool for School and District Effectiveness, while reducing the burden on school districts to develop multiple educational plans aligned with each funding stream. As described in the differentiated support section, in districts struggling to make improvements in their Priority Schools, the Commissioner will appoint a Distinguished Educator, whose expenses will be funded from local resources, to aid in the development and implementation of systematic plans for reform. In addition, Commissioner-appointed site visit teams and Distinguished Educators may recommend that the district utilize other federal, state or local funds to implement reform models in these schools.

*2.D.iii b. Describe the identified practices to be implemented that meet the turnaround principles and are likely to:*

*increase the quality of instruction in Priority Schools*

*improve the effectiveness of the leadership and the teaching in these schools; and*

*improve student achievement and, where applicable, graduation rates for all students, including English Language Learners, students with disabilities, and the lowest-achieving students.*

To improve student achievement, low achieving schools must typically address most, if not all, of the following issues: low academic standards, inadequate instructional leadership, curriculum deficiencies, ineffective instructional methods, many inexperienced and/or ineffective teachers, lack of alignment between professional development and staff needs, assessment data not used to plan instruction, inefficient use of time, lack of proper programming and supports for ELLs and students with disabilities, lack of parent and community involvement, ineffective classroom management practices, and lack of strategic social supports or effective college goal-setting with students.

In order to ensure that schools are addressing these issues, the Department will consider amending its regulations to require that LEAs with Priority Schools will be required by regulation to either submit an approvable SIG plan or a Comprehensive Education Plan based on the turnaround principles. These plans will be reviewed to ensure that they are focused on increasing the quality of

instruction, improving the effectiveness of the leadership and teaching; and improving student achievement and graduation rates for all students. The high quality bar set by the Department for approval of these plans makes it highly likely that districts will present comprehensive plans based on the turnaround principles that lead to dramatic increases in student achievement and teacher instruction. The Department will provide LEAs with the differentiated supports to achieve successful implementation (as described in 2A) and will monitor LEA implementation. Each of these activities will support the effective implementation of the turnaround principles.

In addition, the Department has several current and new initiatives that are targeted to produce positive outcomes at Priority and Focus schools:

- The Department will continue its work to integrate and align ESEA Title I, Title III, and the IDEA accountability systems. By aligning accountability measures, the Department can ensure that LEAs are focusing intervention strategies on students with disabilities and English language learners in a cohesive and coherent manner, within the context of an overall improved academic achievement for all students.
- Through its approved Race to the Top plan, the Department will continue to utilize the Network Teams (as described in 2.D.iii and 2.F) to provide districts with professional development on the three core areas of the Regents Reform Agenda: implementation of the Common Core Standards (as described in Principle 1); building instructional data systems that measure student success and inform teachers and principals how they can improve their practice; and promotion of effective teachers and leaders through the implementation of a multiple measures evaluation tool, with aligned supports and professional development. Principle 3 covers our work in the area of setting high expectations for teachers and leaders. Districts and schools are expected to use the elements of the new teacher and leader evaluation protocols to inspire educators to be reflective about their practice in an effort to provide students with improved learning opportunities. This reform agenda is supported by a partnership with the Regents Research Fund, Network Team Institute participants, NYSED staff, and external partnerships.
- The Department will continue to utilize the resources and expertise offered by the State's Regional Special Education Technical Assistance Support Centers (RSE-TASC) Special Education Technical Assistance Network and the Regional Bilingual Education - Resource Network (RBE-RN). These Regional Networks improve the teaching in schools with Special Education and English language learner populations by going into schools and providing vital resources and support to teachers and school leaders. The Special Education Technical Assistance Center for New York State is one of the most extensive in the United States.
- The Department will continue to use IDEA funding to assign a Special Education School Improvement Specialist (SEIS) from the RSE-TASC to provide technical assistance and participate as a subgroup specialist during the various differentiated accountability reviews. In addition, for districts identified for Needs Intervention, staff from the NYSED P-12 Office of Special Education (OSE) will participate in the Joint Intervention Team reviews. <http://www.p12.nysed.gov/specialed/techassist/rsetasc/>.

- The Department will also direct technical assistance resources to the schools identified for the ELL subgroup. School districts identified for not meeting their AMAOs under Title III for two consecutive years are required to submit an Improvement Plan and failing to meet their AMAOs for four consecutive years are required to develop a Corrective Action Plan. Additional information regarding AMAOs and required plans can be found on the OBE-FLS website: <http://www.p12.nysed.gov/biling/NEWTIII.html>. These plans will be aligned with and eventually integrated into the District Comprehensive Improvement Plan
- As approved in New York's RTTT Scope of Work, the State Turnaround Office will scale up current professional development offerings in the first half of 2012 by selecting through a competitive process, educational consultants with proven records of success improving struggling schools and developing teacher practices to provide comprehensive professional development. The focus of the winter 2012 (and subsequent) professional development opportunities will be the tenets identified in the Diagnostic Tool for School and District Effectiveness. The delivery of professional development to Priority Schools will be a two-pronged approach. All Persistently Lowest Achieving (PLA) schools will be required to participate in quarterly professional development opportunities that will focus on instructional best practices aligned to the Common Core State Learning Standards and intended to develop common understandings of what rigorous instructional practices look like in effective schools. Staff members of PLA schools will also be encouraged to participate in comprehensive professional development sessions focused on the areas for improvement noted in visits to the school. The comprehensive sessions will consist of a combination of face-to-face professional development, online support, inter-visitations of schools, and on-site coaching. Priority Schools that are not PLA will be strongly encouraged to attend the quarterly professional development sessions and have staff members participate in the comprehensive professional development opportunities. These opportunities will be delivered by competitively selected external partners that have a proven record of success in the identified areas, Regents Research Fund staff, and NYSED staff.
- A leadership academy will be created to assist districts in developing leadership capacity throughout the State with Priority School leaders being required to attend. The focus of the professional development will be instructional practices focused on the Common Core State Learning Standards, Data Driven Inquiry, Teacher/Leader Effectiveness, and school culture. The participants will have face-to-face sessions during the quarterly professional development, and have follow-up sessions of online support, inter-visitations, and on-site coaching. These sessions will assist school leaders to create and target specific teaching development needs that will lead to increased student achievement.
- When partnering with external experts to deliver professional development opportunities, school leaders and staff members will participate in comprehensive trainings focused on the specific sub-groups of students that may be identified. This provides a mechanism for monitoring the effectiveness of the professional development via the State accountability system and the NYSED review visits, using the Diagnostic Tool for School and District

Effectiveness. These efforts, particularly in the high school grade levels, will lead to increased graduation rates.

**Supporting Implementation of Turnaround Principles in Priority Schools**

**Goals of Comprehensive Professional Development Opportunities**

Assist schools and districts to build capacity around best practices so that NYSED-driven PD and teacher and school leader preparation courses become better aligned.

Provide school leaders and teachers exposure to national conferences focused on topics pertinent to improving student achievement and teachers'/school leaders' practices.

Conduct school and district visits that lead to direct instructional and operational improvements and benefits.

**The following steps will be taken to achieve these goals:**

- Courses will be intensive year-long offerings consisting of quarterly in-person sessions that are complemented by interspersed on-site coaching, school intervisitations, and online support and communications.
- The possibility of offering credit for successful completion of coursework is being explored.
- Participants will be exposed to national and timely research concerning topics that are important to improving their schools.
- Visits to schools and districts will take place on an on-going basis and provide recommendations for immediate and direct instructional and operational improvements.

New York State’s successful efforts to increase student achievement, combined with the flexibilities offered through the ESEA waiver, provide the opportunity for New York State to create increased synergy between our differentiated accountability system and our implementation of the Regents Reform Agenda. This will lead to improved student achievement for all of the students in New York State, including English language learners, students with disabilities, and our lowest-performing students.

Note: Public charter schools in New York State are considered schools for accountability purposes. Please see Note in 2.E.iii that describes the technical assistance, support and intervention expected from charter authorizers and the schools they oversee in New York State. Identified public charter schools may access any and all support resources from the Department outlined in this section, as appropriate.

*2.D.iii c. The SEA ensures that each of its Priority Schools implements the selected intervention for at least three years.*

Upon approval of this waiver, NYSED will recommend regulatory amendments to the Board of Regents so that Schools Under Registration Review will become a subset of Priority Schools. LEAs that fail to submit SIG applications for their Priority Schools that meet the Department’s quality bar to receive SIG funding may be identified as Schools Under Registration Review. As SURR Schools, the Commissioner of Education and Board of Regents will have the authority (as they do now with LEAs with PLA/SURR schools) to compel LEAs with Priority Schools to implement a

Comprehensive Educational Plan based upon the turnaround principles (as described in 2.D.iii.b), through Commissioner's Regulation 100.2(p). Under this regulation, if, after three academic years of implementing a plan, the school has not demonstrated sufficient progress, the Commissioner shall recommend to the Board of Regents that the school's registration be revoked and the school be declared an unsound educational environment (8 NYCRR §100.2[p][10][vi]).

It should be noted that in 2011, the Commissioner, under the current Commissioner's Regulation §100.2(p), required two districts that had not submitted approvable applications for SIG funding for its SURR/PLA schools, to submit SURR plans to implement one of the federal intervention models, which include requirements in the areas of leadership, job-embedded professional development, teacher evaluation, and use of data to inform instruction. These districts were informed that if SURR plans were not submitted that met these standards, the Commissioner would recommend to the Board of Regents that the schools' registrations be revoked.

SED will review each SIG and CEP submitted by LEAs for Priority Schools, as it has in the past with restructuring plans for PLA/SURR schools, to ensure that the LEA has a comprehensive intervention plan that employs all the necessary monetary and human capital resources needed for effective implementation over the course of a three year period. SED's differentiated system of supports, described in 2A, will be geared towards ensuring that districts have the resources, support and information needed to create sustainable plans.

One of the new resources available to LEAs are Educational Partnership Organizations (EPO). Under Education Law 211-e, with the approval of the Commissioner, LEAs now have the ability to contract with EPOs to implement an intervention model in identified schools. EPOs assume the powers and duties of a Superintendent, including the ability to make recommendations to the board of education (or Chancellor in New York City) regarding the school's budget, staffing, student discipline decisions, curriculum, daily schedule and school calendar. In order to receive approval from the Commissioner to enter into contract with the EPOs, LEAs must demonstrate that they have in place a strong system to recruit, evaluate and oversee EPOs. Additionally, contracts between the LEA and the EPO must include appropriate performance targets with defined sets of instructional and programmatic responsibilities.

The Department will also deploy Commissioner-appointed site visit teams to identified schools and districts to ensure implementation of selected interventions for at least three years. SED will build on effective on-site review strategies already being used with PLA schools, where SED staff interview administrators regarding leadership support; staff on the effectiveness of job-embedded professional development and use of data; students on the rigor of instruction and academic supports provided; and parents on the efforts of school administrators and teachers to involve them in increasing the quality of instruction.

In addition, the expert support of a Distinguished Educator appointed by the Commissioner will be crucial to schools/districts in ensuring that intervention plans are implemented. The Distinguished Educator Program was established in accordance with Education Law §§211-b and 211-c to provide assistance to low-performing districts and schools. Priority schools and Focus Schools and districts may need additional assistance from a Distinguished Educator to work with district administration and the local board of education to improve the performance of all student groups. Multiple

measures of quantitative and qualitative information will be gathered through the school and district review process and recommendations will be made to the schools and districts that will inform the development (or modification) of a priority school's SIG application or School Under Registration Review plan. Consistent with law and regulations, Distinguished Educators will be appointed to a district or assigned to a school in circumstances where there are acute issues that have remained unresolved, despite prior intervention efforts.

An appointed Distinguished Educator serves as an ex-officio, non-voting member of the board. In the City School District of the City of New York, a Distinguished Educator serves as an ex-officio, non-voting member of the community district education council or the city board, as applicable. An appointed Distinguished Educator is responsible for assessing the learning environments of schools in the district; reviewing or providing assistance in the development and implementation of any district comprehensive plan and/or any corrective action, restructuring, or comprehensive plan of any school within the district to which the Distinguished Educator is assigned; endorsing without change or making recommendations for modifications to any such plan to the board of education, trustees, or chancellor and the Commissioner; and participating in summer training and ongoing professional development, as directed by NYSED. The general responsibilities of a Distinguished Educator appointed to a district include conducting an intensive review of district and school systems, structures, operations, and facilities and developing an action plan; assessing the district's capacity to promote and support teaching and learning within all schools in the district; working with district administration and the board of education to review data, analyze district and school structures, plan for improvement, and assist in targeting district priorities; facilitating increased student performance across the district; and recommending administrative and operational improvements to strengthen systems. Distinguished Educators assigned to a school is responsible for assessing the learning environment of the school; identifying or confirming systemic or instructional barriers and critical gaps to improving student achievement; and improving curricula, instructional and assessment strategies.

Note: Public charter schools in New York State are considered schools for accountability purposes. Please see Note in 2.E.iii that describes the technical assistance, support and intervention expected from charter authorizers and the schools they oversee in New York State.

2D.iv Provide the timeline the SEA will use to ensure that its LEAs that have one or more Priority Schools implement meaningful interventions aligned with the turnaround principles in each Priority School no later than the 2014-15 school year and provide a justification for the SEA's choice of timeline.

Barring a significant increase in Federal SIG §1003(g) funding, NYSED will identify Priority Schools only once during the three-year waiver period. This identification will occur in the 2011-12 school year for implementation beginning in the 2012-13 school year.

Districts with large numbers of Priority Schools, to be determined by the Commissioner, may find it beyond their capacity to implement a SIG intervention or whole-school reform model in all identified schools beginning in the 2012-13 school year. Therefore, districts with Priority Schools must implement a SIG intervention model or begin implementing elements of a whole-school

reform model in a minimum of 50 percent of these schools beginning in the 2012-13 school year. An additional 25 percent of the schools must begin implementation in the 2013-14 school year, and the remaining 25 percent of schools must begin implementation in the 2014-15 school year. As part of the phase-in approach, Priority Schools must follow the requirements for Focus Schools until they begin implementing a whole-school reform model. Districts may petition the Commissioner to adjust these specified timeframes to best meet local need and capacity, or to phase in implementation of the turnaround principles over more than one year. The Commissioner will grant such requests only when there is compelling justification that such modification of the above timelines will allow a district to best utilize its resources and result in implementation of the turnaround principles with greater fidelity.

All priority schools that are receiving SIG grants for the 2012-13 school year will implement one of the four USDE intervention models in 2012-13. NYSED anticipates that schools implementing SIG will constitute the majority of the Priority Schools that will begin full implementation of all turnaround principles in the 2012-13 school year. For the remainder of the Priority schools, 2012-13 will be primarily a planning year, and full implementation of their models will begin in the 2013-14 and 2014-15 school years as described above.

The following timeline will be applied for newly identified Priority Schools that are not already implementing one of the four Federal SIG intervention models:

<b>Identification Period</b>	<b>State Action</b>	<b>School/District Action</b>
Schools identified as PLA, and receiving SIG funds, prior to 2012.	NYSED will ensure that SIG funded PLA schools are implementing a state-approved plan, and will conduct annual site visits to ensure implementation fidelity.	LEA will continue to implement one of the four federal models, as outlined in their state-approved SIG plan. Schools in this category will generally be in their 2 <sup>nd</sup> or 3 <sup>rd</sup> year of model implementation in 2012-13.
Identification of Priority Schools that are not PLA	NYSED distributes SIG Planning Applications to districts/schools and schedules the Integrated Intervention Team to conduct reviews in newly identified Priority Schools.	Schools/districts complete a planning application that details what, who, and how different components of the school/district efforts towards the areas identified as inadequate will be assessed.
End of Planning Period	NYSED releases report findings from site visits. NYSED reviews, and makes award decisions, on LEA and school SIG applications, District Comprehensive Improvement Plans and Local Assistance Plans <sup>29</sup> .	Schools/districts will use the information gathered and agreed upon during the planning sessions and the findings from the Integrated Intervention Team review to complete their District Comprehensive Improvement Plans, School Comprehensive Education Plan and SIG

<sup>29</sup> Under this waiver application a Local Assistance Plan will be developed by districts not designated as Focused that have one or more schools that a) have persistently failed to make AYP for a specific subgroup on a specific measure, b) have large gaps in student performance among subgroups that are not closing or c) are among the lowest performing in the state for a subgroup on a academic measure and are not improving. In a Focused District, the district will meet the Local Assistance Plan requirements for any schools that meet these criteria that are not priority or focused by incorporating supports and interventions for these schools into its District Comprehensive Improvement Plan.

		Implementation Application.
Year 2 (2013-14 SY for most schools)	NYSED schedules a school visit for all Year 2 Priority Schools.	Schools/districts implement their plans with full fidelity and district conducts periodic district level assessments to determine any adjustments necessary to ensure the goals in the plans are achieved.
Year 3 (2014-15 SY for most schools) Year 3 (2014-15 SY for most schools)	Based on the results of the team visit, NYSED will either conduct an additional visit or allow the district to conduct a self-assessment of the progress made in the school using NYSED's Diagnostic Tool for School and District Effectiveness. Based on the results of the team visit, NYSED will either conduct an additional visit or allow the district to conduct a self-assessment of the progress made in the school using NYSED's Diagnostic Tool for School and District Effectiveness.	Schools/districts implement their plans with full fidelity and conducts periodic check-ins to determine any adjustments necessary to ensure the goals in the plans are achieved.

2D.v Provide the criteria the SEA will use to determine when a school that is making significant progress in improving 5student achievement exits Priority status and a justification for the criteria selected.

Schools may be removed from Priority status if they meet performance targets established by the Commissioner, which will at a minimum require that the school have a combined Performance Index in ELA and mathematics and graduation rates that exceed the thresholds for identification of Priority Schools for two consecutive years by at least ten index points. For high schools, the four year graduation rate must equal at least 70 percent, except for transfer high schools. These criteria will ensure that the school is no longer among the lowest performing in the State and that the school is on a path towards sustained improvement. LEAs will be able to petition SED for removal of schools from Priority status that meet these minimum criteria. SED will then use additional leading and lagging indicator data to determine if the school has made enough progress to warrant removal from Priority designation.

However, once a school begins fully implementing an intervention or whole-school reform model, it must complete implementation of the model, even after removal from Priority designation. Schools that are removed from Priority status before they begin implementation of a model will not be required to implement the model.

Note: Public charter schools in New York State are considered schools for accountability purposes. Please see Note in 2.E.iii that describes the technical assistance, support and intervention expected from charter authorizers and the schools they oversee in New York State.

## **2.E FOCUS SCHOOLS**

2.E.i Describe the SEA’s methodology for identifying a number of low-performing schools equal to at least 10 percent of the State’s Title I schools as Focus Schools. If the SEA’s methodology is not based on the definition of Focus Schools in ESEA Flexibility (but instead, e.g., based on school grades or ratings that take into account a number of factors), the SEA should also demonstrate that the List provided in Table 2 is consistent with the definition, per the Department’s “Demonstrating that an SEA’s Lists of Schools meet ESEA Flexibility Definitions” guidance.

New York State seeks to identify Focus Schools in a two-stage process under which the Commissioner would first identify the districts with the lowest-performing subgroups as Focus Districts and those districts would in turn, with the Commissioner's approval, identify a specified minimum number of Focus Schools within the district.

Because district policies often contribute to the reasons that schools have low performance for specific groups of students, districts must play a lead role in helping schools to address their issues. As described with Priority Schools above, we believe that systematic change is the only mechanism to ensure that these schools will progress. For example, districts, rather than schools, have primary control over enrollment policies, allocation of resources, recruitment and assignment of staff, and the myriad of issues such as work rules, compensation, and evaluation that are subject to collective bargaining. The degree to which a district equitably distributes resources and human talent and has created an infrastructure to support full access to educational services for its students in traditionally underserved groups and communities is particularly important to raising achievement for students with disabilities, English language learners, low income students, and students from racial/ethnic subgroups with lagging academic performance. To those ends, New York State proposes to identify Focus Districts as a means to ensure that districts take dramatic and systematic actions in support of their schools in which the performance of disaggregated groups of students is among the lowest in the State. Focus Districts are those whose combined Performance Index in English language arts and mathematics for Grades 3-8 and high school ELA and mathematics or high school graduation rate places the district among the lowest five percent of districts in the State for that subgroup of students. In addition, any District that has a Title I or Title I eligible secondary school that is a Priority School will also be automatically identified as a Focus District, except that Special Act school districts will only be identified as a Focus District based upon whether the district has a Priority School. Once identified, a Focus District will then be required to identify a specified minimum number of schools upon which it will focus its support and intervention efforts based on similar criteria. The total of the minimum targets of schools that Focus Districts must identify will equal ten percent of the schools in the State, exclusive of those already identified as Priority Schools.

New York State plans to identify a district as a Focus District if any of its student subgroups have a combined ELA and mathematics Performance Index that places the subgroup among the lowest five percent of districts in the State for racial/ethnic subgroups, low-income students, students with disabilities, or English language learners. A district will not be identified for that subgroup's performance if that subgroup has a graduation rate above the State average on the four year graduation cohort or the group's median Student Growth Percentile in ELA and mathematics has been above the combined Statewide Median Growth Percentile for that group in the past two years combined. For purposes of identification of Focus Districts, each of New York City’s 32

community school districts will be treated as a separate district. In addition to identifying ten percent of the state’s school districts as Focus Districts, the Commissioner will use the same methodology to identify ten percent of the total number of charter schools (both Title I and non-Title I) in the State as Focus Schools.

Based on these criteria, the cut points for potential identification as a focused district and the number of districts identified for each subgroup is as follows:

**Performance Index for Elementary/Middle and High School English language arts and Mathematics**

Subgroup	Criteria for Identification (Performance Index for Grade 3-8 and high school ELA and math at or below this Performance Index)	Number of Districts Identified
American Indian/Pacific Islander	111	2
Asian	111	5
Black	111	27
Hispanic	111	22
White	111	0
Multiracial	111	1
Students with Disabilities	70	35
Limited English Proficient	79	9
Low-Income	117	41

**Four Year Graduation Rate**

Subgroup	Criteria for Identification (Graduation Rate at or below this Percent)	Number of Districts Identified
American Indian/Pacific Islander	54	1
Asian	54	1
Black	54	20
Hispanic	54	24
White	54	4
Multiracial	54	0
Students with Disabilities	25	13
Limited English Proficient	28	2
Low-Income	56	18

(See Attachment17 for the step by step process for identification of Focus Districts.)

When a district is identified as a Focus District, all of the schools in the district are preliminarily identified as Focus Schools. Commissioner-appointed site visit teams will work with the Focus District using the Diagnostic Tool for School and District Effectiveness to help districts identify

gaps and intervention strategies. Based on the data gathered, a Focus District may either choose to provide support to all of its schools to address the performance of subgroup(s) on the accountability measure(s) that caused the district to be identified, or the District may choose to identify a subset of schools as Focus Schools. Districts identifying all of their schools as Focus Schools will deploy similar mechanisms as described above for Priority Schools to create total system reform. If the district chooses the latter option, the district must use the rank order lists provided by the Commissioner based on the number or the percentage of students who are not proficient in ELA or mathematics in the subgroup(s) that caused the district to be identified, and then use that rank ordered list to identify the minimum, required number of Focus Schools. If a district believes there are extraordinary circumstances and that a school should not be identified as a Focus School, the district may seek permission from the Commissioner to identify a school with subgroup performance that is higher than that of the school with special circumstances.

The number of schools that a Focus District must identify will be based upon the number of students enrolled in the district who are members of subgroups whose results caused the district to be identified, the performance of these subgroups on ELA and mathematics assessments and their graduation rate. Each Focus District that is identified for ELA and math performance will be required to identify at least one elementary, middle or high school as a Focus School and each Focus District that is identified for graduation rate must identify at least one high school as a Focus School. The minimum number of the schools that a district must identify will not exceed 75 percent of the schools in the district that have not been identified as Priority Schools. For example, a Focus District has 15 schools, two of which are priority schools, ten of which are elementary and middle schools, and three of which are high schools. The district has been identified for both ELA and math, and graduation rate. Depending on the number of students who are not proficient and who did not graduate, the district could be required to identify a minimum of two schools, at least one of which must be a high school and a maximum of nine schools. As noted above, the district may choose to identify more than the minimum number of Focus Schools.

The total minimum number of schools the Commissioner will require districts to identify will be equal to at least ten percent of the Title I public schools in the State. In New York, identification of ten percent of the State's Title I Schools requires that 366 schools be identified as Focus Schools. Preliminarily, the 78 districts that have been identified as Focus Districts will be required to 433 schools as Focus in addition to 12 Focus Charter Schools, resulting in a minimum total of 445 schools. More than ninety percent of schools eligible to be identified in these districts are Title I schools and most of those that are not Title I schools are Title I eligible secondary schools. Consequently, NYSED is extremely confident that the schools selected by Districts will result in at least ten percent of the Title I schools in the state being selected as Focused Schools. (See Attachment 17 for the number of schools that each Focus District must identify.)

Districts may petition to be removed from identification if they meet performance targets established by the Commissioner, which requires that the school at a minimum have a combined Performance Index in ELA and mathematics and graduation rates that exceed the thresholds for identification of focused districts for two consecutive years. NYSED will then use additional leading and lagging indicator data to determine if the district has made enough progress on a majority of the indicators to warrant removal from Focus designation.

Note: Public charter schools in New York State are considered schools for accountability purposes. Please see Note in 2.E.iii that describes the technical assistance, support and intervention expected from charter authorizers and the schools they oversee in New York State.

**2.E.ii Provide the SEA's list of Focus Schools in Table 2.**

Attachment 9 contains a list of Focused Districts and the minimum number of Focused Schools that the District must identify.

**2.E.iii Describe the process and timeline the SEA will use to ensure that its LEAs that have one or more Focus Schools will identify the specific needs of the SEA's Focus Schools and their students and provide examples of and justifications for the interventions Focus Schools will be required to implement to improve the performance of students who are the furthest behind.**

During the 2012-13 school year, all Focus Districts will participate in the review process using the Diagnostic Tool for School and District Effectiveness. Integrated Intervention Teams will review district-level systems and initiatives available at a system-wide level.

These reviews will aid districts at multiple levels, including allocation of resources, and will enable them to take a systematic approach to school improvement for all students, while placing a special emphasis on the subgroup(s) of students for which the district was identified. In addition to the district-level analysis, Integrated Intervention Teams will visit all Focus Schools in districts with small numbers of schools and a sample of Focus Schools in districts with larger numbers of schools. At least one Focus School with each grade configuration (elementary, middle, and high school) will be visited and teams will visit schools that have been cited for each of the subgroups that caused the District to be identified as a Focus District. Follow-up visits will be conducted on a regular schedule, and will occur at least annually during the period that a district is identified as a Focus District. In instances where a Focus School's performance declines to the level of a Priority School, a Distinguished Educator may be appointed to conduct a review of the school which may include external partners. In those Focus Schools that Integrated Intervention Teams do not visit, the District will be required to ensure that a self-assessment is administered, using the Diagnostic Tool for School and District Effectiveness.

Focus Districts will be required to develop a comprehensive plan based on the results from the Diagnostic Tool for School and District Effectiveness to address the performance of subgroups on the accountability measures for which the district has been identified in those schools that have been designated as Focus Schools. Beginning in the 2012-13 school year, the plan must be based upon the recommendations contained in the Integrated Intervention Team's findings, using the Diagnostic Tool for School and District Effectiveness. For Focus Schools and Districts identified during the 2001-12 school year, the plan implemented in the 2012-13 school year must be based on the results of the current system of diagnostics (SQR, JIT, and ESCA). Schools and districts will then be able to revise these plans after the finalization of the Diagnostic Tool for School and District Effectiveness.

Depending on the percentage of students enrolled in the district who are members of the subgroup(s) whose results caused the district to be identified, a Focus District will be required to spend an amount equal to between five and fifteen percent of its Title I, Basic; Title II A; and Title III allocations, if the district is identified for English language learners, to support implementation of a systematic plan centered around the Regents Reform Agenda in Focus Schools. Districts may use these funds to procure specific programs and services that are aligned with best practices and research. The list of allowable expenditures and activities, which also specifies the extent to which Title I, II and/or III funding may be used to meet the set aside requirement, includes:

- Costs associated with deploying on-site visit teams that will use the Diagnostic Tool for School and District Effectiveness to identify a school's or district's current position relative to desired educational practices (Title I Section 1003(a) only).
- Reasonable and necessary expenses associated with appointment of a Distinguished Educator to assist the district and schools in implementing systemic, whole-school reform and effective turnaround strategies (Title I Section 1003(a) only).
- Costs (e.g., substitutes, stipends) associated with participation in New York State-sponsored professional development activities to implement the CCSS, curriculum-embedded formative assessments based on enhanced New York State Standards (including the CCSS), including professional development in using information systems that track assessment outcomes (Title II A only).
- Costs (e.g., substitutes, stipends) associated with participation in New York State-sponsored professional development activities to implement Positive Behavioral Interventions and Supports (PBIS) (Title II A only).
- Costs (e.g., substitutes, stipends) associated with participation in New York State-sponsored professional development activities to implement Response to Intervention (RtI) that are aligned with academic intervention services.
- Costs associated with training/certifying teacher evaluators, instructional coaches, teacher leaders etc in conducting evidence based observations using the District's teacher practice rubric, training in coaching and feedback on instructional practice, and developing/assessing student learning objectives as part of teacher evaluation system.
- Development of local formative and summative assessments across all grade levels and subject areas, consistent with New York State Standards, the provisions of Education Law § 3012-c, related to academic intervention services and applicable Commissioner's regulations (Title II A funds not allowed).
- Professional development for teachers (and their principals/ instructional supervisors) who will implement CTE courses in which increased percentages of historically underserved students will enroll (Title I funds not allowed).

- Costs associated with professional development and planning for teachers (and their principals/instructional supervisors) and state approved partner organizations who will implement Expanded Learning Time (ELT) opportunities that may include art, music, remediation and enrichment programs.
- Costs associated with implementing ELT programs that improve student academic, social, and emotional outcomes, in which increased percentages of historically undeserved students will enroll.
- Equipment and other curricular materials for CTE courses used by teachers in which increased percentages of historically underserved students will enroll (Title I funds not allowed).
- Training and professional development for teachers (and their principals/instructional supervisors) who will implement Advanced Placement (AP), International Baccalaureate (IB), and/or Cambridge (Advanced International Certificate of Education [AICE] or International General Certificate of Secondary Education [IGCSE]) courses in the subjects for which, as of September 30, 2010, NYSED has approved an alternate assessment pursuant to 8 NYCRR §100.2(f), in which increased percentages of historically underserved students will enroll (Title II A only).
- Virtual/Blended AP, IB, and/or Cambridge (AICE or IGCSE) courses and related training and professional development for teachers (and their principals/instructional supervisors) in the subjects for which, as of September 30, 2010, NYSED has approved an alternative assessment pursuant to 8 NYCRR §100.2(f), in which increased percentages of historically underserved students will enroll (Title II A only).
- Training in the use of data systems, aligned course sequences and early college and career school models, between post-secondary institutions and P-12 systems (Title II A only).
- Costs associated with implementing school-based Inquiry Teams as defined in the state's RTTT application.
- Provision of supplemental compensation, consistent with local collective bargaining agreements, through a career ladder program, to highly effective teachers providing academic intervention services in hard-to-staff subjects or specialty areas in high-needs schools who mentor, coach, or provide professional development to student teachers, new teachers, or teachers rated as ineffective, developing, or effective in high-needs schools.
- Provision of supplemental compensation, consistent with local collective bargaining agreements, for teachers providing academic intervention services through a career ladder program, to effective or highly effective teachers in hard-to-staff subjects or specialty areas who transfer from low- or moderate-needs schools to high-needs schools.
- Implementation of one of the four school intervention models (turnaround model, restart model, school closure, or transformation model) and the Secretary's turnaround principles,

- Supporting LEA and State-approved partner organization arrangements (EPO, CMO, charter school operator) planning activities for implementation of one of the four school intervention models or a whole-school change model aligned with the Secretary’s turnaround principles in the year following school re-design (Title I Sections 1003(a) and (g), Title II A).
- Costs related to providing academic intervention services as well as costs associated with creating professional development for all teachers working with English Language Learners, on research-proven strategies for those students; costs associated with hiring additional staff to develop or expand programs for English Language Learners or targeted programs for high-needs English Language Learners such as Long-term ELLs, SIFE, or ELLs with disabilities; costs associated with integrating bilingual instruction into ELL programs; costs associated with materials that promote English and native language development (Title I and Title III only).
- Costs of training for and/or hiring of internal/external trained evaluators to conduct teacher observations and complete the processes for HEDI documentation and recommendations for teacher professional growth as indicated (Title II A only).

Note on charter schools identified as Focus Schools: Given the operational autonomy granted to each charter school under New York State’s Charter Schools Act, and as formalized through the charter agreement that each charter school has with its charter-authorizing entity, any interventions to be implemented in these charter schools will be deferred to the charter school’s board of trustees, in consultation with the charter school’s authorizer. New York State’s 2011-2016 federal Charter Schools Program (CSP) grant has established the New York State Quality Charter Authorizer Partnership, through which each of the state’s major active charter authorizing entities has agreed to national best practice-authorizing standards for holding charter schools accountable for performance, while respecting autonomy. The following new assurances (outlined below) required by the federal CSP program also require the highest levels of accountability for charter schools, and NYSED is already working actively with the other authorizing entities to ensure that practices and policies align:

- 3A: Each authorized charter school in the State operates under a legally binding charter or performance contract between itself and the school’s authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school’s financial statements that are filed with the school’s authorized public chartering agency; and demonstrate improved student academic achievement; and
- 3B: Authorized public chartering agencies use increases in student academic achievement for all groups of students described in §1111(b)(2)(C)(v) of the ESEA as the most important factor when determining whether to renew or revoke a school’s charter.

Pursuant to State law and the contracts between charter schools and chartering entities, charter schools remain fully accountable for academic and operational performance. Specifically, under State law, grounds for revocation or termination of a charter include: when a charter school's outcome on student assessment measures adopted by the Board of Regents falls below the level that would allow the commissioner to revoke the registration of another public school, and student achievement on such measures has not shown improvement over the preceding three school years; serious violations of law; and material and substantial violation of the charter.

2.E.iv Provide the criteria the SEA will use to determine when a school that is making significant progress in improving student achievement and narrowing achievement gaps exists Focus Status and a justification for the criteria selected.

Although the list of Focus Districts will be established once based on 2010-11 school year results each year, the Commissioner will provide a Focus District with a new rank ordering of the schools in the district based on the performance of their subgroups. Districts may choose to continue to serve the schools that they identified in 2011-12 or they may use the new lists to identify new schools within the district on which to focus. In the event that a Focus District no exceeds the criteria for identification by at least ten index points and by at least ten percentage points for graduation, the District will continue to be required to implement a Comprehensive District Plan, but will no longer be required to serve a minimum number of schools and will no longer be subject to the minimum five-to-fifteen percent set-aside requirement. However, Focus Districts and Schools will be monitored for continual improvement by the Integrated Intervention Teams for one year after being removed from a list.

## **2.F. PROVIDE INCENTIVES AND SUPPORTS FOR OTHER TITLE I SCHOOLS**

Describe how the SEA's differentiated recognition, accountability, and support system will provide incentives and supports to ensure continuous improvement in other Title I schools that, based on the SEA's new AMOs and other measures, are not making progress in improving student achievement and narrowing achievement gaps, and an explanation of how these incentives and supports are likely to improve student achievement and school performance, close achievement gaps, and increase the quality of instruction for students.

Through this waiver, we propose to develop a comprehensive feedback loop to inform and target supports to ensure continuous improvement in other Title I schools that, based on the State's new AMOs and other measures, are not making progress in improving student achievement and narrowing achievement gaps. In addition to identifying Priority and Focus Districts and schools, the State will also identify schools that must, as a result of significant achievement gaps between subgroups, submit a Local Assistance Plan focused on closing those gaps. (In districts that also have one or more Focus or Priority Schools, the Local Assistance Plan will be a component of the District Comprehensive Education Plan.) A district that does not have any Priority or Focus Schools -- but instead has schools that have persistently failed to make AYP with one or more subgroup(s) on an accountability measure, or that have large gaps in student achievement among subgroups -- will be required to develop a Local Assistance Plan for these schools. The Local Assistance Plan shall specify:

- the process, by which the plan was developed and how school leadership, staff, parents, and students, if appropriate, were given meaningful opportunities to participate in the development of the plan;
- the additional resources and professional development that will be provided to each school to support implementation of the plan; and
- the timeline for implementation of the plan.

The plan must be approved by the board of education. The Department will propose regulatory changes to the Board of Regents to require that the District post the plan to its website. For those schools, as well as Priority and Focus Districts and Schools, NYSED will utilize the Diagnostic Tool for School and District Effectiveness that will then be used to inform creation of a District Comprehensive Improvement Plan and/or a Local Assistance Plan based on a common template. NYSED will then support districts in making systemic, sustainable changes through the State's comprehensive system of supports. Finally, the Department will propose regulatory changes to the Board of Regents to update its school and district reporting processes in order to report school and district performance in a way that aligns with the common language that exists as part of our single diagnostic tool and common improvement planning templates.

Our proposed plan first seeks to strengthen the common language and expectations around what makes effective districts and schools function through the school/district diagnostic tool and NYSED's optimal conditions for effective schools and districts. NYSED is working to articulate these common conditions for district and school effectiveness that will serve as a guide for all

recognition, accountability, and support activities for all schools and districts. These common conditions will be aligned with: (1) the Regents Reform Agenda; (2) research on what effective schools and districts look like and their practices; and (3) research on how to organize systems for success. The common language will also drive:

- public accountability and reporting – through school and district report cards – linked to our improved longitudinal data systems and data dashboard system; and
- a more streamlined, uniform protocol for on-site district- and school-level review that will be both diagnostic and summative in assessing school and district performance.

The second component of New York State’s plan is, as noted above, to create and use of a school district diagnostic tool (Diagnostic Tool for School and District Effectiveness) that is closely aligned to the implementation of the key components of the Regents Reform Agenda, in all districts with Priority or Focused Schools. The diagnostic tool will highlight the areas that the school and the LEA will need to address in the development of their annual educational plan and budgets in a systematic manner.

The intent of the diagnostic tool will be to help LEAs identify how student performance, instructional programs and services, and teacher and leader effectiveness compare to the ideal performance levels sought. In addition, common conditions, both academic and nonacademic, for school and district success will be integrated into this protocol. The intent is that NYSED staff and/or designated representatives will make regular visits, using the Diagnostic Tool for School and District Effectiveness to determine the progress that schools and districts are making in implementing their plans and improving educational results. A key purpose of the diagnostic tool is to measure the degree to which there is a strong and sustainable delivery chain from the State to the district to the school leadership to support the implementation of the key elements of the Regents Reform agenda in the classroom. This is NYSED’s first step in moving towards a system of performance management for the schools and districts in New York State. To build a true performance management system, we know that we need a more robust method to drive the collection and reporting of individual and institutional accountability metrics, and a more integrated way to speak about performance. With this waiver, the State will be on a trajectory to do exactly that.

A district with one or more Focus Schools must develop a District Comprehensive Improvement Plan for these schools. This plan must be informed by the recommendations of the Commissioner-appointed site visit team, and must identify the programs and services that will be provided to schools from the list promulgated by the Commissioner. School leadership, staff, parents, and students, if appropriate, must have a meaningful opportunity to participate in the development of the plan and comment upon it before it is approved. The plan must be approved by the school board and posted to the district's website. A Focus District will incorporate into its plan the actions it will take with any school that requires a Local Assistance Plan.

District Comprehensive Improvement Plans and Local Assistance Plans developed as a result of the diagnostic report will describe how the proposed curricula, instruction, professional development and associated expenditures (supplies, materials and equipment) will be aligned to the Regents

Reform Agenda, including implementation of the Common Core; the use of a data-driven instructional model; and the development and evaluation of teachers and principals as articulated in each district's Annual Professional Performance Review Plan. NYSED plans to create District Comprehensive Improvement Plan and Local Assistance Plan templates that are aligned with the common performance language, the Regents Reform Agenda, and set the expectation that LEAs and schools will report publicly on indicators, measures, and metrics that are focused on student academic performance and organizational viability. The LEAs will also be required to determine how the activities being developed and funded will have positive impacts on student achievement and instructional practices in the school. The expectation is that educational plans will demonstrate how strategies around teacher and leadership development lead to successful implementation of the six instructional Shifts in ELA and Mathematics in the Common Core, as well as the implementation of the National Standards for Science and integrated Social Studies standards (described in Principle 1), if adopted by the Board of Regents. As a part of all comprehensive planning, LEAs will also be expected to embed detailed information on how student data will be used to improve instructional practices. District Comprehensive Improvement Plans will be required to articulate how plans to support Priority and Focus Schools align with the district's Annual Professional Performance Review Plans, as explained in Principle 3.

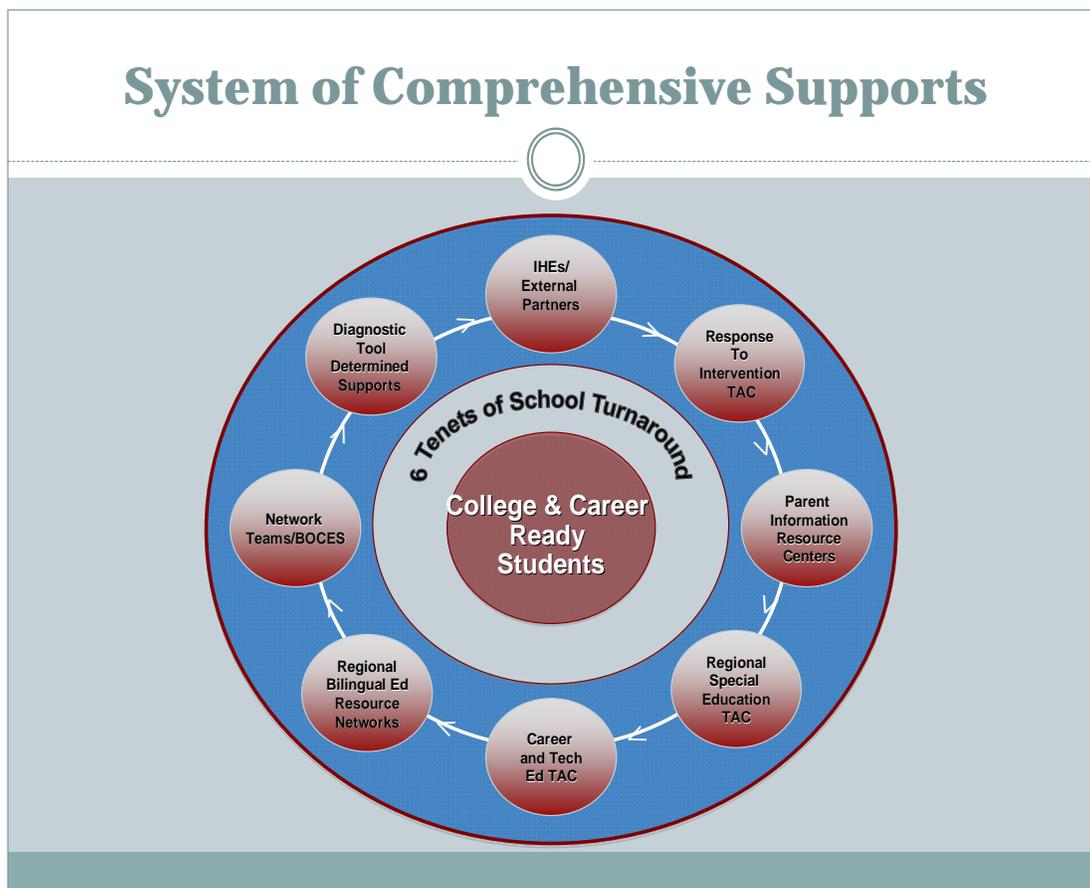
Districts targeted by SED for technical assistance as a result of their outcomes for students with disabilities will ensure alignment between the Comprehensive Plan and any Special Education Quality Improvement Plan that is also in place. District Comprehensive Improvement plans will also need to demonstrate collaborations between general and special education teachers and support staff in the support of all students. Components of the Comprehensive Plan will include instruction, curricula, and professional development opportunities that emphasize scaffolding techniques that will be implemented to target the needs of all students at the school, particularly students who need extra supports. Wherever appropriate, the plan should include information on how funds from other sources, including the Individuals with Disabilities Education Act (IDEA), support these efforts for the relevant sub-groups.

For LEAs with schools identified for the academic performance of students with disabilities, the educational plan should demonstrate how Response to Intervention and Positive Behavior Intervention and Supports will be integrated into a school-wide plan. School-wide plans should also demonstrate efforts to allow for collaborations between general and special education teachers and support staff on how to better support their students with disabilities

For LEAs with schools identified for the academic performance of English Language Learners, the education plan should demonstrate how the integration of language and content instruction, and native language support, will be incorporated into all ELL programs in the school. School-wide plans should also demonstrate efforts to allow for collaborations between content and ESL and bilingual teachers to better support the needs of ELLs across language and content classes. Comprehensive plans will include instruction, curriculum and professional development opportunities that emphasize scaffolding techniques that will be implemented to target ELL needs in content area classes, and English language development and native language development techniques to support ELLs in their language classes (ESL and Native Language Arts) and their content area classes. Schools should also provide an analysis of their subgroup ELL populations

(SIFE, Long-Term ELLs, ELLs with Disabilities, Newcomers), including disaggregated performance data by subgroup, and provide details on additional supports and services that will be provided to target the needs of these subgroups.

## Supports



NYSED currently has a system in place that can help support the implementation of these plans. The State's Boards of Cooperative Educational Services (BOCES), which offers resources to all New York State schools, will be utilized in component districts for both Focus Schools and Districts and Priority Schools. NYSED has a network of 37 BOCES, which provide professional services and technical assistance to LEAs Statewide. Each of New York State's 37 BOCES is led by a District Superintendent, who is both the Chief Executive Officer of the local BOCES and the Commissioner's representative in the field. This structure is unique within the United States, and it allows NYSED to have unparalleled statewide impact at the local level. The BOCES are linked together through a formal network that includes the Assistant Superintendents of Instruction from each BOCES, instructional administrators from each of the Big 5 city school districts, and NYSED senior staff. These representatives convene and communicate regularly, serving as a conduit for the exchange of information and best practices across the State. As part of the BOCES, Regional Information Centers (RICs) provide instructional and technology support services to LEAs. Collectively, the BOCES and RICs comprise over 34,000 instructional and technical professionals.

In building the 2010 RTTT application and the Regents Reform Agenda, NYSED described the construction of a statewide platform for professional development for all teachers, schools, and districts. These statewide network teams, which are also described in Principle 1, are comprised of teachers and administrators from all of the regions in New York State, and are connected to either the BOCES or to the larger city school districts statewide. Network teams contain, at a minimum, professionals who are experts in curriculum, data analysis, and instruction. These network teams are currently being utilized by NYSED to aid the field in implementation of the Regents Reform Agenda and RTTT activities. Each team currently serves a network of approximately 25 schools within their districts. Small districts and public charter schools in the State have also pooled their local share RTTT resources to form consortia and collaborations to support network team structures for their schools.

Beginning with our statewide kick-off in the summer of 2011, our Network Teams have been working directly with educators in schools, and are providing comprehensive, ongoing support throughout the RTTT grant period. The members of the Network Teams will continue to receive monthly professional development from NYSED in an effort to build capacity. NYSED is also working to build structures and financial incentives for LEAs to maintain network teams with Title II funds after the RTTT grant period ends. The Assistant Superintendent of Curriculum and Instruction or equivalent within each BOCES and in each of the Big 5 City School Districts is responsible for hiring and managing the network teams. Under his or her guidance, network teams:

- Assist schools in implementing the Common Core standards and aligning instruction to the new standards and curricula;
- Support schools in implementing the State's comprehensive assessment program and adapting to more rigorous performance-based assessments;
- Support school-based inquiry teams (described in Section C of New York State's RTTT application) to analyze student performance data (both quantitative and qualitative) and make adjustments to instructional practices. The inquiry team approach has been well documented as a successful and sustainable development method in New York City, Southern California, and several other places;
- Assist schools in interpreting and using/designing formative assessments closely tied to the curricula;
- Work closely with principals and key faculty leaders to provide school-based and network-level intensive, on-going, real-time coaching and professional development according to the needs of each school;
- Help principals find outside service providers based on the needs of each school's faculty and students; and
- Support NYSED in the evaluation of persistently lowest-achieving schools, as described in Section (E)(2) of New York State's RTTT application and facilitate professional development to support the implementation of a school's turnaround plan.

In addition to providing ongoing guidance and support, the network teams will monitor the professional development activities and results in the schools for which they are responsible. The network teams will aid the districts' systematic planning and implementation by providing continuous feedback to Superintendents and Boards of Education. The network teams will also report to the BOCES District Superintendent concerning the results of their work in Focus Schools and Districts. This structure is in place to ensure continual and systematic improvement in all schools within New York State. NYSED also operates technical assistance centers to support schools and districts in serving the needs of English language learners and student with disabilities.

### **Regional Special Education Technical Assistance Support Centers**

SED has a network of 10 Regional Special Education Technical Assistance Support Centers, with approximately 142 special education specialists regionally and locally-based, to provide technical assistance and support to low performing schools. The RSE-TASCs include 181 individuals including special education school improvement specialists, regional trainers, transition specialists, behavior specialists, bilingual special education specialists and technical assistance providers for approved private schools. These teams are provided with ongoing professional development by the State. Support to schools through the RSE-TASC is at no cost to districts. Special Education School Improvement Specialists (SEIS) from the RSE-TASC currently, and will in the future, provide targeted support to schools and districts that are not making academic progress with their students with disabilities, to help them improve their instructional, curriculum, and professional development practices for teachers working with these populations. In addition, New York State's Positive Behavior Interventions and Supports Technical Assistance Center (NYS PBIS-TAC) and the New York State Response to Intervention Technical Assistance Center (NYS RtI-TAC) are leveraged based on need, to provide support to schools and districts. Effective July 1, 2012, each school district in New York State must have an RtI program in place as part of its evaluation process to determine if a student in grades K-4 is a student with a learning disability in the area of reading. NYSED has devoted extensive resources to assisting districts and schools in implementing Response to Intervention in anticipation of this change, including the development of detailed guidance, which can be found at: <http://www.p12.nysed.gov/specialed/RTI/guidance/cover.html>. The NYS RtI-TAC develops and disseminates professional development materials, maintains a website (<http://www.nysrti.org>), and provides training for specialists who work with districts and schools throughout New York State. New York State was recently awarded a federal grant through OSEP that will fund capacity building and replication of RtI models in districts throughout the State.

### **Regional Bilingual Education Resource Network (RBE-RN)**

The primary tasks of the RBE-RN technical assistance network are to bring research-based practices for LEP/ELLs to identified schools and districts<sup>30</sup>, and provide schools/districts with direct assistance or interventions to improve outcomes for LEP/ELLs. RBE-RN staff spends a majority of their time working directly with targeted school(s) and district(s) either in small group(s) or

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<sup>30</sup> These schools/districts have been identified through either Title III Accountability measures (Annual Measurable Achievement Objectives); and/or through New York State's Differentiated Accountability System. With approval of this waiver, their work will be concentrated in Focus Districts that have been identified for the performance of their English language learners.

individually with teachers, administrators, parents, and community members to develop and strengthen best educational and instructional practices for LEP/ELLs.

The RBE-RN also offers professional development opportunities that enhance the skills and competencies of all educators so they can assist LEP/ELLs students in meeting the New York State Learning and Performance Standards in the core subjects (including ESL and Native Language Arts (NLA), provide technical assistance to districts and schools on the interpretation of policies and regulations and the development of Comprehensive Reports and Data Plans (such as NCLB Title III and AMAO Plans), as well as information on the availability of State and federal funding, and instructional resources pertaining to the education of LEP/ELLs in New York State. The RBE-RN Network also provides schools and districts with technical assistance in the following areas:

- Completing Needs Assessments - The regional RBE-RN provides training and technical assistance to districts and schools that have completed, or will be engaging in a self-assessment monitoring process through the LEP/ELL Program Evaluation Toolkit (LEP/ELL-PET); work with groups of districts and schools to prepare them for the self-assessment process; and provide technical assistance and/or professional development to groups of districts and schools with common issues, as determined by the self-assessment process. Once the Diagnostic Tool for School and District Effectiveness is implemented, the RBE-RN's will assist district and schools with a review of their programs for English language learners using the tool.
- Increasing school/district understanding of and ability to analyze assessment data(to inform teaching and learning.
- Assisting districts and schools in developing/aligning curricula for LEP/ELLs (e.g., alignment with NYS ELA/ESL learning standards, Native Language Arts standards) for Transitional Bilingual Education, Two-Way Bilingual Education, ESL, NLA, specialized and targeted Newcomers and Students with Interrupted Formal Education (SIFE) programs.
- Assisting districts/schools in the analysis of current and projected enrollment of LEP/ELLs to design and implement appropriate instructional models.

### **Improved Reporting**

In order to report school and district performance in a manner that is consistent with the Regents' Reform Agenda, NYSED will seek Regents approval to amend its regulations on district reporting. Over the next three years, NYSED will propose that data reporting will be enhanced to show growth targets and trajectories toward growth as well as proficiency as it is defined in section 2B above. NYSED's improved report cards will:

- Be written in clear language that can be easily understood by the public – communities, parents, and families;
- Display information in a user-friendly format;

- Provide information on academic, organizational, fiscal, operational, and local governance; and
- Provide information on progress toward meeting outcomes tied to implementation of the Common Core Standards; data driven instruction; and teacher and leader effectiveness.

## **2.G. BUILD SEA, LEA, AND SCHOOL CAPACITY TO IMPROVE STUDENT LEARNING**

2.G Describe the SEA's process for building SEA, LEA, and school capacity to improve student learning in all schools and, in particular, in low-performing schools and schools with the largest achievement gaps, including through:

- i. timely and comprehensive monitoring of, and technical assistance for, LEA implementation of interventions in Priority and Focus Schools;
- ii. ensuring sufficient support for implementation of interventions in Priority Schools, Focus Schools, and other Title I schools identified under the SEA's differentiated recognition, accountability, and support system (including through leveraging funds the LEA was previously required to reserve under ESEA section 1116(b)(10), SIG funds, other Federal funds, as permitted, along with State and local resources); and
- iii. holding LEAs accountable for improving school and student performance, particularly for turning around their Priority Schools.

Explain how this process is likely to succeed in improving SEA, LEA, and school capacity.

i. Timely and comprehensive monitoring of, and technical assistance for, LEA implementation of interventions in Priority and Focus Schools

New York State's process for building SEA, LEA, and school capacity to improve student learning in all schools, and in particular, low performing schools and schools with the largest achievement gaps is based on a comprehensive system of monitoring, technical assistance, accountability, funding support, and proposed legislation regarding intervening in chronically underperforming school districts.

### **Technical Assistance**

Over the course of the past 24 months, NYSED has opened new offices and redeployed staff and resources to better align with the Regents Reform Agenda and to support schools and districts. NYSED has worked with external partners to help us strategically re-frame work inside NYSED. These partnerships have included, for example, formal relationships with MassInsight through the State Development Network, and American Institutes for Research and The Center for Assessment to help us construct student growth metrics and redesign our State accountability systems noted in this application. We have also consulted with Public Impact and other partner state education agencies in our efforts to re-think how we support and hold LEAs and schools accountable for serving students well.

The State Turnaround Office, housed within the Office of School Innovation, was established in January 2011 to support New York State's approved RTTT Scope of Work in the area of persistently lowest-achieving schools. NYSED's creation of the STO was heavily informed and influenced by research and practice work of MassInsight and Public Impact, as well as states with leading next generation accountability systems like Colorado and Massachusetts.

The mission of the STO is to provide a comprehensive system of support for school innovation and the turnaround of low achieving schools. The STO partners closely with NYSED's Office of Accountability and the Office of Curriculum and Instruction and Field Services. The STO has

implemented, and will continue to implement, the following core strategies to support LEAs with Priority Schools:

- Provide LEAs with access to information and models of best practice;
- Create professional communities of practice across the State;
- Connect districts and schools to key change partners and partner organizations; and
- Promote high quality school design through funding and outreach.

In order to build a foundation of support for districts with PLA schools and for successful implementation of SIG plans, the STO has already engaged in a series of focus groups and information sessions designed to assess the current landscape of support, determine current needs, and plan a network of support opportunities to be offered over the next three years. In the past year, STO has held statewide and regional meetings and conducted focus groups targeted at district-level administrators, building-level principals in PLA schools, and external partnership organizations. Additionally, a Web-based survey was issued to all PLA principals to determine priority needs.

As the result of focus groups and the ongoing needs assessment data collected, the STO is planning the following actions for the coming year to support PLA and Priority schools:

- Statewide professional development events for PLA principals and district administrators. These events are being planned in collaboration with NYSED's Offices of Curriculum and Field Services, Accountability, and Special Education and will complement the statewide Network Team trainings.
- A structure of quarterly statewide meetings with district improvement and turnaround offices and NYSED to share information and resources geared toward improving district capacity to support PLA and priority schools and to provide guidance on SIG implementation and partner selection.
- Launch of a web-based communication platform for PLA principals to share information, tools, and resources across districts.
- Creation of statewide guidance on external partner selection and matching.
- Technical support site visits to PLA/priority districts and principals.

There are two Requests for Proposals (RFPs) under development to support districts with PLA and Priority Schools that we expect to issue in summer 2012. First, there is a capacity-building RFP in development designed to provide annual targeted training to district turnaround offices and PLA principals in the implementation of SIG plans. This RFP will complement the work of the statewide Network Team infrastructure, and will focus within the PLA/Priority School context on the three key areas of the statewide professional development platform of the Regents reform agenda (Common Core learning standards, Data-Driven Inquiry, and teacher/leader effectiveness). This work emphasizes and amplifies the State's intention to bring LEAs into a larger role in both the

conversation around individual and institutional accountability, as well as holding a share of accountability for student and school performance.

The second RFP under development will provide external support to NYSED in the areas of on-site school review, NYSED application review and protocol development consultation. Through additional support in these areas, NYSED will be able to meet the demands of the potentially larger number of newly identified PLA and other low-performing schools, public charter schools, and schools that are funded through the School Innovation Fund.

Under the direction of our Board of Regents and Commissioner, NYSED is becoming a more unified organization. Staff and offices are working toward a common vision of effective school and district practice and toward the goal of ensuring unified practice and common goals. Similarly, we believe that creation of a one-stop system of accountability, monitoring, and supports for districts (via Integrated Intervention Teams, Diagnostic Tool for School and District Effectiveness, and the alignment of resources) will clearly articulate to identified schools and districts that systematic change must take place in order for students to be College and Career Ready. This integration of site visits, report production, budgeting, and grant application will greatly increase and enforce the common expectations and vision for effective school and district practice, as well as solidify resources and supports to LEAs and schools.

### **Monitoring**

In order to take action and provide supports to LEAs and schools, NYSED will undertake timely and comprehensive monitoring of schools in the State, including priority and focus schools and districts. Monitoring actions will be linked with transparent reporting, and will be aligned with the Common Conditions for School and District Effectiveness. The updated accountability monitoring proposed in this waiver includes:

- Implementation of a common on-site school and district review, using the Diagnostic Tool for School and District Effectiveness ;
- Updated District reporting;
- School reviews conducted by the Integrated Intervention Teams; and
- Monitoring and Support via Commissioner-appointed site visit teams.

### **On Site Visits**

The primary purpose for the reviews is to provide information to NYSED, the district, and the school related to the school's operations. These operations include curriculum planning, deployment of local and state assessments, professional development for teachers and leaders, and performance evaluations. The assessment reviews, site visits and subsequent reports will gather qualitative and quantitative evidence specifically related to: effective staffing; planning; professional development; curriculum and teaching; student support; transformational leadership; school climate; community engagement; funding sources; and, district support. The evidence will be used to document the school's performance for the purposes of continued SIG and other grant funding, as well as to

determine if the school or district is on a trajectory toward implementing the optimal conditions for learning and best instructional practices.

### **District Comprehensive Improvement Plans**

The District Comprehensive Improvement Plan is an improvement support and intervention strategy for Focus Districts. This strategy is designed to empower districts and give them the support and assistance necessary to take primary responsibility and have greater latitude in developing and implementing improvement strategies to address the needs of Focus Schools. Any comprehensive planning must involve the development of a culture of review and ongoing improvement to guide schools and districts on a continuous journey of improvement. A research-based, reflective self-assessment process provides identified districts with guidance on key factors that affect school success. We envision starting with Districts with Priority Schools and/or Focus Schools, and then expanding this practice to all schools in the State.

Districts with Priority Schools will be required to submit an integrated District Comprehensive Improvement Plan, which, in addition to the areas noted above, defines the school performance objectives for each Priority School over a specified time period. The Plan will:

- Track growth on academic and leading indicators, as defined by the SIG guidelines;
- Require LEAs to address indicators that are lagging; and
- Track progress toward non-negotiable performance targets that LEAs must meet within Priority Schools in order to continue to receive funding.

A summary of how planning requirements will change as a result of the waiver is provided below:

**Comparison of Accountability Systems: Current Approved Differentiated Accountability System v. System Proposed through the ESEA Waiver**

<b>Accountability Status and Required Plans: Approved Differentiated Accountability System, Pre-waiver</b>	
High Performing	No plan required.
Rapidly Improving	No plan required.
In Good Standing	No plan required.
In Improvement	<u>School Level:</u> Comprehensive Education Plan (CEP) Informed by the results of the School Quality Review.
	<u>District Level:</u> District Comprehensive Education Plan (DCEP)
Corrective Action	<u>School Level:</u> CEP Informed by the results of the External Curriculum School Audit.
	<u>District Level:</u> DCEP
Restructuring	<u>School Level:</u> CEP Informed by the Joint Intervention Team Report.
	<u>District Level:</u> DCEP
Districts in need of Improvement	District Comprehensive Education Plan, informed by the results of the District Curriculum Audit.
Persistently Lowest Achieving/ School Under Registration Review	<u>School Level:</u> School Under Registration Review (SURR) plans; in School Improvement Grant (SIG) schools, approved SIG plan with addendums in lieu of SURR plan.
	<u>District Level:</u> DCEP
Public Charter School	<u>Plan driven by accountability status</u>

<b>Accountability Status and Required Plans: System Proposed in the ESEA Flexibility Waiver</b>	
Reward	No plan required.
Recognition	No plan required.
In Good Standing	No plan required.
Local Assistance Plan (LAP)	<u>School Level:</u> Plan format determined by District. Must address identified area.
	<u>District Level:</u> District Local Assistance Plan (DLAP), or District Comprehensive Improvement Plan (DCIP) in Focus Districts.
Focus District/Focus Schools	<u>School Level:</u> CEP Must address identified areas, and findings of Integrated Intervention Team visit using Diagnostic Tool for School and District Effectiveness.
	<u>District Level:</u> DCIP; Consolidated Application aligned to DCIP; DLAP, if only LAP schools;
Priority Schools	<u>School Level:</u> CEP; in SIG schools, approved SIG plan with addendums in lieu of CEP. Must address identified areas, Turnaround Principles or SIG requirements,

	and findings of Integrated Intervention Team. Can be developed with Distinguished Educator.
	<u>District Level: DCIP</u>
Public Charter School	<u>Improvement planning and accountability driven by authorizer oversight and contract with charter authorizer, and point in charter term</u>

ii. Holding LEAs accountable for improving school and student performance, particularly for turning around their Priority Schools

NYSED and the Commissioner have or have proposed multiple levers to hold LEAs and schools accountable for student and organizational performance, including but not limited to:

**Commissioner’s Regulations – SURR**

Pursuant to Commissioner’s Regulation §100.2(p), the Commissioner may recommend that the Board of Regents revoke the registration of any School Under Registration Review that, after three full academic years of implementing a restructuring plan, has not demonstrated sufficient progress. Under this waiver, we propose that the Regents consider amendments to Commissioner’s regulations such that if an LEA fails to meet the Department’s quality bar during the application review process to receive SIG funding for a Priority School, that school may be identified as a School Under Registration Review.

**Proposed Board Intervention Legislation**

In the 2011 and 2012 legislative sessions, the Board of Regents has proposed legislation that would allow NYSED to intervene in chronically underperforming school districts. Specifically, our proposed legislation would permit the Board of Regents and the Commissioner of Education to put school districts into three levels of Academic and/or Fiscal Restructuring Status, with tools and supports to help them get on track and remove them from oversight.

Such tools and supports would include:

- The assistance of Joint School Intervention Teams.
- Requiring these districts to develop a plan with specific, measurable goals. Removal from oversight if plan goals are met for three consecutive school years.
- Giving more troubled districts the assistance of a Distinguished Educator and/or a Fiscal Administrator to review and monitor the district’s operations, including school academic and fiscal systems, structures, projects, operations and facilities, and recommend measures to the board.
- Appoint an independent review team for the most troubled school districts to review the board of education’s actions and/or omissions and make a recommendation to the Board of Regents.

- Upon a determination by the Board of Regents that governance problems are a substantial factor in a district's chronic underperformance, allowing the Regents to appoint a three-member Education Oversight Board with all the powers and duties of the board of education. Such a finding would result in the removal of the board of education and, upon recommendation of the Oversight Board, the superintendent as well. An education oversight board would report directly to the Commissioner and the Board.

### **Ability to Revoke or Non-renew the Charter of a Public Charter School**

The Regents are committed to honoring the public trust and holding public charter schools in New York State accountable. The Regents will do this through closing poor performing public charter schools in the state. The Board of Regents is one of the two active charter authorizers, the other being the State University of New York, legally empowered to approve new public school charters in the State of New York at this time. New York State's 2011-2016 federal Charter Schools Program (CSP) grant has established the New York State Quality Charter Authorizer Partnership, through which the state's charter authorizing entities have agreed to national best practice-authorizing standards for holding charter schools accountable for performance, while respecting autonomy. The Regents have ultimate authority over the 184 operating public charter schools in the state and direct authorizing authority over the 30 operating public charter schools in their portfolio. Over the last two years, the Regents have engaged in an extensive overhaul of the NYSED Charter School Office, housed in the Office of School Innovation. The Charter School Office has engaged in a strategic planning process, re-issued a new Charter Application Kit, and made improvements to site visit and accountability protocols. In 2011, the Regents revoked the charter of a school that they directly authorize. This was the first time in the 12-year history of charter authorizing that the Regents actively engaged in revoking the charter of a school in their portfolio. In 2012, the Regents will consider revoking and/or non-renewing the charters of additional schools in their portfolio.

iii. Ensuring sufficient support for implementation of interventions in priority schools, Focus Schools, and other Title I schools identified under the SEA's differentiated recognition, accountability, and support system (including through leveraging funds the LEA was previously required to reserve under ESEA section 1116(b)(10), SIG funds, and other Federal funds, as permitted, along with State and local resources).

It is NYSED's intention to support districts so that Priority Schools will be successful in implementing selected intervention models and accompanying strategies in systematic ways. To that end, NYSED staff will be working closely with the districts (as described above) to support their progress toward increasing student academic achievement. This will be supported by and integrated with the activities of Network Teams, the Distinguished Educator Program, and the work of the STO under the Office of School Innovation. Additionally, SED will ensure sufficient support for implementation of interventions through the following:

### **Fiscal Consolidation**

Through this waiver, NYSED is proposing to more effectively deploy and monitor federal and state resources to amplify and concentrate resources in our schools and districts that need it the most. In

order to be good stewards of public funds and ensure that they are utilized for students most at risk, NYSED seeks to develop structures that focus all resources on programs and strategies that improve student achievement. In the past, this has meant adding additional grant programs for disparate and disconnected activities. In New York State, this will now mean that systematic planning tools and Integrated Intervention Teams are critical components of this initiative that aids districts in building the capacity to improve the achievement of all students. Human and fiscal resources at the State and local level are clearly leveraged in this system to focus the SEA's effort on building capacity in our schools and districts that need it most.

We must be more strategic about how we plan, integrate, and deploy resources so that comprehensive systematic action plans are carried out in LEAs. We must be clear about our expectations that these systems must focus on what is most important – educating students within effective and efficient systems. Starting in the 2011-12 school year, NYSED has been smarter and more streamlined about how we administer grant programs, looking for efficiencies in how monies can complement each other and amplify intent to make a greater impact in classrooms. We have, for example, effectively been able to “amplify” federal Charter School Program grant funds with SIG funds for the launch of new schools. We have started to look into the number of grant programs administered, and are searching for ways to combine similar initiatives across program offices; and shift grant awards from allocation to competitive awards based on criteria aligned with conditions for school and district effectiveness and the Regents Reform agenda.

By means of this waiver, we are asking to target and focus resources – integrating and aligning so that the field and the SEA are using federal and state resources on efforts and activities aligned with our statewide platform of reform as identified in New York State's RTTT application and in the adoption of the Regents Reform Agenda.

This waiver will allow NYSED to streamline compliance reporting at the same time that we are assuring that identification, intervention and supports are aligned both internally (SEA) and are focused externally (at the LEA or school level). Clear, concise systems will allow both the SEA and LEAs to focus on mechanisms that improve student achievement and produce meaningful data that will continue to drive these systemic improvement initiatives.

Please see Principle 4 for additional examples of burden reduction.

### **SEA Resources**

NYSED seeks to reframe the existing set-asides in ESEA. These funds will be used to support the implementation of the Comprehensive Improvement Plans. Under an approved ESEA waiver, New York State will not require districts to provide SES; rather, districts may choose to continue to do so.

NYSED will revise its grant approval processes to ensure greater alignment in how ESEA Title funds (Title I, Title IIA, and Title III) are used to support implementation of the Regents Reform Agenda.

Beginning in 2012 and contingent on USDE approval of our Flexibility Waiver application, New York State will revise its annual Consolidated Application, which is currently used to disburse federal

funds to LEAs. New York State will maintain the risk-based approach by which it currently receives and accepts Consolidated Applications from LEAs whose schools are in good fiscal and academic health.

The new application process will allow LEAs whose schools are in good fiscal and academic health to submit a significantly abbreviated application that includes all of their required assurances. These assurances will affirm their intention to comply with all existing program requirements and regulations, as well as a program plan that demonstrates how the use of allocated funds will be aligned to the Regents Reform Agenda and systematic improvement of schools and school districts. Required activities will include implementation of the Common Core State Standards, Data-Driven Instruction and practices, and Teacher and Principal effectiveness initiatives. More specifically, the assurances will address how the LEA's educational plan will embed the 12 Instructional Shifts, (6 in ELA and 6 in mathematics) as currently described in the Common Core State Standards, into the educational program. Additionally, the fiscal components of the application, budget narrative, and FS-10 form will require the LEA to demonstrate how the proposed program activities being funded are aligned to the educational plan and communicate how the activities will have a positive impact on student achievement within Title areas.

Districts will be required to offer public school choice for students attending either Title I Priority or Focus Schools. However, as noted above, New York State seeks to no longer require districts to offer SES or set aside a portion of the district's Title I allocation to pay for SES. However, districts can choose to offer SES and pay for the services using Title I funds. New York State intends to advance legislation to expand choice options to include BOCES programs specifically for CTE programming.

Under the current system, districts are required to set aside a percentage of their Title I allocation for SES and Public School Choice (20%); professional development at identified schools (10%); and for parent involvement activities (1%). New York State seeks to have these set-asides eliminated and replaced by two new set-asides.

- Districts will be required to set aside an amount equal to between 5 percent and 15 percent of the total Title I; Title IIA; and Title III allocations (if identified for the performance of the district's English language learners) based on student enrollment in Priority and Focus Schools, to provide State-approved programs and services in these schools. This will allow for a statewide economy of scale.
- Districts will be required to set aside an amount equal to up to 2 percent of the total Title I allocation, based on student enrollment in Priority and Focus Schools, for parent involvement and engagement activities. This will provide greater support for robust parent engagement. The plans for this set-aside must be made in collaboration with the district's parent organization leadership.

Consistent with USDE's ESEA Flexibility guidelines, no statutory or regulatory requirements related to the equitable participation of private school students and teachers in Title I programs may be waived. Accordingly, nothing in the Department's ESEA waiver request will affect any

applicable obligations governing the equitable participation of students enrolled in private elementary and secondary schools in the State's Title I program

As an incentive to adopt whole school reform models that align with the Regents Reform Agenda, New York State will offer districts with low-performing and Focus Schools the opportunity to compete for a School Innovation Fund grant. The purposes of the School Innovation Fund are to increase high school graduation, college persistence, and college graduation rates by increasing the availability of new high quality seats for students at most risk for dropout, disengagement, and poor academic performance. Through this grant application, NYSED will identify LEAs and key partner organizations that are jointly committed to the rigorous work required to redesign and turn schools into high-performing, high-quality organizations. Eligible LEAs must collaborate with partner organizations on proposals to launch whole new schools or a total re-design of an existing school within any one of the following design frameworks:

- College Pathways School Design;
- Full-Service (wrap-around services) Design;
- Arts and/or Cultural Education School Design;
- Industry Partnership Design;
- Dual language and New Comer Schools;
- Virtual/Blended/Online School Design; and
- Education Partnership Organization/Charter Management Organization (EPO/CMO) Design.

Commitment and capacity to support dramatic whole-school change, from beginning to end, can be fully embedded within essential district – external partner relationships for new school launch / school redesign. With the right match of district and external partners, school systems, structures, and supports, school and district plans will be cohesively and fully integrated into the fabric of the comprehensive educational program, increasing the likelihood of sustainability and student success.

In addition to the School Innovation Fund, New York State is providing additional incentives for LEAs to voluntarily implement bold new education options that significantly increase student achievement in low-performing schools. NYSED has extended the reach of intervention efforts by fostering innovative schools and practices through the creation of opportunities for virtual and blended learning, the recognition of successful innovations through the Commissioner's Schools<sup>31</sup>

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<sup>31</sup> The Commissioner's Schools program provides a mechanism to acknowledge Reward Schools that have leveraged school autonomies, innovation, and accountability to raise student academic achievement and create streamlined, efficient operational programs. These schools will be "Commissioner's Schools" and will receive special recognition by the Department for their efforts and successes. Commissioner's Schools will be successful examples of autonomy, accountability, and performance. Through conferences, webinars, and public television programs, these schools will be highlighted as leaders in New York and the nation, showcasing how schools that are responsive and adaptable transform into successful organizations that meet the needs of students. Commissioner's Schools will share best practices for increasing student achievement within all student groups, and in every context. Through RTTT funding, NYSED will make available dissemination grants to Commissioner's Schools and planning grants to schools wishing to replicate a Commissioner's School model.

program, which is closely linked to our new classification of Rewards Schools (see 2.C.i), and the implementation of a regulatory variance process to remove barriers to innovation. In order to sustain and scale up effective school interventions, NYSED is exploring funding innovative new school models in collaboration with higher education institutions, local leaders in business and industry, full service school partners, and other organizations. These innovations will target at-risk students, and will be designed to dramatically increase graduation rates in targeted schools, particularly in large urban high schools.

### **Expanded Learning Time and 21st Century Community Learning Center Funds**

The NYSED is applying for the optional waiver to utilize 21st CCLC funds to incorporate expanded learning time into the redesign of the school, day, and/or week, especially for priority schools. NYSED is committed to upholding the core principles of exemplary expanded learning opportunities and believes that these opportunities can be achieved both during the school day and afterschool, through comprehensive strategic planning, with input from community partners. The use of 21C funding under the ESEA waiver will embody these core principles and will provide for the goals of 21C programs to be met both during and after school. Furthermore, the NYSED recognizes that expanded learning opportunities, including high-quality afterschool, summer, and other expanded learning time approaches are an essential dimension of an education system that supports student success in school, work, and life. For schools to succeed, they must partner with families and the community to harness the human and financial resources of the education and human services sectors in order to significantly improve outcomes for children. NYSED further recognizes that active parent involvement in their children's education is a factor in student success, and community-based organizations partnering with schools on expanded learning opportunities and comprehensive school turnaround can help facilitate that involvement.

Since 2003, a percentage of 21<sup>st</sup> CCLC funding in New York State has been allocated to schools identified for improvement. In the next 21st CCLC Request for Proposal, NYSED will continue to allocate a percentage of available funds to Priority Schools while ensuring that funds will also be available to support programs in eligible schools that are not in priority status. All Priority Schools, regardless of whether they receive 21<sup>st</sup> CCLC funding, will incorporate expanded learning opportunities into their reform plans. This includes additional time for student learning and may also include opportunities for teachers to collaborate with each other and with community partners.

Consistent with principles in the Elementary and Secondary Education Reauthorization Act of 2011 as reported by the U.S. Senate Committee on Health, Education, Labor and Pensions on October 20, 2011, NYSED will allow multiple options to expand learning time, including before school, after school, summer learning programs, expanded learning programs, and comprehensive school redesigns for all schools receiving funding under the 21<sup>st</sup> CCLC grant. Models must be implemented through a partnership that includes one or more nonprofit organizations with a demonstrated record of success in designing and implementing before school, after school, summer learning, or expanded learning time activities. Either partner (the local educational agency or the nonprofit organization) can be the lead fiscal agent for 21st CCLC grants.

Community-based partners bring a wealth of distinct approaches that support academic enrichment as well as social and emotional growth, which is essential to academic achievement. Community partners complement the instructional approaches of teachers by customizing experiences that build background knowledge and allow students to activate learning, while also building the foundational skills for success in school, college, and careers.

The next 21st CCLC Request for Proposals will allow a range of models and approaches, provided that any specific model a school, community, or district considers for implementation embodies the research-based principles of exemplary expanded learning opportunities that improve students' academic, social, and emotional outcomes. Within that framework, the Request For Proposal will allow additional hours of learning time as well as additional collaborative planning time and professional development for teachers and community partners who provide expanded learning for 21st Century Community Learning Center program recipients. Proposed program models will be directly related to the three tenets of 21<sup>st</sup> CCLC programming: academic enrichment, youth development and family literacy/engagement.

21<sup>st</sup> CCLC programs should enrich and complement, not duplicate, what is happening during the traditional school day. Activities must be high quality; reflect the significant body of research and practice in successful summer and after-school initiatives; meet specific student needs and deliver measurable results. Programs must include high-quality, community-based partners that have a track record of providing similar services and demonstrating positive results.

NYSED will incorporate into the RFP as “Quality Indicators that Evidence Turnaround Principle/SIG Requirements Implementation” that the school will use additional time and/or expanded learning time to:

- support the school’s overall academic focus.
- accelerate and enrich learning in core academic subjects by making meaningful improvements to the quality of instruction in support of school-wide achievement goals.
- partner with a high-quality community partner, to offer enrichment opportunities that align with state standards, build student skills and interests, and deepen student engagement in school/learning in support of school-wide achievement goals.
- build a professional culture of teacher leadership and collaboration (e.g., designated collaborative planning time, on-site targeted professional development, coordination with community partners) focused on strengthening instructional practice and enrichment opportunities and meeting school-wide achievement goals.

The school in using additional time should:

- Include a high-quality, high-capacity community-based partner;
- Ensure the integration of academics, enrichment, and skill development through hands-on experiences that make learning relevant and engaging;

- Offer a range of activities that capture student interest and strengthen student engagement in learning, which promotes higher attendance, reduces risk for retention or drop out, and promotes graduation; and
- Actively addresses the unique learning needs and interests of all types of students, especially those who may benefit from approaches and experiences not offered in the traditional classroom setting.

Finally, the NYSED will require that the next Request for Proposals reflects and embodies the principles of exemplary expanded learning opportunities that include:

- Essential outcomes that include academic and youth development outcomes that affect short- and long-term success in school. These include academic, social and emotional, health and wellness, and college and career readiness measures.
- Engaged learning for students that includes hands-on, school-linked activities that reflect a well-rounded curriculum in formal or informal settings. Learning needs to reflect an appropriate mix of remediation for specific students, and enrichment and acceleration for all program participants.
- Meaningful partnerships between schools and high-quality, high-capacity community organizations, especially in the domains of delivering relevant and engaging learning opportunities, planning and preparation, information and data sharing, and joint professional development.
- Significantly more learning time before, during, and after school, as well as in the summer, in a way that matches students' needs with their interests and results in positive impacts on attendance, engagement, and academics, all of which are critical to student success.
- Systemic quality and effectiveness that ensures programs are cost-effective and purposeful, target resources properly, and operate with a clear approach to program quality standards.
- Family engagement that creates meaningful opportunities for families to be active participants and in student experiences in ways that deepens their connections to curriculum, teaching and learning, and the programs in which their children participate.

## **Principle 2 Conclusion**

As articulated throughout this application and in this section, New York State has a comprehensive, robust plan to support districts as they work with their schools to put in place best practices and create the optimal conditions for learning. This plan includes incorporating into New York State's accountability system a growth component and standards that are better aligned with college- and career-readiness, creating a more coherent system of classification of school and districts, and better aligning supports and interventions for identified schools and districts with key components of the Regents Reform Agenda. The plan further calls for developing a uniform diagnostic tool for statewide use beginning in the 2012-13 school year that identifies a school's or district's proximity to the State's optimal conditions for effective schools and districts, revising New York State's

consolidated application for Federal funding and building upon our experiences and knowledge of working with struggling schools to develop a comprehensive plan to provide interventions via targeted technical assistance and support by way of professional development opportunities to schools and districts.

The accountability system described in Principle 2 is not the culmination of New York's work to build its next generation system, but rather the next logical step in a continuing process to anchor our work to the goal of college and career readiness for all students graduating New York's high schools. We expect in coming years to be able to incorporate into our accountability system additional measures of school and district success that expand beyond ELA, mathematics, and science and the boundaries of elementary, middle, and secondary education.

In carrying out our plan, we will build the capacity of districts to support school turnaround; ensure that low-performing schools engage in whole-school reform in collaboration with high quality external providers; match supports and interventions to the needs of schools and districts, and work to sustain improvements in schools over time. By doing these things, we will make significant progress towards our goal of ensuring that every student in New York State graduates high school college and career ready.

## PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

### 3.A DEVELOP AND ADOPT GUIDELINES FOR LOCAL TEACHER AND PRINCIPAL EVALUATION AND SUPPORT SYSTEMS

Select the option that pertains to the SEA and provide the corresponding description and evidence, as appropriate, for the option selected.

Option A

If the SEA has not already developed and adopted all of the guidelines consistent with Principle 3, provide:

- i. the SEA's plan to develop and adopt guidelines for local teacher and principal evaluation and support systems by the end of the 2011-12 school year;
- ii. a description of the process the SEA will use to involve teachers and principals in the development of these guidelines; and
- iii. an assurance that the SEA will submit to the Department a copy of the guidelines that it will adopt by the end of the 2011-12 school year (see Assurance 14).

Option B

If the SEA has developed and adopted all of the guidelines consistent with Principle 3, provide:

- i. a copy of the guidelines the SEA has adopted (Attachment 10) and an explanation of how these guidelines are likely to lead to the development of evaluation and support systems that improve student achievement and the quality of instruction for students;
- ii. evidence of the adoption of the guidelines (Attachment 11); and
- iii. a description of the process the SEA used to involve teachers and principals in the development of these guidelines.

New York State recognizes the importance of having effective teachers and leaders in every classroom and school throughout the State. It is because of this that we began the process of reforming the State's system of teacher and school leader evaluation, while also planning a comprehensive, complementary set of reforms that will help attract, develop, and retain effective teachers and principals and ensure that they are equitably distributed throughout the State.

In designing and implementing teacher and principal evaluation and support systems, the State has had to balance the importance of local context and decision-making authority with the need to ensure that evaluations conducted statewide include design elements that research shows lead to improved teacher practice and student learning. While districts have the flexibility to make a number of decisions locally, the system's key components are required:

- annual evaluations for all classroom teachers and building principals;
- use of multiple measures of effectiveness, including observation against established professional standards;
- significant focus on student growth and achievement;
- differentiated overall performance using four summative rating categories;
- support and timely feedback to educators to enable improvement of their practice; and

- use of evaluation results as a significant factor in teacher and principal development and employment decisions.

The teacher and principal evaluation legislation that was signed into law on May 28, 2010 (Education Law §3012-c) and the Commissioner’s regulations adopted in May 2011 reflect the balance between these required elements and local flexibility. Subsequent to their adoption by the Board of Regents, the regulations were challenged on several grounds, including that the State exceeded its statutory authority in promulgating them, in litigation by the State teachers’ union (NYSUT), slowing progress on implementation for almost a year. On February 16, 2012, Governor Andrew Cuomo, the Board of Regents, NYSED, NYSUT and New York City’s teachers’ union, the UFT, announced an agreement to end the litigation. The Governor immediately filed new statutory language codifying the agreement as part of the 30-day budget amendment process. See Attachment 9 for the current and proposed guidelines. See Attachment 10 for evidence of adoption of the current guidelines and note page 5 of the summary of the May 2011 Board of Regents meeting at which the regulations to implement §3012-C were adopted.

In light of these developments, SED will publish draft revisions to the regulations following the expected March or April passage of the budget, which we anticipate will include the revised statutory language. In accordance with State law, public comment on the regulations will be accepted and considered, and, depending on timing of the enactment of the new legislation during the State budget process, the revised regulations will be presented to the Board of Regents for consideration and approval, possibly at its April meeting. In the meantime, the current regulations apply. The rest of this document describes NY’s evaluation system, including any new elements and requirements arising from the settlement, new statute and anticipated regulations. New York State will keep USDE informed of the progress of the steps required to enact final regulations and any further changes required due to legislative action, public comment or Board of Regents action.

New York State Education Law §3012-c requires a new annual professional performance review (APPR) system for teachers and principals in school districts and boards of cooperative educational services (BOCES)<sup>32</sup>. The statute requires implementation of the new system for teachers of grades 4-8 ELA and mathematics and their building principals beginning in the 2011-12 school year. The following year, all teachers and principals will be subject to the new system

Under the law, New York State will differentiate teacher and principal effectiveness using four rating categories – Highly Effective, Effective, Developing, and Ineffective (referred to as the “HEDI rating categories”). Specifically, Education Law §3012-c(2)(a) requires APPRs to result in a single composite teacher or principal effectiveness score, which incorporates multiple measures of effectiveness.

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<sup>32</sup> In New York State, a BOCES is one of 37 regionally-based public organizations that provide shared educational and operational services to school districts, acting as educational service organizations within the meaning of the ESEA. BOCES also operate a number of instructional programs including career and technical education (CTE) programs, specialized programs for students with disabilities, etc., that are also subject to the new evaluation system. In this Request, BOCES are referenced at times in their role as operators of instructional programs where they have similar responsibilities for instructional programming and student learning that Districts have. BOCES also play an important role providing professional development and other services to “component” Districts in their Regions. Under Race to the Top, BOCES house “network teams” of seasoned educators charged with training and support for Districts, schools and teachers around the entire Regents Reform Agenda and many activities described in principles 1,2 and 3 in this Request.

- Student achievement measures – 40 percent of composite effectiveness score
  - 20 percent is based on student growth on State assessments or other comparable measures of student growth if such growth data are not available (increased to 25 percent upon implementation of a value-added growth model in 2012-13 or thereafter); and
  - 20 percent is based on locally-selected measures of student achievement that are determined to be rigorous and comparable across classrooms (decreased to 15 percent upon implementation of a value-added growth model in 2012-13 or thereafter)
- Other measures of effectiveness – 60 percent of evaluation
  - The remaining 60 percent is based on other measures of teacher/principal effectiveness, using an evaluation rubric aligned with the relevant standards (i.e., New York State Teaching Standards or ISLLC 2008 Standards), and includes multiple classroom observations and can include other measurement approaches such as observations by independent evaluators, surveys of students, parents, or (for principals) teachers, or structured reviews of teacher artifacts of practice.

See response to question 3.A.ii, below, for a detailed explanation of New York State’s teacher and principal evaluation system and how it meets the criteria of Principle 3.

See response to question 3.B for a description of New York State’s process for ensuring high-quality implementation of the system.

Note: In New York State, public charter schools are considered LEAs for many aspects of accountability purposes. Charter school accountability is guided by Article 56, the Charter Schools Act, and the performance contracts that charter school governing boards enter into with their authorizers. Local decisions such as staffing are a hallmark of charter school autonomy. New York has worked diligently to protect charter school autonomy, while holding these LEAs to high performance standards and expecting these public schools to embrace the Regents’ Reform Agenda.

- Unionized charter schools - Education Law §3012-c and the implementing Commissioner’s regulations apply to public charter schools that are unionized and collectively bargain their contracts.
- Non-unionized charter schools - New York State expects non-unionized public charter schools to create and implement evaluation and support systems for leaders and teachers that is based, in part, on student academic achievement; and is aligned with the broad theory of action behind Education Law §3012-c, Commissioner’s regulations adopted in May 2011, and the Governor’s proposed regulatory language. Charter schools must comply with all data collection and reporting requirements as determined by our Information and Reporting Systems Office; including reporting out on the four HEDI rating categories. IRS regularly updates reporting requirements through field memos (<http://www.p12.nysed.gov/irs/sirs/documentation/guidance-Teacher-n-Courses.html>)

### **3.A.i.(C)(ii): Evidence of the Adoption of the Guidelines**

See Attachment 9 for the current and proposed guidelines. See Attachment 10 for evidence of adoption of the current guidelines and note page 5 of the summary of the May 2011 Board of Regents meeting at which the regulations to implement §3012-C were adopted.

Following the Board of Regents May 2011 adoption of the regulations, the State has worked to establish policies and provide guidance and technical assistance to ensure that all measures used in evaluations by individual Local Educational Agencies (LEAs) are valid and reliable. Given New York State's strong emphasis on local control and the need for districts to collectively bargain many aspects of our evaluation system, the State has sought to provide as much guidance and support as possible to assist districts in doing so while meeting the requirements of law and regulation. With the revisions based on our February 2012 settlement, the range of allowable local options is now more focused in order to increase rigor and simplify choices for LEAs. As we complete the revisions to regulations and guidance required by the anticipated statutory amendments, SED's efforts to support implementation will redouble. Our role here includes:

- approving locally-selected 3rd party assessments, educator practice rubrics and survey tools to collect student, parent and teacher feedback;
- developing statewide measures of student growth;
- determining how growth will be measured in subjects where State assessments do not exist;
- delivering training and rich web-based toolkits of resources to regionally-based "network teams" comprised of over 700 educators who will provide turn-key local training; and
- providing ongoing guidance and technical support to districts as they plan their systems.

The vast majority of LEAs (91%) and collective bargaining units in the State formally committed to implementation of the new system by 2013-14 when they signed on to the State's RTTT plan. Timely district implementation of the new system is a requirement of several major grant programs – including the RTTT district allocations, Teacher Incentive Fund (TIF), SIG, NYSED-issued RFPs under RTTT (e.g., School Innovation Fund (SIF), Model Induction Programs, etc.), and the Governor's School District Performance Improvement Awards<sup>33</sup> initiative.

In January 2012, the Commissioner formally suspended SIG funds from the 2011-12 school year grant for all 10 Districts receiving these funds because none had successfully produced documentation of complete agreements to implement the new evaluation system in their SIG schools in 2011-12. The NYSUT litigation and other issues around completing §3012-c collective bargaining, especially in the largest districts, also contributed to USED's warning to New York State

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<sup>33</sup> Governor Cuomo's School District Performance Improvement Awards program, launched in fall 2011, is designed to transform New York State's education system by incentivizing student achievement and encouraging school districts to implement innovative reforms to improve student performance. The performance awards will be granted to school districts in the state that have demonstrated the most success in increasing student performance, narrowing the achievement gap, and increasing academic performance among students with the greatest educational needs. The awards will also be available to school districts that exhibit the greatest potential for continued improvements in student performance. Up to \$75 million in grants will be distributed over the next three years, with additional awards to be distributed in future years.

in January 2012 that the State's RTTT grant could be at risk unless implementation of evaluation systems accelerated. In January, Governor Andrew Cuomo, in his 2012 Executive Budget address, stated that if agreement was not reached within 30 days, he would use his authority to submit a 30-day budget amendment provision that would impose needed changes to the existing evaluation statute. As an additional incentive, he tied two years of 4 percent increases in State aid to district implementation of the new teacher and principal evaluation systems. This move added an additional \$805MM incentive for districts to complete evaluation deals with their collective bargaining agents.

As noted above, on February 16, 2012, a settlement agreement was reached and Governor Cuomo immediately filed new statutory language codifying the agreement as part of the 30-day budget amendment process (see Attachment 9).

The settlement left much of the original structure of NY's system, as described in the May 2011 regulations, in place while strengthening key provisions and removing the uncertainty caused by pending litigation. This clarity, soon to be codified in statute, coupled with the substantial financial incentives tied to 2012-13 implementations of evaluation agreements, will accelerate Districts toward completion.

### **3.A.i.(C)(iii): A Description of the Process the SEA used to Involve Teachers and Principals in the Development of the Regulations Supporting Education Law §3012-c**

Both the 2010 legislation creating New York State's new teacher and principal evaluation system and the May 2011 regulations to implement the new law were developed with substantial stakeholder involvement.

The May 2010 legislation was the culmination of extended and thoughtful discussion between NYSED leadership and the leaders of the State's teachers' unions along with other key stakeholders. State officials and union leaders jointly hailed passage of the legislation as an advance for both students and educators. The legislation laid the fundamental framework for a system based on multiple measures that incorporates student learning as a significant factor and differentiated educator performance on four performance levels, with a primary focus on use for instructional improvement. Evaluations must also be a significant factor in educator development and employment decisions.

As required by Education Law §3012-c, NYSED convened an advisory committee drawn from the ranks of teachers, principals, superintendents of schools, school boards, school districts and BOCES officials, the unions representing teachers and administrators, representatives from educator preparation programs, as well as research advisers, NYSED staff, Regents Research Fund Fellows, and other interested parties, to aid in development of the regulations. This group of more than 60 members<sup>34</sup>, known as the Regents Task Force on Teacher and Principal Effectiveness ("Task Force"), began meeting in September 2010, and the recommendations they released in April 2011 were largely incorporated into the regulations that the Board of Regents adopted in May 2011 (see [Report of the Regents Task Force on Teacher and Principal Effectiveness](#)). The regulations establish

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<sup>34</sup> [Appendix A—List of Task Force Members and Workgroup Assignments](#)

criteria and standards for each of the multiple measures and for determining educator summative ratings, and set requirements for training of evaluators.

The Task Force met at least monthly until the regulations were adopted (see Attachment 13, Timeline of Task Force Meetings). Subgroups focused on different aspects of the system (growth measures, teacher practice measures, principal evaluation, “non-tested subjects,” etc.), so that expertise in each area could be leveraged for the benefit of the whole group. Throughout its deliberations, the Task Force has been supported by the active participation of teams of research advisors, and numerous experts have made presentations to the group. Research and best practice examples were disseminated and discussed at length, both in person and via a collaborative online workspace.

During the 2011-12 school year, the Task Force has continued to meet at least quarterly to advise NYSED and the Board. By statute, the Task Force has a continuing consultative role in NYSED’s development of the value-added models to be used in the student growth component of teacher and principal evaluation. NYSED has also asked the Task Force to advise on implementation of the new system, particularly with regard to training; locally selected measures of student achievement; measures of student growth in grades and subjects where no State-provided growth measure exists; and special issues for teachers of English language learners and students with disabilities.

One recommendation of the Task Force, adopted into the May 2011 regulations, was to base 60 percent of a teacher’s evaluation on the [New York State Teaching Standards](#), which were themselves developed over the course of a year in a collaborative process similar to that of the Task Force (see Appendix 14, participant list and meeting schedule). The New York State Teaching Standards workgroup was comprised of over 43 stakeholders from all sectors of education, including teachers, principals, New York State United Teachers (NYSUT), deans of teacher preparation from public and private institutions, faculty, parent organizations, educational managers, and NYSED staff from P-12 and the Office of Higher Education.

Similarly, for principal evaluations, the Task Force chose to draw heavily from the work of a [previous statewide task force, supported by a grant from the Wallace Foundation](#), to shape a cohesive system of support for leadership development, evaluation, and retention (see Attachment 15).

As noted in the introduction of the final report of the Task Force:

*“This new system will be a comprehensive restructuring of how teachers and principals are evaluated and New York State is leading the way. It is all new, and there is no existing, comparable system that can provide a blue-print for us to follow. What we do know, and all stakeholders share, is the understanding that the new system must be fair, transparent and result in meaningful evaluations for teachers and principals. It must be comprehensible to those being evaluated and also to the public. While there is an ideal and a vision to our work, there is also a practical aspect in its implementation. For meaningful reform to occur, it must be flexible to ensure it is embraced at the local level. We know that no two districts are alike in population, geography, size, capacity, or economics. The collaborative approach used by the Task Force to reach consensus is a model for how the new evaluation system should be implemented in our schools. With clear and ambitious definitions, rigorous rubrics aligned to New York Teaching Standards or grounded in the Interstate School*

*Leaders Licensure Consortium (ISLLC) standards for principals, and the integrity of professional educators, we can implement a meaningful evaluation system.”*

### **Section 3A: Design of New York’s State’s Evaluation System and Supports for Instructional Improvement.**

#### **3.A.ii.a Purpose: Continual Instructional Improvement**

As detailed in New York’s successful RTTT application, NYSED sees the primary purposes of the new evaluation system as (1) improving teaching and learning and (2) fostering a culture of continual professional growth by providing teachers with meaningful feedback on their practice. Education Law §3012-c(1) requires that evaluation results be “*a significant factor in teacher and principal development, including ... coaching, induction support, and differentiated professional development.*”

New York State has adopted a system based on multiple measures in which educators are assessed annually within three subcomponents (student growth on state assessments or other comparable measures; locally-selected measures of student achievement; and other measures of teacher and principal effectiveness) and given, for each subcomponent, one of four ratings (Highly Effective, Effective, Developing, or Ineffective (HEDI)). The results of the three subcomponents will combine into a single composite score and associated HEDI rating to be assigned to each educator.

By including multiple measures – both quantitative measures of student learning and other, more diagnostic assessments of educator practice – New York State’s system ensures that educators will receive a variety of feedback about their practice and how to improve. The 60 percent “other measures of teacher and principal effectiveness” subcomponent relies on observation and other assessments of professional practice against a rubric from a State-approved list that is aligned with either the NYS Teaching Standards or, for principals, the ISLLC 2008 leadership standards. In the 2012 agreement, the State will now require that at least a majority of the 60 points be assigned to multiple observations of classroom practice by principals or other trained administrators, and that at least one observation be unannounced. As part of the process of assessment, evaluators are required to give feedback and support, which are essential to improving instructional practice. This recommendation is grounded in research that supports the use of multiple and rigorously designed classroom observations as an effective means of evaluating teacher performance.<sup>35</sup>

#### **3.A.ii.b: Differentiating Performance into Four Performance Levels and the Role of Student Growth Measures in Performance Level Descriptions.**

Under New York State’s new evaluation system, each educator will receive a numerical score for each subcomponent, a composite score, and an overall performance rating in one of the four HEDI categories (Highly Effective, Effective, Developing or Ineffective). Districts will be required to

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<sup>35</sup> The Measures of Effective Teaching (2012). *Gathering Feedback for Teaching: Combining High-Quality Observations with Student Surveys and Achievement Gains*. Seattle, WA: Bill & Melinda Gates Foundation. Retrieved from: [http://www.metproject.org/downloads/MET\\_Gathering\\_Feedback\\_Research\\_Paper.pdf](http://www.metproject.org/downloads/MET_Gathering_Feedback_Research_Paper.pdf)

report to these scores via NYSED’s data system, and this information will feed into the State’s monitoring protocol, described in Section 3B.

The proposed new legislation would set in statute minimum and maximum scoring ranges in each of the rating categories (Highly Effective, Effective, Developing, Ineffective) for the 2011-12 and 2012-13 school years. The proposed statute now explicitly requires that an educator who earns an Ineffective rating on both of the student learning subcomponents must receive a composite rating of Ineffective.

2011-12 and for 2012-13 where no State-provided growth measure applies	Measures of student growth	Local measures of student achievement	Other 60 Points	Overall composite score
Ineffective	0 – 2	0 – 2	Ranges determined locally	0 – 64
Developing	3 – 8	3 – 8		65 – 74
Effective	9 – 17	9 – 17		75 – 90
Highly Effective	18 – 20	18 – 20		91 – 100

The proposed new legislation would establish scoring bands to apply to those teachers and principals for whom a State-provided value-added growth measure will apply in 2012-13. For these educators, the student growth subcomponent will be worth a maximum of 25 points, with the local subcomponent being reduced to a maximum of 15 points. These scoring bands are below:

2012-13 for educators WITH a State-provided value-added measure	Measures of student growth	Local measures of student achievement	Other 60 Points	Overall composite score
Ineffective	0 – 2	0 – 2	Ranges determined locally	0 – 64
Developing	3 – 9	3 – 7		65 – 74
Effective	10 – 21	8 – 13		75 – 90
Highly Effective	22 – 25	14 – 15		91 – 100

For the 2013-14 school year and annually thereafter, The Commissioner can recommend to the Board of Regents refinements and calibrations to the bands/scoring ranges as needed, based on NYSED’s monitoring and data analysis. NYSED will monitor scoring to identify schools, districts, or BOCES with unacceptably low correlation results between overall composite scores and the student growth subcomponent (see Section 3B for more detail on monitoring).

While the State sets scoring bands, as described above, Districts still have local decisions to make with their collective bargaining units around how to assign points to educators based on results of the local assessments and “other measures” Subcomponents. For example, Districts must agree locally on how to determine the level of performance on a district’s benchmark assessment of ELA or Math that constitutes “effective” practice for teachers, or how to use a teacher practice rubric to assign from 0-60 points to a teacher. To ensure reliable scoring (as recommended by the Regents Task Force), the numerical scoring ranges are accompanied by narrative performance level descriptions that define Highly Effective, Effective, Developing and Ineffective (HEDI) for each

subcomponent, as summarized in the table below (see [Report of the Regents Task Force on Teacher and Principal Effectiveness](#), p. 68). The February 2012 proposed amendments to the evaluation statute specify that local agreements must make it possible for educators to earn any possible points, including 0, in a subcategory and in the overall rating categories and requiring superintendents and union leaders to certify that the standards defining the HEDI scoring categories will be used to differentiate performance in each of the subcomponents and in the overall ratings to improve student learning and instruction. In addition, the Commissioner would now have the statutory authority to reject District APPR plans that do not rigorously adhere to the statute and applicable regulations.

**Table 1. Performance level descriptions for subcomponents**

<b>Level</b>	<b>State Assessment Growth (20 points in 2011-12; 25 points upon Regents approval of value-added model)</b>	<b>Local assessment growth or achievement (20 points in 2011-12; 15 points upon Regents approval of value-added model)</b>	<b>Other (Teacher and Leader standards (60 points))</b>
Ineffective	Results are well-below state average for similar students (or district goals if no State test).	Results are well-below District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results do not meet standards.
Developing	Results are below state average for similar students (or district goals if no State test).	Results are below District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results need improvement in order to meet standards.
Effective	Results meet state average for similar students (or district goals if no State test).	Results meet District or BOCES-adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results meet standards.
Highly Effective	Results are well-above state average for similar students (or district goals if no State test).	Results are well-above District or BOCES -adopted expectations for growth or achievement of student learning standards for grade/subject.	Overall performance and results exceed standards.

The State will provide training to Network Teams and districts about how to arrive at valid and reliable judgments about educator effectiveness. Training will involve practice in reaching decisions about the level of teacher or principal performance represented by the evidence (be it an observation, assessment results, student learning objectives, etc.) and incorporating their assessments into sample HEDI scoring models. Participants will then adapt this knowledge to introduce

the evaluators they are training to the decisions made locally about how points are to be awarded to individual educators based on locally-selected measures of student learning or educator practice. It is important to note that an educator may perform at different levels for each of the three subcomponents. The numerical subcomponent scores are the basis for calculating the composite score and assigning the overall rating.

### **3.A.II.c(I-II): Guidelines and Process For Ensuring Multiple Valid Measures**

In this section, we will describe the State’s processes for ensuring that all measures included in determining performance levels are valid measures, are clearly related to increasing student academic achievement and school performance and are implemented in a consistent and high-quality manner across schools within an LEA. This section is organized by the three subcomponents of our evaluation system, the 60 percent “other” measures of teacher and principal effectiveness; student growth on state assessment or other comparable measures; and locally-selected measures of student achievement. We specifically address students with disabilities and English language learners, and how their teachers and principals are accountable for their learning and assessed on the practices that have proven successful with these students. We will address training of evaluators in question 3B.

#### **60 Percent “Other Measures”**

For the largest category of educator evaluation, the 60 percent “other measures” subcomponent, New York State’s regulations require that evaluators assess teachers against the New York State Teaching Standards. The Standards (and the elements and performance indicators that they comprise) include explicit focus on skills and practices that have been shown in research to relate to student achievement.

While New York State’s system requires use of common standards statewide, our regulations permit some choice by local districts among specific teacher or principal practice rubrics approved by NYSED. To ensure comparability across schools in a District, Districts must utilize the same rubric for all classroom teachers in a specific grade/subject and all building principals across the district or BOCES. To ensure that these rubrics lead to valid assessments of teacher or principal practice, New York State has developed a list of approved, expert-developed practice rubrics from which districts may choose. Each rubric on the list has been screened through a rigorous “request for qualifications” process to ensure that it is aligned with State standards for teacher and principal practice, has a solid research basis and is likely to lead to differentiated assessments of educator practice that promote student learning. The current lists of approved rubrics can be found at <http://usny.nysed.gov/rttt/teachers-leaders/practicrubrics/home.html>.

In addition, our regulations include a variance process for districts that want to use an existing rubric or a new, innovative rubric that is NOT on the approved list. Such variances may be granted if the rubric meets the same criteria for research-basis and alignment to NYS teaching or leadership standards set for the State-approved list of rubrics. In addition, Districts have to prove that they are seeking a variance for a rubric in which the District has made a significant investment and has a history of use that would justify continuing the use of the rubric. Alternatively, Districts may request a variance for a new, “innovative approach to assessing practice that could be conditionally

approved based on its research basis until further data about its use in practice could be collected” (see [Teacher and Principal Practice Rubric Variance Application](#)). To date, few districts with self-developed or adapted rubrics have met the high bar that NYSED set for variances.

In the February 2012 statutory additions and related new guidance, several important requirements were confirmed that will ensure more consistently valid and reliable measures across Districts in this collectively-bargained subcomponent. Now, at least a majority of the 60 points for teachers must be based on the results of multiple classroom observations by principals or other trained administrators, at least one of which must be unannounced. Any remaining points may be assigned to a limited list of additional research-based options including observations by trained evaluators independent of the school, trained in-school peer observers, state-approved surveys of students or families, and structured reviews of lesson plans, student portfolios and teacher artifacts.

Evaluations of principals will follow a similar framework. At least a majority of the 60 points must be based on multiple school visits by supervisors or other trained administrators (at least one visit must be unannounced and at least one must be performed by the principal’s supervisor) and at least two sources of evidence from state-approved surveys of students, families or teachers and school data and records. Any remaining points for principals must be assigned to one or more ambitious and measurable goals, at least one of which must address the principal’s contribution to improving teacher effectiveness as measured by retention of high performing teachers, the correlation between student growth scores and teachers granted or denied tenure, or improvements in the proficiency ratings of principals on specific teacher-effectiveness standards in the practice rubric. Any other goals must be based on quantifiable and verifiable improvements in academic results or the school’s learning environment (e.g., student or teacher attendance).

### **3.A.ii.c(ii): Measures of Student Growth on State Assessments**

The State will construct and provide, for the 2011-2012 school year, a State-determined measure of each educator’s contribution to student learning, as measured by growth on State assessments in grades 4-8 ELA and mathematics. Over time, we expect to be able to provide these results for additional grades and subjects including our alternate assessment for the 1 percent of students with severe cognitive disabilities. We also plan to analyze how best to include growth on the test of English language proficiency, the NYSESLAT.

New York State’s law distinguishes between a “growth model” for the 2011-12 school year and a “value-added model” that can be used, with Board of Regents approval, in 2012-13 and beyond. Whether we use a “growth” or “value-added” model, our objective is to compare the growth a teacher’s students make in a year to growth achieved by similar students statewide. Much of the complexity in these kinds of models revolves around the empirical and policy considerations involved in defining “similar students.” New York State’s 2011-12 growth model will compare student growth to students with similar academic histories as represented by their prior year test scores, and teacher and principal student growth percentile scores will be determined after one or more of the following student characteristics are taken into consideration: poverty, disability status, and English language learner status. By 2012-13, after consultation with the Task Force, and if the Board of Regents approves, New York State expects to include in a value-added model additional

student, classroom, school, or teacher characteristics that are empirically determined to be significant contributors to variations in assessment scores or to be important based on policy or other considerations. By using additional factors in the analysis, we can make a fair assessment of the teacher's or school's effect that is not advantaged or disadvantaged by the characteristics of the students who attend the school or are assigned to the class.

The American Institutes for Research (AIR), the value-added vendor for the State of Florida and the City of Baltimore, was selected through the State's procurement process to provide all services related to providing teachers and principals with growth or value-added measures on State assessments. These include calculating growth and value-added scores, performing feasibility analyses for assessments in subject areas not included in ESEA (expansion areas), calculating value-added analyses for these expansion areas, and reporting the results of their analyses to all educators. AIR will also recommend how to best account for test measurement error and statistical uncertainty in modeling results in determining scores for individual educators, and to provide research and analysis to inform policy decisions as necessary.

It is important to note that both the institutional accountability system described in Principle 2 and the teacher and principal growth/VA measures described here, are rooted in the same initial calculation of a student's growth compared to similar students based on prior test histories. A given student, for example, Johnny, will have a single student growth percentile (SGP), for example 42 percent, that becomes part of the institutional accountability system and the teacher/principal evaluation system. If Johnny is an English Language Learner, that fact will be considered for Institutional accountability in the subgroup calculations, and for teacher and principal evaluation as an additional factor in comparing the educator's results to those of similar students. Business rules for inclusion of students, handling missing data, etc., will be the same for institutional accountability and educator evaluation purposes.

New York State is far along in ensuring that our data systems contain accurate records linking students to teachers and to any State assessments in order to deliver these growth and value-added results. As an active participant in the national Data Quality Campaign Coalition, we are following closely their 10 Essential Elements of a State Longitudinal Data System. When the Regents Task Force began in 2010, we involved them deeply in issues around how to fairly and accurately attribute students to teachers and to set "teacher of record" policies.

We have instructed our current student and human resources management systems serving New York State's districts and schools that they must implement changes to their systems to enable valid and reliable teacher and principal evaluation data. New York State is now requiring districts to link teachers with the students in every course that leads to a State assessment (e.g., grades 3-8, and core high school subject areas)<sup>36</sup>. It is important to note that, by 2012-13, districts and schools will provide us with these data for multiple "teachers of record" for any student with information about the amount of instructional time a student spends with each teacher. This will allow us to provide reliable growth data in a variety of complicated situations including teachers who provide instruction

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<sup>36</sup> The full list of grades and courses can be found in [Updated Guidance on the Collection and Reporting of Teacher and Course Data in the Student Information Repository System \(SIRS\)](#).

to students with disabilities and/or ELLs in addition to the student’s content or subject area teacher. It will also help us handle the many students who switch classrooms, schools, and even districts during an academic year or determine a fair way to ascribe growth if one teacher replaces another in a class during the year. By ensuring reliable data collection from classrooms and nuanced data about teacher-student linkages, we expect that we will increase the validity and reliability of our evaluation results. Because teachers will have personally verified critical inputs to the calculations, they will have greater trust in the outputs.

### **3.A.ii.c(iii): Comparable Growth Measures for Teachers Without State-Provided Growth or Value-Added Measures**

Currently, New York State estimates that only about 15 to 20 percent of teachers will have State-provided measures of growth or value-added – those in grades 4-8 ELA and mathematics. Almost all elementary and middle school principals will have state provided growth measures in 2011-12. This is one reason the State decided to begin implementation of the new evaluation system in 2011-12 with only these “tested” grades and subjects. In 2012-13, all teachers and building principals will be evaluated under the new law. Accordingly, the State plans to extend its growth/value-added modeling as feasible to its high school Regents exams, and expects to add State assessments in middle school science and social studies and in high school English; therefore, we anticipate that the share of teachers with State-provided growth measures will rise to as much as 50 percent over time.

For teachers where there is no State-provided measure of student growth, under Education Law §3012-c, teacher evaluations must utilize a “comparable measure” for the student growth component. The regulations call this a “State-determined district-wide growth goal setting process” to be used with a range of allowable assessments. New York State is finalizing guidance describing the State’s requirements for what we now refer to as Student Learning Objectives (SLOs). The guidance was informed by collaboration with other states and districts that are using a similar type of approach, and drafts were reviewed by the Task Force and district/BOCES curriculum and assessment leaders.

SLOs for teachers must be built around one of the following assessment options:

- State assessment, if one exists, (or NYSED-approved alternatives to Regents examinations) including NYSAA, the alternate assessment for those students with the most severe cognitive disabilities, or NYSESLAT, to assess English proficiency for English Language Learners, if applicable.
- District-determined assessment from list of State-approved 3rd party assessments and Regents equivalents.
- District- or BOCES-developed assessments, provided the district or BOCES verifies rigor and comparability across classrooms; and
- School-wide results based on State assessments.

The State’s guidance on SLOs recognizes that many decisions about SLOs for each subject must be made by districts, but the State provides both rules and recommendations to strengthen the validity of the student learning objective process. For example, districts must ensure that each SLO covers all students in a course, regardless of achievement level or special needs, and must determine specific district expectations for growth in each grade/subject aligned to the State-determined HEDI scoring rubric. Districts must address assessment security issues and create processes to ensure that assessments are not scored by teachers and principals with a vested interest in their outcome. The State requires districts to use common assessments across a grade or subject within the district, where available, and to increase the number of high-quality assessments that are utilized across grades/subjects within the district. Through a competitive process, the State has chosen The Community Training and Assistance Center in Boston to develop and deliver training to network teams and District leaders around setting and assessing valid and rigorous SLOs. CTAC is highly experienced with SLOs from work around the country. New York State will also require Districts to describe their SLO process and provide sample SLOs in their APPR plans which require State approval.

### **3A2c: Ensuring that Student Growth Measures include Students with Disabilities and English Language Learners**

New York State is committed to ensuring that teachers are held accountable for all students in their classes. Specifically, as we implement the complex work of measuring student growth for the purposes of teacher and principal evaluations, we are giving special attention to teachers of students with disabilities and to teachers of ELLs. We have consulted repeatedly over the last two years with New York’s Advocates for Children organization, specifically about issues of measuring student growth for students with disabilities and ELLs. In addition, both Commissioner’s advisory groups for students with disabilities and for English Language Learners have provided, and will continue to provide input on these critical issues. While the principles we are following are made in earlier sections of this Request, we want to call them out explicitly here.

- Most students with disabilities and English Language Learners in grades 3-8 take the same State assessments given to all other students. The State will include their assessment results in the student growth measures for their “teachers of record” and principals. ELLs in their first year in the school system do not take the State ELA assessment.
- New York State’s sophisticated “data linkage” policies described above, when fully implemented in 2012-13, will allow us to provide student growth measures to teachers who are not the main content teachers for ELLs or students with disabilities who have Individualized Education Programs, but who provide additional instruction to them for part of a school day or week. We will also be able to provide student growth scores when two teachers team-teach in a single classroom. In this circumstance, we propose to hold both teachers equally accountable for the learning of all students in the class.
- Business rules will ensure that an appropriate minimum N size of students is applied to avoid making invalid inferences about teacher effectiveness, but our emphasis on inclusion of all

- In drafting State guidelines for subjects where no state-provided growth measures exist, the State is specifically requiring that all students in a course be included in a teacher’s “student learning objective.” No exclusions are allowed for disability or ELL status.
- For students who take New York State’s test of English proficiency, the NYSESLAT, New York State will analyze whether it is feasible to measure growth on the NYSESLAT using our State growth model methodology in time for the 2013-14 school year. If so, it will become a component of the growth measures for all teachers of “tested” subjects if they teach a to-be-determined minimum number of ELL students to provide a reliable measure. Until that work is complete, the NYSESLAT will be included in Student Learning Objectives for teachers of ELLs who do not have other State-provided growth measures, according to rules that are detailed in the SLO guidance.
- Students with severe disabilities take New York State’s Alternate Assessment (NYSAA). Teachers of these students will be required, by 2012-13, to set one Student Learning Objective based on student growth on NYSAA performance tasks. Additional SLOs are also set that are based on subject area taught. One criterion for any new iterations of New York’s alternate assessment will be suitability for use in our State growth models.

### **Locally-Selected Measures of Student Achievement**

State law and regulations require that all teacher and principal evaluations include use of locally-selected measures of student achievement. These measures must be “rigorous and comparable” across classrooms in a District or BOCES. The February 2012 proposed amendments to statute confirm that Districts must locally bargain the selection of these measures and the process for assigning points to educators. The February agreement also confirmed a focused list of allowable options including State tests, which had been the topic of greatest dispute in the litigation. Allowable options include:

- Measures based on State assessments, Regents examinations and/or Department-approved alternatives to Regents examinations provided that the measures are different than the measures used for the Growth subcomponent above. As per the February agreement, the following would constitute “different” measures:
  - teacher-specific change in percentage of students who achieve a specified level of performance on State assessments (e.g., 3 percentage point increase in number of students earning the proficient level 3 or better on the seventh grade State math test compared to those same students’ performance on the sixth grade State math test);
  - teacher-specific measure based on percentage of students who achieve a State-determined level of growth. (e.g., average or better compared to similar students)
  - Other teacher-specific growth or achievement measure using State assessments or approved alternatives as determined locally
- Measures based on State-approved list of 3<sup>rd</sup> party assessments.

- Measures based on District, regional or BOCES-developed assessments provided that the district or BOCES verifies comparability and rigor.
- School-wide growth or achievement results based on:
  - State-provided school-wide growth score for all students in a school taking the State ELA or Math assessment in grades 4-8.
  - Locally-computed measure based on District, regional or BOCES-developed assessment for which the district or BOCES verifies comparability and rigor or a State assessment.
- Student Learning Objectives with any State, State-approved, or District/BOCES-developed assessment that is rigorous and comparable across classrooms.

For principals, districts may choose school-wide measures based on:

- Student performance on any or all district-wide, locally selected measures approved for use in teacher evaluations;
- Achievement on State assessments in ELA and/or mathematics in grades 4-8 (e.g., percent proficient or advanced);
- Growth or achievement on State or other assessments in ELA and/or mathematics in grades 4-8 for student subgroups (e.g., students with disabilities, ELL) or progress of groups of students with specific prior achievement levels (e.g., students moving out of lowest achievement category or from proficient to advanced, etc.);
- Student performance on any or all of the district-wide, locally selected measures approved for use in teacher evaluations;
- Percent of a high school cohort achieving specified scores on Regents exams and/or NYSED-approved alternative examinations (e.g., AP, IB);
- Graduation rates (4, 5, 6 years) and/or drop-out rates;
- Graduation percent with Regents diploma with advanced designation and/or honors; or
- Credit accumulation (e.g., 9th and 10th grade) or other strong predictors of progress toward graduation.

The list of State-approved, third party assessments (<http://usny.nysed.gov/rttt/teachers-leaders/practicercubrics/home.html>) is one lever the State has to ensure that the locally-selected measures chosen by each LEA meet the requirements for valid and reliable measures. If a District does not choose a local assessment measure from the list of State-approved, third-party assessments, the district or BOCES must verify that the assessment selected is both “rigorous”—defined as valid, reliable, and aligned to the New York State learning standards—and “comparable across classrooms”—in other words, the same measure must be used across a subject and/or grade level within the school district or BOCES. These State-approved, third party assessments can also be used for some grades and subjects by districts within their growth SLOs where no State-provided

measures exist. As New York State did with its teacher and principal practice rubrics, the State issued a Request for Qualifications (RFQ) for third party assessment providers to submit applications proving that their assessments met State requirements. Through this process, reviewers determined whether or not these assessments were aligned to the New York State Common Core Learning Standards, have been administered on a scale similar to that found in New York State and could be administered securely to successfully differentiate student performance, and have the potential to successfully differentiate teacher performance as a result of student achievement results. The RFQ adhered to guidelines for content validity, minimized subgroup differences, and bias review outlined in the assessment industry's Standards for Educational and Psychological Testing for ensuring that tests yield valid inferences for English language learners and students with disabilities. In the first round of applications, the State received 40 applications and approved 21 assessments. Another RFQ is nearing completion as of February 18, and it will add third-party assessments that can be used for grades and subjects not covered in the first RFQ.

Anticipating district needs, NYSED provided technical assistance to approved assessment vendors via a November 2011 webinar to ensure that they are prepared to support districts in using their assessments in ways that result in valid and reliable measures of educator effectiveness. During the webinar, NYSED provided background information on the use of the HEDI ratings and scoring bands for educator evaluation and discussed examples of areas where vendors could assist districts, including: mapping assessment data to the four student performance levels used for State assessments, defining performance level descriptors, and providing normative information about the vendor's assessment.

### **3.A.ii.d: New York State's Law and Regulations Requires Annual Evaluations for all Educators**

New York State's law requires annual evaluations for teachers and principals. The phase-in of the new system in 2011-12 and 2012-13 is described in Section 3B, below.

### **3A.ii.e: Providing Clear, Timely, and Useful Feedback, Including Feedback that Identifies Needs and Guides Professional Development**

The State's evaluation system, as discussed earlier in 3.A.ii.a (on instructional improvement), is centered on State teacher and principal practice standards, and puts 60 percent of evaluation weight on assessment of these practices. As detailed above, we anticipate statutory amendments that will require multiple observations of teacher practice, including at least one unannounced observation, to gather information that can be used to provide feedback to educators on their professional practice.. The Student Learning Objectives process also encourages a mid-year progress check. Our law and regulations require that evaluation results be used as "a significant factor in teacher and principal development, including ... coaching, induction support, and differentiated professional development."

The most effective professional development is provided locally and is highly tailored to the specific needs of each educator, job-embedded and involves educators in self-reflection and guided practice. For well over a decade, New York State has required each school district and BOCES to ensure that teachers participate in substantial professional development in order that they remain current with

their profession and meet the learning needs of their students.<sup>37</sup> The evaluation system will yield information that can be used to identify areas in which teachers need to improve their instruction, including whether they need additional professional development in order to master the Common Core shifts. As will be described in section 3B, our training for Network Teams has already included several sessions where participants “find the shifts” in the teacher and principal practice rubrics, and consider what to look for to find evidence of the shifts during classroom observations or school visits. In section 3B, we will also elaborate on the State’s activities to build local capacity to deliver feedback and differentiated professional development based on evaluation outcomes to all educators.

To ensure that educators who most need to improve have the opportunity to do so, both the statute and the regulations require that those educators most in need of support and improvement, those rated Ineffective or Developing, must be provided with a teacher or principal improvement plan (TIP or PIP). Specifically, the proposed amendments to Education Law §3012-c(4) would require:

“Notwithstanding any other law, rule or regulation to the contrary, upon rating a teacher or a principal as developing or ineffective through an [APPR] ... the school district or [BOCES] shall formulate and commence implementation of a teacher or principal improvement plan for such teacher or principal as soon as practicable but in no case later than ten school days after the opening of classes for the school year. Such improvement plan shall be consistent with the regulations of the commissioner and developed locally through negotiations ... Such improvement plan shall include, but need not be limited to, identification of needed areas of improvement, a timeline for achieving improvement, the manner in which improvement will be assessed, and, where appropriate, differentiated activities to support a teacher’s or principal’s improvement in those areas.”

### **3.A.2.f. Use to Inform Personnel Decisions**

New York State’s statute requires that evaluation results be a significant factor in employment decisions (including, but not limited to, promotion, retention, tenure determinations, termination, and supplemental compensation), as well as teacher and principal development (including coaching, induction support, and differentiated professional development).

The statute also states that, for purposes of disciplinary proceedings, a pattern of ineffective teaching or performance is defined as two consecutive annual ‘ineffective’ ratings. Accordingly, teachers and principals with a pattern of ineffective teaching or performance can be charged with incompetence and considered for termination through an expedited hearing process. The expectation is that the results of the evaluation system will be used to expedite the disciplinary hearing process, which, in turn, will allow for the more efficient termination of chronically ineffective teachers who fail to improve, despite support.

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<sup>37</sup> Section 100.2(dd) of Commissioner’s Regulations.

### **3.B ENSURE LEAS IMPLEMENT TEACHER AND PRINCIPAL EVALUATION AND SUPPORT SYSTEMS**

3.B Provide the SEA’s process for ensuring that each LEA develops, adopts, pilots, and implements, with the involvement of teachers and principals, including mechanisms to review, revise, and improve, high-quality teacher and principal evaluation and support systems consistent with the SEA’s adopted guidelines

#### **Overview**

In Section 3A, we described how New York State worked with teachers, principals, and other stakeholders to develop teacher and principal evaluation guidelines that reflect broad agreement on the key elements of the new system. New York State’s school districts differ significantly in size and culture—ranging from the largest city in the country, which educates over 1.1 million students annually, to the multitude of rural districts, many of which have only one school—and each one has a different history of teacher and principal evaluation practices. Therefore, NYSED’s process for implementing the new system is designed to capitalize on that diversity by:

- building on the lessons of early adopters who piloted the use of evidence-based observation and student outcomes in their evaluation systems;
- involving teachers and principals in tailoring system components to local needs;
- fostering the development of innovative evaluation tools by districts, education associations, and vendors; and
- ensuring transparency while minimizing reporting burdens.

At the State level, NYSED’s role is to establish a policy environment that holds districts to a high standard of accountability, while providing the support they need to implement the system consistently and successfully. Setting a high bar for approval of LEA’s evaluation plans, and monitoring results will be important NYSED roles as well. Pursuant to the anticipated statutory changes, NYSED will have the authority to approve LEA APPR plans and to require corrective action where analysis of District evaluation results shows implementation that is not sufficiently rigorous.

NYSED understands that the new evaluation system demands a major shift to embed clear performance expectations into New York State’s educational culture, a shift that is challenging in the best of times, and in the current economic environment of layoffs and tough cutbacks, adds to the complexity of shifting culture. With the settlement of the almost year-long NYSUT lawsuit, the unions and NYSED both expect rapid acceleration of Districts’ ability to complete collective bargaining and move into full implementation. NYSUT has stated publicly that they believe as many as 300 of our 700 Districts are “close” to completion and have been waiting for the uncertainty of pending litigation to lift.

New York is addressing the implementation challenges in multiple ways—from broad, statewide messaging to in-person district forums with top State officials and stakeholder groups in the following areas:

- providing support for consistent and valid implementation, most notably through the Network Team turnkey training process; and
- providing approximately \$800 million in financial support to districts that implement the new evaluation system expeditiously, through the Teacher Incentive Fund (TIF), SIG, NYSED-issued RFPs, funded by Race to the Top, and the Governor’s School District Performance Improvement Awards; and developing a risk-based process for monitoring local evaluation results to ensure fidelity of implementation.

As noted above, in January 2012, the Governor also tied two successive years of 4 percent state aid increases to LEA implementation of evaluation systems in 2012-13.

### **Phase-in, Pilots, and Timeline for Full Adoption of Evaluation Systems, with the Involvement of Teachers and Principals**

New York State Education Law §3012-c provides for the phase-in of the new evaluation system in a logical sequence that reflects a clear understanding of important parameters. As noted, the system takes effect in the 2011-12 school year for teachers of English language arts and mathematics in grades 4-8 and their building principals. Annual State testing in grades 3-8 ELA and mathematics makes it possible to measure student growth immediately in these grades and subjects. This encompasses approximately 15-20 percent of the teachers in New York State and most principals in elementary and middle schools. Beginning in the 2012-13 school year, the evaluation system covers all classroom teachers and building principals.

Education Law §3012-c and the implementing regulations do not abrogate conflicting provisions of any collective bargaining agreement in effect on July 1, 2010 during the term of such agreement and until the entry into a successor collective bargaining agreement. Not only does this guarantee that teachers and principals are involved in tailoring system components to local needs; this is also another mechanism by which New York State’s new system is being phased in. The timing of each district’s negotiations depends on a number of factors, including the date on which its previous contract expires, its readiness to implement the new system’s multiple measures, and the degree to which the district is motivated by financial incentives linked to implementation (these are discussed in Section 3BX, below).

A majority of districts’ contracts will open before 2012-13, and the evaluation law requires that any new contract must be consistent with the new evaluation regulations. To monitor negotiation of contracts consistent with the anticipated amendments to [Education Law §3012-c](#) and [Commissioner’s Regulations](#), NYSED will review and approve APPR plans detailing specifics of local agreements around teacher and principal evaluation and will reject those that do not rigorously adhere to the law and regulations. All APPR plans must also certify that they differentiate educator performance in a rigorous way consistent with advancing student learning.

At the leading edge of implementation are several major pilot projects throughout the State:

- New York City, which educates approximately 1.1 million of our 3.2 million students annually, began in 2010-11 to implement a “no-stakes” pilot of teacher evaluation aligned

with the evaluation legislation. Initially piloted in 20 schools, it has grown to over 100 schools, and is providing both management and labor with valuable information as they work toward broader implementation.

- For principal evaluation, New York City implemented a comprehensive principal evaluation system several years ago including multiple performance levels, measures of student growth and achievement, and other measures of learning environment, leadership and school-wide practices for all principals. The system is a factor in personnel decisions and compensation. New York City has since launched a pilot to modify this system to be fully compliant with the terms of the new principal evaluation law.
- In 2010-11, through an AFT-sponsored “Investing in Innovation” grant, seven districts with diverse populations and serving more than 30,000 students across New York State piloted an approach to teacher evaluation based on the new legislation and collaboratively developed by superintendents, principals, and teachers under the leadership of NYSUT. Dubbed “TED” (Teacher Evaluation and Development), the now publicly available teacher practice rubric and implementation handbook is being promoted by NYSUT as one potential model for implementation more broadly across the State. Pursuant to the RFQ process described in Section 3.A.Ii.c (I-Iii): NYSED has approved the teacher practice rubric developed under this pilot, so that it may be adopted within the TED framework or on its own. Districts included in the development and implementation of the “no-stakes” pilot of the TED system include Albany City School District, Hempstead Union Free School District, Marlboro Central School District, North Syracuse Central School District, Plattsburgh City School District, and Poughkeepsie City School District.
- During the second half of the 2011-12 school year, NYSED is working with a group of districts from around the state in a no-stakes pilot of the Student Learning Objectives (SLO) process. The pilot offers districts an opportunity to test and refine the SLO Road Map and Guidance Document. District leaders are receiving targeted support as they determine their district-wide approach to SLOs. At the same time, approximately 60 teachers and 20 principals and department chairs are engaging with a professional learning community and learning from their peers from other parts of the State. Educators’ pilot SLO results will not be used for evaluation purposes; NYSED will collect data solely for research purposes and will post exemplars on EngageNY.org. Districts included in the pilot are Allegany-Limestone Central School District, Ballston Spa Central School District, and Niskayuna Central School District; two urban districts from the NYSUT evaluation pilot are expected to confirm their participation in late February.

### **SEA Guidance and Technical Assistance to Ensure Consistent and High-Quality LEA Implementation of Valid Evaluation Measures**

As we increase the level of accountability for New York State educators, we are also increasing the level of support for their continued improvement of instruction and student learning. In Section 3A2c of this Flexibility Request, we described ways the State is either providing or approving rigorous, valid, and reliable measures and assessment tools for LEA use in their evaluation systems.

In addition to these processes, the State is also ensuring rigorous and consistent implementation through our training and support resources for LEAs and their educators. We have taken a high-support technical assistance approach for all districts, including turnkey training, a website that educators can visit for resources ([EngageNY.org](http://EngageNY.org)), regularly-updated guidance to the field, a vetting process for assessments and rubrics used for teacher and principal evaluation, webinars, and videos.

**New York’s evaluation regulations require districts to provide training in the following areas to those individuals who are primarily responsible for conducting and completing teacher and principal evaluations (“lead evaluators”):**

- New York State Teaching Standards, and their related elements and performance indicators and the Leadership Standards and their related functions, as applicable,
- Evidence-based observation techniques that are grounded in research,
- Application and use of the State-provided measures of student growth or value-added growth model
- Application and use of the State-approved teacher or principal rubric(s) selected by the school district or BOCES for use in evaluations, including training on the effective application of such rubrics to observe a teacher’s or principal’s practice,
- Application and use of any assessment tools that the school district or BOCES utilizes to evaluate classroom teachers or building principals, including but not limited to, structured portfolio reviews; student, parent, teacher and/or community surveys; professional growth goals and school improvement goals, etc.,
- Application and use of any State-approved, locally selected measures of student achievement used by the school district or BOCES to evaluate its teachers or principals,
- Use of the Statewide Instructional Reporting System (our student-level data warehouse and reporting system which will play an increasing role supporting linkages of students to teachers, teachers to their IHEs, and providing expanded reporting to all key audiences.)
- The scoring methodology utilized by the State and/or the school district or BOCES to evaluate a teacher or principal, including how scores are generated for each subcomponent, and the composite effectiveness score and application and use of the scoring ranges prescribed by the Commissioner for the four designated rating categories used for the teacher’s or principal’s overall rating and their subcomponent ratings, and
- Specific considerations in evaluating teachers and principals of English language learners and students with disabilities.

**Network Teams** – Described earlier in Principle 1, New York State has invested over \$200MM of our \$700MM RTTT grant to train a corps of “Network Teams,” which has been deployed since the start of the 2011-12 school year to support districts in improving instruction by implementing the Regents Reform Agenda—i.e., Common Core standards and curriculum, data-driven instruction, and the new teacher and principal evaluation systems.

Given that New York State has nearly 700 school districts spread across one of the largest states in the U.S., we decided to build upon our long-established regional structure of 37 BOCES plus the

Big 5 largest city school districts. Each Network Team, consisting of 3 to 5 seasoned educators with a variety of expertise, provides turnkey training and support to approximately 25 schools within its BOCES region or large city school district. The State is training a smaller group of regional and district representatives to support principal evaluation. The turnkey training that these teams provide to administrators and teachers in their districts emphasizes the interconnectedness of the Regents Reform Agenda initiatives and the overriding goals of ensuring that our students leave school ready for college and careers.

The State is providing an intensive, year-long series of workshops called Network Team Institutes (NTI) to ensure that the Network Teams are fully ready to provide turnkey training to district principals and to other trainers on teacher evaluation. NTI is designed to give Network Teams and district leaders the skills they need not only to ensure that teacher evaluation ratings are fair and equitable but also that classroom practice changes in ways that dramatically advance college- and career-readiness for New York State's students. So far, NTI has been well attended and positively received. See <http://engageny.org/wp-content/uploads/2011/10/calendar-institute-2011-12.pdf> for the NTI schedule.

Districts are required under our regulations to describe in their APPR plans their process for ensuring that lead evaluators for teachers or principals maintain inter-rater reliability over time and their process for recertifying all lead evaluators.

NTI goes well beyond the technical aspects of inter-rater reliability and evaluation scoring to emphasize a culture of professional growth based on feedback and continual improvement of practice. NTI sessions specifically emphasize the provision of feedback and coaching to educators based on observation and data collected during the evaluation process. Participants make connections between the shifts in instruction called for in the Common Core, the insight obtained from formative data assessments cycles, and evidence-based observation, and the best ways to coach educators to improve their practice.

Under the Common Core, students are expected to demonstrate higher-order thinking through deep conceptual understanding and reading text closely, which can happen only if a teacher has deep content knowledge. Higher-order thinking takes place when students make meaning out of the text, and when teachers drive deep, rigorous conversations about what the author actually means. NY's Teaching Standards reinforce our transition to the Common Core by demanding that teachers:

- have required content knowledge;
- use instructional techniques that encourage higher order thinking in students;
- incorporate a variety of formal and informal assessment techniques into their planning and instructional delivery to ensure that all students are grasping the content;
- address common student misconceptions about the content area; and
- design learning experiences that foster student understanding of key disciplinary themes.

These teaching standards (and the performance indicators they comprise) also insist, in many places, on differentiated instruction and support for all learners, and for demonstrating understanding of students' diverse cultures and backgrounds. For instance, teachers must demonstrate understanding of linguistic diversity that influences their students' learning, and requires that they are able to support all learners. Similarly, teachers are required to design instruction that reflects the multiple experiences, strengths and learning needs of all their students, and to provide differentiated instruction and support for all learners (including English language learners and students with disabilities), and will require teachers to know and implement scaffolding techniques to help all students meet grade-level standards.

For principals, the "other measures" subcomponent requires assessment using the ISLLC 2008 standards, which have been adopted by 35 states as the standards toward which principals should work. The most recent version was revised because of the evolving role of the principal, and because the research had evolved enough to provide a solid foundation from which to base a more accurate reflection of what a principal should be able to know and do. They reflect a focus on instructional leadership, organizational management, school culture, engagement with the community, and acting with integrity. Similarly, they reinforce the skills required to lead the transition from the previous version of learning standards to the CCSS, and to foster significant shifts in instructional practice in both ELA/literacy and mathematics in order to ensure learning progressions, which in turn lead to college- and career-readiness. For instance, one of the ISLLC standards requires that principals "create a comprehensive, rigorous, and coherent curricular program." This standard echoes the spirit of the Common Core in that it requires a conscious and comprehensive progression of skills, concepts, and knowledge across grade levels so that, year after year, students become increasingly ready for college and careers. By implementing ISLLC with quality and fidelity, Districts can ensure that the principal role makes the transition from building leader to instructional leader, and that principals serve on the front lines of the transition to CCLS in every classroom in the State.

Similar to the New York State Teaching Standards, the ISLLC standards require that principals focus on ensuring that every student, including those from diverse communities and backgrounds, learns in an environment of high expectations, collaboration, and trust. Principals are also expected to promote understanding, appreciation, and use of the community's diverse cultural, social, and intellectual resources.

To date, the Network Team Institutes have been led by recognized national experts in evidence based observation, Common Core Standards and data-driven instruction. At the November 2011 Institute, Diane August and Peter Kozik each led a session on understanding the principles that undergird instruction for English language learners and students with disabilities, as well as understanding the shifts in instructional strategies under the Common Core for ELLs and students with disabilities. For Institutes beginning February 2012 through 2013, the State has competitively-selected expert training providers including Duffy Miller's Teaching Learning Solutions for teacher evaluator training, Cambridge Education for principal evaluator training, and Community Training and Assistance Corp (CTAC) for Student Learning Objectives..

**Additional Technical Assistance** - The State recognizes that the train-the-trainer model of our Network Team Institutes cannot be the only approach to providing information and tools to LEAs

and principals. And teachers and principals need other places to turn for support if their supervisors and colleagues cannot give them the help they need to implement this work or improve their own practice. Given that, we have used a variety of technical assistance support strategies through the process:

- **EngageNY.org:** As described in Principle 1 under Outreach and Dissemination, the State developed a website where teachers, principals, and network team members can access content related to all aspects of the Regents Reform Agenda, including implementation of teacher and principal evaluation systems and improving teacher and principal instructional practice. EngageNY.org resources support the objectives of instructional improvement covered in Principle 3.
- **Evaluation-specific webinar series:** The State has produced several webinars to explain the overall evaluation system requirements and to dive more deeply into specific topics, most recently the subject of SLOs. These webinars allow audiences from around the State to participate remotely and ask questions for immediate response. They are also archived on EngageNY.org for others to watch at their convenience.
- **Guidance to the field:** An email inbox for all questions related to educator evaluation has been set up, and is regularly monitored by NYSED staff. Extensive questions and answers covering all aspects of teacher and leader evaluation have been published on EngageNY.org, and have been updated several times since the initial guidance was published along with the evaluation regulations. These questions are answered by senior NYSED staff, and are logically grouped together in common evaluation system themes, like how will student growth be measured, what is allowable for local assessments, or exactly who is covered under each phase of implementation.
- **Leveraging New York’s professional development networks:** NYSED will continue to work with our Staff and Curriculum Development Network and Regional Bilingual Education Resource Network, which provide high quality technical support through professional development and disseminate guidance and materials to school districts regarding the implementation of the teacher and principal evaluation system.
- **Focus on high needs Districts and schools:** Ten Districts in New York State had schools receiving School Improvement Grant funds in 2011-12. Following intensive technical assistance to these Districts, the Commissioner recently agreed to restart the SIG funding in 5 of the 10 districts, suspended when they could not reach an evaluation agreement for their SIG schools. This experience has led NYSED to plan to continue intensive technical assistance to the highest need Districts as they evolve their evaluation agreements to meet the new requirements for 2012-13.
- **Initiatives to Ensure that the Next Generation of Principals is Prepared to Develop and Retain Effective Teachers:** Many of New York’s principals were trained and selected at a time when the principalship was less widely viewed as an instructional leadership role. The focus in our new principal evaluation system on student learning growth and on practices

At the same time as the new evaluation system is being phased in, the Board of Regents and NYSED are working with alternative and traditional educator-preparation programs across the State to ensure that New York State's next generation of principals are true instructional leaders. As described earlier, New York State is overhauling school building leader certification requirements to include a performance assessment of a candidate's ability to observe video of teaching practice, accurately assess the teacher's strengths and weaknesses, and provide meaningful feedback.

### **Incentives to Ensure Timely Implementation**

Education Law §3012-c requires that all collective bargaining agreements entered into after July 1, 2010 be consistent with the terms of the new evaluation law. However, in difficult economic times, it may not be possible for all districts to reach new agreements, leaving them with current contracts that are not compliant with the new law. In an effort to encourage agreements to move forward with evaluation implementation, New York State has a number of additional incentives in place.

Half of New York State's \$700MM in RTTT funds was granted proportionately to LEAs to use for a focused set of local initiatives in support of the goals of our RTTT application. Any districts that have not implemented a new teacher evaluation system by 2013-14 will not be able to access 25 percent of their RTTT money. As the State continues to issue Requests for Proposals to distribute other RTTT funds connected to teacher- and leader-effectiveness initiatives, we have been consistent in requiring participants to demonstrate completion of the collective bargaining required to implement rigorous teacher and principal evaluations in participating schools, and, when possible, districts. In addition, we have required the 10 Districts with schools receiving 2011-12 federal SIG funds to implement Transformation and Restart models as well as those participating in New York State's Teacher Incentive Fund grant to agree to implement teacher- and principal-evaluation systems that are in compliance with the State statute in those schools. In 2011, the Governor created two competitive grant programs funded at a combined \$500MM called the School District Performance Improvement and the School District Management Efficiency Awards Grants for school districts that demonstrate improvements in student achievement, narrowing the achievement gap, improving educational outcomes for students with the greatest needs, and implement comprehensive and innovative programs to improve overall efficiency. To be eligible for these grants, applicants must be implementing Education Law §3012-c. in 2012-13.

Finally, in his January 2012 Executive Budget address, the Governor coupled a 30-day deadline for an end to the litigation regarding the teacher and principal evaluation system regulations with a significant incentive to LEAs to complete their own collective bargaining. The Governor tied 4 percent increases in State aid (for each year 2012-13 and 2013-14) to full implementation of the educator evaluation system.

With the end of litigation-related uncertainty, and the incentives described above, NYSED expects to see many districts move rapidly toward full implementation.

## **Monitoring, Reporting, and Corrective Action—To Ensure That Measures Are Valid and Implementation is Consistent with SEA Guidelines**

The State has plans in place to monitor LEA implementation of the evaluation system and provide support where needed to ensure that implementation is likely to lead to instructional improvement and student learning growth.

The proposed 2012 statutory amendments will give the Commissioner the authority to approve or reject LEAs plans for educator evaluation. The need for this provision became obvious when the ten Districts that were awarded 2011-2012 School Improvement Grant funds to implement the Transformation and/or Restart Models failed to meet a December 31, 2011 State deadline to submit rigorous evaluation plans for these schools consistent with the applicable law and regulations. SED's review of the plans that were submitted revealed the need for more intensive technical support for these Districts and a strict standard of rigor before lifting the suspension on SIG funds the Commissioner imposed when the deadline was missed.

As of February 28, 2012, the Commissioner has accepted re-negotiated 2011-2012 labor-management agreements from five districts that are in alignment with SIG principles, 3012-c and Commissioner's Regulations related to teacher and leader evaluation and support. The Commissioner has lifted the SIG fund suspension in these five districts. The APPR review process developed for these SIG districts will now be the model for a scaled-up review of all 700+ New York State districts. Pursuant to the anticipated statutory amendments, districts will have to adopt their APPR plans by July 1, 2012 and submit such plans to the Commissioner for approval. The Commissioner will approve or reject the plan by September 1, 2012 or as soon as practicable thereafter.

To facilitate this process, SED expects to issue a standardized template for LEAs to complete as their APPR plans (which previously were not standardized), SED will add internal capacity to review the APPR plans as they arrive, especially in July and August 2012. Rejected plans will be returned with explanations of deficiencies in rigor or compliance with statute and/or regulation, and LEAs will revise, returning as necessary to the bargaining table, until they reach an acceptable agreement.

Among other requirements, the APPR plan must describe:

- details of the measures to be used in each subcomponent of the evaluation system and the process Districts will use to assign points to educators in each subcomponent (except where the State assigns points based on State-provided growth or value-added measures);
- how the district or BOCES will provide timely and constructive feedback to teachers and principals;
- the LEA's process for ensuring that NYSED receives accurate teacher and student data and verification of rosters and course linkage data;
- how the district or BOCES will report scores to NYSED;
- assessment development and security and scoring processes;

- the appeal procedures utilized; and
- any required certifications required under the regulations.

NYSED will compile key information from the APPR plans to ascertain trends in district choices of evaluation instruments and procedures, to assist the State in providing ongoing training to district and BOCES Network Teams and in determining what additional State guidance should be provided or whether changes to the regulations are needed.

As an additional monitoring tool to assess the validity of the system, the State will annually monitor and analyze trends and patterns in teacher and principal evaluation results and data to identify districts, BOCES, and/or schools where evidence suggests that a more rigorous evaluation system is needed to improve educator effectiveness and student learning outcomes. To address this, the State requires that districts submit subcomponent ratings for each educator (i.e., ratings for growth, local measures of student achievement and “other” measures) as well as the composite score to the State. As outlined in the Commissioner’s regulations, this allows the State to analyze data provided by districts to identify:

- schools, districts, or BOCES with unacceptably low correlation results between student growth on the State assessment or other comparable measures subcomponent and any other measures of teacher and principal effectiveness used by the district or BOCES to evaluate its teachers and principals; and/or
- schools, districts, or BOCES whose teacher and principal composite scores and/or subcomponent scores and/or ratings show little differentiation across educators and/or the lack of differentiation is not justified by equivalently consistent student achievement results.

A school, district or BOCES that has unacceptably low correlation results or an unjustified lack of differentiation can be highlighted in public reports and/or the Commissioner can order a corrective action plan. This authority is now embedded in the February statutory amendments. A corrective action plan can include requirements for additional professional development, additional in-service training and/or the use of independent trained evaluators to review the efficacy of the evaluation system.

### **Principle 3 Conclusion**

NYSED and NYSUT worked together in developing the groundbreaking 2010 legislative agreement that would ensure significant changes to teacher and principal evaluation in New York State. From there, the vast majority of the State’s school districts, in collaboration with their collective bargaining units, committed to implement teacher and leader evaluation as part of our RTTT application. All have different needs for teacher evaluation that will lead to differing adoption timelines for each of the components of evaluation, but all will adopt the key elements required in statute and the Commissioner’s regulations. With the resolution of litigation, the expected adoption of statutory and regulatory amendments strengthening and clarifying key provisions of the evaluation system, and the substantial financial incentives tied to implementation of educator evaluation systems, NY State expects to move rapidly toward full implementation in the 2012-13 school year.

New York State’s evaluation framework, which allows for a substantial degree of local control, presents implementation complexity for the State and LEAs, but it also allows for more buy-in and a better fit with local needs, while simultaneously driving innovation in the marketplace of ideas and evaluation tools. We fully expect that aspects of our approach and the choices made by individual LEAs will evolve as best practices continue to emerge here and in other states, and we are confident that New York State’s new teacher- and principal-evaluation system – together with the entire Regents Reform Agenda – has placed New York State on the path to major improvements in teaching and learning for our 3 million students.

## **PRINCIPLE 4: REDUCING DUPLICATION AND UNNECESSARY BURDEN**

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NYSED has taken three major actions to reduce duplicative and unnecessary burdens upon school districts.

First, NYSED launched the 2011-12 School Reporting Requirements (SRR) web-based system. The SRR system provides school districts, charter schools, and Board of Cooperative Educational Services (BOCES) with a single access point for all PreK through 12 plans, applications, reports, and data that must be submitted to NYSED throughout the year. The web site is located at: [Use the Web-Based System for 2011-12 School Reporting Requirements \(SRR\)](#).

Second, NYSED took significant steps toward implementing its mandate-relief program. The Regents have submitted a comprehensive Mandate Relief Proposal to the Legislature and Governor. The proposal would repeal or amend more than 40 statutes eliminating ineffective requirements related to school facilities, student transportation, procurement of goods and services, and special education. The program is focused on eliminating burdensome and obsolete regulations and statutes based on process rather than performance that have hindered school district efforts to improve student achievement. NYSED is continuing to work with the school administrators, teachers, and parents to identify regulations and statutes that should be repealed or modified. The Statutory and regulatory changes that provided some mandate relief to school districts in 2011 are listed below.

Related, in November 2011, the Board of Regents reviewed and accepted a list of mandate-relief recommendations for special education services. In response to a May 2011 proposal, public hearings were conducted across the State, and over 700 comments were received in response to these mandate-relief items. The proposed regulatory and legislative amendments would align State requirements for special education students with the Federal Individuals with Disabilities Education Act (IDEA). Currently, State laws and regulations exceed those provisions mandated by IDEA.

### **Statutory Mandate Relief Recommended by the Board of Regents and Subsequently Enacted**

- Preschool Census every other year, rather than annually;
- School bus planning based on actual ridership;
- Flexibility in auditing claims by allowing a deputy claims auditor and risk-based claims auditing;
- Comptroller review and report on effectiveness of risk-based claims audit methodology;
- Shared superintendent program for small districts;
- Regional transportation services;
- Mandate Relief Council; and
- Regional transportation pilots.

## Regulatory Mandate Relief Enacted or Proposed by the Board of Regents

- Emergency repeal of requirement for school facility report cards in 8 NYCRR 155.6;
- Emergency repeal of requirement for school bus idling reports in 8 NYCRR 156.3(b);
- Flexibility with scheduling school bus driver safety training in 8 NYCRR 156.3(h);
- Proposed repeal of 8 NYCRR 136.3(e) relating to vision screenings for hyperopia; and
- Proposed amendment to 8 NYCRR 80-4.3 to provide additional certification flexibility with regard to the assignment of teachers in school districts and BOCES to provide for more cost-efficient operations.

The Regents support continued mandate relief to school districts, including but not limited to legislative and regulatory changes in the provision of special education programming previously delineated. The changes sought are expected to relieve school districts of some special education mandates that exceed those required by federal law without demonstrably reducing the services provided to students and providing greater flexibility to strengthen the overall general education programming for all students, including special education students.

Third, NYSED is developing a new school/district single diagnostic tool described in Principal 2 that measures performance against the optimal conditions for effective schools and districts. The tool will be ready in spring 2012. The new single diagnostic tool replaces a number of different diagnostic tools that were used on multiple monitoring visits to the same districts in the past. The single diagnostic tool will allow NYSED to consolidate multiple monitoring visits, reduce school/district burdens responding to multiple monitoring visits and allow schools/districts to look at using their resources strategically to close the achievement gap.

The single diagnostic tool will be created and piloted in districts and schools, where principals volunteer to have a low-stakes review conducted in their school, to ensure that all relevant priorities and components are addressed and measured by the tool. Integrated Intervention Teams begin using the single diagnostic tool to conduct site visits in fall 2012. NYSED will complete the process of building within NYSED the knowledge base necessary to sustain a system of high quality school and district reviews using the single diagnostic tool as implemented by the Integrated Intervention Teams<sup>38</sup> (2013-14 school year).

Schools and districts will be encouraged to use the findings of their respective reviews using the single diagnostic tool to determine which offerings available to them will be most helpful with closing the gap between their current performance and the State's definition of optimal conditions of effective schools and districts. Initially, the intended audience for the professional development offerings will be staff members of Priority and Focused Schools and their supporting districts, but as

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<sup>38</sup> By the 2013-2014 school year, NYSED will be able to deploy Integrated Intervention Teams that can draw on offices across P-12 to assist in staffing the teams with persons with expertise in school improvement, finances, human capital development, curriculum, assessments and services to students with disabilities and English language learners as required by the needs of the districts and schools. These persons may also be deployed to support a more comprehensive and coordinated approach to program monitoring.

the initiative advances, staff members of all New York State schools will be allowed to participate on a first come, first serve basis.

Attachment 1 - Notice to LEAs

From: NYSED P12INFO  
To: Supt-info@listserv.nysed.gov; charter@listserv.nysed.gov; distsup@listserv.nysed.gov; titlei@listserv.nysed.gov  
Date: 1/20/2012 4:53 PM  
Subject: Draft ESEA Waiver: Request for Public Comment

Colleagues,

In recent months, states across the country -- including New York -- have taken the lead in calling for changes to the Elementary and Secondary Education Act (ESEA). In September 2011, President Obama announced an ESEA regulatory flexibility initiative, which is based upon the Secretary of Education's authority to issue waivers. According to the USDE, "This flexibility rewards States that are showing the courage to raise their expectations in their academic standards." The USDE has stated that this process is "not a pass on accountability. There will be a high bar for states seeking flexibility within the law." States that do not apply for the waiver will have to comply with the current No Child Left Behind (NCLB) requirements.

New York's draft of its request for a waiver of ESEA requirements is now ready for review and public comment. By submitting this request, New York is requesting flexibility through the waiver of specific ESEA provisions and their associated regulatory, administrative, and reporting requirements.

New York's draft waiver proposal is the product of months of work by Department staff, partners from numerous key stakeholder organizations, and experts in accountability systems.

In submitting a waiver request, New York will be seeking to:

- Incorporate into New York's accountability system a growth component and standards that are better aligned with college- and career-readiness.
- Create a more coherent system of classification of school and districts with performance categories better matched to New York's needs.
- Better align supports and interventions for identified schools and districts with key components of the Regents' Reform Agenda, such as implementation of the Common Core State Standards (CCSS), creating a system of data driven inquiry in schools, and promotion of teacher and principal effectiveness through systemic professional development aligned to principal and teacher evaluations.
- Develop additional measures of school success and begin the immediate use of some of these for identifying Reward Schools.

In order to ensure that our application benefits from the input of stakeholders across the state, we are presenting the draft request (<http://www.p12.nysed.gov/esea-waiver/waiver.pdf>) in this document for additional public comment.

The proposed amendments have been discussed at the monthly Board of Regents meetings from October – January 2012. An overview of the proposed changes (<http://www.regents.nysed.gov/meetings/2012Meetings/January2012/112p12a2.pdf>) was presented at the January 9-10, 2012 Board of Regents meeting. A PowerPoint presentation (<http://www.p12.nysed.gov/esea-waiver/esea-waiver-overview.pdf>) that summarizes these key changes is

also available. The final ESEA Flexibility Request for New York must be submitted in mid-February. Therefore, the final version of the application will be presented to the Board of Regents for consideration at its February 13-14, 2012 meeting.

The New York State Education Department (NYSED) has posted its Draft ESEA Flexibility Request and is now accepting public comment on this draft on behalf of the NYS Board of Regents. Comments from the public regarding the draft must be received no later than 5:00 p.m., January 30, 2012, via email to the ESEA Think Tank at ([eseathnktank@mail.nysed.gov](mailto:eseathnktank@mail.nysed.gov)), or via mail to the NYSED Office of Accountability, 89 Washington Ave., 365 EBA, Albany, NY 12234.

Please note that while the application addresses four principle areas, the survey focuses on Principle 2, State-Developed Differentiated Recognition, Accountability, and Support, since this is the area in which New York will be seeking to make revisions to its current practices. The other sections of the application document New York's existing initiatives in these areas and do not articulate new policy direction or implementation strategies.

In submitting your comments, Department staff encourage you not only to provide your concerns and recommendations, but also to identify elements of the waiver request that you support.

Department staff will carefully review and consider all comments as they finalize the 2012 application materials for consideration by the Board of Regents at its February meeting.

If you have any questions regarding the ESEA waiver initiative, please direct them to:  
[eseathnktank@mail.nysed.gov](mailto:eseathnktank@mail.nysed.gov).

We look forward to your feedback.

Please also check <http://www.p12.nysed.gov/esea-waiver/> for upcoming details regarding a NYSED webcast on ESEA Flexibility. The webcast will take place on January 25, 2012 at 11:00 a.m.

Thank you.

Office of P-12 Education  
Education Building, EB 2M West  
89 Washington Avenue  
Albany, NY 12234  
Telephone: 518-474-3862  
Fax: 518-473-2056

## Attachment 2

### Comments on Request Received from LEAs



**Department of  
Education**

*Dennis M. Walcott, Chancellor*

**Martin Kurzweil**  
Executive Director  
Office of School Performance

**52 Chambers Street  
Room 310  
New York, NY 10007**

**+1 212 374 7957 tel  
+1 212 374 5592 fax**

January 30, 2012

**Ira Schwartz**  
Assistant Commissioner, Accountability  
New York State Education Department  
89 Washington Avenue, Room 365 EBA  
Albany, NY 12234

Dear Mr. Schwartz:

The accountability system described in the New York State Education Department's (NYSED) Draft Application for ESEA Flexibility (Application) is a significant improvement over the existing New York State accountability framework under No Child Left Behind.

The incorporation of individual student growth into the identification of Priority, Focus, and Reward schools and the determination of Adequate Yearly Progress (AYP) would make the evaluations more accurate and fair as measures of school quality – which should be about the progress schools help students make from their starting place, wherever that is, in addition to their absolute level of proficiency – and it will improve the coherence of school evaluation for educators and the public in New York City.

We are also pleased with the proposal to create a single qualitative diagnostic tool, focused on key aspects of schools' organization, culture, and instructional practice. Streamlining the school inspection tools to focus more intently on the quality of instruction and student work across classrooms will improve the experience of the review for schools and will make the results more useful.

The Application's targeting of resources and districts' intervention efforts on Priority and Focus schools is a significant improvement over the status quo. Eliminating the mandatory set-asides for SES, public school choice, and professional development will allow those funds to be put to more productive uses. Allowing the transfer of Title I, Basic, Title IIA, and Title III funds will facilitate streamlined application of resources to educational priorities. Focusing interventions on the subset of schools that are most struggling and providing districts with increased flexibility to develop those interventions, while at the same time setting high expectations for the impact of those interventions, is likely to yield greater gains in student outcomes and school quality than the



**Department of  
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*Dennis M. Walcott, Chancellor*

existing model of mandated interventions and expenditures for a broad swath of schools.

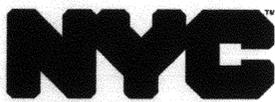
Although we appreciate the substantial benefits of the draft Application, we believe NYSED could have gone even further in its improvement of the system, in the following ways:

- (1) Incorporating growth measures is an important step, but those measures apply only to schools with grades 4-8 and a growth model without additional demographic adjustments is insufficient to meaningfully differentiate between schools serving high-need students well and schools serving those students poorly. The evaluation methodologies in the Application should include peering or other controls for student demographics.

The Focus district identification methodology in the Application presents a model for such demographic controls. Focus districts are to be identified based on the average Performance Index of students in demographic subgroups, but districts with a median growth percentile above the average for the subgroup will not be identified. Similarly, elementary or middle schools that would be identified as Priority schools on the basis of the Performance Index of the all students group could be removed from that status if the median growth percentile of each of its demographic subgroups was above the state average for the subgroup.

The same methodological principle could be applied to high schools. A high school that would be identified as a Priority school on the basis of the Performance Index of the all students group could be removed from that status if the Performance Index of its demographic subgroups was above the state average for the subgroup.

- (2) The Application proposes to use a measure of growth for school evaluation without demographic controls, while the measure of growth for principal and teacher evaluation must incorporate demographic controls, by state law. Multiple methodologies will be confusing for the field and could result in discrepant outcomes. NYSED should better align school and educator accountability by adopting a single growth percentile methodology that incorporates demographic controls.
- (3) The Application could have made the school evaluation more robust by expanding the measures of school quality beyond ELA, math, science and graduation, including real measures of college readiness, such as success in higher level courses and assessments (e.g., Advanced Placement, higher level Regents exams in math and science, and courses taken in high school for college credit) and even college enrollment. The Application also could have included measures for high schools that expand the focus of the evaluation to the success of students other than those in the schools' graduation cohort.



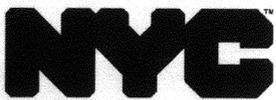
**Department of  
Education**

*Dennis M. Walcott, Chancellor*

- (4) The Application's reduction in set aside requirements improves the ability of schools to use funds to best serve their students. However, the proposed set-aside amounts based on student enrollment in Priority and Focus Schools are still overly restrictive. Limiting the set aside amounts even further, while maintaining rigorous standards and accountability for improved student outcomes at the Priority and Focus schools, will ensure that districts and schools can put those funds to their best uses in reforming the schools most in need.
- (5) The plan outlined in the Application to integrate all of the current review teams into a single entity is a positive move but can only yield more consistent outcomes if all members of the teams are trained in a uniformly rigorous manner, with the training goals and process controlled by NYSED (in conjunction with the local district, if appropriate), not outside consultants. It is essential that the underlying goals of all trainings are to norm two essential elements of the review: the application of the evaluation tool to the evidence gathered at the school and the protocols used to gather evidence. It is also important that this training is ongoing, with built in experiences for reviewers to norm and check their understanding of evidence against their colleagues' understanding of evidence. These norming experiences also provide valuable information to target areas in need of further norming at additional professional development sessions.
- (6) We are pleased to see that New York State continues to recognize the special circumstances faced by New York City's transfer high schools by extending the time horizon for evaluating graduation outcomes to six years from high school entry and limiting the calculation of Performance Index to students who have been in the school for at least a year. However, these allowances do not fully account for the challenges faced by schools that almost exclusively serve students who have become significantly off-track for on-time graduation before entering the transfer school. The best way to hold such schools accountable is to evaluate the results of their overage, undercredited students within a framework that controls for the varying ages and credit accumulation histories of the students at entry. A more appropriate accountability framework would hold transfer schools accountable solely for performance once a student arrives and compare this performance to the results of other overage, undercredited students
- (7) We support NYSED's commitments to reduce duplication and unnecessary burden. We would propose two specific reforms be included in the Application to make those commitments more concrete.

First, NYSED currently requires local districts to generate Title I Supplement Applications as well as Title I Verification Forms, which contain similar information. To reduce administrative burden, these forms should be consolidated.

In addition, NYSED should seek a waiver from 34 CFR 200.48. This regulation requires



**Department of  
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*Dennis M. Walcott, Chancellor*

local districts to provide evidence of SES and public school choice services rendered in order to carryover accruals made available as a result of the mandate and the actual expenditures. It is an administrative burden that should be streamlined, particularly in light of the elimination of the SES mandate and the limitation of the public school choice mandate.

The Application in its current form represents an important evolution in New York State's accountability framework. Notwithstanding, we believe the additional steps identified here will make the accountability system more accurate, more fair, and more efficient, and encourage NYSED to address these recommendations in the final version of the Application.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin Kurzweil".

Martin Kurzweil  
Executive Director  
Office of School Performance  
New York City Department of Education

cc: John King, Jr.  
Dennis Walcott  
Shael Polakow-Suransky

**Comments by District Superintendents of the BOCES**  
**Regarding Proposed Federal Waiver on Flexibility Provisions**  
**January 30, 2012**

**Assessments and Other Academic Measures**

We support a differentiated accountability system that utilizes multiple measures. While we support the aspirational goals of the Board of Regents, adding those measures at a time when low wealth districts are having to cut non state mandated courses and programs, like AP & IB programs, will only further demonstrate the stark differences between high and low wealth districts' capacity to perform on the standards established in the accountability system. We support the attainment of a college and career ready CTE credential as a measure.

**Definition of Proficiency**

We support both the value added student growth and proficiency measures used to encourage ambitious yet attainable performance levels by the same subgroup cohort and the total population cohort over some reasonable period of time. It should offer special considerations for English Language Learners and Students with Disabilities. As noted, awarding districts partial credit for students who score between 55 & 64 on Regents exams or who pass Regents Competency Exams in Reading and Writing or Math is supported.

**Goals for Schools and Districts**

We support lengthening the time to reach the proficiency goals set by SED to 2019-20. We believe that for some students an extra year in school will be necessary for them to meet graduation requirements. What's important is reaching proficiency, not necessarily in 4 years. For school performance, graduation rate of the cohort should be measured after five years. Thus we can support as reasonable establishing a new baseline starting with the 2010-11 school year performance and setting a goal of reducing by half within six years the gap between the Performance Index for "all students" group and each subgroup as reasonable. We believe, however, that all students and subgroups should be afforded the same amount of time to reach proficiency for graduation.

**Role of Growth Measures**

Adding student growth measures is an important addition by giving full credit for any student who is proficient or is on track to be proficient using a normative growth measure. We also support the provision that schools would not be designated if above the median state student growth percentile in ELA and Math 4-8.

**School and District Classification and Support**

We support a classification system that is easier to understand by educators and the public alike. The accountability system envisioned here appears to be less confusing than the current system. That said, there needs to be great care in laying out the new system with readable language, flowcharts, matrices, etc. that clearly explains it.

We support a system of classification that creates a designation (label) of schools which denotes the degree of proficiency and growth rather than labels which identify schools as deficient and a failure, i.e. in "need of improvement and corrective action". Suggestions, for

example, include terms like "highly proficient, proficient, nearly proficient and not proficient" or "significant growth, expected growth, insufficient growth", or "highly effective, effective, developing and ineffective." The designation needs to be identified for each subgroup so that educators and the public have transparency in how subgroups are performing so as to avoid mislabeling an entire school as a poor performer. While we believe the labels "Priority" and "Focus" districts and schools is an improvement over labels as "in need of improvement", "corrective action" and "restructuring", we would have preferred the suggestions for reasons delineated above.

We can support the identification of Priority Schools as those below 60% for three consecutive years. The designation of Focus Districts as those among the lowest ten percent of subgroup performance in the State and subgroup graduation rate below the state average are improvements. Allowing districts some flexibility in targeting schools for intervention is appreciated.

#### Early Warning

We believe before any subgroup is initially labeled and its designation publicly reported, there should be an early warning when a school's performance is trending downward or not keeping up with the state's established expected gains in proficiency or growth. The early warning system puts the school on notice.

#### Supports and Role of District Superintendents/BOCES

SED, as part of an early warning exercise, should provide guidance, identify resources, professional development, provide links to best practices and include the use of District Superintendents and BOCES to provide informal technical assistance, absent all the compliance documents which are now required to be used and submitted to the state. It is advised that those schools first be given an opportunity to demonstrate positive movement in performance without SED automatically mandating specific interventions for schools. There should be a continuum of supports which depend on the severity of the problem. If the performance of a school continues to lag and the needs of the school are more systemic, then outside intervention coordinated by the District Superintendent and BOCES staff or a task force for the Big 5 will be needed. We support the use of BOCES in component districts for both Focus Schools, District and Priority Schools as stated in the waiver proposal, where targeted by SED for technical assistance and development of District Plans and Comprehensive Plans. It must provide necessary resources to BOCES for this to occur.

#### Reward Schools

Schools should be applauded for continuous improvement. We support rewards for exemplary school performance growth. Rewards for schools that display consistently high proficiency and/or significant growth could be given relief from some related state requirements which would be unnecessary because of the school's performance. Rewarding schools for level of proficiency and growth compared to other demographically similar schools should be publicly recognized. The staff from these schools should be used as mentors for struggling schools in the similar school category, and paid for sharing their expertise and know how. As a form of professional development, staff from struggling schools should visit the exemplars.

### Public School Choice

We support the proposal to allow parents the option of choosing a BOCES CTE school. This is consistent with our briefing papers to the Commissioner and Regents. However, the briefing papers would also include any full-time comprehensive BOCES educational program: CTE, alternative high school, themed high school (for example, one for the arts) and other regional high schools. They should be added as choice options.

### Use of ESEA Title 1 Funds

A broader set of options in use of Title I set aside funds should be available after a school is first designated. Currently school choice and supplemental educational services by only outside providers are available to parents. Evidence is lacking which demonstrates consistent, systemic and significant gains in performance of those students who participate in SES.

It is our belief that initially parents would prefer that its neighborhood school provides SES to their children before, during, or after school, individually or in student groups. Collectively a 10% set aside which is used to assist students individually or in groups within the school setting is a more cost effective way to operationalize the use of the funds. The school should be given the opportunity to improve the performance of identified subgroup(s) before other more drastic measures are taken.

### Required Plan(s) for Identified Schools and Districts

Instead of requiring a district improvement plan for each identified school, the district should be required to not only have a comprehensive district-wide plan for school improvement, but to amend it to incorporate its plans to address the general student performance improvement strategies across all identified schools and for any unique needs of specific schools. The layering of multiple plans outside the context of a district wide comprehensive plan creates unnecessary paperwork, is an exercise to meet a compliance requirement that usually gets shelved, but more importantly fragments efforts for whole system improvement.

### Other Changes

The proposal suggests that the State may combine the results of the past 2 years when a district has fewer than 30 students in an accountability group. Does combining multiple year performance of a statistically insignificant number of students in a subgroup, then make the results significant? We would request the research to validate this proposal.

### Timely Notification of Assessment Results

Schools need performance information shortly after the scoring of assessments so as to begin the work of early planning and initiating subgroup or total school improvement.

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**From:** "Jeff Matteson" <jmatteson@cgsd.org>  
**To:** <eseathnktank@mail.nysed.gov>  
**Date:** 1/25/2012 12:25 PM  
**Subject:** Waiver Proposal

---

I am VERY impressed with the new waiver proposal. It certainly makes more sense and seems much more fair. I particularly like the new language of "Priority" and "Focused" schools. It also takes away the draconian consequences of being labeled a "School In Need of Improvement" for a single subgroup. This has had many very negative unintended (therefore unfortunate) consequences.

One item that may be helpful to the field is to apply this standard to the current list of schools and districts so we all could get a feel for what it would look like if it applied to 2011-12.

Thank you for offering the informative webinar

Dr. Jeffrey A. Matteson  
Superintendent of Schools  
Canisteo-Greenwood CSD  
84 Greenwood St.  
Canisteo, NY 14823  
O - (607) 698-4225 ext 2403  
F - (607) 698-2833

**From:** "Deb Shea" <dshea@niskyschools.org>  
**To:** <eseathnktank@mail.nysed.gov>  
**Date:** 1/22/2012 1:32 PM  
**Subject:** feedback

I'd like to applaud this thoughtful work. Our district is a very high performing district (our high school is ranked 8th in the state) yet got stuck with the impact of the new cut scores on ONE subgroup-special education. We moved a self-contained program from one middle school to another, then two years later have to complete the entire SQR process. This process was terribly time-consuming, we had just completed a 18 month middle school review with outside consultants and so nothing new was learned. Yet, it consumed hours and hours of precious time that could have been devoted to classroom observations, continued work on the state's reform agenda, etc. Combined with budget difficulties, it hijacked our energy and work for three months-three montsh that we cannot get back.

Thank you.

D-

Dr. Deborah Shea, Assistant Supt. of Educational Programs & Instruction  
Niskayuna Central School District  
1239 Van Antwerp Road  
Niskayuna NY 12309  
518-377-4666 Ext. 50710

---

**From:** Elizabeth Wood <WoodEliz@SHENET.ORG>  
**To:** "eseathnktank@mail.nysed.gov" <eseathnktank@mail.nysed.gov>  
**Date:** 1/24/2012 4:33 PM  
**Subject:** feedback on the Draft ESEA flexibility

---

Thank you for allowing input from the field.

It seems the proposed changes will improve the current system, based on my review I have listed several reactions and concerns below, some of which may be beyond the current ESEA reauthorization, however, require attention to truly enhance our New York educational system.

- I appreciate the performance of student sub-groups will still be examined, though in a more realistic way.
- The revised formula for AYP will likely mean more of the same. In six years, I believe NYS will have to revisit the same issue again because this simply delays the implementation of the highest performance expectations which schools are finding unrealistic (currently) based on increased cut scores and rising AYP. Infusing jobs into communities, urban renewal, expansion of research-based social programs must also play a role in raising student achievement. It is not merely a school issue .
- Schools too can do more, but must be given the flexibility to do so. Give schools the option of extending the school day and school year – which must be addressed by lifting the tax cap or an agreement with NYSUT.
- The need to assess students is a reality and schools should be held accountable for results. At the same time please help us use our time and resources wisely. The 20% locally-selected assessment option for assessments and the SLOs have potential but the current restrictions (negotiation for locally-selected, cost, lack of relevance for students, narrow focus of exams) means we are assessing students for the wrong reasons and paying too much to do it (time and money.)
- Public schools should also not have to pay charter schools more than their own per/pupil allocation. In fact, they should pay less as the public school has to save a seat for the students that return (that sent out of charter schools).
- Allow public schools and charter schools to play by the same rules. Their schools, funded by public dollars, should be subjected to the same fiscal scrutiny and have to educate all students, not the ones they choose to educate. Allow public schools to hire teachers and hold them to the same expectations that charter schools are able to.
- Great idea to reward schools under the new system, but this may simply provide additional resources for the schools in more affluent communities where students already have many advantages.

Schools create opportunities for students and decisions contained within the ESEA reauthorization will have a potentially drastic impact on students and their ability to compete in a global economy.

Elizabeth Wood  
Assistant Superintendent for Curriculum, Instruction, and Assessment  
Shenendehowa Central Schools

**STATE EDUCATION DEPARTMENT RELEASES**

**DRAFT ESEA WAIVER REQUEST**

**AUTHORIZED BY THE BOARD OF REGENTS:**

**REQUEST FOR PUBLIC COMMENT**

In recent months, states across the country -- including New York State -- have taken the lead in calling for changes to the Elementary and Secondary Education Act (ESEA). In September 2011, President Obama announced an ESEA regulatory flexibility initiative, which is based upon the Secretary of Education's authority to issue waivers. According to the USDE, "This flexibility rewards States that are showing the courage to raise their expectations in their academic standards." The USDE has stated that this process is "not a pass on accountability. There will be a high bar for states seeking flexibility within the law." States that do not apply for the waiver will have to comply with the current No Child Left Behind (NCLB) requirements.

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- Incorporate into New York State's accountability system a growth component and standards that are better aligned with college- and career-readiness.
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In submitting your comments, NYSED staff encourage you not only to provide your concerns and recommendations, but also to identify elements of the waiver request that you support.

NYSED staff will carefully review and consider all comments as they finalize the 2012 application materials for consideration by the Board of Regents at its February meeting.

If you have any questions regarding the ESEA waiver initiative, please direct them to ([eseathnktank@mail.nysed.gov](mailto:eseathnktank@mail.nysed.gov)).

We look forward to your feedback.

Evidence that the State has formally adopted college-and  
career-ready content standards consistent with the  
State's standards adoption process

## Appendix B 1 i 1: Memorandum of Agreement - Common Core Standards

### **The Council of Chief State School Officers and The National Governors Association Center for Best Practices**

#### **Common Core Standards Memorandum of Agreement**

**Purpose.** This document commits states to a state-led process that will draw on evidence and lead to development and adoption of a common core of state standards (common core) in English language arts and mathematics for grades K-12. These standards will be aligned with college and work expectations, include rigorous content and skills, and be internationally benchmarked. The intent is that these standards will be aligned to state assessment and classroom practice. The second phase of this initiative will be the development of common assessments aligned to the core standards developed through this process.

**Background.** Our state education leaders are committed to ensuring all students graduate from high school ready for college, work, and success in the global economy and society. State standards provide a key foundation to drive this reform. Today, however, state standards differ significantly in terms of the incremental content and skills expected of students.

Over the last several years, many individual states have made great strides in developing high-quality standards and assessments. These efforts provide a strong foundation for further action. For example, a majority of states (35) have joined the American Diploma Project (ADP) and have worked individually to align their state standards with college and work expectations. Of the 15 states that have completed this work, studies show significant similarities in core standards across the states. States also have made progress through initiatives to upgrade standards and assessments, for example, the New England Common Assessment Program.

**Benefits to States.** The time is right for a state-led, nation-wide effort to establish a common core of standards that raises the bar for all students. This initiative presents a significant opportunity to accelerate and drive education reform toward the goal of ensuring that all children graduate from high school ready for college, work, and competing in the global economy and society. With the adoption of this common core, participating states will be able to:

- Articulate to parents, teachers, and the general public expectations for students;
- Align textbooks, digital media, and curricula to the internationally benchmarked standards;
- Ensure professional development to educators is based on identified need and best practices;
- Develop and implement an assessment system to measure student performance against the common core; and
- Reevaluate policy changes needed to help students and educators meet the common core standards and "end-of-high-school" expectations.

An important tenet of this work will be to increase the rigor and relevance of state standards across all participating states; therefore, no state will see a decrease in the level of student expectations that exist in their current state standards.

#### **Process and Structure**

- **Common Core State-Based Leadership.** The Council of Chief State School Officers (CCSSO) and the National Governors Association Center for Best Practices (NGA Center) shall assume responsibility for coordinating the process that will lead to state adoption of a common core set of standards. These organizations represent governors and state commissioners of education who are charged with defining K-12 expectations at the state level. As such, these organizations will

facilitate a state-led process to develop a set of common core standards in English language arts and math that are:

- Fewer, clearer, and higher, to best drive effective policy and practice;
  - Aligned with college and work expectations, so that all students are prepared for success upon graduating from high school;
  - Inclusive of rigorous content and application of knowledge through high-order skills, so that all students are prepared for the 21<sup>st</sup> century;
  - Internationally benchmarked, so that all students are prepared for succeeding in our global economy and society; and
  - Research and evidence-based.
- **National Validation Committee.** CCSSO and the NGA Center will create an expert validation group that will serve a several purposes, including validating end-of-course expectations, providing leadership for the development of K-12 standards, and certifying state adoption of the common core. The group will be comprised of national and international experts on standards. Participating states will have the opportunity to nominate individuals to the group. The national validation committee shall provide an independent review of the common core. The national validation committee will review the common core as it is developed and offer comments, suggestions, and validation of the process and products developed by the standards development group. The group will use evidence as the driving factor in validating the common core.
- **Develop End-of-High-School Expectations.** CCSSO and the NGA Center will convene Achieve, ACT and the College Board in an open, inclusive, and efficient process to develop a set of end-of-high-school expectations in English language arts and mathematics based on evidence. We will ask all participating states to review and provide input on these expectations. This work will be completed by July 2009.
- **Develop K-12 Standards in English Language Arts and Math.** CCSSO and the NGA Center will convene Achieve, ACT, and the College Board in an open, inclusive, and efficient process to develop K-12 standards that are grounded in empirical research and draw on best practices in standards development. We will ask participating states to provide input into the drafting of the common core and work as partners in the common core standards development process. This work will be completed by December 2009.
- **Adoption.** The goal of this effort is to develop a true common core of state standards that are internationally benchmarked. Each state adopting the common core either directly or by fully aligning its state standards may do so in accordance with current state timelines for standards adoption not to exceed three (3) years.

This effort is voluntary for states, and it is fully intended that states adopting the common core may choose to include additional state standards beyond the common core. States that choose to align their standards to the common core standards agree to ensure that the common core represents at least 85 percent of the state's standards in English language arts and mathematics.

Further, the goal is to establish an ongoing development process that can support continuous improvement of this first version of the common core based on research and evidence-based learning and can support the development of assessments that are aligned to the common core across the states, for accountability and other appropriate purposes.

- National Policy Forum.** CCSSO and the NGA Center will convene a National Policy Forum (Forum) comprised of signatory national organizations (e.g., the Alliance for Excellent Education, Business Roundtable, National School Boards Association, Council of Great City Schools, Hunt Institute, National Association of State Boards of Education, National Education Association, and others) to share ideas, gather input, and inform the common core initiative. The forum is intended as a place for refining our shared understanding of the scope and elements of a common core; sharing and coordinating the various forms of implementation of a common core; providing a means to develop common messaging between and among participating organizations; and building public will and support.
  
- Federal Role.** The parties support a state-led effort and not a federal effort to develop a common core of state standards; there is, however, an appropriate federal role in supporting this state-led effort. In particular, the federal government can provide key financial support for this effort in developing a common core of state standards and in moving toward common assessments, such as through the Race to the Top Fund authorized in the American Recovery and Reinvestment Act of 2009. Further, the federal government can incentivize this effort through a range of tiered incentives, such as providing states with greater flexibility in the use of existing federal funds, supporting a revised state accountability structure, and offering financial support for states to effectively implement the standards. Additionally, the federal government can provide additional long-term financial support for the development of common assessments, teacher and principal professional development, other related common core standards supports, and a research agenda that can help continually improve the common core over time. Finally, the federal government can revise and align existing federal education laws with the lessons learned from states' international benchmarking efforts and from federal research.

**Agreement.** The undersigned state leaders agree to the process and structure as described above and attest accordingly by our signature(s) below.

Signatures	
<b>Governor:</b>	
<b>Chief State School Officer:</b>	

**PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGE AND CAREERS**  
**MEMORANDUM OF UNDERSTANDING**

**Purpose.** This document commits states to participate in the Partnership for Assessment of Readiness for College and Career, a state-led consortium that will collaborate on the development of common, high-quality assessments aligned to the Common Core State Standards (CCSS) in English language arts and mathematics for grades 3-8 and high school. The primary goal of the Partnership's work is to measure and document students' college and career readiness against common academic standards and to measure students' progress toward this target throughout the rest of the system.

While participating in the Partnership demonstrates the state's commitment to pursue a common assessment system that enables comparisons against the CCSS across all Partnership states, it does not commit the state to a specific assessment design at this point. Partnership states are still considering several options for the design of a common assessment system in pursuit of the Race to the Top (RTTT) Comprehensive Assessments Grant and will not be asked to commit to the Partnership's application until a later date. Until that time, all participating states will have the opportunity to contribute to and shape the Partnership's proposal.

**Preliminary Design Principles.** Partnership states have identified the following major purposes and uses for the assessment system. As the Partnership collaborates to develop its application for the RTTT assessment competition, these purposes will guide its work.

- The primary purpose is to measure and document students' college and career readiness and to measure students' progress toward this target throughout the rest of the system. Students meeting the college and career readiness standards will be eligible for placement into entry-level credit-bearing, rather than remedial, courses in public 2- and 4-year postsecondary institutions in participating states.
- Additionally, the partnership is committed to ensuring that the assessment results:
  - Are comparable across states at the student level;
  - Meet internationally rigorous benchmarks;
  - Support valid assessment of student longitudinal growth; and
  - Serve as a signal for good instructional practices.
- The results must be able to support multiple levels and forms of accountability including:
  - Decisions about promotion and graduation for individual students,
  - Teacher and leader evaluations, and
  - School accountability determinations.

**Roles and Responsibilities of Partnership States.** The Partnership will employ a multi-level governance and management structure designed to guide the partnership through the submission of the proposal.

- The **Governing States** are comprised of a representative group of leaders from Partnership states that are committed to implementing the assessment system developed by the partnership, should it win a grant from the Race to the Top Comprehensive Assessment System competition, and are responsible for guiding the proposal development process. Each Governing State will commit a team comprised of the chief, assessment director, and other key officials from the SEA, Governor's office, and higher education as appropriate.
- The **Proposal Design Team** will include officials from partnership states who will work with an advisory group of national and international experts to create an assessment system design for the Partnership's proposal. The design team will include as many states as are interested in and capable of contributing to and shaping the design of the proposed next generation assessment system.

- **Participating States** will include other partnership states that are unable to provide staff time to the design team but will provide rapid feedback on drafts of the proposal through the development phase.

**State Commitment.** This memorandum of understanding is voluntary and non-binding for states. States signing this MOU should do so with the intent of continuing in the Partnership through the proposal development, assessment development, and implementation phases. However, there will be an opportunity for states re-assess their participation in the Partnership before it submits its application for a Race to the Top Comprehensive Assessment Systems Grant by June 23, 2010.

**Agreement.** The undersigned state leader agrees to the process and structure as described above and attests accordingly by his/her signature below.

Authorized State Signature: 	
Name: Commissioner of Education	Date: 5/11/2010
Title: New York State	



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234**

**TO:** Standards Work Group  
P-12 Education Committee

**FROM:** John B. King, Jr.

**SUBJECT:** Approval of recommended additions to the Common Core State Standards (CCSS) for English Language Arts & Literacy and CCSS for Mathematics and approval of new Prekindergarten Learning Standards

**DATE:** December 30, 2010

**AUTHORIZATION(S):**

### **SUMMARY**

#### **Issues for Decision**

Will the Board of Regents approve the recommended P-12 additions to the Common Core State Standards (CCSS) for English Language Arts & Literacy and CCSS for Mathematics?

Will the Board of Regents approve the recommended Prekindergarten Learning Standards?

#### **Proposed Handling**

This item will come before the Standards Work Group and the P-12 Education Committee for decision at the January 2011 meeting.

#### **Reasons for Consideration**

In July 2010, New York State adopted the Common Core State Standards (CCSS) for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects and the CCSS for Mathematics to support the Regents Reform Agenda, with the understanding that additional K-12 expectations and prekindergarten standards may be added. According to the timeline adopted by the Board of Regents, the Board is scheduled to act on a decision to approve these recommended additions by January 2011.

Also supporting the Regents Reform Agenda and the Race to the Top initiative is the development of the New York State Prekindergarten (PreK) Learning Standards. These Learning Standards will strengthen instruction in PreK classrooms in all settings, as well as help administrators and educators align PreK Learning standards with the K-12 system.

In spring 2011, after Board action on the recommended additions and prekindergarten standards, the development of statewide P-12 curriculum models for English Language Arts and Mathematics will begin.

### Background Information

#### *P-12 additions to the Common Core*

In July 2010, groups of P-12 and higher education English Language Arts and Mathematics practitioners met in Albany to analyze the CCSS for ELA and Mathematics and make recommendations for additions. The proposed additions, which represent student achievement expectations for all students, were presented to the Board of Regents in October 2010, with a five-week period of public feedback during the fall. Over 800 teachers, parents, school administrators, and other stakeholders responded to the ELA and Mathematics surveys.

After the survey data was compiled, team leaders from the July Mathematics and ELA workgroups participated in a review and revision session with Department staff on December 6<sup>th</sup>, 2010. The group analyzed the survey results and made necessary edits based on public input. Included below is a summary of the revisions and final recommendations. The majority of the survey respondents were teachers, with the remainder representing parents, school administrators, and/or other stakeholders.

The drafts of the NYS P-12 Common Core Learning Standards for English Language Arts and Literacy and Mathematics documents will be available at the SED Common Core State Standards website: [http://www.p12.nysed.gov/ciai/common\\_core\\_standards/](http://www.p12.nysed.gov/ciai/common_core_standards/)

#### *Development of Prekindergarten Standards*

The Draft PreK Learning Standards have been developed collaboratively by a workgroup consisting of Department staff and representatives from the NYS Office of Children and Family Services, the NYS Council on Children and Families, and other statewide partners linked to the Early Childhood Advisory Council (ECAC). An earlier draft was vetted to early childhood administrators and practitioners representing all sectors of the kindergarten feeder system. The PreK Learning Standards include five domains: Approaches to Learning; Physical Development and Health; Social and Emotional Development; Communication, Language and Literacy; and Cognition and Knowledge of the World. The communication, language, and literacy as well as the mathematics sections are aligned with the NYS P-12 Common Core Learning Standards for ELA and Literacy and Mathematics. The adoption and subsequent dissemination of this set of standards will provide the impetus needed to begin to address high-quality early childhood education for children before entry to kindergarten.

The initial Board of Regents discussion of the adoption of these standards occurred on July 19, 2010.

The Draft PreK Learning Standards were presented to the Board of Regents in October 2010, followed by a three-week public comment period. Over 500 teachers, administrators, and other stakeholders submitted responses to the survey. A workgroup was then convened to review and revise the PreK Learning Standards based upon the responses to the survey.

### **Recommended Additions to the Common Core State Standards for English Language Arts & Literacy**

In July 2010, the ELA Workgroup recommended additions to the Common Core ELA Standards in the following areas:

- Responding to Literature (Reading P-12 and Writing grades 5-12)
- Grade-level expectations for student inquiry were added—embedded into the Reading, Writing, and Listening and Speaking strands, 5-12
- Grade-level expectations for culture and diversity were added—embedded into the Reading, Writing, and Listening and Speaking strands, P-12
- Prekindergarten standards in Reading, Writing, Speaking and Listening, and Language were developed in alignment with the K-12 expectations in the Common Core State Standards. These expectations will be included in the new P-12 English Language Arts and Literacy Standards that connect to the five domains in the stand-alone Prekindergarten Standards document.

During the December 2010 revision session, the workgroup reviewed the survey data and made the following decisions:

- For Responding to Literature Reading P-12, the majority of respondents agreed (over 80%) with the addition of a Responding to Literature anchor standard and related grade-level P-12 expectations. The group suggested adding this anchor standard as # 11 in the Common Core Reading for Literature section, under the heading “Responding to Literature.” Below is the proposed anchor standard:

“Respond to literature by employing knowledge of literary language, textual features, and forms to read and comprehend, reflect upon, and interpret literary texts from a variety of genres and a wide spectrum of American and world cultures.”

- For Responding to Literature Writing 5-12, the majority of the respondents (77%) agreed that these additions are necessary. Comments in the surveys indicated that there was some concern about why this anchor standard only started at grade 5, while the other Responding to Literature Reading Standard contains expectations for P-12. To ensure the two Responding to Literature standards are both P-12 and parallel, the group agreed to add Responding to Literature Writing grade-level standards for P-4 that connect with grades 5-12. The new draft

“Develop personal, cultural, textual, and thematic connections within and across genres as they respond to texts through written, digital, and oral presentations, employing a variety of media and genres.”

- No changes were made to the Prekindergarten additions. The majority of the respondents (85%) agreed that these are necessary additions. These prekindergarten ELA additions connect to the 32 anchor standards (plus the Responding to Literature recommended additions) and the kindergarten level of the Common Core.
- A majority of the respondents (76%) supported the student inquiry additions, with some suggestions for revisions. The group made slight edits to some grade-level additions, which should improve the clarity of the expectations.
- A majority of the respondents (76%) supported the culture and diversity additions. The workgroup made some minor revisions based on survey comments.

The proposed P-12 English Language Arts and Literacy Learning Standards will include 34 anchor (College- and Career-Readiness) standards, plus the related P-12 grade-level standards and recommended grade-level additions for inquiry and culture and diversity.

In addition to the revisions described above, the ELA Workgroup discussed the need for the development of supporting guidance documents to assist administrators and teachers with responding to the needs of English Language Learners and students with disabilities. Additional suggestions were made to develop guidance to support native language arts, digital literacy, metacognition, connections to the arts, and cross-content literacy. The Workgroup also highly recommended that the Department prepare a New York State introduction to the P-12 standards that provides more context to the new set of P-12 standards.

### **Recommended Additions to the Common Core State Standards for Mathematics**

The July 2010 Workgroup recommended additions to the Common Core Mathematics Standards in the following areas:

- One grade-level standard for Kindergarten: Develop understanding of ordinal numbers (first through tenth) to describe the relative position and magnitude of whole numbers.
- One grade-level standard for Grade one: Recognize and identify coins, their names, and their value.

- No new standards were recommended as additions to the rest of the grade levels (2-12).

The majority of respondents to the November public Mathematics survey agreed that the recommended additional grade level standards for Kindergarten (80%) and First grade (81%) were both necessary and appropriate. The majority of respondents (80%) also agreed that the proposed prekindergarten standards aligned with and supported the student achievement expectations included in the K-12 Common Core State Mathematics Standards. In addition, respondents agreed (61%) that the traditional pathway for the high school courses outlined in the executive summary was appropriate and the comments expressed that it is the preferred direction for New York State.

During the December 2010 revision meeting, the workgroup reviewed the survey data and made the following decisions.

- The two additional standards, added at the Kindergarten and First Grade levels, were necessary and appropriate additions to the Common Core State Standards.
- The Prekindergarten standards align and support the student achievement expectations included in the CCSS.
- The survey identified the preferred pathway for high school courses to be the traditional approach of Integrated Algebra, Geometry, and Algebra 2 and Trigonometry.
- General themes regarding additional resources were identified from the survey and will be included in developing supportive material for the sequenced, spiraled, content rich, curriculum frameworks.
- The survey responses expressed that no additional recommendations were needed.

### **Development and Revision of Prekindergarten Standards**

After the survey data was compiled, workgroup members participated in a review and revision session with Department staff. The group analyzed the survey results and made necessary edits based on public input. Included below is a summary of the revisions and final recommendations.

- For *Domain #1 Approaches to Learning*, the majority of the respondents agreed (90%) with the Benchmarks and Indicators as they were written. The workgroup made no changes to this section of the PreK Learning Standards other than to correct the dates of two research articles that were cited.
- For *Domain #2 Physical Development and Health*, the majority of respondents (90%) agreed with the Benchmarks and Indicators as they were written. While the workgroup did not make any changes to the text of this Domain, there was evidence in the comments that some children with physical disabilities may need

- For *Domain #3 Social and Emotional Development*, the majority of respondents (94%) agreed with the Benchmarks and Indicators as they were written. There were many strong comments from the respondents as well as the workgroup members regarding how to incorporate these kind of benchmarks within the K-12 standards system. Another significant comment was that strong home/school connections and parent involvement improve the social and emotional well being of children. The workgroup made no additions to this domain but will recommend that the previous comments be shared for guidance documents that will follow.
- For *Domain #4 Communication, Language and Literacy*, the majority of respondents (86%) agreed with the Benchmarks and Indicators as written. Suggestions were made to include the word “culture” in the introduction to this section so that it is included with background knowledge and word knowledge as a contributing factor to developing literacy, particularly for our young English Language Learners. Terms used in this domain need to be defined within the curriculum guidance for PreK and that guidance should offer explanations that communication, language and literacy development is integrated across all of the domains. The workgroup made only slight revisions to the indicators based upon the feedback from the survey.
- For *Domain #5 Cognition and Knowledge of the World*, the majority of the respondents (85%) agreed with the Benchmarks and Indicators as they were written. Some minor revisions were made to the introduction of this section and to some of the individual benchmark indicators so that they were more clearly stated. It was recommended that curriculum guidance that accompanies the PreK standards include a glossary of terms and a brief discussion of the importance of the classroom environment.
- Responses to the questions 6 and 7 on the survey regarding children with disabilities and English language learners included suggestions to take the time to give guidance not just to teachers but to administrators regarding the necessary approaches and supports needed by these children in a classroom setting. Other suggestions indicated the benchmark indicators should include allowing the use of communication through alternate means such as American Sign Language, pictures, gestures, and electronic communication devices.
- Question 8 on the survey asked the respondents to suggest the pre-service or in-service training that will be necessary for the implementation of the PreK Learning Standards. A very strong recommendation included the need to work with higher education to develop teacher training courses that support young learners. Other suggestions for ongoing professional development and joint training for teachers and administrators were made frequently. Many teachers suggested that to implement the PreK standards effectively kindergarten and grade 1 teachers must be included in the training and technical assistance, so that there is continuity between the grade levels.

- In general, throughout all eight of the survey questions, there were comments about the benchmarks being indicative of a rich Prekindergarten program. Comments clearly indicated that many of the benchmarks could be accomplished and observed through the play and active engagement of 4 year olds within a well-designed learning environment. Individualized, standards-based practices will support all learners in meeting the PreK Standards.

Next steps for implementation of P-12 standards and development of curriculum models.

### **Rollout of New York State P-12 Common Core Standards for English Language Arts and Literacy and Mathematics**

Throughout the fall, Department staff provided several presentations on the Common Core State Standards and proposed additions to curriculum specialists, teachers, and professional organizations. Additionally, a toolkit with Common Core resources, including a timeline with implications for school districts, was posted on the NYSED website to provide additional guidance to the field. Moving forward, specific training on implementation of the Common Core will be provided to LEAs via the RTTT Network Team structure. Specifically, a 3-5 day statewide summer training with Common Core experts will be provided to all Network Teams and this will be followed by quarterly trainings, the content of which will be based on continuous feedback from survey results and on-site observations in school districts.

Implementation of the new New York State standards (inclusive of the Common Core) will begin in all schools in 2011-12. The reporting of state assessment results for 2011-12 will include performance mapped to both the existing NYS standards and the new NYS standards (inclusive of the Common Core). In school year 2012-2013, classroom instruction is expected to be fully aligned and assessments will test to the New York State P-12 Common Core Learning Standards for English Language Arts & Literacy and Mathematics.

### **Development of Curriculum Models**

In December 2010, the Department posted a Request for Information (RFI) to gather input from stakeholders on the necessary components to include in the English Language Arts/Literacy and Mathematics curriculum models. After the RFI closes on January 31<sup>st</sup>, the Department will compile and analyze the information to help inform the development of a Request for Proposal for Curriculum Resource Centers to develop P-12 English Language Arts & Literacy and P-12 Mathematics Curriculum Models.

Based on priorities stated in both New York State's Race to the Top application and the Department's P-12 Strategic Vision, these curriculum models are expected to include:

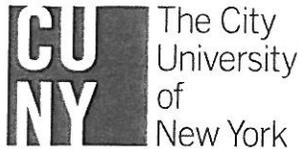
- Grade-by-grade student expectations (standards, benchmarks and performance indicators), including the knowledge, skills, and understandings that students are expected to achieve at each grade.
- Month-by-month learning objectives/student expectations, organized in thematic units or genre-specific modules, which include formative instruction/assessment strategies to check for student understanding, and specific teaching activities and student tasks.
- Grade-level learning examples, which include developmentally appropriate instructional strategies and sample tasks to demonstrate how students can achieve the standards, including resources for teachers of students with disabilities and English language learners.
- An appendix of grade-by-grade recommended texts (fiction/nonfiction) that are representative of grade level readability as normed by various reading metrics to inform curriculum development.
- Formative instruction/assessment tools at each grade level to permit teachers to measure ongoing student grade-level achievement.
- Alignment tools to analyze existing programs and resources against new learning expectations.
- Supplemental curriculum guidance for teachers of English language learners, students with disabilities, and other student populations with diverse needs.
- Links to professional development resources throughout the models.

After the RFP is awarded in early spring, the curriculum resource centers will begin work on the development of the curriculum models with input from statewide stakeholders, including teachers, school administrators, higher education representatives, curriculum specialists, and representatives from various New York State professional organizations. The P-12 ELA & Literacy and Mathematics curriculum models will be created to facilitate student achievement of the new P-12 standards and are scheduled to be available to schools during the school year 2012-2013.

### Recommendation

VOTED: That the Board of Regents approves the New York State P-12 Common Core Learning Standards for English Language Arts (ELA) and Literacy; the New York State P-12 Common Core Learning Standards for Mathematics; and the New York State Prekindergarten Learning Standards.

Memorandum of Understanding of letter from a State network of institutions of higher education (IHEs) certifying that meeting the State's standards corresponds to being college- and career-ready without the need for remedial coursework at the postsecondary level



The Chancellor

May 28, 2010

The Honorable Arne Duncan  
Secretary of Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Secretary Duncan:

As chancellor of The City University of New York (CUNY), I would like to express strong support for the Partnership for Assessment of Readiness for College and Careers and pledge to work collaboratively with our K-12 state counterparts and our higher education colleagues across the partnership states to develop high school assessments that can serve as an indicator of readiness for non-remedial, credit-bearing, college-level coursework in mathematics and English. We value the promise of the new Common Core State Standards to improve college readiness rates of direct matriculation high school students and the vision outlined for developing a common college-ready assessment.

We further recognize that the diverse missions of postsecondary systems and institutions in the Partnership for Assessment of Readiness for College and Careers will determine the specific ways in which this new assessment will be used. We are, however, prepared to participate in the design, development, and standard setting process of the Partnership with the goal of using the new measure(s) as part of our course placement system once the Partnership has set the college readiness standards for the assessment(s).

In the 2008-09 school year, CUNY included 42,881 direct matriculation degree-seeking students who were within two years of high school graduation. We are committed to working with the Partnership for Assessment of Readiness for College and Careers to ensure that students who score college-ready on its end of high school assessments can enter credit-bearing coursework without remediation at this institution.

We are prepared to participate with the Partnership for Assessment of Readiness for College and Careers in the following next steps:

- A collaborative and comprehensive effort by K-12 and higher education faculty and leaders across the Partnership for Assessment of Readiness for College and Careers on test design and development.
- A coordinated effort across the consortium to design and participate in validity studies and comparisons with current placement instruments to ensure that the assessments developed are an accurate measure of college readiness.

- A thorough, research-based process to establish common achievement standards on the new assessments that signal students' preparation for entry level, credit-bearing coursework.
- Use of the assessment in all partnership states' postsecondary institutions as an indicator of students' readiness for placement in non-remedial, credit-bearing college-level coursework.

We strongly support further work to establish a better aligned P-20 education system that will help all of New York's students graduate from high school ready for college and careers, by providing students, their parents and their teachers with clear and consistent information about what it means and what it takes to be ready for college. We further commit ourselves to work collaboratively with our K-12 counterparts to improve associated student outreach, intervention, and academic preparation programs to ensure all students have the opportunity to successfully transition into our postsecondary system.

Thank you for providing the students in our state with the opportunity to benefit from such an important collaboration.

<b>Signature(s) for the State of New York:</b>	
Authorized State Signature: 	
Name: David M. Steiner	Date: 6/11/10
Title: Commissioner of Education and President of the University of the State of New York	
Authorized State Signature: 	
Name: Matthew Goldstein	Date: May 28, 2010
Title: Chancellor, The City University of New York (CUNY)	



# THE STATE UNIVERSITY *of* NEW YORK

*Nancy L. Zimpher*  
Chancellor

June 4, 2010

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Mr. Arne Duncan  
Secretary of Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-0001

Dear Secretary Duncan,

On behalf of the 64 campuses of the State University of New York (SUNY), the largest comprehensive system of higher education in the nation, I am pleased to express my strong support for the multi-state consortium called the Partnership for Assessment of Readiness for College and Career (“The Partnership”). SUNY would be pleased to work collaboratively with the K-12 education community in New York State and higher education colleagues in other Partnership states to develop high school assessments in English Language Arts and Mathematics based on the new Common Core State Standards so that these assessments can serve as valid indicators of readiness for credit-bearing, college-level study. The promise of these new assessments to improve the college readiness of high school graduates and smooth their transition to college is perfectly aligned with SUNY’s strategic plan, which has the goal of creating a seamless education pipeline from cradle through career for students in New York State.

Although the diverse missions of higher education systems and institutions in the Partnership will determine the specific ways in which the new college-readiness assessments will be used, the State University of New York is committed to participating, as appropriate, in the Partnership’s design, development, and standard setting process with the goal of using the new assessments for placing students in credit-bearing courses. We are committed to working with the Partnership toward the shared goal of ensuring that students with college-ready scores on end-of-high-school assessments can enroll in credit-bearing courses without remediation.

The Partnership’s assessments have the potential to benefit tens of thousands of “direct matriculation students” per year in New York State, defined for the Partnership as freshmen who had graduated from high school in the prior two years entering public higher education in the state for the first time. In academic year 2008-09, the State University of New York enrolled a total of 80,660 direct matriculation students.

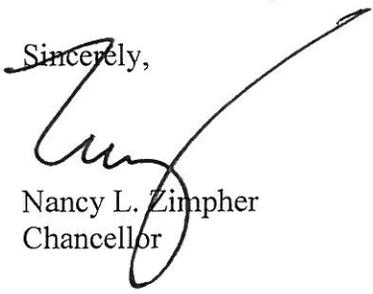
The State University of New York is prepared to participate, as appropriate, with the Partnership in the following next steps related to assessments:

- a collaborative and comprehensive effort by K-12 and higher education faculty and leaders across the Partnership on test design and development;
- a coordinated effort across the consortium to design and participate in validity studies and comparisons with current placement instruments to ensure that the assessments developed are an accurate measure of college readiness;
- a thorough, research-based process to establish common achievement standards on the new assessments that signal students' preparation for entry level, credit-bearing coursework; and
- use of the assessment, along with other placement requirements used by our campuses, as an indicator of students' readiness for placement in non-remedial, credit-bearing college-level coursework.

In addition, SUNY strongly supports an aligned P-20 education system that will help New York State's students graduate from high school ready for college and careers by providing students, their parents and their teachers with clear and consistent information about what it means and what it takes to be ready for college. To supplement the assessment work, the University will work collaboratively, as appropriate, with New York State's K-12 education community to improve student outreach, intervention, and academic preparation programs to ensure all students have the opportunity to make a successful transition to college.

Thank you for providing the students in New York State with the opportunity to benefit from the Partnership's collaboration.

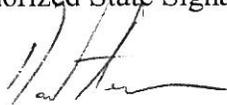
Sincerely,



Nancy L. Zimpher  
Chancellor

NLZ:zrr

cc: Dr. David K. Lavalley, Provost and Senior Vice Chancellor  
Ms. Johanna Duncan-Poitier, Chancellor's Deputy for the Education Pipeline  
Dr. Elizabeth Bringsjord, Associate Provost  
Dr. Nancy Willie-Schiff, Assistant Provost

Signature(s) for the State of: New York	
Authorized State Signature: 	
Name: David M. Steiner	Date: June 4, 2010
Title: Commissioner of Education and President of the University of the State of New York	
Authorized State Signature: 	
Name: Nancy L. Zimpher	Date: June 4, 2010
Title: Chancellor, State University of New York	

State's Race to the Top Assessment  
Memorandum of Understanding

**PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGE AND CAREERS**  
**MEMORANDUM OF UNDERSTANDING**

**Purpose.** This document commits states to participate in the Partnership for Assessment of Readiness for College and Career, a state-led consortium that will collaborate on the development of common, high-quality assessments aligned to the Common Core State Standards (CCSS) in English language arts and mathematics for grades 3-8 and high school. The primary goal of the Partnership's work is to measure and document students' college and career readiness against common academic standards and to measure students' progress toward this target throughout the rest of the system.

While participating in the Partnership demonstrates the state's commitment to pursue a common assessment system that enables comparisons against the CCSS across all Partnership states, it does not commit the state to a specific assessment design at this point. Partnership states are still considering several options for the design of a common assessment system in pursuit of the Race to the Top (RTTT) Comprehensive Assessments Grant and will not be asked to commit to the Partnership's application until a later date. Until that time, all participating states will have the opportunity to contribute to and shape the Partnership's proposal.

**Preliminary Design Principles.** Partnership states have identified the following major purposes and uses for the assessment system. As the Partnership collaborates to develop its application for the RTTT assessment competition, these purposes will guide its work.

- The primary purpose is to measure and document students' college and career readiness and to measure students' progress toward this target throughout the rest of the system. Students meeting the college and career readiness standards will be eligible for placement into entry-level credit-bearing, rather than remedial, courses in public 2- and 4-year postsecondary institutions in participating states.
- Additionally, the partnership is committed to ensuring that the assessment results:
  - Are comparable across states at the student level;
  - Meet internationally rigorous benchmarks;
  - Support valid assessment of student longitudinal growth; and
  - Serve as a signal for good instructional practices.
- The results must be able to support multiple levels and forms of accountability including:
  - Decisions about promotion and graduation for individual students,
  - Teacher and leader evaluations, and
  - School accountability determinations.

**Roles and Responsibilities of Partnership States.** The Partnership will employ a multi-level governance and management structure designed to guide the partnership through the submission of the proposal.

- The **Governing States** are comprised of a representative group of leaders from Partnership states that are committed to implementing the assessment system developed by the partnership, should it win a grant from the Race to the Top Comprehensive Assessment System competition, and are responsible for guiding the proposal development process. Each Governing State will commit a team comprised of the chief, assessment director, and other key officials from the SEA, Governor's office, and higher education as appropriate.
- The **Proposal Design Team** will include officials from partnership states who will work with an advisory group of national and international experts to create an assessment system design for the Partnership's proposal. The design team will include as many states as are interested in and capable of contributing to and shaping the design of the proposed next generation assessment system.

- **Participating States** will include other partnership states that are unable to provide staff time to the design team but will provide rapid feedback on drafts of the proposal through the development phase.

**State Commitment.** This memorandum of understanding is voluntary and non-binding for states. States signing this MOU should do so with the intent of continuing in the Partnership through the proposal development, assessment development, and implementation phases. However, there will be an opportunity for states re-assess their participation in the Partnership before it submits its application for a Race to the Top Comprehensive Assessment Systems Grant by June 23, 2010.

**Agreement.** The undersigned state leader agrees to the process and structure as described above and attests accordingly by his/her signature below.

Authorized State Signature: 	
Name: Commissioner of Education	Date: 5/11/2010
Title: New York State	

**2010-2011 Percent Proficient on Grades 3-8 English Language Arts (ELA) and Mathematics Exams by Subgroup**

Grades 3-8 ELA							
Group	Enrollment	Level 1	Level 2	Level 3	Level 4	Performance Index	% Level 3 and Level 4
All Students	1,173,267	113,337	429,824	580,793	49,313	144.0	53.71%
American Indian/Alaskan Native	5,710	739	2,567	2,254	150	129.2	42.10%
Asian or Pacific Islander	94,142	6,561	23,772	56,769	7,040	160.8	67.78%
Black (not Hispanic)	217,319	33,155	105,929	74,126	4,109	120.7	36.00%
Economically Disadvantaged	623,670	89,877	284,185	235,605	14,003	125.6	40.02%
Hispanic	256,947	38,503	120,664	92,725	5,055	123.1	38.05%
Limited English Proficient	114,839	30,952	55,571	26,577	1,739	97.7	24.66%
Multi-racial	7,219	562	2,281	3,931	445	152.8	60.62%
Students With Disabilities	204,892	65,612	96,478	33,762	9,040	88.9	20.89%
White	591,930	33,817	174,611	350,988	32,514	159.1	64.79%

Grades 3-8 Math							
Group	Enrollment	Level 1	Level 2	Level 3	Level 4	Performance Index	% Level 3 and Level 4
All Students	1,179,082	81,757	337,772	477,766	281,787	157.5	64.42%
American Indian/Alaskan Native	5,731	559	2,075	2,245	852	144.3	54.04%
Asian or Pacific Islander	95,905	2,543	12,371	34,540	46,451	181.8	84.45%
Black (not Hispanic)	217,566	28,120	91,059	75,026	23,361	132.3	45.22%
Economically Disadvantaged	629,108	64,513	232,550	233,275	98,770	142.5	52.78%
Hispanic	260,126	26,495	99,409	99,350	34,872	141.4	51.60%
Limited English Proficient	121,307	18,402	49,282	40,166	13,457	129.0	44.20%
Multi-racial	7,223	437	1,996	2,893	1,897	160.3	66.32%
Students With Disabilities	204,629	47,194	90,138	49,619	17,678	109.8	32.89%
White	592,531	23,603	130,862	263,712	174,354	169.9	73.93%

**2010-2011 Percent Proficient on Grades 3-8 English Language Arts (ELA) and Mathematics Exams by Subgroup**

High School ELA							
Group	Enrollment	Level 1	Level 2	Level 3	Level 4	Performance Index	% Level 3 and Level 4
All Students	198,622	20,520	46,132	87,136	44,834	156.1	66.44%
American Indian/Alaskan Native	897	134	279	376	108	139.0	53.96%
Asian or Pacific Islander	16,131	1,161	2,475	7,357	5,138	170.3	77.46%
Black (not Hispanic)	37,012	6,705	12,869	14,403	3,035	129.0	47.11%
Economically Disadvantaged	81,891	12,967	25,847	34,421	8,656	136.8	52.60%
Hispanic	38,287	6,835	12,186	15,781	3,485	132.5	50.32%
Limited English Proficient	11,867	4,090	4,451	3,021	305	93.6	28.03%
Multi-racial	492	33	112	216	131	163.8	70.53%
Students with Disabilities	27,376	9,061	10,687	6,046	1,582	94.8	27.86%
White	105,803	5,652	18,211	49,003	32,937	172.1	77.45%

High School Math							
Group	Enrollment	Level 1	Level 2	Level 3	Level 4	Performance Index	% Level 3 and Level 4
All Students	198,622	20,653	93,777	49,577	34,615	132.0	42.39%
American Indian/Alaskan Native	897	147	520	169	61	109.3	25.64%
Asian or Pacific Islander	16,131	746	4,717	4,708	5,960	161.5	66.13%
Black (not Hispanic)	37,012	7,293	23,612	4,759	1,348	96.8	16.50%
Economically Disadvantaged	81,891	12,947	48,010	14,416	6,518	109.8	25.56%
Hispanic	38,287	6,927	23,550	5,899	1,911	102.3	20.40%
Limited English Proficient	11,867	2,877	6,760	1,534	696	94.5	18.79%
Multi-racial	492	46	213	130	103	138.0	47.36%
Students with Disabilities	27,376	8,483	14,887	2,805	1,201	83.6	14.63%
White	105,803	5,494	41,165	33,912	25,232	150.7	55.90%

Att 8 Listing of Reward, Priority, and Focus Schools

Code Legend:

- A - Achievement Schools
- B - Progress Schools
- C - Priority Schools identified for PI
- D - Priority Schools identified for Graduation Rate
- E - PLA Schools
- G - Focus Districts including Charter Schools

Sch BEDS ID	Sch NCES ID	School/LEA	LEA BEDS ID	LEA NCES ID	LEA	2010-11 Title I	Code	Reward	Priority	Focus
						Yes	G			Yes
						Yes	G			Yes
						Yes	G			Yes
						Yes	G			Yes
						Yes	C		Yes	
						Yes	G			Yes
						Yes	C		Yes	
						Yes	C		Yes	
						Yes	C		Yes	
						Yes	E		Yes	
						Yes	E		Yes	
						Yes	E		Yes	
						No	A	Yes		
						Yes	A	Yes		
						Yes	A	Yes		
						No	B	Yes		
						Yes	A	Yes		
						Yes	E		Yes	
						Yes	B	Yes		
						Yes	D		Yes	
						No	A	Yes		
						Yes	A	Yes		
						Yes	D		Yes	
						No	A	Yes		
						Yes	C		Yes	
						No	A	Yes		
						Yes	C		Yes	
						Yes	C		Yes	
						Yes	C		Yes	
						Yes	A	Yes		
						Yes	C		Yes	
						Yes	G			Yes
						Yes	E		Yes	
						Yes	C		Yes	
						Yes	E		Yes	
						No	A	Yes		
						Yes	C		Yes	
						Yes	A	Yes		
						Yes	C		Yes	
						Yes	G			Yes
						Yes	C		Yes	
						Yes	D		Yes	
						Yes	C		Yes	
						Yes	C		Yes	
						Yes	C		Yes	
						Yes	C		Yes	
						Yes	C		Yes	
						Yes	C		Yes	
						Yes	C		Yes	
						Yes	C		Yes	
						Yes	G			Yes

Code	Total
A	178
B	37
C	143
D	16
E	75
G	90
Grand Tot	539

Yes	E		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	E		Yes	
Yes	C		Yes	
Yes	E		Yes	
Yes	E		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	G			Yes
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	E		Yes	
Yes	C		Yes	
Yes	E		Yes	
Yes	E		Yes	
Yes	D		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
No	A	Yes		
Yes	C		Yes	
Yes	E		Yes	
Yes	E		Yes	
Yes	E		Yes	
Yes	E		Yes	
Yes	C		Yes	
Yes	D		Yes	
Yes	D		Yes	
No	A	Yes		
Yes	D		Yes	
Yes	E		Yes	
Yes	C		Yes	
Yes	B	Yes		
Yes	C		Yes	
Yes	C		Yes	
Yes	G			Yes
Yes	E		Yes	
Yes	D		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	G			Yes
Yes	E		Yes	
Yes	E		Yes	
No	A	Yes		
Yes	E		Yes	
No	A	Yes		
Yes	E		Yes	
Yes	G			Yes
Yes	E		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	G			Yes



Yes	E		Yes	
Yes	D		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	G			Yes
Yes	C		Yes	
Yes	G			Yes
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	E		Yes	
Yes	B	Yes		
Yes	E		Yes	
Yes	E		Yes	
Yes	A	Yes		
Yes	B	Yes		
Yes	E		Yes	
Yes	B	Yes		
Yes	C		Yes	
Yes	A	Yes		
No	A	Yes		
Yes	A	Yes		
Yes	A	Yes		
Yes	A	Yes		
Yes	A	Yes		
Yes	E		Yes	
No	A	Yes		
Yes	C		Yes	
Yes	A	Yes		
Yes	G			Yes
Yes	B	Yes		
Yes	C		Yes	
Yes	C		Yes	
Yes	G			Yes
Yes	E		Yes	
Yes	C		Yes	
No	E		Yes	
Yes	A	Yes		
Yes	A	Yes		
No	A	Yes		
Yes	C		Yes	
Yes	B	Yes		
Yes	D		Yes	
No	A	Yes		
Yes	B	Yes		
Yes	G			Yes
Yes	A	Yes		
Yes	C		Yes	
Yes	E		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	E		Yes	
Yes	A	Yes		
Yes	C		Yes	
Yes	A	Yes		
Yes	G			Yes
Yes	C		Yes	
Yes	E		Yes	
Yes	C		Yes	
Yes	D		Yes	
Yes	D		Yes	
Yes	G			Yes

Yes	C		Yes	
Yes	C		Yes	
Yes	A	Yes		
Yes	C		Yes	
Yes	G			Yes
Yes	E		Yes	
Yes	B	Yes		
Yes	B	Yes		
Yes	A	Yes		
No	A	Yes		
Yes	E		Yes	
Yes	E		Yes	
Yes	C		Yes	
Yes	E		Yes	
No	A	Yes		
Yes	E		Yes	
Yes	A	Yes		
Yes	G			Yes
Yes	G			Yes
Yes	G			Yes
Yes	A	Yes		
Yes	E		Yes	
Yes	A	Yes		
Yes	B	Yes		
Yes	A	Yes		
Yes	E		Yes	
Yes	E		Yes	
Yes	A	Yes		
Yes	E		Yes	
Yes	A	Yes		
Yes	G			Yes
Yes	G			Yes
Yes	G			Yes
Yes	G			Yes
No	G			Yes
No	G			Yes
No	G			Yes
Yes	G			Yes
No	A	Yes		
Yes	G			Yes
No	E		Yes	
Yes	E		Yes	
Yes	C		Yes	
No	A	Yes		
Yes	G			Yes
Yes	G			Yes
Yes	C		Yes	
No	A	Yes		
Yes	G			Yes
No	A	Yes		
No	A	Yes		
Yes	G			Yes
No	A	Yes		
Yes	B	Yes		
No	A	Yes		
No	A	Yes		
Yes	A	Yes		
Yes	G			Yes
No	A	Yes		
No	A	Yes		
Yes	G			Yes
Yes	C		Yes	



Yes	E		Yes	
Yes	C		Yes	
Yes	E		Yes	
Yes	C		Yes	
Yes	E		Yes	
Yes	C		Yes	
Yes	D		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	E		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	E		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	E		Yes	
Yes	E		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	D		Yes	
Yes	C		Yes	
Yes	C		Yes	
No	A	Yes		
Yes	B	Yes		
Yes	G			Yes
No	A	Yes		
No	A	Yes		
Yes	G			Yes
Yes	G			Yes
Yes	C		Yes	
No	A	Yes		
No	A	Yes		
No	A	Yes		
No	D		Yes	
No	A	Yes		
No	B	Yes		
No	A	Yes		
Yes	G			Yes
Yes	G			Yes
No	A	Yes		
No	A	Yes		
Yes	A	Yes		
No	A	Yes		
No	A	Yes		
No	E		Yes	
No	A	Yes		
Yes	G			Yes
Yes	G			Yes
Yes	A	Yes		
Yes	G			Yes
Yes	B	Yes		
Yes	B	Yes		
No	A	Yes		
No	A	Yes		
Yes	A	Yes		
Yes	G			Yes
Yes	G			Yes

Yes	B	Yes		
Yes	A	Yes		
Yes	A	Yes		
No	A	Yes		
Yes	A	Yes		
Yes	A	Yes		
Yes	A	Yes		
Yes	A	Yes		
Yes	A	Yes		
Yes	G			Yes
No	A	Yes		
No	A	Yes		
Yes	A	Yes		
Yes	G			Yes
Yes	C		Yes	
Yes	C		Yes	
Yes	A	Yes		
Yes	A	Yes		
Yes	G			Yes
Yes	G			Yes
Yes	G			Yes
Yes	A	Yes		
Yes	A	Yes		
No	A	Yes		
No	A	Yes		
Yes	G			Yes
No	B	Yes		
No	A	Yes		
Yes	A	Yes		
No	A	Yes		
Yes	G			Yes
No	A	Yes		
No	B	Yes		
Yes	G			Yes
Yes	G			Yes
Yes	G			Yes
No	A	Yes		
Yes	G			Yes
Yes	A	Yes		
Yes	A	Yes		
No	A	Yes		
No	A	Yes		
Yes	A	Yes		
No	A	Yes		
Yes	G			Yes
No	A	Yes		
No	A	Yes		
Yes	G			Yes
Yes	A	Yes		
Yes	A	Yes		
No	B	Yes		
Yes	G			Yes
Yes	A	Yes		
Yes	G			Yes
Yes	G			Yes
Yes	G			Yes
No	B	Yes		
No	A	Yes		
Yes	G			Yes
Yes	C		Yes	
No	A	Yes		
No	A	Yes		



Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	E		Yes	
Yes	C		Yes	
Yes	E		Yes	
Yes	E		Yes	
Yes	E		Yes	
Yes	E		Yes	
Yes	E		Yes	
Yes	E		Yes	
Yes	E		Yes	
Yes	C		Yes	
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Yes	G			Yes
Yes	G			Yes
Yes	E		Yes	
Yes	C		Yes	
No	A	Yes		
No	A	Yes		
No	A	Yes		
Yes	A	Yes		
No	A	Yes		
Yes	A	Yes		
No	A	Yes		
No	A	Yes		
No	A	Yes		
No	A	Yes		
No	A	Yes		
No	B	Yes		
Yes	G			Yes
Yes	C		Yes	
Yes	C		Yes	
No	E		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
No	A	Yes		
No	A	Yes		
Yes	B	Yes		
No	B	Yes		
Yes	B	Yes		
No	A	Yes		
Yes	B	Yes		
Yes	A	Yes		
No	A	Yes		
Yes	G			Yes
No	A	Yes		
No	A	Yes		
No	A	Yes		
No	A	Yes		
Yes	A	Yes		
Yes	B	Yes		
Yes	G			Yes
Yes	B	Yes		
No	A	Yes		
No	A	Yes		
Yes	A	Yes		
Yes	G			Yes
Yes	C		Yes	
No	E		Yes	
Yes	C		Yes	
Yes	E		Yes	

Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
No	E		Yes	
Yes	E		Yes	
Yes	C		Yes	
No	E		Yes	
Yes	C		Yes	
No	E		Yes	
Yes	E		Yes	
Yes	C		Yes	
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Yes	C		Yes	
Yes	G			Yes
Yes	C		Yes	
Yes	A	Yes		
Yes	B	Yes		
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Yes	C		Yes	
Yes	C		Yes	
No	A	Yes		
No	A	Yes		
No	A	Yes		
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Yes	G			Yes
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Yes	G			Yes
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No	A	Yes		
Yes	B	Yes		
Yes	A	Yes		
Yes	G			Yes
Yes	C		Yes	
Yes	C		Yes	
Yes	G			Yes
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
Yes	E		Yes	
Yes	E		Yes	
Yes	B	Yes		
Yes	C		Yes	
Yes	C		Yes	
Yes	C		Yes	
No	A	Yes		

## Copy of guidelines that the SEA has developed for local teacher and principal evaluation and support systems

- p. 2 Current statute (Education Law section 3012-c)
- p. 6 Notice on NYSED website regarding proposed legislation and anticipated conforming amendments to the regulations
- p. 7 Commissioner's regulations subpart 30-2
- p. 22 Proposed legislation that would amend Education Law section 3012-c

## Current statute (Education Law section 3012-c)

§ 3012-c. Annual professional performance review of classroom teachers and building principals. 1. Notwithstanding any other provision of law, rule or regulation to the contrary, the annual professional performance reviews of all classroom teachers and building principals employed by school districts or boards of cooperative educational services shall be conducted in accordance with the provisions of this section. Such performance reviews which are conducted on or after July first, two thousand eleven, or on or after the date specified in paragraph c of subdivision two of this section where applicable, shall include measures of student achievement and be conducted in accordance with this section. Such annual professional performance reviews shall be a significant factor for employment decisions including but not limited to, promotion, retention, tenure determination, termination, and supplemental compensation, which decisions are to be made in accordance with locally developed procedures negotiated pursuant to the requirements of article fourteen of the civil service law. Such performance reviews shall also be a significant factor in teacher and principal development, including but not limited to, coaching, induction support and differentiated professional development, which are to be locally established in accordance with procedures negotiated pursuant to the requirements of article fourteen of the civil service law.

2. a. The annual professional performance reviews conducted pursuant to this section for classroom teachers and building principals shall differentiate teacher and principal effectiveness using the following quality rating categories: highly effective, effective, developing and ineffective, with explicit minimum and maximum scoring ranges for each category, as prescribed in the regulations of the commissioner. Such annual professional performance reviews shall result in a single composite teacher or principal effectiveness score, which incorporates multiple measures of effectiveness related to the criteria included in the regulations of the commissioner. Except for the student growth measures prescribed in paragraphs e, f and g of this subdivision, the elements comprising the composite effectiveness score shall be locally developed, consistent with the standards prescribed in the regulations of the commissioner, through negotiations conducted, pursuant to the requirements of article fourteen of the civil service law.

b. Annual professional performance reviews conducted by school districts on or after July first, two thousand eleven of classroom teachers of common branch subjects or English language arts or mathematics in grades four to eight and all building principals of schools in which such teachers are employed shall be conducted pursuant to this subdivision and shall use two thousand ten--two thousand eleven school year student data as the baseline for the initial computation of the composite teacher or principal effectiveness score for such classroom teachers and principals.

c. Annual professional performance reviews conducted by school districts or boards of cooperative educational services on or after July first, two thousand twelve of all classroom teachers and all building principals shall be conducted pursuant to this subdivision and shall use two thousand eleven--two thousand twelve school year student data as the baseline for the initial computation of the composite teacher or principal effectiveness score for such classroom teachers and principals. For purposes of this section, an administrator in charge of an instructional program of a board of cooperative educational services shall be deemed to be a building principal.

d. Prior to any evaluation being conducted in accordance with this section, each individual who is responsible for conducting an evaluation

of a teacher or building principal shall receive appropriate training in accordance with the regulations of the commissioner of education.

e. For annual professional performance reviews conducted in accordance with paragraph b of this subdivision in the two thousand eleven--two thousand twelve school year, forty percent of the composite score of effectiveness shall be based on student achievement measures as follows: (i) twenty percent of the evaluation shall be based upon student growth data on state assessments as prescribed by the commissioner or a comparable measure of student growth if such growth data is not available; and (ii) twenty percent shall be based on other locally selected measures of student achievement that are determined to be rigorous and comparable across classrooms in accordance with the regulations of the commissioner and as are developed locally in a manner consistent with procedures negotiated pursuant to the requirements of article fourteen of the civil service law.

f. For annual professional performance reviews conducted in accordance with paragraph c of this subdivision in any school year prior to the first school year for which the board of regents has approved use of a value-added growth model, but not earlier than the two thousand twelve--two thousand thirteen school year, forty percent of the composite score of effectiveness shall be based on student achievement measures as follows: (i) twenty percent of the evaluation shall be based upon student growth data on state assessments as prescribed by the commissioner or a comparable measure of student growth if such growth data is not available; and (ii) twenty percent shall be based on other locally selected measures of student achievement that are determined to be rigorous and comparable across classrooms in accordance with the regulations of the commissioner and as are developed locally in a manner consistent with procedures negotiated pursuant to the requirements of article fourteen of the civil service law.

g. For annual professional performance reviews conducted in accordance with paragraph c of this subdivision in the first school year for which the board of regents has approved use of a value-added growth model and thereafter, forty percent of the composite score of effectiveness shall be based on student achievement measures as follows: (i) twenty-five percent of the evaluation shall be based upon student growth data on state assessments as prescribed by the commissioner or a comparable measure of student growth if such growth data is not available; and (ii) fifteen percent shall be based on other locally selected measures of student achievement that are determined to be rigorous and comparable across classrooms in accordance with the regulations of the commissioner and as are locally developed in a manner consistent with procedures negotiated pursuant to the requirements of article fourteen of the civil service law. The department shall develop the value-added growth model and shall consult with the advisory committee established pursuant to subdivision seven of this section prior to recommending that the board of regents approve its use in evaluations.

h. The remaining percent of the evaluations, ratings and effectiveness scores shall be locally developed, consistent with the standards prescribed in the regulations of the commissioner, through negotiations conducted pursuant to article fourteen of the civil service law.

i. For purposes of this section, student growth means the change in student achievement for an individual student between two or more points in time.

3. Nothing in this section shall be construed to excuse school districts or boards of cooperative educational services from complying with the standards set forth in the regulations of the commissioner for conducting annual professional performance reviews of classroom teachers or principals, including but not limited to required quality rating categories, in conducting evaluations prior to July first, two thousand eleven, or, for classroom teachers or principals subject to paragraph c

of subdivision two of this section, prior to July first, two thousand twelve.

4. Notwithstanding any other law, rule or regulation to the contrary, upon rating a teacher or a principal as developing or ineffective through an annual professional performance review conducted pursuant to subdivision two of this section, the school district or board of cooperative educational services shall formulate and commence implementation of a teacher or principal improvement plan for such teacher or principal as soon as practicable but in no case later than ten days after the date on which teachers are required to report prior to the opening of classes for the school year. Such improvement plan shall be consistent with the regulations of the commissioner and developed locally through negotiations conducted pursuant to article fourteen of the civil service law. Such improvement plan shall include, but need not be limited to, identification of needed areas of improvement, a timeline for achieving improvement, the manner in which improvement will be assessed, and, where appropriate, differentiated activities to support a teacher's or principal's improvement in those areas.

5. An appeals procedure shall be locally established in each school district and in each board of cooperative educational services by which the evaluated teacher or principal may only challenge the substance of the annual professional performance review, the school district's or board of cooperative educational services' adherence to the standards and methodologies required for such reviews, pursuant to this section, the adherence to the regulations of the commissioner and compliance with any applicable locally negotiated procedures, as well as the school district's or board of cooperative educational services' issuance and/or implementation of the terms of the teacher or principal improvement plan, as required under this section. The specifics of the appeal procedure shall be locally established through negotiations conducted pursuant to article fourteen of the civil service law. An evaluation which is the subject of an appeal shall not be sought to be offered in evidence or placed in evidence in any proceeding conducted pursuant to either section three thousand twenty-a of this article or any locally negotiated alternate disciplinary procedure, until the appeal process is concluded.

6. For purposes of disciplinary proceedings pursuant to sections three thousand twenty and three thousand twenty-a of this article, a pattern of ineffective teaching or performance shall be defined to mean two consecutive annual ineffective ratings received by a classroom teacher or building principal pursuant to annual professional performance reviews conducted in accordance with the provisions of this section.

7. The regulations adopted pursuant to this section shall be developed in consultation with an advisory committee consisting of representatives of teachers, principals, superintendents of schools, school boards, school district and board of cooperative educational services officials and other interested parties. The regulations shall also take into account any (i) professional teaching standards; (ii) standards for professional contexts; and (iii) standards for a continuum of system support for teachers and principals developed in consultation with the advisory committee. Regulations promulgated pursuant to this section shall be effective no later than July first, two thousand eleven, for implementation in the two thousand eleven--two thousand twelve school year.

8. Notwithstanding any other provision of law, rule or regulation to the contrary, all collective bargaining agreements applicable to classroom teachers or building principals entered into after July first, two thousand ten shall be consistent with requirements of this section. Nothing in this section shall be construed to abrogate any conflicting provisions of any collective bargaining agreement in effect on July

first, two thousand ten during the term of such agreement and until the entry into a successor collective bargaining agreement, provided that notwithstanding any other provision of law to the contrary, upon expiration of such term and the entry into a successor collective bargaining agreement the provisions of this section shall apply. Furthermore, nothing in this section or in any rule or regulation promulgated hereunder shall in any way, alter, impair or diminish the rights of a local collective bargaining representative to negotiate evaluation procedures in accordance with article fourteen of the civil service law with the school district or board of cooperative educational services.

# Notice on NYSED website

NYSED / P-12 / Race to the Top / Great Teachers and Leaders

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## Great Teachers and Leaders - RTTT Assurance Area D

The Teacher and Leader Evaluation materials previously available on this page are being revised and will be reposted as soon as possible. Please see the news releases below for more information:

- [Governor Cuomo and Commissioner King Announce Agreement on Evaluation Guidelines That Will Make New York State a National Leader on Teacher Accountability](#) 
  - [Chancellor Tisch and Commissioner King Praise Evaluation Agreement](#)
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### APPR

#### Teacher and Principal Annual Professional Performance Review

On February 16, 2012, Governor Cuomo proposed budget legislation that would amend Education Law section 3012-c to resolve the issues in *New York State United Teachers, et. al v. Board of Regents*, the litigation challenging these regulations. The Department will be proposing amendments to Subpart 30-2 of the Regulations of the Commissioner to conform to the statutory changes and reflect the agreement to settle the litigation. We anticipate that amendments will be made that will substantially impact the conduct of Annual Professional Performance Reviews for the 2012-13 school year.

# Commissioner's Regulations subpart 30-2

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK  
TITLE 8. EDUCATION DEPARTMENT  
CHAPTER I. RULES OF THE BOARD OF REGENTS  
PART 30. TENURE AREAS AND ANNUAL PROFESSIONAL PERFORMANCE REVIEWS FOR CLASSROOM  
TEACHERS AND BUILDING PRINCIPALS  
SUBPART 30-2. ANNUAL PROFESSIONAL PERFORMANCE REVIEWS OF CLASSROOM TEACHERS AND  
BUILDING PRINCIPALS

\* Section 30-2.1.\* Applicability.

(a) For annual professional performance reviews conducted by school districts for the 2011-2012 school year, the governing body of each school district shall ensure that:

(1) reviews of all classroom teachers of common branch subjects or English language arts or mathematics in grades four to eight and all building principals of schools in which such teachers are employed are conducted in accordance with the requirements of section 3012-c of the Education Law and the provisions of this Subpart; and

(2) reviews of classroom teachers and building principals (other than classroom teachers in the common branch subjects or English language arts or mathematics in grades four to eight or the building principals in which such teachers are employed) are conducted in accordance with section 100.2(o) of this Title.

(b) For annual professional performance reviews conducted by school districts or BOCES in the 2012-2013 school year and any school year thereafter, the governing body of each school district and BOCES shall ensure that the reviews of all classroom teachers and building principals are conducted in accordance with the requirements of section 3012-c of the Education Law and the provisions of this Subpart.

(c) Nothing in this Subpart shall be construed to abrogate any conflicting provisions of any collective bargaining agreement in effect on July 1, 2010 during the term of such agreement and until entry into a successor collective bargaining agreement, provided that notwithstanding any other provision of law to the contrary, upon expiration of such term and the entry into a successor collective bargaining agreement, all the provisions of this Subpart shall apply.

(d) Nothing herein shall be construed to affect the statutory right of a school district or BOCES to terminate a probationary teacher or principal or to restrict a school district's or BOCES' discretion in making a tenure determination pursuant to the law.

(e) Nothing in this Subpart shall be construed to preclude a school district or BOCES from adopting an annual professional performance review for the 2011-2012 school year that applies to all classroom teachers and building principals in accordance with this Subpart or for BOCES, for classroom teachers of common branch subjects or English language arts or mathematics in grades four to eight and all building principals in which such teachers are employed.

\* Section 30-2.2.\* Definitions.

As used in this Subpart:

(a) Approved teacher or principal practice rubric shall mean a rubric approved by the commissioner for inclusion on the State Education Department's list of approved rubrics in teacher or principal evaluations.

(b) Approved student assessment shall mean a standardized student assessment approved by the commissioner for inclusion in the State Education Department's lists of approved standardized student assessments for the locally selected measures subcomponent and/or to measure student growth in non-tested subjects for the State assessment or other comparable measures subcomponent.

(c) Building principal or principal shall mean a principal or co-principal of a registered public school or an administrator in charge of an instructional program of a school district or board of cooperative educational services.

(d) Classroom teacher or teacher shall mean a teacher in the classroom teaching service as that term is defined in section 80-1.1 of this Title, who is a teacher of record as defined in this section, except evening school teachers of adults enrolled in nonacademic, vocational subjects, and supplemental school personnel as defined in section 80-5.6 of this Title.

(e) Common branch subjects shall mean common branch subjects as defined in section 80-1.1 of this Title.

(f) Composite effectiveness score shall mean the total effectiveness score out of 100 points assigned to a teacher or principal for an evaluation conducted pursuant to this Subpart. This score shall be calculated based on the sum of the three subcomponent scores described below:

(1) student growth on State assessments or other comparable measures (0-20 points for the 2011-2012 school year and in subsequent school years for those grades/subjects where there is no value-added growth model approved by the Board of Regents, and 0-25 points for the 2012-2013 school year and thereafter for those grades/subjects where a value-added growth model is approved by the Board of Regents);

(2) locally selected measures of student achievement (0-20 points for the 2011- 2012 school year and in subsequent school years for those grades/subjects where there is no value-added growth model approved by the Board of Regents, and 0-15 points for the 2012-2013 school year and thereafter for those grades/subjects where a value-added growth model is approved by the Board of Regents); and

(3) other measures of teacher and principal effectiveness (0-60 points for the 2011-2012 school year and thereafter).

(g) Co-principal means a certified administrator under Part 80 of this Title, designated by the school's controlling authority to have executive authority, management, and instructional leadership responsibility for all or a portion of a school or BOCES-operated instructional program, in a situation in which more than one such administrator is so designated. The term co-principal implies equal line authority, with each designated administrator reporting to a district-level or comparable BOCES-level supervisor.

(h) Developing means a rating received by a teacher or building principal, wherein the teacher or principal receives a composite effectiveness score within the minimum and maximum scoring range for this rating category as prescribed by the commissioner in section 30-2.6 of this Subpart.

(i) Effective means a rating received by a teacher or building principal, wherein the teacher or building principal receives a composite effectiveness score within the minimum and maximum scoring range for this rating category as prescribed by the commissioner in section 30-2.6 of this Subpart.

(j) Evaluator shall mean any individual who conducts an evaluation of a classroom teacher or building principal under this Subpart.

(k) Highly effective means a rating received by a teacher or building principal, wherein the teacher or building principal receives a composite effectiveness score within the minimum and maximum scoring range for this rating category as prescribed by the commissioner in section 30-2.6 of this Subpart.

(l) Ineffective means a rating received by a teacher or building principal, wherein the teacher or building principal receives a composite effectiveness score between the minimum and maximum scoring ranges for this rating category, as prescribed by the commissioner in section 30-2.6 of this Subpart.

(m) Lead evaluator shall mean the primary individual responsible for conducting and completing an evaluation of a classroom teacher or building principal under this Subpart. To the extent practicable, the building principal, or his or her designee shall be the lead evaluator of a classroom teacher in this Subpart.

(n) Leadership standards shall mean the Educational Leadership Policy Standards: ISLLC 2008 as adopted by the National Policy Board for Educational Administration (Council of Chief State School Officers, Washington DC, One Massachusetts Avenue, NW, Suite 700, Washington, DC 20001-1431; 2008- available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, New York 12234).

(o) Student growth means the change in student achievement for an individual student between two or more points in time.

(p) Student growth percentile score shall mean the result of a statistical model that calculates each student's change in achievement between two or more points in time on a State assessment or other comparable measure and compares each student's performance to that of similarly achieving students.

(q) Subcomponents of the composite effectiveness score shall mean the three subcomponents of a teacher's or principal's evaluation and composite effectiveness score as described in subdivision (f) of this section.

(r) Teacher or principal student growth percentile score shall mean a measure of central tendency of the student growth percentile scores for a teacher's or principal's students after one or more of the following student characteristics are taken into consideration: poverty, students with disabilities and English language learners.

(s) Teacher(s) of record shall mean, for the 2011-2012 school year, those teachers who are primarily and directly responsible for a student's learning activities that are aligned to the performance measures of a course consistent with guidelines prescribed by the commissioner. For the 2012-2013 school year and school years thereafter, teachers of record shall be defined in a manner prescribed by the commissioner.

(t) Testing standards shall mean the "Standards for Educational and Psychological Testing" (American Psychological Association, National Council on Measurement in Education, and American Educational Research Association; 1999- available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, New York 12234).

(u) The governing body of each school district shall mean the board of education of each school district, provided that, in the case of the City School District of the City of New York, it shall mean the Chancellor of the City School District of the City of New York or, to the extent provided by law, the board of education of the City School District of the City of New York and, in the case of BOCES, it shall mean the board of cooperative educational services.

(v) Value-added growth score shall mean the result of a statistical model that incorporates a student's academic history and may use other student demographics and characteristics, school characteristics and/or teacher characteristics to isolate statistically the effect on student growth from those characteristics that are generally not in the teacher's or principal's control. The characteristics included may be different for teachers and principals, based on empirical evidence and policy determinations.

\* Section 30-2.3.\* Requirements for annual professional performance review plans submitted under this Subpart.

(a) Applicability.

(1) By September 1, 2011, the governing body of each school district shall adopt a plan in accordance with the requirements of this Subpart for the annual professional performance review of its classroom teachers of common branch subjects, English language arts or mathematics in grades four to eight and building principals of schools in which such teachers are employed. To the extent that any of the items required to be included in the annual professional performance review plan are not finalized by September 1, 2011 as a result of pending collective bargaining negotiations, the plan shall identify those specific parts of the plan and the school district shall file an amended plan upon completion of such negotiations.

(2) By September 1, 2012, the governing body of each school district and BOCES shall adopt a plan in accordance with the requirements of this Subpart, which may be an annual or multi-year plan, for the annual professional performance review of all of its classroom teachers and building principals. To the extent that any of the items required to be included in the plan are not finalized by September 1, 2012, or by September 1 of any subsequent year, as a result of pending collective bargaining negotiations, the plan shall identify those specific parts of the plan and the school district or BOCES shall file an amended plan upon completion of such negotiations.

(3) Such plan shall be approved by the governing body of each school district or BOCES, filed in the district or BOCES office, as applicable, and made available to the public on its web-site no later

than September 10th of each school year, or within 10 days after its adoption, whichever shall later occur.

(b) Content of the plan. The annual professional performance review plan shall:

(1) describe the school district's or BOCES' process for ensuring that the department receives accurate teacher and student data, including enrollment and attendance data and any other student, teacher, school, course and teacher/student linkage data necessary to comply with this Subpart, in a format and timeline prescribed by the commissioner. This process shall also provide an opportunity for every classroom teacher and building principal to verify the subjects and/or student rosters assigned to them;

(2) describe how the district or BOCES will report to the department the individual subcomponent scores and the total composite effectiveness score for each classroom teacher and building principal in the school district or BOCES, in a format and timeline prescribed by the commissioner;

(3) describe the assessment development, security, and scoring processes utilized by the school district or BOCES. Such processes shall ensure that any assessments and/or measures used to evaluate teachers and principals under this section are not disseminated to students before administration and that teachers and principals do not have a vested interest in the outcome of the assessments they score;

(4) describe the details of the school district's or BOCES' evaluation system, which shall include, but not be limited to, the local measures of student achievement that will be used for the evaluation of teachers and principals, the name of the approved teacher and/or principal practices rubric that the district or BOCES uses or evidence that a variance has been granted from this requirement, any other instruments (such as observations, surveys, self-assessment, portfolios) that will be used to evaluate a teacher's or principal's performance for the remaining 60 points of the evaluation, and the district's or BOCES' scoring methodology for the assignment of points to the following subcomponents: locally selected measures of student achievement and other measures of teacher or principal effectiveness;

(5) describe how the school district or BOCES will provide timely and constructive feedback to classroom teachers and building principals on their annual professional performance review;

(6) describe the appeal procedures that the district or BOCES is using under section 30-2.11 of this section; and

(7) include any required certifications to be included in the plan under this Subpart.

\* Section 30-2.4.\* Standards and criteria for conducting annual professional performance reviews and for scoring the subcomponents of such reviews in the 2011-2012 school year for classroom teachers of common branch subjects or English language arts or mathematics in grades four to eight and all building principals employed in such schools.

(a) Composite effectiveness score. Annual professional performance reviews conducted pursuant to this section shall differentiate teacher and principal effectiveness using a composite effectiveness score. Based on such composite effectiveness score, a classroom teacher or building principal shall be rated as highly effective, effective, developing or ineffective as defined in this Subpart.

(b) State assessments or other comparable measures subcomponent. Twenty points of the teacher's or principal's composite effectiveness score shall be based upon the teacher's or principal's student growth percentile score on State assessments in English language arts and/or mathematics in grades four to eight.

(c) Locally selected measures.

(1) Twenty points of the teacher's or principal's composite effectiveness score shall be based upon locally selected measures of student achievement that are determined to be rigorous and comparable across classrooms.

(2) For purposes of this section:

(i) rigorous shall mean that the locally selected measure is aligned to the New York State learning standards or, in instances where there are no such standards that apply to a subject/grade level, evidence of alignment to research-based learning standards and, to the extent practicable, the locally selected measure must be valid and reliable as defined by the testing standards;

(ii) comparable across classrooms shall mean that the same locally selected measure(s) of student achievement or growth is used across a subject and/or grade level within the school district or

BOCES. For principals, the same locally selected measure(s) must be used for all principals in the same or similar program or grade configuration in that school district or BOCES.

(3) Classroom teachers.

(i) Except as otherwise provided in subparagraphs (ii) and (iii) of this paragraph, one or more of the following types of locally selected measures of student achievement or growth may be used for the evaluation of classroom teachers:

(a) a student assessment approved by the department pursuant to the request for qualification process described in section 30-2.8 of this Subpart;

(b) a district, regional or BOCES-developed assessment;

(c) a school-wide, group or team metric based on a State assessment, an approved student assessment or a district, regional or BOCES-developed assessment, across multiple classrooms in a grade level or subject area (e.g., school-wide growth on a locally selected math assessment or grade-level growth on the grade four English language arts State assessment);

(d) student achievement on State assessments, Regents examinations and/or department approved alternative examinations as described in section 100.2(f) of this Title (including, but not limited to, advanced placement examinations, International Baccalaureate examinations, SAT II, etc.); or

(e) a structured district-wide student growth goal-setting process to be used with any State assessment, an approved student assessment, or other school or teacher-created assessment.

(ii) For school districts or BOCES that use one of the measures enumerated in clause (i)(b), (c) or (e) of this paragraph, the superintendent, district superintendent or chancellor shall certify, in the annual professional performance review plan, that the measure is rigorous and comparable across classrooms as defined in this subdivision and explain how the locally selected measure meets these requirements.

(iii) For school districts or BOCES that use more than one of the local measures described in subparagraph (i) of this paragraph for a grade/subject (e.g., one measure is utilized for some of the district's fifth grade math classes and another measure is utilized for the other fifth grade math classes in the district), the superintendent, district superintendent or chancellor shall certify in the annual professional performance review plan that the measures are comparable, in accordance with the testing standards.

(4) Principals.

(i) Except as otherwise provided in subparagraph (ii) of this paragraph, one or more of the following types of local measures of student achievement or growth may be used for the evaluation of principals, provided that each measure is rigorous and comparable across classrooms as defined in this section:

(a) student achievement levels on State assessments in English language arts and/or mathematics in grades four to eight (e.g., percentage of students in the school whose performance levels on State assessments are proficient or advanced, as defined in section 100.2(p)(1)(v) of this Title);

(b) student growth or achievement on State or other assessments in English language arts and/or mathematics in grades four to eight for students in each of the performance levels described in section 100.2(p)(1)(v) of this Title;

(c) student growth or achievement on State assessments in English language arts and/or mathematics in grades four to eight for students with disabilities and English language learners in grades four to eight;

(d) student performance on any or all of the district-wide locally selected measures approved for use in teacher evaluations as described in paragraph (3) of this subdivision;

(e) four, five and/or six-year high school graduation and/or dropout rates for principals employed in a school with high school grades;

(f) percentage of students who earn a Regents diploma with advanced designation and/or honors as defined in section 100.5(b)(7) of this Title, for principals employed in a school with high school grades;

(g) percentage of a cohort of students that achieve specified scores on Regents examinations and/or department approved alternative examinations as described in section 100.2(f) of this Title (including, but not limited to, advanced placement examinations, International Baccalaureate examinations, SAT II, etc.), for principals employed in a school with high school grades (e.g., the

percentage of students in the 2009 cohort that scored at least a 3 on an advanced placement examination since entry into the ninth grade); and/or

(h) students' progress toward graduation in the school using strong predictive indicators, including but not limited to 9th and/or 10th grade credit accumulation and/or the percentage of students that pass 9th and/or 10th grade subjects most commonly associated with graduation and/or students' progress in passing the number of required Regents examinations for graduation, for principals employed in a school with high school grades.

(ii) For school districts or BOCES that choose to use more than one set of locally selected measures described in this paragraph for principals in the same or similar grade configuration or program (e.g., one set of locally selected measures is used to evaluate principals in some K-5 schools and another set of locally selected measures is used to evaluate principals in the other K-5 schools in the district), the superintendent or district superintendent shall, in their professional performance review plan, certify that the sets of measures are comparable, in accordance with the testing standards.

(d) Other measures of teacher and principal effectiveness.

(1) Classroom teacher.

(i) Sixty points of a teacher's composite effectiveness score shall be based on multiple measures, using the criteria prescribed in this subdivision. Such measures shall be aligned with the New York State teaching standards, which are enumerated below, and their related elements and performance indicators:

(a) the teacher acquires knowledge of each student, and demonstrates knowledge of student development and learning to promote achievement for all students;

(b) the teacher knows the content they are responsible for teaching, and plans instruction that ensures growth and achievement for all students;

(c) the teacher implements instruction that engages and challenges all students to meet or exceed the learning standards;

(d) the teacher works with all students to create a dynamic learning environment that supports achievement and growth;

(e) the teacher uses multiple measures to assess and document student growth, evaluate instructional effectiveness, and modify instruction;

(f) the teacher demonstrates professional responsibility and engages relevant stakeholders to maximize student growth, development, and learning; and

(g) the teacher sets informed goals and strives for continuous professional growth.

(ii) Rubric. A teacher's performance under this subcomponent must be assessed based on a teacher practice rubric(s) approved by the department in accordance with section 30-2.7 of this Subpart. The same rubric(s) shall be used for all classroom teachers in a specific grade/subject across the district.

(a) Variance for use of existing rubrics. A variance may be granted to a school district or BOCES that seeks to use a rubric that is either a close adaptation of a rubric on the approved list, or a rubric that was self-developed or developed by a third-party, upon a finding by the commissioner that the rubric meets the criteria described in section 30-2.7 of this Subpart and the school district or BOCES has demonstrated that it has made a significant investment in the rubric and has a history of use that would justify continuing the use of that rubric.

(b) Variance for use of new innovative rubrics. A variance may be granted to a school district or BOCES that seeks to use a newly developed rubric, upon a finding by the commissioner that the rubric meets the criteria described in section 30-2.7 of this Subpart and the school district or BOCES has demonstrated how it will ensure inter-rater reliability and the rubric's ability to provide differentiated assessments over time.

(iii) Classroom observations. In order to support continuous professional growth, at least 40 of these 60 points shall be based on classroom observations, which may be performed in-person or by video and shall include multiple observations by a principal or other trained administrator. Some of these points may also be based on one or more observations by independent trained evaluators or in-school peer teachers.

(iv) The remaining points of the 60 points shall be based on a combination of any of the following criteria:

- (a) evidence of student development and performance through structured reviews of student work and/or artifacts of teacher practice using portfolios or evidence binder processes;
  - (b) evidence that the teacher develops effective relationships with students, parents, caregivers and relevant stakeholders to maximize student growth, development and learning through the use of surveys and/or feedback from students, parents/caregivers and/or their peers using structured survey tools; or
  - (c) evidence that the teacher sets informed professional growth goals and strives for continuous professional growth as demonstrated through teacher self-reflections and teacher progress on professional growth goals, provided that no more than five points shall be attributed to this criterion.
  - (v) Any teaching standards that are not addressed in the classroom observations shall be assessed by the district at least once a year.
- (2) Building principals.
- (i) Sixty points of a building principal's composite effectiveness score shall be based on multiple measures, using the criteria prescribed in this subdivision. Such measures shall be aligned with the leadership standards, enumerated below, and their related functions: An education leader promotes the success of every student by:
    - (a) facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community;
    - (b) advocating, nurturing and sustaining a school culture and instructional program conducive to student learning and staff professional growth;
    - (c) ensuring management of the organization, operations and resources for a safe, efficient, and effective learning environment;
    - (d) collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources;
    - (e) acting with integrity, fairness, and in an ethical manner; and
    - (f) understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.
  - (ii) Rubric. A principal's performance under this subcomponent must be assessed based on an approved principal practice rubric in accordance with section 30- 2.7 of this Subpart. Such rubric shall be used for all building principals across the district or BOCES.
    - (a) Variance for use of existing rubrics. A variance may be granted to a school district or BOCES that seeks to use a rubric that is either a close adaptation of a rubric on the approved list, or a rubric that was self-developed or developed by a third-party, upon a finding by the commissioner that the rubric meets the criteria described in section 30-2.7 of this Subpart and the school district or BOCES has demonstrated that it has made a significant investment in the rubric and has a history of use that would justify continuing the use of that rubric.
    - (b) Variance for use of new innovative rubrics. A variance may be granted to a school district or BOCES that seeks to use a newly developed rubric, upon a finding by the commissioner that the rubric meets the criteria described in section 30-2.7 of this Subpart and the school district or BOCES has demonstrated how it will ensure inter-rater reliability and the rubric's ability to provide differentiated assessments over time.
  - (iii) At least 40 of the 60 points assigned to this subcomponent shall be based on a broad assessment of the principal's leadership and management actions by the building principal's supervisor or a trained independent evaluator. This assessment must incorporate one or more school visits by a supervisor and at least two other sources of evidence from the following options: structured feedback from teachers, students, and/or families; school visits by other trained evaluators; review of school documents, records, state accountability processes and/or other locally-determined sources.
  - (iv) Any remaining points shall be assigned based on the results of one or more ambitious and measurable goals set collaboratively with principals and their superintendents or district superintendents as follows:
    - (a) at least one goal must address the principal's contribution to improving teacher effectiveness, which may include, but need not be limited to: improved retention of high performing teachers, the correlation between student growth scores of teachers granted tenure as opposed to those denied tenure, quality of feedback provided to teachers throughout the year, facilitation of teacher

participation in professional development opportunities made available by the school district or BOCES and/or the quality and effectiveness of teacher evaluations conducted under this section; and

(b) any other goals shall address quantifiable and verifiable improvements in academic results or the school's learning environment resulting from the principal's leadership and commitment to their own professional growth.

(v) Any leadership standards not addressed in the assessment of the principal's leadership and management actions by the building principal's supervisor or a trained independent evaluator shall be assessed at least once a year.

\* Section 30-2.5.\* Standards and criteria for conducting annual professional performance reviews and for scoring the subcomponents for such reviews in the 2012-2013 school year and each school year thereafter.

(a) Composite effectiveness score. Annual professional performance reviews conducted pursuant to this section shall differentiate teacher and principal effectiveness using a composite effectiveness score. Based on such composite effectiveness score, a classroom teacher or building principal shall be rated as highly effective, effective, developing or ineffective as defined in this Subpart.

(b) State assessments or other comparable measures of student growth.

(1) Classroom teachers:

(i) For classroom teachers who teach English language arts or mathematics in grades four to eight or teach a subject in any grade for which there is a State assessment with an approved value-added growth model (e.g., Regents examinations, State assessments in science in grades four and eight or any other State assessment that may be created), a score from 0 to 25 points will be generated for the State assessment subcomponent of the teacher's composite effectiveness score based on the teacher's value-added growth score on such assessment(s).

(ii) In the event the Board of Regents has not approved a value-added growth model for English language arts or mathematics in grades four to eight, a score from 0-20 points will be generated for this subcomponent using the teacher's student growth percentile score on such assessments for the 2012-2013 school year and thereafter until a value-added growth model is approved by the Board of Regents.

(iii) Except as otherwise provided in subparagraphs (i) and (ii) of this paragraph, for classroom teachers who teach one of the core subjects, as defined in this subparagraph, where there is no approved growth or value-added growth model at that grade level or in that subject, the school district or BOCES shall measure student growth based on a State-determined district- or BOCES-wide student growth goal setting process using a State assessment if one exists, or a Regents examination or department-approved alternative examination as described in section 100.2(f) of this Title (including, but not limited to, advanced placement examinations, International Baccalaureate examinations, SAT II, etc.). If there is no State assessment or Regents examination for these grades/subjects, the district or BOCES must measure student growth based on the State determined goal-setting process with an approved student assessment, or a department-approved alternative examination as described in section 100.2(f) of this Title. For purposes of this subparagraph, core subjects shall be defined as science and social studies in grades six to eight and high school courses in English language arts, mathematics, science and social studies that lead to a Regents examination in the 2010-2011 school year, or a State assessment in the 2012-2013 school year or thereafter. A school district or BOCES shall generate a score from 0 to 20 points for this subcomponent.

(iv) For all other classroom teachers who teach grades/subjects where there is no value-added growth model approved by the Board of Regents, the school district or BOCES shall generate a score from 0 to 20 points for this subcomponent based on a State-determined district- or BOCES-wide student growth goal-setting process to be used with one or more of the following types of district-selected student assessments for each subject:

(a) State-approved student assessments;

(b) district-, regional- or BOCES- developed student assessments, provided that the district or BOCES verifies comparability and rigor as defined in section 30-2.4 of this Subpart;

(c) school- or BOCES- wide, group or team results based on State assessment(s); or

(d) school- or teacher-created student assessments.

(v) The school district or BOCES shall measure student growth using the same measure(s) of student growth for all classroom teachers in a course and/or grade level in a district or BOCES.

(vi) If the classroom teacher is responsible for teaching one or more course(s) for which there is an approved value-added growth model and one or more other course(s) for which no student growth or value-added growth model has been approved, a score shall be generated for this subcomponent based on a methodology prescribed by the commissioner.

(2) Building principals.

(i) For a building principal employed in a school or program where the English language arts and/or mathematics State assessments in grades four to eight were administered in that school year or in any other subject in any grade for which there is an assessment with an approved value-added growth model (e.g., Regents examinations, State assessments in science in grades four and eight or any other State assessment that may be created), the principal shall be assigned a score from 0-25 points for this subcomponent based on a formula prescribed by the commissioner.

(ii) In the event the Board of Regents has not approved a value-added growth model for English language arts and/or mathematics State assessments in grades four to eight in the 2012-2013 school year, a score from 0-20 points will be generated using the principal's student growth percentile score on such assessments.

(iii) For a building principal employed in a school or program where core subjects as described in section 30-2.4(b)(1)(iii) of this Subpart are taught where there is no approved student growth or value-added growth model, principals must be evaluated based on a State-determined district- or BOCES-wide school- or program-wide goal setting process in accordance with the requirements in section 30-2.4(b)(1)(iii) of this Subpart. The school district or BOCES shall measure student growth using the same district selected measure for all building principals employed in a school within the same grade configuration or program.

(iv) For a building principal employed in a school or program where there is no value-added growth model approved by the Board of Regents for any course and/or subject taught in the school and there are no core subjects taught in such school or program, a score from 0 to 20 points will be generated based on school- or BOCES-level student growth on one or more of the district selected measures approved by the commissioner to evaluate teachers as part of the locally selected measures subcomponent of the evaluation as defined in section 30-2.4(c)(3)(i) of this Subpart.

(v) If the building principal is employed in a school where there are subjects being taught that have an approved value-added growth model and there are other course(s) for which no value-added growth model has been approved, the building principal's score on this subcomponent shall be based on a methodology prescribed by the commissioner.

(c) Locally selected measures.

(1) The score for the locally selected measures subcomponent shall be based on the State subcomponent score (e.g., if 0-25 points assigned to State subcomponent based on value-added growth model, a score of 0-15 points will be assigned to this subcomponent; and if 0-20 points is assigned to State subcomponent because there is no approved value-added growth model, a score of 0-20 points will be assigned to this subcomponent).

(2) A teacher's or principal's score for this subcomponent shall be based upon one or more of the approved locally selected measures of student achievement listed in section 30-2.4(c) of this Subpart, provided that such measures are rigorous and comparable across classrooms as defined in such section.

(d) The remaining 60 points of a teacher's or principal's composite effectiveness score shall be based on the standards prescribed in section 30- 2.4(d) of this Subpart.

\* Section 30-2.6.\* Scoring ranges for rating categories.

(a) The governing body of each school district and BOCES shall ensure that the rating category assigned to each classroom teacher and building principal is determined by a single composite effectiveness score that is calculated based on the scores received by the teacher or principal in each of the subcomponents in accordance with the requirements of this section.

(1) Overall ratings. A classroom teacher and building principal shall be deemed to be:

(i) Highly effective if they achieve a composite effectiveness score of 91-100.

(ii) Effective if they achieve a composite effectiveness score of 75-90.

- (iii) Developing if they achieve a composite effectiveness score of 65-74.
- (iv) Ineffective if they achieve a composite effectiveness score of 0-64.
- (2) The commissioner will review the specific scoring ranges for each of the rating categories annually before the start of each school year and will recommend any changes to the Board of Regents for approval.
  - (b) State assessments or other comparable measures subcomponent.
    - (1) A classroom teacher and building principal shall receive:
      - (i) a highly effective rating in this subcomponent if the teacher's or principal's results are well-above the State average for similar students and they achieve a subcomponent score of 18-20;
      - (ii) an effective rating in this subcomponent if the teacher's or principal's results meet the State average for similar students and they achieve a subcomponent score of 12-17;
      - (iii) a developing rating in this subcomponent if the teacher's or principal's results are below the State average for similar students and they achieve a subcomponent score of 3-11; or
      - (iv) an ineffective rating in this subcomponent, if the teacher or principal's results are well-below the State average for similar students and they achieve a subcomponent score of 0-2.
    - (2) The commissioner will review the specific scoring ranges for each of the quality review categories annually before the start of each school year and will recommend any changes to the Board of Regents for approval.
  - (c) Locally selected measures.
    - (1) A classroom teacher and building principal shall receive:
      - (i) a highly effective rating in this subcomponent if the results are well-above district-adopted expectations for student growth or achievement and they achieve a subcomponent score of 18-20;
      - (ii) an effective rating in this subcomponent if the results meet district-adopted expectations for growth or achievement and they achieve a subcomponent score of 12-17;
      - (iii) a developing rating in this subcomponent if the results are below district-adopted expectations for growth or achievement and they achieve a subcomponent score of 3-11; or
      - (iv) an ineffective rating in this subcomponent, if the results are well-below district-adopted expectations for growth or achievement and they achieve a subcomponent score of 0-2.
    - (2) The commissioner will review the specific scoring ranges for each of the quality review categories annually before the start of each school year and will recommend any changes to the Board of Regents for approval.
  - (d) Other measures of teacher and principal effectiveness. The district or BOCES shall prescribe specific minimum and maximum scoring ranges for each performance level within this subcomponent before the start of each school year and shall assign points to a teacher or principal for this subcomponent based on the following standards:
    - (1) A teacher or principal shall receive:
      - (i) a highly effective rating in this subcomponent if the teacher's or principal's overall performance and results exceed the New York State teaching or leadership standards;
      - (ii) an effective rating in this subcomponent if the teacher's or principal's overall performance and results meet the New York State teaching or leadership standards;
      - (iii) a developing rating in this subcomponent if the teacher's or principal's overall performance and results need improvement to meet the New York State teaching or leadership standards; or
      - (iv) an ineffective rating in this subcomponent if the teacher's or principal's overall performance and results do not meet the New York State teaching or leadership standards.
    - (e) The process by which points are assigned in subcomponents and the scoring ranges for the subcomponents must be transparent and available to those being rated before the beginning of each school year.

\* Section 30-2.7.\* Approval process for approved teacher and principal practice rubrics.

- (a) A provider who seeks to place a teacher or principal practice rubric on the list of approved rubrics under this section shall submit to the commissioner a written application in a form and within the time prescribed by the commissioner.
- (b) Teacher practice rubric. The commissioner shall evaluate a rubric for inclusion on the department's list of approved practice rubrics for classroom teachers pursuant to a request for

qualification ("RFQ") process. Such proposals shall meet the following minimum criteria and any supplemental criteria outlined by the commissioner in the RFQ process:

- (1) the rubric must broadly cover the teaching standards and their related elements;
- (2) the rubric must be grounded in research about teaching practice that supports positive student learning outcomes;
- (3) the rubric must have four performance rating categories. If a rubric does not have four levels that match the rating categories of highly effective, effective, developing and ineffective, the rubric's summary ratings must be easily convertible to the four rating categories that New York State has adopted;
- (4) the rubric must clearly define the expectations for each rating category. The highly effective and effective rating categories must encourage excellence beyond a minimally acceptable level of effort or compliance;
- (5) to the extent possible, the rubric should rely on specific, discrete, observable, and/or measurable behaviors by students and teachers in the classroom with direct evidence of student engagement and learning;
- (6) the rubric must use clear and precise language that facilitates common understanding among teachers and administrators;
- (7) the rubric must be specifically designed to assess the classroom effectiveness of teachers;
- (8) the rubric must include descriptions of any specific training and implementation details that are required for the rubric to be effective; and
- (9) the rubric shall be applicable to all grades and subjects or if designed explicitly for specific grades and/or subjects, a rubric will only be approved for use in the grades or subjects for which it is designed.

(c) Principal practice rubric. The commissioner shall evaluate a rubric for inclusion on the department's list of approved practice rubrics for building principals pursuant to a request for qualification ("RFQ") process. Such proposals shall meet the following minimum criteria and any supplemental criteria outlined by the commissioner in the RFQ process:

- (1) the rubric must broadly cover the leadership standards and their related functions;
- (2) the rubric must be grounded in research about leadership practice that supports positive student learning outcomes;
- (3) the rubric must have four performance rating categories. If a rubric does not have four levels that match the rating categories of highly effective, effective, developing, and Ineffective, the rubric's summary ratings must be easily convertible to the four rating categories that New York State has adopted;
- (4) the rubric must clearly define the expectations for each rating category. The highly effective and effective rating categories must encourage excellence beyond a minimally acceptable level of effort or compliance;
- (5) to the extent possible, the rubric should rely on specific, discrete, observable, and/or measurable behaviors by principals and their staff and students;
- (6) the rubric must use clear and precise language that facilitates common understanding among building principals and their evaluators;
- (7) the rubric must be specifically designed to assess the effectiveness of school leaders; and
- (8) the rubric must include descriptions of any specific training and implementation details that are required for the rubric to be effective.

(d) Termination of approval of a teacher or principal scoring rubric.

(1) Approval for inclusion on the department's list of approved rubrics may be withdrawn for good cause, including, but not limited to, a determination by the commissioner that the rubric:

- (i) does not comply with one or more of the criteria for approval set forth in this section or the criteria set forth in the request for qualification;
- (ii) the department determines that the practice rubric is not identifying meaningful and/or observable differences in performance levels across schools and classrooms; and/or
- (iii) high-quality academic research calls into question the correlation between high performance on this rubric and positive student learning outcomes.

(2) Termination of a rubric from the approved list shall be conducted in accordance with the following procedures:

(i) The commissioner or his/her designee shall notify the provider of the approved rubric in writing of the intent to terminate approval at least 30 calendar days prior to the effective date of the termination. Such notification shall include a list of the identified deficiencies.

(ii) The provider may reply in writing within 10 calendar days of receipt of the commissioner's notification, addressing the commissioner's statement of reasons, indicating whether deficiencies and/or violations exist, what steps have been taken to correct conceded deficiencies and/or violations, and the time period and steps by which deficiencies and/or violations will be corrected. If no reply is received, termination and removal from the list will become effective 30 calendar days from the date of receipt of the commissioner's notification.

(iii) Within three business days of receipt of the commissioner's notification, the provider may request oral argument before the commissioner or his/her designee.

(iv) After consideration of any written response and of any oral argument, a determination shall be made whether approval shall be terminated. Notice of such determination shall be provided in writing to the provider.

\* Section 30-2.8.\* Approval process for student assessments.

(a) Approval of student assessments for the evaluation of classroom teachers and building principals. An assessment provider who seeks to place an assessment on the list of approved student assessments under this section shall submit to the commissioner a written application in a form and within the time prescribed by the commissioner.

(b) The commissioner shall evaluate a student assessment for inclusion on the department's list of approved student assessments for the locally selected measures subcomponent, based on the following minimum criteria and any supplemental criteria established by the commissioner in the request for qualification ("RFQ"):

(1) the assessment is aligned with the New York State learning standards or, in instances where there are no such standards that apply to a subject/grade level, evidence of alignment to research-based learning standards; and

(2) the provider must demonstrate that there is strong evidence that the assessment is aligned with industry standards of reliability and validity as defined in the testing standards.

(c) The commissioner shall also evaluate student assessment for inclusion on the department's list of approved student assessments for student growth in non-tested subjects based on the following minimum criteria and any supplemental criteria established by the commissioner in the RFQ process:

(1) the assessment is aligned with the New York State learning standards or, in instances where there are no such standards that apply to a subject/grade level, evidence of alignment to research-based learning standards;

(2) the provider must demonstrate that there is strong evidence that the assessment is aligned with industry standards of reliability and validity as defined in the testing standards;

(3) the provider must demonstrate to the department, with a detailed procedure for measuring growth using the student assessment, that such assessment will result in normative inferences about each individual's student growth; and

(4) the provider must provide information to the department on the one or more norming groups used to calculate normative growth as well as the required test administration procedure, including a recommended testing timeline when using the instrument to measure growth, including the potential use of a pre-test or other tool in the first year of implementation.

(d) Termination of approval.

(1) Approval shall be withdrawn for good cause, including, but not limited to, a determination by the commissioner that:

(i) the assessment does not comply with one or more of the criteria for approval set forth in this section or the criteria set forth in the RFQ;

(ii) the department determines that the assessment is not identifying meaningful and/or observable differences in performance levels across schools and classrooms; and/or

(iii) high quality academic research calls into question the correlation between high performance on the assessment and positive student learning outcomes.

(2) Termination of a student assessment from the approved list shall be conducted in accordance with the following procedures:

(i) The commissioner or his/her designee shall notify the provider of the approved assessment in writing of the intent to terminate approval at least 30 calendar days prior to the effective date of the termination, including a list of the identified deficiencies.

(ii) The provider may reply in writing within 10 calendar days of receipt of the commissioner's notification, addressing the commissioner's statement of reasons, indicating whether deficiencies and/or violations exist, what steps have been taken to correct conceded deficiencies and/or violations, and the time period and steps by which deficiencies and/or violations will be corrected. If no reply is received, termination and removal from the list will become effective 30 calendar days from the date of receipt of the commissioner's notification.

(iii) Within three business days of receipt of the commissioner's notification, the provider may request oral argument before the commissioner or his/her designee.

(iv) After consideration of any written response and of any oral argument, a determination shall be made whether approval shall be terminated. Notice of such determination shall be provided in writing to the provider.

\* Section 30-2.9.\* Training of evaluators and lead evaluators.

(a) The governing body of each school district and BOCES shall ensure that evaluators have appropriate training before conducting an evaluation under this section. The governing body shall also ensure that any lead evaluator has been certified by such governing body as a qualified lead evaluator before conducting and/or completing a teacher's or principal's evaluation in accordance with the requirements of this Subpart, except as otherwise provided in this subdivision. Nothing herein shall be construed to prohibit a lead evaluator who is properly certified by the State as a school administrator or superintendent of schools from conducting classroom observations or school visits as part of an annual professional performance review under this Subpart prior to completion of the training required by this section provided such training is successfully completed prior to completion of the evaluation.

(b) To qualify for certification as a lead evaluator under this section, individuals shall successfully complete a training course that meets the minimum requirements prescribed in this subdivision. The training course shall provide training on:

(1) the New York State teaching standards, and their related elements and performance indicators and the leadership standards and their related functions, as applicable;

(2) evidence-based observation techniques that are grounded in research;

(3) application and use of the student growth percentile model and the value-added growth model as defined in section 30-2.2 of this Subpart;

(4) application and use of the State-approved teacher or principal rubric(s) selected by the district or BOCES for use in evaluations, including training on the effective application of such rubrics to observe a teacher or principal's practice;

(5) application and use of any assessment tools that the school district or BOCES utilizes to evaluate its classroom teachers or building principals, including but not limited to, structured portfolio reviews; student, parent, teacher and/or community surveys; professional growth goals and school improvement goals, etc.;

(6) application and use of any State-approved locally selected measures of student achievement used by the school district or BOCES to evaluate its teachers or principals;

(7) use of the statewide instructional reporting system;

(8) the scoring methodology utilized by the department and/or the district or BOCES to evaluate a teacher or principal under this Subpart, including how scores are generated for each subcomponent and the composite effectiveness score and application and use of the scoring ranges prescribed by the commissioner for the four designated rating categories used for the teacher's or principal's overall rating and their subcomponent ratings; and

(9) specific considerations in evaluating teachers and principals of English language learners and students with disabilities.

(c) Training shall be designed to certify lead evaluators. Districts shall describe in their annual professional performance review plan the duration and nature of the training they provide to evaluators and lead evaluators and their process for certifying lead evaluators under this section.

(d) School districts and BOCES shall also describe in their annual professional performance review plan their process for ensuring that lead evaluators maintain inter-rater reliability over time (such as data analysis to detect disparities on the part of one or more evaluators; periodic comparisons of a lead evaluator's assessment with another evaluator's assessment of the same classroom teacher or building principal; annual calibration sessions across evaluators) and their process for periodically recertifying all lead evaluators.

(e) Any individual who fails to achieve required training or certification or re-certification, as applicable, by a school district or BOCES pursuant to the requirements of this section shall not conduct or complete an evaluation under this Subpart.

\* Section 30-2.10.\* Teacher or principal improvement plans.

(a) Upon rating a teacher or a principal as developing or ineffective through an annual professional performance review conducted pursuant to this Subpart, a school district or BOCES shall develop and commence implementation of a teacher or principal improvement plan for such teacher or principal as soon as practicable but in no case later than 10 days after the date on which teachers are required to report prior to the opening of classes for the school year.

(b) Such improvement plan shall be developed locally through negotiations pursuant to article 14 of the Civil Service Law and shall include, but need not be limited to, identification of needed areas of improvement, a timeline for achieving improvement, the manner in which the improvement will be assessed, and, where appropriate, differentiated activities to support a teacher's or principal's improvement in those areas.

\* Section 30-2.11.\* Appeal procedures.

(a) A professional performance plan under this Subpart shall describe the appeals procedure utilized by a school district or BOCES through which an evaluated teacher or principal may challenge their annual professional performance review. Pursuant to section 3012-c of the Education Law, a teacher or principal may only challenge the following in an appeal:

(1) the substance of the annual professional performance review;

(2) the school district's or BOCES' adherence to the standards and methodologies required for such reviews, pursuant to this Subpart;

(3) the adherence to the regulations of the commissioner and compliance with any applicable locally negotiated procedures, as well as the school district's or BOCES' issuance and/or implementation of the terms of the teacher or principal improvement plan, as required under this Subpart.

(b) Appeal procedures shall provide for the timely and expeditious resolution of any appeal under this section.

(c) Nothing in this section shall be construed to alter or diminish the authority of the governing body of a school district or BOCES to terminate probationary teachers or deny tenure to a probationary teacher during the pendency of an appeal pursuant to this section.

\* Section 30-2.12.\* Monitoring and consequences for non-compliance.

(a) The department will annually monitor and analyze trends and patterns in teacher and principal evaluation results and data to identify districts, BOCES and/or schools where evidence suggests that a more rigorous evaluation system is needed to improve educator effectiveness and student learning outcomes. The department will analyze data submitted pursuant to this Subpart to identify:

(1) schools, districts or BOCES with unacceptably low correlation results between student growth on the State assessment or other comparable measures subcomponent and any other measures of teacher and principal effectiveness used by the district or BOCES to evaluate its teachers and principals; and/or

(2) schools, districts or BOCES whose teacher and principal composite scores and/or subcomponent scores and/or ratings show little differentiation across educators and/or the lack of differentiation is not justified by equivalently consistent student achievement results.

(b) A school, district or BOCES identified by the department in one of the categories enumerated above may be highlighted in public reports and/or the commissioner may order a corrective action plan, which may include, but not be limited to, a requirement that the district or BOCES utilize independent trained evaluators, where appropriate.

# Proposed legislation

## STATE OF NEW YORK

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S. 6257--B

A. 9057--B

### SENATE - ASSEMBLY

January 17, 2012

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IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to annual professional performance review of classroom teachers and building principals (Part A-1); to amend the education law, in relation to teacher evaluation appeal process in the city of New York(Part A-2);

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

47

PART A-1

48 Section 1. Subdivision 1 of section 3012-c of the education law, as  
49 added by chapter 103 of the laws of 2010, is amended to read as follows:  
50 1. Notwithstanding any other provision of law, rule or regulation to  
51 the contrary, the annual professional performance reviews of all class-  
52 room teachers and building principals employed by school districts or  
53 boards of cooperative educational services shall be conducted in accord-  
54 ance with the provisions of this section. Such performance reviews which

1 are conducted on or after July first, two thousand eleven, or on or  
 2 after the date specified in paragraph c of subdivision two of this  
 3 section where applicable, shall include measures of student achievement  
 4 and be conducted in accordance with this section. Such annual profes-  
 5 sional performance reviews shall be a significant factor for employment  
 6 decisions including but not limited to, promotion, retention, tenure  
 7 determination, termination, and supplemental compensation, which deci-  
 8 sions are to be made in accordance with locally developed procedures  
 9 negotiated pursuant to the requirements of article fourteen of the civil  
 10 service law where applicable. Provided, however, that nothing in this  
 11 section shall be construed to affect the statutory right of a school  
 12 district or board of cooperative educational services to terminate a  
 13 probationary teacher or principal for statutorily and constitutionally  
 14 permissible reasons other than the performance of the teacher or princi-  
 15 pal in the classroom or school, including but not limited to misconduct.  
 16 Such performance reviews shall also be a significant factor in teacher  
 17 and principal development, including but not limited to, coaching,  
 18 induction support and differentiated professional development, which are  
 19 to be locally established in accordance with procedures negotiated  
 20 pursuant to the requirements of article fourteen of the civil service  
 21 law.

22 § 2. Paragraph a of subdivision 2 of section 3012-c of the education  
 23 law, as added by chapter 103 of the laws of 2010, is amended to read as  
 24 follows:

25 a. (1) The annual professional performance reviews conducted pursuant  
 26 to this section for classroom teachers and building principals shall  
 27 differentiate teacher and principal effectiveness using the following  
 28 quality rating categories: highly effective, effective, developing and  
 29 ineffective, with explicit minimum and maximum scoring ranges for each  
 30 category, for the state assessments and other comparable measures  
 31 subcomponent of the evaluation and for the locally selected measures of  
 32 student achievement subcomponent of the evaluation, as prescribed in the  
 33 regulations of the commissioner. There shall be: (i) a state assessments  
 34 and other comparable measures subcomponent which shall comprise twenty  
 35 or twenty-five percent of the evaluation; (ii) a locally selected meas-  
 36 ures of student achievement subcomponent which shall comprise twenty or  
 37 fifteen percent of the evaluation; and (iii) an other measures of teach-  
 38 er or principal effectiveness subcomponent which shall comprise the  
 39 remaining sixty percent of the evaluation, which in sum shall constitute  
 40 the composite teacher or principal effectiveness score. Such annual  
 41 professional performance reviews shall result in a single composite  
 42 teacher or principal effectiveness score, which incorporates multiple  
 43 measures of effectiveness related to the criteria included in the regu-  
 44 lations of the commissioner.

45 (2) For annual professional performance reviews conducted in accord-  
 46 ance with paragraph b of this subdivision for the two thousand eleven--  
 47 two thousand twelve school year and for annual professional performance  
 48 reviews conducted in accordance with paragraphs f and g of this subdivi-  
 49 sion for the two thousand twelve--two thousand thirteen school year, the  
 50 overall composite scoring ranges shall be in accordance with this  
 51 subparagraph. A classroom teacher and building principal shall be deemed  
 52 to be:

53 (A) Highly Effective if they achieve a composite effectiveness score  
 54 of 91-100.

55 (B) Effective if they achieve a composite effectiveness score of  
 56 75-90.

1 (C) Developing if they achieve a composite effectiveness score of  
2 65-74.

3 (D) Ineffective if they achieve a composite effectiveness score of  
4 0-64.

5 (3) For annual professional performance reviews conducted in accord-  
6 ance with paragraph b of this subdivision for the two thousand eleven--  
7 two thousand twelve school year and for annual professional performance  
8 reviews conducted in accordance with paragraph f of this subdivision for  
9 the two thousand twelve--two thousand thirteen school year for classroom  
10 teachers in subjects and grades for which the board of regents has not  
11 approved a value-added model and for building principals employed in  
12 schools or programs for which there is no approved principal value-added  
13 model, the scoring ranges for the student growth on state assessments or  
14 other comparable measures subcomponent shall be in accordance with this  
15 subparagraph. A classroom teacher and building principal shall receive:

16 (A) a highly effective rating in this subcomponent if the teacher's or  
17 principal's results are well-above the state average for similar  
18 students and they achieve a subcomponent score of 18-20;

19 (B) an effective rating in this subcomponent if the teacher's or prin-  
20 icipal's results meet the state average for similar students and they  
21 achieve a subcomponent score of 9-17; or

22 (C) a developing rating in this subcomponent if the teacher's or prin-  
23 icipal's results are below the state average for similar students and  
24 they achieve a subcomponent score of 3-8; or

25 (D) an ineffective rating in this subcomponent, if the teacher's or  
26 principal's results are well-below the state average for similar  
27 students and they achieve a subcomponent score of 0-2.

28 (4) For annual professional performance reviews conducted in accord-  
29 ance with paragraph g of this subdivision for the two thousand twelve--  
30 two thousand thirteen school year for classroom teachers in subjects and  
31 grades for which the board of regents has approved a value-added model  
32 and for building principals employed in schools or programs for which  
33 there is an approved principal value-added model, the scoring ranges for  
34 the student growth on state assessments or other comparable measures  
35 subcomponent shall be in accordance with this subparagraph. A classroom  
36 teacher and building principal shall receive:

37 (A) a highly effective rating in this subcomponent if the teacher's or  
38 principal's results are well-above the state average for similar  
39 students and they achieve a subcomponent score of 22-25;

40 (B) an effective rating in this subcomponent if the teacher's or prin-  
41 icipal's results meet the state average for similar students and they  
42 achieve a subcomponent score of 10-21; or

43 (C) a developing rating in this subcomponent if the teacher's or prin-  
44 icipal's results are below the state average for similar students and  
45 they achieve a subcomponent score of 3-9; or

46 (D) an ineffective rating in this subcomponent, if the teacher's or  
47 principal's results are well-below the state average for similar  
48 students and they achieve a subcomponent score of 0-2.

49 (5) For annual professional performance reviews conducted in accord-  
50 ance with paragraph b of this subdivision for the two thousand eleven--  
51 two thousand twelve school year and for annual professional performance  
52 reviews conducted in accordance with paragraph f of this subdivision for  
53 the two thousand twelve--two thousand thirteen school year for classroom  
54 teachers in subjects and grades for which the board of regents has not  
55 approved a value-added model and for building principals employed in  
56 schools or programs for which there is no approved principal value-added

1 model, the scoring ranges for the locally selected measures of student  
 2 achievement subcomponent shall be in accordance with this subparagraph.  
 3 A classroom teacher and building principal shall receive:

4 (A) a highly effective rating in this subcomponent if the results are  
 5 well-above district-adopted expectations for student growth or achieve-  
 6 ment and they achieve a subcomponent score of 18-20; or

7 (B) an effective rating in this subcomponent if the results meet  
 8 district-adopted expectations for growth or achievement and they achieve  
 9 a subcomponent score of 9-17; or

10 (C) a developing rating in this subcomponent if the results are below  
 11 district-adopted expectations for growth or achievement and they achieve  
 12 a subcomponent score of 3-8; or

13 (D) an ineffective rating in this subcomponent if the results are  
 14 well-below district-adopted expectations for growth or achievement and  
 15 they achieve a subcomponent score of 0-2.

16 (6) For annual professional performance reviews conducted in accord-  
 17 ance with paragraph b of this subdivision for the two thousand eleven--  
 18 two thousand twelve school year and for annual professional performance  
 19 reviews conducted in accordance with paragraph g of this subdivision for  
 20 the two thousand twelve--two thousand thirteen school year for classroom  
 21 teachers in subjects and grades for which the board of regents has  
 22 approved a value-added model and for building principals employed in  
 23 schools or programs for which there is an approved principal value-added  
 24 model, the scoring ranges for the locally selected measures of student  
 25 achievement subcomponent shall be in accordance with this subparagraph.  
 26 A classroom teacher and building principal shall receive:

27 (A) a highly effective rating in this subcomponent if the results are  
 28 well-above district-adopted expectations for student growth or achieve-  
 29 ment and they achieve a subcomponent score of 14-15; or

30 (B) an effective rating in this subcomponent if the results meet  
 31 district-adopted expectations for growth or achievement and they achieve  
 32 a subcomponent score of 8-13; or

33 (C) a developing rating in this subcomponent if the results are below  
 34 district-adopted expectations for growth or achievement and they achieve  
 35 a subcomponent score of 3-7; or

36 (D) an ineffective rating in this subcomponent if the results are  
 37 well-below district-adopted expectations for growth or achievement and  
 38 they achieve a subcomponent score of 0-2.

39 (7) For the two thousand thirteen--two thousand fourteen school year  
 40 and thereafter, the commissioner shall review the specific scoring rang-  
 41 es for each of the rating categories annually before the start of each  
 42 school year and shall recommend any changes to the board of regents for  
 43 consideration.

44 (8) Except for the student growth measures on the state assessments or  
 45 other comparable measures of student growth prescribed in paragraphs e,  
 46 f and g of this subdivision, the elements comprising the composite  
 47 effectiveness score and the process by which points are assigned to  
 48 subcomponents shall be locally developed, consistent with the standards  
 49 prescribed in the regulations of the commissioner and the requirements  
 50 of this section, through negotiations conducted, pursuant to the  
 51 requirements of article fourteen of the civil service law.

52 § 3. Paragraphs b and c of subdivision 2 of section 3012-c of the  
 53 education law, as added by chapter 103 of the laws of 2010, are amended  
 54 to read as follows:

55 b. (1) Annual professional performance reviews conducted by school  
 56 districts [~~on or after July first, two thousand eleven~~] or boards of

1 cooperative educational services for the two thousand eleven--two thou-  
 2 sand twelve school year of classroom teachers of common branch subjects  
 3 or English language arts or mathematics in grades four to eight and all  
 4 building principals of schools in which such teachers are employed shall  
 5 be conducted pursuant to this subdivision and shall use two thousand  
 6 ten--two thousand eleven school year student data as the baseline for  
 7 the initial computation of the composite teacher or principal effective-  
 8 ness score for such classroom teachers and principals.

9 (2) Subject to paragraph k of this subdivision the entire annual  
 10 professional performance review shall be completed and provided to the  
 11 teacher or principal as soon as practicable but in no case later than  
 12 September first, two thousand twelve. The provisions of subparagraphs  
 13 two and three of paragraph c of this subdivision shall apply to such  
 14 reviews.

15 c. (1) Annual professional performance reviews conducted by school  
 16 districts or boards of cooperative educational services [~~on or after~~  
 17 July first, two thousand twelve] for the two thousand twelve--two thou-  
 18 sand thirteen school year and thereafter of all classroom teachers and  
 19 all building principals shall be conducted pursuant to this subdivision  
 20 and shall use two thousand eleven--two thousand twelve school year  
 21 student data as the baseline for the initial computation of the compos-  
 22 ite teacher or principal effectiveness score for such classroom teachers  
 23 and principals. For purposes of this section, an administrator in charge  
 24 of an instructional program of a board of cooperative educational  
 25 services shall be deemed to be a building principal.

26 (2) Subject to paragraph k of this subdivision the entire annual  
 27 professional performance review shall be completed and provided to the  
 28 teacher or principal as soon as practicable but in no case later than  
 29 September first of the school year next following the school year for  
 30 which the classroom teacher or building principal's performance is being  
 31 measured. The teacher's and principal's score and rating on the locally  
 32 selected measures subcomponent, if available, and on the other measures  
 33 of teacher and principal effectiveness subcomponent for a teacher's or  
 34 principal's annual professional performance review shall be computed and  
 35 provided to the teacher or principal, in writing, by no later than the  
 36 last day of the school year for which the teacher or principal is being  
 37 measured. Nothing in this subdivision shall be construed to authorize a  
 38 teacher or principal to trigger the appeal process prior to receipt of  
 39 his or her composite effectiveness score and rating.

40 (3) Each such annual professional performance review shall be based on  
 41 the state assessments or other comparable measures subcomponent, the  
 42 locally selected measures of student achievement subcomponent and the  
 43 other measures of teacher and principal effectiveness subcomponent,  
 44 determined in accordance with the applicable provisions of this section  
 45 and the regulations of the commissioner, for the school year for which  
 46 the teacher's or principal's performance is measured.

47 § 4. Paragraphs e, f and g of subdivision 2 of section 3012-c of the  
 48 education law, as added by chapter 103 of the laws of 2010, are amended  
 49 to read as follows:

50 e. (1) For annual professional performance reviews conducted in  
 51 accordance with paragraph b of this subdivision [~~in~~] for the two thou-  
 52 sand eleven--two thousand twelve school year, forty percent of the  
 53 composite score of effectiveness shall be based on student achievement  
 54 measures as follows: (i) twenty percent of the evaluation shall be  
 55 based upon student growth data on state assessments as prescribed by the  
 56 commissioner or a comparable measure of student growth if such growth

1 data is not available; and (ii) twenty percent shall be based on other  
2 locally selected measures of student achievement that are determined to  
3 be rigorous and comparable across classrooms in accordance with the  
4 regulations of the commissioner and as are developed locally in a manner  
5 consistent with procedures negotiated pursuant to the requirements of  
6 article fourteen of the civil service law.

7 (2) Such locally selected measures may include measures of student  
8 achievement or growth on state assessments, regents examinations and/or  
9 department approved equivalent, provided that such measures are differ-  
10 ent from those prescribed by the commissioner pursuant to clause (i) of  
11 subparagraph one of this paragraph. The regulations of the commissioner  
12 shall describe the types of measures of student growth or achievement  
13 that may be locally selected. The selection of the local measure(s) as  
14 described in this paragraph to be used by the school district or board  
15 of cooperative educational services shall be determined through collec-  
16 tive bargaining.

17 f. (1) For annual professional performance reviews conducted in  
18 accordance with paragraph c of this subdivision [~~in any school year~~  
19 ~~prior to the first school year for which the board of regents has~~  
20 ~~approved use of a value-added growth model, but not earlier than]~~ for  
21 the two thousand twelve--two thousand thirteen school year and thereaft-  
22 er for classroom teachers in subjects and grades for which the board of  
23 regents has not approved a value-added model and for building principals  
24 employed in schools or programs for which there is no approved principal  
25 value-added model, forty percent of the composite score of effectiveness  
26 shall be based on student achievement measures as follows: (i) twenty  
27 percent of the evaluation shall be based upon student growth data on  
28 state assessments as prescribed by the commissioner or a comparable  
29 measure of student growth if such growth data is not available; and (ii)  
30 twenty percent shall be based on other locally selected measures of  
31 student achievement that are determined to be rigorous and comparable  
32 across classrooms in accordance with the regulations of the commissioner  
33 and as are developed locally in a manner consistent with procedures  
34 negotiated pursuant to the requirements of article fourteen of the civil  
35 service law.

36 (2) One or more of the following types of locally selected measures of  
37 student achievement or growth may be used for the evaluation of class-  
38 room teachers:

39 (i) student achievement or growth on state assessments, regents exam-  
40 inations and/or department approved alternative examinations as  
41 described in the regulations of the commissioner including, but not  
42 limited to, advanced placement examinations, international baccalaureate  
43 examinations, and SAT II, using a measure that is different from the  
44 growth score prescribed by the department for student growth on such  
45 assessments or examinations for purposes of the state assessment or  
46 other comparable measures subcomponent that is either:

47 (A) the change in percentage of a teacher's students who achieve a  
48 specific level of performance as determined locally, on such  
49 assessments/examinations compared to those students' level of perform-  
50 ance on such assessments/examinations in the previous school year such  
51 as a three percentage point increase in students earning the proficient  
52 level (three) or better performance level on the seventh grade math  
53 state assessment compared to those same students' performance levels on  
54 the sixth grade math state assessment, or an increase in the percentage  
55 of a teacher's students earning the advanced performance level (four) on  
56 the fourth grade English language arts or math state assessments

1 compared to those students' performance levels on the third grade  
2 English language arts or math state assessments; or

3 (B) a teacher specific growth score computed by the department based  
4 on the percent of the teacher's students earning a department determined  
5 level of growth. The methodology to translate such growth into the  
6 state-established subcomponent scoring ranges shall be determined local-  
7 ly; or

8 (C) a teacher-specific achievement or growth score computed in a  
9 manner determined locally based on a measure of student performance on  
10 the state assessments, regents examinations and/or department approved  
11 alternative examinations other than the measure described in item (A) or  
12 (B) of this subparagraph;

13 (ii) student growth or achievement computed in a manner determined  
14 locally based on a student assessment approved by the department pursu-  
15 ant to a request for qualification process established in the regu-  
16 lations of the commissioner;

17 (iii) student growth or achievement computed in a manner determined  
18 locally based on a district, regional or BOCES-developed assessment that  
19 is rigorous and comparable across classrooms;

20 (iv) a school-wide measure of either student growth or achievement  
21 based on either:

22 (A) a state-provided student growth score covering all students in the  
23 school that took the state assessment in English language arts or math-  
24 ematics in grades four through eight;

25 (B) a school-wide measure of student growth or achievement computed in  
26 a manner determined locally based on a district, regional or board of  
27 cooperative educational services developed assessment that is rigorous  
28 and comparable across classrooms or a department approved student  
29 assessment or based on a state assessment; or

30 (v) where applicable, for teachers in any grade or subject where there  
31 is no growth or value-added growth model approved by the board of  
32 regents at that grade level or in that subject, a structured district-  
33 wide student growth goal-setting process to be used with any state  
34 assessment or an approved student assessment or a district, regional or  
35 BOCES-developed assessment that is rigorous and comparable across class-  
36 rooms.

37 (3) One or more of the following types of locally selected measures of  
38 student achievement or growth may be used for the evaluation of princi-  
39 pals, provided that each measure is rigorous and comparable across  
40 classrooms and that any such measure shall be different from that used  
41 for the state assessment or other comparable measures subcomponent:

42 (i) student achievement levels on state assessments in English  
43 language arts and/or mathematics in grades four to eight such as  
44 percentage of students in the school whose performance levels on state  
45 assessments are proficient or advanced, as defined in the regulations of  
46 the commissioner;

47 (ii) student growth or achievement on state or other assessments in  
48 English language arts and/or mathematics in grades four to eight for  
49 students in each of the performance levels described in the regulations  
50 of the commissioner;

51 (iii) student growth or achievement on state assessments in English  
52 language arts and/or mathematics in grades four to eight for students  
53 with disabilities and English language learners in grades four to eight;

54 (iv) student performance on any or all of the district-wide locally  
55 selected measures approved for use in teacher evaluations;

1 (v) for principals employed in a school with high school grades, four,  
2 five and/or six-year high school graduation and/or dropout rates;

3 (vi) percentage of students who earn a regents diploma with advanced  
4 designation and/or honors as defined in the regulations of the commis-  
5 sioner, for principals employed in a school with high school grades;

6 (vii) percentage of a cohort of students that achieve specified scores  
7 on regents examinations and/or department approved alternative examina-  
8 tions including, but not limited to, advanced placement examinations,  
9 international baccalaureate examinations and SAT II, for principals  
10 employed in a school with high school grades such as the percentage of  
11 students in the two thousand nine cohort that scored at least a three on  
12 an advanced placement examination since entry into the ninth grade;  
13 and/or

14 (viii) students' progress toward graduation in the school using strong  
15 predictive indicators, including but not limited to ninth and/or tenth  
16 grade credit accumulation and/or the percentage of students that pass  
17 ninth and/or tenth grade subjects most commonly associated with gradu-  
18 ation and/or students' progress in passing the number of required  
19 regents examinations for graduation, for principals employed in a school  
20 with high school grades.

21 (ix) For school districts or boards of cooperative educational  
22 services that choose to use more than one set of locally selected meas-  
23 ures described in this paragraph for principals in the same or similar  
24 grade configuration or program such as one set of locally selected meas-  
25 ures is used to evaluate principals in some K-5 schools and another set  
26 of locally selected measures is used to evaluate principals in the other  
27 K-5 schools in the district, the superintendent or district superinten-  
28 dent shall, in their professional performance review plan, certify that  
29 the sets of measures are comparable, in accordance with the testing  
30 standards as defined in regulations of the commissioner.

31 (x) For building principals employed in schools or programs for which  
32 there is no approved principal value-added model, the types of locally  
33 selected measures of student achievement or growth specified in subpara-  
34 graph three of paragraph g of this subdivision may be used. In addition,  
35 a structured district-wide student growth goal-setting process to be  
36 used with any state assessment or an approved student assessment or a  
37 district, regional or BOCES-developed assessment that is rigorous and  
38 comparable across classrooms may be a locally selected measure.

39 (4) The selection of the local measure or measures as described in  
40 subparagraphs two and three of this paragraph to be used by the school  
41 district or board of cooperative educational services shall be deter-  
42 mined through collective bargaining.

43 g. (1) For annual professional performance reviews conducted in  
44 accordance with paragraph c of this subdivision [~~in~~] for the [~~first~~  
45 ~~school year for which the board of regents has approved use of a value-~~  
46 ~~added growth model] two thousand twelve--two thousand thirteen school~~  
47 ~~year~~ and thereafter for classroom teachers in subjects and grades in  
48 which there is a value-added growth model approved by the board of  
49 regents and for building principals employed in schools or programs for  
50 which there is an approved principal value-added model, forty percent of  
51 the composite score of effectiveness shall be based on student achieve-  
52 ment measures as follows: (i) twenty-five percent of the evaluation  
53 shall be based upon student growth data on state assessments as  
54 prescribed by the commissioner or a comparable measure of student growth  
55 if such growth data is not available; and (ii) fifteen percent shall be  
56 based on other locally selected measures of student achievement that are

1 determined to be rigorous and comparable across classrooms in accordance  
2 with the regulations of the commissioner and as are locally developed in  
3 a manner consistent with procedures negotiated pursuant to the require-  
4 ments of article fourteen of the civil service law. The department shall  
5 develop the value-added growth model and shall consult with the advisory  
6 committee established pursuant to subdivision seven of this section  
7 prior to recommending that the board of regents approve its use in eval-  
8 uations.

9 (2) One or more of the following types of locally selected measures of  
10 student achievement or growth may be used for the evaluation of class-  
11 room teachers:

12 (i) student achievement or growth on state assessments, regents exam-  
13 inations and/or department approved alternative examinations as  
14 described in the regulations of the commissioner including, but not  
15 limited to, advanced placement examinations, international baccalaureate  
16 examinations and SAT II, using a measure that is different from the  
17 growth score prescribed by the department for student growth on such  
18 assessments or examinations for purposes of the state assessment or  
19 other comparable measures subcomponent that is either:

20 (A) the change in percentage of a teacher's students who achieve a  
21 specific level of performance as determined locally, on such  
22 assessments/examinations compared to those students' level of perform-  
23 ance on such assessments/examinations in the previous school year such  
24 as a three percentage point increase in students earning the proficient  
25 level (three) or better performance level on the seventh grade math  
26 state assessment compared to those same students' performance levels on  
27 the sixth grade math state assessment, or an increase in the percentage  
28 of a teacher's students earning the advanced performance level (four) on  
29 the fourth grade English language arts or math state assessments  
30 compared to those students' performance levels on the third grade  
31 English language arts or math state assessments; or

32 (B) a teacher specific growth score computed by the state based on the  
33 percent of the teacher's students earning a state determined level of  
34 growth. The methodology to translate such growth into the state-estab-  
35 lished subcomponent scoring ranges shall be determined locally; or

36 (C) a teacher-specific achievement or growth score computed in a  
37 manner determined locally based on a measure of student performance on  
38 the state assessments, regents examinations and/or department approved  
39 alternative examinations other than the measure described in item (A) or  
40 (B) of this subparagraph;

41 (ii) student growth or achievement computed in a manner determined  
42 locally based on a student assessment approved by the department pursu-  
43 ant to a request for qualification process established in the regu-  
44 lations of the commissioner;

45 (iii) student growth or achievement computed in a manner determined  
46 locally based on a district, regional or BOCES-developed assessment that  
47 is rigorous and comparable across classrooms;

48 (iv) a school-wide measure of either student growth or achievement  
49 based on either:

50 (A) a state-provided student growth score covering all students in the  
51 school that took the state assessment in English language arts or math-  
52 ematics in grades four through eight; or

53 (B) a school-wide measure of student growth or achievement computed in  
54 a manner determined locally based on a district, regional or board of  
55 cooperative educational services developed assessment that is rigorous

1 and comparable across classrooms or a department approved student  
2 assessment or based on a state assessment.

3 (3) One or more of the following types of locally selected measures of  
4 student achievement or growth may be used for the evaluation of princi-  
5 pals, provided that each measure is rigorous and comparable across  
6 classrooms and that any such measure shall be different from that used  
7 for the state assessment or other comparable measures subcomponent:

8 (i) student achievement levels on state assessments in English  
9 language arts and/or mathematics in grades four to eight such as  
10 percentage of students in the school whose performance levels on state  
11 assessments are proficient or advanced, as defined in the regulations of  
12 the commissioner;

13 (ii) student growth or achievement on state or other assessments in  
14 English language arts and/or mathematics in grades four to eight for  
15 students in each of the performance levels described in the regulations  
16 of the commissioner;

17 (iii) student growth or achievement on state assessments in English  
18 language arts and/or mathematics in grades four to eight for students  
19 with disabilities and English language learners in grades four to eight;

20 (iv) student performance on any or all of the district-wide locally  
21 selected measures approved for use in teacher evaluations;

22 (v) for principals employed in a school with high school grades, four,  
23 five and/or six-year high school graduation and/or dropout rates;

24 (vi) percentage of students who earn a regents diploma with advanced  
25 designation and/or honors as defined in the regulations of the commis-  
26 sioner, for principals employed in a school with high school grades;

27 (vii) percentage of a cohort of students that achieve specified scores  
28 on regents examinations and/or department approved alternative examina-  
29 tions including, but not limited to, advanced placement examinations,  
30 international baccalaureate examinations and SAT II, for principals  
31 employed in a school with high school grades such as the percentage of  
32 students in the two thousand nine cohort that scored at least a three on  
33 an advanced placement examination since entry into the ninth grade;  
34 and/or

35 (viii) students' progress toward graduation in the school using strong  
36 predictive indicators, including but not limited to ninth and/or tenth  
37 grade credit accumulation and/or the percentage of students that pass  
38 ninth and/or tenth grade subjects most commonly associated with gradu-  
39 ation and/or students' progress in passing the number of required  
40 regents examinations for graduation, for principals employed in a school  
41 with high school grades.

42 (ix) For school districts or boards of cooperative educational  
43 services that choose to use more than one set of locally selected meas-  
44 ures described in this paragraph for principals in the same or similar  
45 grade configuration or program, the superintendent or district super-  
46 intendent shall, in their professional performance review plan, certify  
47 that the sets of measures are comparable, in accordance with the testing  
48 standards as defined in regulations of the commissioner.

49 (4) The selection of the local measure or measures as described in  
50 subparagraphs two and three of this paragraph to be used by the school  
51 district or board of cooperative educational services shall be deter-  
52 mined through collective bargaining.

53 (5) The department shall develop the value-added growth model and  
54 shall consult with the advisory committee established pursuant to subdi-  
55 vision seven of this section prior to recommending that the board of  
56 regents approve its use in evaluations.

1 § 5. Paragraph h of subdivision 2 of section 3012-c of the education  
2 law, as added by chapter 103 of the laws of 2010, is amended to read as  
3 follows:

4 h. The remaining sixty percent of the evaluations, ratings and effec-  
5 tiveness scores shall be locally developed, consistent with the stand-  
6 ards prescribed in the regulations of the commissioner, through negoti-  
7 ations conducted pursuant to article fourteen of the civil service law.

8 (1) A majority of the sixty points for classroom teachers shall be  
9 based on multiple classroom observations conducted by a principal or  
10 other trained administrator, which may be performed in-person or by  
11 video. For evaluations for the two thousand twelve--two thousand thir-  
12 teen school year and thereafter, at least one such observation shall be  
13 an unannounced visit.

14 (2) For the remaining portion of these sixty points for evaluations  
15 for the two thousand eleven--two thousand twelve school year, the  
16 commissioner's regulation shall prescribe the other forms of evidence of  
17 teacher and principal effectiveness that may be used.

18 (3) For evaluations of classroom teachers for the two thousand twelve-  
19 -two thousand thirteen school year and thereafter, the remaining portion  
20 of these sixty points shall be based on one or more of the following:

21 (i) one or more classroom observations by independent trained evalu-  
22 ators selected by the school district or board of cooperative educa-  
23 tional services who are teachers or former teachers with a demonstrated  
24 record of effectiveness and have no prior affiliation with the school in  
25 which they are conducting the evaluation and no other relationship with  
26 the teachers being evaluated that would affect their impartiality;

27 (ii) classroom observations by trained in-school peer teachers; and/or

28 (iii) use of a state-approved instrument for parent or student feed-  
29 back; and/or

30 (iv) evidence of student development and performance through lesson  
31 plans, student portfolios and other artifacts of teacher practices  
32 through a structured review process.

33 (4) A majority of these sixty points for building principals shall be  
34 based on a broad assessment of the principal's leadership and management  
35 actions based on the principal practice rubric by the building princi-  
36 pal's supervisor, a trained administrator or a trained independent eval-  
37 uator, with one or more visits conducted by the supervisor, and, for  
38 evaluations for the two thousand twelve--two thousand thirteen school  
39 year and thereafter, that such assessment must incorporate multiple  
40 school visits by a supervisor, a trained administrator or other trained  
41 evaluator, with at least one visit conducted by the supervisor and at  
42 least one unannounced visit. For the remaining portion of these sixty  
43 points for evaluations for the two thousand eleven--two thousand twelve  
44 school year, such regulations shall also prescribe the other forms of  
45 evidence of principal effectiveness that may be used consistent with the  
46 standards prescribed by the commissioner.

47 (5) For evaluations of building principals for the two thousand  
48 twelve--two thousand thirteen school year and thereafter, the remaining  
49 portion of these sixty points shall include, in addition to the require-  
50 ments of subparagraph three of this paragraph, at least two other sourc-  
51 es of evidence from the following options: feedback from teachers,  
52 students, and/or families using state-approved instruments; school  
53 visits by other trained evaluators; and/or review of school documents,  
54 records, and/or state accountability processes. Any such remaining  
55 points shall be assigned based on the results of one or more ambitious

1 and measurable goals set collaboratively with principals and their  
2 superintendents or district superintendents as follows:

3 (i) at least one goal must address the principal's contribution to  
4 improving teacher effectiveness, which shall include one or more of the  
5 following: improved retention of high performing teachers, the corre-  
6 lation between student growth scores of teachers granted tenure as  
7 opposed to those denied tenure; or improvements in the proficiency  
8 rating of the principal on specific teacher effectiveness standards in  
9 the principal practice rubric.

10 (ii) any other goals shall address quantifiable and verifiable  
11 improvements in academic results or the school's learning environmental  
12 such as student or teacher attendance.

13 (6) The district or board of cooperative educational services shall  
14 establish specific minimum and maximum scoring ranges for each perform-  
15 ance level within this subcomponent before the start of each school year  
16 and shall assign points to a teacher or principal for this subcomponent  
17 based on the standards prescribed in the regulations of the commis-  
18 ioner, all in accordance with, and subject to, the requirements of para-  
19 graph j of this subdivision.

20 § 6. Subdivision 2 of section 3012-c of the education law is amended  
21 by adding a new paragraph j to read as follows:

22 j. (1) The process by which points are assigned in subcomponents and  
23 the scoring ranges for the subcomponents must be transparent and avail-  
24 able to those being rated before the beginning of each school year. The  
25 process by which points are assigned in the respective subcomponents are  
26 to be determined as follows:

27 (i) For the state assessment or other comparable measures subcompo-  
28 nent, that process shall be formulated by the commissioner with the  
29 approval of the board of regents.

30 (ii) For the locally selected measures of the student achievement  
31 subcomponent, that process shall be established locally through negoti-  
32 ations conducted under article fourteen of the civil service law.

33 (iii) For the other measures of teacher and principal effectiveness  
34 subcomponent, that process shall be established locally through negoti-  
35 ations conducted under article fourteen of the civil services law.

36 (2) Such process must ensure that it is possible for a teacher or  
37 principal to obtain each point in the applicable scoring ranges, includ-  
38 ing zero, for the state assessment or other comparable measures subcom-  
39 ponent, the locally selected measures of student achievement subcompo-  
40 nent and the overall rating categories. The process must also ensure  
41 that it is possible for a teacher or principal to obtain each point in  
42 the scoring ranges prescribed by the district or board of cooperative  
43 educational services for the other measures of teacher and principal  
44 effectiveness subcomponent.

45 (3) The superintendent, district superintendent or chancellor and the  
46 president of the collective bargaining representative (where one exists)  
47 shall certify in its plan that the process will use the narrative  
48 descriptions of the standards for the scoring ranges provided in the  
49 regulations of the commissioner to effectively differentiate a teacher  
50 or principal's performance in each of the subcomponents and in their  
51 overall ratings to improve student learning and instruction.

52 (4) The scoring ranges for the other measures of teacher and principal  
53 effectiveness subcomponent shall be established locally through negoti-  
54 ations conducted under article fourteen of the civil service law.

55 § 7. Subdivision 2 of section 3012-c of the education law is amended  
56 by adding a new paragraph k to read as follows:

1 k. Notwithstanding any other provision of law, rule or regulation to  
2 the contrary, by July first, two thousand twelve, the governing body of  
3 each school district and board of cooperative educational services shall  
4 adopt a plan, on a form prescribed by the commissioner, for the annual  
5 professional performance review of all of its classroom teachers and  
6 building principals in accordance with the requirements of this section  
7 and the regulations of the commissioner, and shall submit such plan to  
8 the commissioner for approval. The plan may be an annual or multi-year  
9 plan, for the annual professional performance review of all of its  
10 classroom teachers and building principals. The commissioner shall  
11 approve or reject the plan by September first, two thousand twelve, or  
12 as soon as practicable thereafter. The commissioner may reject a plan  
13 that does not rigorously adhere to the provisions of this section and  
14 the regulations of the commissioner. Should any plan be rejected, the  
15 commissioner shall describe each deficiency in the submitted plan and  
16 direct that each such deficiency be resolved through collective bargain-  
17 ing to the extent required under article fourteen of the civil service  
18 law. If any material changes are made to the plan, the school district  
19 or board of cooperative educational services must submit the material  
20 changes, on a form prescribed by the commissioner, to the commissioner  
21 for approval. To the extent that by July first, two thousand twelve, or  
22 by July first of any subsequent year, if all the terms of the plan have  
23 not been finalized as a result of unresolved collective bargaining nego-  
24 tiations, the entire plan shall be submitted to the commissioner upon  
25 resolution of all of its terms, consistent with article fourteen of the  
26 civil service law.

27 § 8. Subdivision 4 of section 3012-c of the education law, as added by  
28 chapter 103 of the laws of 2010, is amended to read as follows:

29 4. Notwithstanding any other law, rule or regulation to the contrary,  
30 upon rating a teacher or a principal as developing or ineffective  
31 through an annual professional performance review conducted pursuant to  
32 subdivision two of this section, the school district or board of cooper-  
33 ative educational services shall formulate and commence implementation  
34 of a teacher or principal improvement plan for such teacher or principal  
35 as soon as practicable but in no case later than ten school days after  
36 [~~the date on which teachers are required to report prior to~~] the opening  
37 of classes for the school year. Such improvement plan shall be consist-  
38 ent with the regulations of the commissioner and developed locally  
39 through negotiations conducted pursuant to article fourteen of the civil  
40 service law. Such improvement plan shall include, but need not be limit-  
41 ed to, identification of needed areas of improvement, a timeline for  
42 achieving improvement, the manner in which improvement will be assessed,  
43 and, where appropriate, differentiated activities to support a teacher's  
44 or principal's improvement in those areas.

45 § 9. Subdivision 5 of section 3012-c of the education law, as added by  
46 chapter 103 of the laws of 2010, is amended to read as follows:

47 5. a. An appeals procedure shall be locally established in each school  
48 district and in each board of cooperative educational services by which  
49 the evaluated teacher or principal may only challenge the substance of  
50 the annual professional performance review, the school district's or  
51 board of cooperative educational services' adherence to the standards  
52 and methodologies required for such reviews, pursuant to this section,  
53 the adherence to the regulations of the commissioner and compliance with  
54 any applicable locally negotiated procedures, as well as the school  
55 district's or board of cooperative educational services' issuance and/or  
56 implementation of the terms of the teacher or principal improvement

1 plan, as required under this section. Appeal procedures shall provide  
2 for the timely and expeditious resolution of any appeal under this  
3 subdivision. The specifics of the appeal procedure shall be locally  
4 established through negotiations conducted pursuant to article fourteen  
5 of the civil service law. An evaluation which is the subject of an  
6 appeal shall not be sought to be offered in evidence or placed in  
7 evidence in any proceeding conducted pursuant to either section three  
8 thousand twenty-a of this article or any locally negotiated alternate  
9 disciplinary procedure, until the appeal process is concluded.

10 b. Nothing in this section shall be construed to alter or diminish  
11 the authority of the governing body of a school district or board of  
12 cooperative educational services to grant or deny tenure to or terminate  
13 probationary teachers or probationary building principals during the  
14 pendency of an appeal pursuant to this section for statutorily and  
15 constitutionally permissible reasons other than the teacher's or princi-  
16 pal's performance that is the subject of the appeal.

17 c. Nothing in this section shall be construed to authorize a teacher  
18 or principal to trigger the appeal process prior to receipt of their  
19 composite effectiveness score and rating from the district or board of  
20 cooperative educational services.

21 § 10. Section 3012-c of the education law is amended by adding a new  
22 subdivision 9 to read as follows:

23 9. a. The department shall annually monitor and analyze trends and  
24 patterns in teacher and principal evaluation results and data to identi-  
25 fy school districts, boards of cooperative educational services and/or  
26 schools where evidence suggests that a more rigorous evaluation system  
27 is needed to improve educator effectiveness and student learning  
28 outcomes. The criteria for identifying school districts, boards of coop-  
29 erative educational services and/or schools shall be prescribed in the  
30 regulations of the commissioner.

31 b. A school, school district or board of cooperative educational  
32 services identified by the department in one of the categories enumer-  
33 ated in paragraph a of this subdivision may be highlighted in public  
34 reports and/or the commissioner may order a corrective action plan,  
35 which may include, but not be limited to, requirements that the district  
36 or board of cooperative educational services arrange for additional  
37 professional development, provide additional in-service training and/or  
38 utilize independent trained evaluators to review the efficacy of the  
39 evaluation system, provided that the plan shall be consistent with law  
40 and not in conflict with any applicable collective bargaining agreement.

41 § 11. This act shall take effect immediately.

Attachment 10 Evidence That The SEA Has Adopted One Or More Guidelines Of Local Teacher And Principal Evaluation And Support Systems



NEW YORK STATE EDUCATION DEPARTMENT

News

**For Immediate Release May 11, 2010**

For More Information Contact:

Tom Dunn, Jonathan Burman or Jane Briggs at (518) 474-1201

Internet: <http://www.nysed.gov>



New York State Education Department Proposes Race to the Top Legislative Reforms with Support of New York State United Teachers and the United Federation of Teachers

The New York State Education Department today proposed legislation with the backing of the statewide teachers' union, New York State United Teachers, and its largest local, the United Federation of Teachers, to advance key areas in the state's Race to the Top application. The reforms will be presented to both houses of the legislature later today.

The proposal would establish a comprehensive evaluation system for teachers and principals based on multiple measures. Student standardized test scores would initially be limited to 20 percent of the teacher evaluation, while other measures of student achievement would count for an additional 20 percent of the rating. Provisions to streamline the discipline procedures, while preserving due process, are also included.

"New York's chances of winning Round 2 of the federal Race to the Top competition will rise dramatically if the legislature acts rapidly on this proposal," said Merryl H. Tisch, Chancellor of the New York State Board of Regents. "The proposed reforms, and the Regents' recent move to transform teacher and principal preparation through a focus on clinical practice, are a fundamental shift that will lead to a better education for the state's three million students."

"The proposed evaluation system will help ensure that we have an effective teacher in every classroom and an effective leader in every school," said New York State Education Commissioner David M. Steiner.

Senior Deputy Commissioner John King said, "A teacher evaluation system with four distinct levels will help educators improve their craft by focusing on their specific needs and recognizing outstanding teaching."

"NYSUT remains committed to a fair evaluation system that supports positive educational outcomes," said NYSUT President Richard C. Iannuzzi. "This legislative proposal advances that process."

UFT President Michael Mulgrew said, "The current teacher evaluation system doesn't work for teachers – it's too subjective, lacks specific criteria, and is too dependent on the whims and prejudices of principals. We worked with the State Education Department to create a more objective system that would apply across the state, with strict limits on the role of standardized tests."

Under the proposed system, teachers and principals would receive one of four ratings: "highly effective," "effective," "developing," or "ineffective." The evaluations would play a significant role in a wide array of employment decisions, including professional development, tenure determinations, selection for leadership opportunities, supplemental compensation based on a career ladder, and termination. The goal is to construct an evaluation system that can be customized to the professional development needs of every teacher.

Under the proposed system, those rated "developing" and "ineffective" would receive additional support through a customized improvement plan. Teachers and principals with a pattern of



NEW YORK STATE EDUCATION DEPARTMENT

News

**For Immediate Release May 28, 2010**

For More Information Contact:

Tom Dunn, Jonathan Burman or Jane Briggs at (518) 474-1201

Internet: <http://www.nysed.gov>



**BOARD OF REGENTS AND EDUCATION DEPARTMENT LEADERSHIP  
STATEMENTS REGARDING PASSAGE OF  
EDUCATION REFORM LEGISLATION**

"Today's comprehensive legislative action is a landmark moment that will improve educational results for children in New York State for years to come," said Regents Chancellor Merryll H. Tisch. "The Regents and I thank the Legislature and its leadership -- Assembly Speaker Silver, his staff, Assemblywoman Nolan, Senate Majority Conference Leader Sampson, Senator Oppenheimer, and Senate Minority Leader Skelos -- for their leadership and passionate commitment to creating the best educational opportunities for our children. We offer a special thank you to our partners in the State's education system who worked so hard to come to agreement on very challenging issues. We thank Mayor Bloomberg and Chancellor Klein who demonstrated their commitment to our Race to the Top application and their support for the Regents reform agenda. NYSUT President Richard Iannuzzi and UFT President Michael Mulgrew deserve enormous credit for their invaluable leadership in developing a fair and equitable teacher evaluation system that will enhance the quality of education across New York State."

"Today the Legislature has taken a major step forward for the children of New York State," said Education Commissioner David M. Steiner. "We believe that today's action will support the Regents reform agenda to improve teaching and learning, increasing the opportunity of all students to graduate from high school ready for higher education and employment. New York's competitiveness for Race to the Top funding is greatly enhanced by these legislative reforms. We commend the many stakeholders -- the state's school superintendents, school board members, BOCES district superintendents, local union leaders and charter school leaders -- who have strengthened the state's application by submitting signed memoranda of understanding."

"Each of the laws approved today will drive student achievement throughout the state," said John King, Senior Deputy Commissioner. "The new teacher evaluation system will help educators improve their craft by focusing professional development and coaching on their specific needs and recognizing outstanding teaching. And the new law authorizing Educational Partnership Organizations -- non-profits with a demonstrated history of raising the achievement of high needs students -- to manage schools, will help turnaround our lowest performing schools. Finally, by raising the cap on the number of charter schools, and by improving the existing charter school law to add greater accountability and transparency, the Legislature has acknowledged the role these public schools can play in lifting student achievement. We believe that these reforms taken together will improve the education of children in all of New York's public schools and build on the many excellent educational models in public schools across the state. "

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New York State Board of Regents

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ineffective teaching or performance – defined as two consecutive "ineffective" ratings – could be charged with incompetence and considered for termination through an expedited hearing:

- A pattern of ineffective teaching would constitute very significant evidence of incompetence and could provide the basis for removal;
- The hearing would have to be completed within 60 days – compared with the current state average of 274 days, as reported in the New York State School Boards Association's most recent survey.

Under the proposal, 40 percent of the evaluation score would be based on student achievement measures, with the portion based on student growth phased in as follows:

- **Year one:** 20 percent student growth on state assessments or comparable measures *for teachers in the common branch subjects or ELA and Math in grades four to eight only*, and 20 percent other locally selected measures that are rigorous and comparable across classrooms;
- **Subsequent years before Regents approval of a value-added model:** 20 percent student growth on state assessments or comparable measures *for all teachers*, and 20 percent other locally selected measures that are rigorous and comparable across classrooms;
- **Subsequent years following Regents approval of a value-added model:** 25 percent student growth on state assessments or comparable measures, and 15 percent other locally selected measures that are rigorous and comparable across classrooms.

The remaining 60 percent of the evaluation score would be based on locally negotiated processes (e.g., classroom observations by trained evaluators), according to standards developed by the Commissioner.

School districts that sign on to the state's Race to the Top plan can use their share of the \$700 million to reward effective educators and to target professional development to those whose skills need improvement.

Under Race to the Top rules, the proposed changes will add points to New York's score only if the Legislature adopts them by the end of the month.

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**TO:** The Honorable the Members of the Board of Regents  
**FROM:** Anthony Lofrumento  
**SUBJECT:** Summary of the May 2011 Meeting  
**DATE:** June 14, 2011  
**AUTHORIZATION(S):**

**Executive Summary**

**Issue for Decision**

Review of the Summary of the May 2011 Meeting of the Board of Regents.

**Proposed Handling**

Approval of the Summary of May 2011 meeting.

**Procedural History**

This document summarizes the actions of the Board of Regents during the monthly meeting and is brought before the Board the following month for approval.

**Recommendation**

Approval of the Summary of the May 2011 meeting.

**Timetable for Implementation**

Effective June 21, 2011.

**VOTED**, that the Summary of the May 2011 Meeting of the Board of Regents of The University of the State of New York be approved.



**SUMMARY OF THE MAY MEETING  
OF THE BOARD OF REGENTS  
OF  
THE UNIVERSITY OF THE STATE OF NEW YORK**

***Held at the State Education Building***

***Albany, New York  
May 16 and 17, 2011***

***Anthony Lofrumento, Secretary  
Board of Regents***

## ***THE BOARD OF REGENTS***

The Board of Regents of The University of the State of New York held public sessions on Monday, May 16 at 9:50 a.m. pursuant to a call to duty sent to each Regent.

### **MEETING OF THE FULL BOARD, Monday, May 16 at 9:50 a.m.**

#### **Board Members in Attendance:**

Chancellor Merryl H. Tisch  
Vice Chancellor Milton L. Cofield  
Robert M. Bennett, Chancellor Emeritus  
James C. Dawson  
Anthony S. Bottar  
Geraldine D. Chapey  
Harry Phillips, 3<sup>rd</sup>  
James R. Tallon, Jr.  
Roger Tilles  
Charles R. Bendit  
Betty A. Rosa  
Lester W. Young, Jr.  
Christine D. Cea  
Wade S. Norwood  
James O. Jackson  
Kathleen M. Cashin  
James E. Cottrell

Also present were the Commissioner of Education, David M. Steiner, Senior Deputy Commissioner for P-12 Education, John King, Counsel and Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento.

Chancellor Merryl H. Tisch called the meeting to order at 9:50 a.m.

### **PRESENTATIONS**

#### **State Education Department Budget Update**

##### **Oral**

Chief Operating Officer Val Grey presented an update on the State Education Department Budget.

#### **Common Core Standards Update**

##### **Oral**

Senior Deputy Commissioner for P-12 Education, John King presented an update on the Common Core Standards.

## **ACTION ITEM**

### **Transition Update**

Regent Anthony S. Bottar provided an update on Transition Committee activities. The Transition Committee included: Vice Chancellor Cofield, Co-Chair, Regent Bottar, Co-Chair, Chancellor Emeritus Bennett, Regent Dawson, Regent Young, Regent Cea and Regent Jackson.

### **Selection of Commissioner of Education and President of The University of the State of New York**

**VOTED**, that the Board of Regents elect John B. King, Jr. as Commissioner of Education and President of The University of the State of New York, effective, July 15, 2011, at an annual salary of \$212,500 computed as follows: \$136,000 for his position as Commissioner of Education and \$76,500 for his position as President of The University of the State of New York.

<b>Motioned by:</b>	Regent Wade S. Norwood
<b>Seconded by:</b>	Regent Harry Phillips 3 <sup>rd</sup>
<b>Action:</b>	Motion carried unanimously
<b>Absent:</b>	All present

Full Board adjourned at 10:20 a.m.

### **MEETING OF THE FULL BOARD, Monday, May 16 at 4:45 p.m.**

#### **Board Members in Attendance:**

Chancellor Merryl H. Tisch  
Vice Chancellor Milton L. Cofield  
Robert M. Bennett, Chancellor Emeritus  
James C. Dawson  
Anthony S. Bottar  
Geraldine D. Chapey  
Harry Phillips, 3<sup>rd</sup>  
James R. Tallon, Jr.  
Roger Tilles  
Charles R. Bendit  
Betty A. Rosa  
Lester W. Young, Jr.  
Christine D. Cea  
Wade S. Norwood  
James O. Jackson  
Kathleen M. Cashin  
James E. Cottrell

Also present were the Commissioner of Education, David M. Steiner, Senior Deputy Commissioner for P-12 Education, John King, Counsel and Deputy Commissioner for Legal Affairs, Richard J. Trautwein, and the Secretary, Board of Regents, Anthony Lofrumento.

Chancellor Meryll H. Tisch called the meeting to order at 4:45 p.m.

### **ACTION ITEM**

#### **Amendment to Section 100.2(o) of the Commissioner's Regulations and Addition of a New Subpart 30-2 to the Rules of the Board of Regents Relating to Annual Professional Performance Reviews of Classroom Teachers and Building Principals BR (A) 4**

**VOTED**, that paragraph (1) of subdivision (o) be repealed and paragraph (2) of subdivision (o) be renumbered paragraph (1) of subdivision (o), subparagraph (ii) of renumbered paragraph (1) of subdivision (o) be amended, subclause (1) of clause (a) of subparagraph (iv) of renumbered paragraph (1) of subdivision (o) be amended, subclauses (v) through (vii) of renumbered paragraph (1) of subdivision (o) be renumbered subparagraphs (vi) through (viii) of renumbered paragraph (1) of subdivision (o) and that a new subparagraph (v) of renumbered paragraph (1) of subdivision (o) of section 100.2 of the Regulations of the Commissioner of Education be added, effective July 1, 2011, and that a new Subpart 30-2 of the Rules of the Board of Regents be added, as submitted, effective May 20, 2011, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to timely implement the provisions of section 3012-c of the Education Law and to ensure that school districts and BOCES are given sufficient notice of the new APPR requirements for classroom teachers and building principals and to provide school district and BOCES with time to locally negotiate certain provisions in the proposed amendments before the 2011-2012 school year.

**Motioned by:** Chancellor Emeritus Robert M. Bennett  
**Seconded by:** Regent James R. Tallon, Jr.  
**Action:** Motion carried with 14 'yes' votes and 3 'opposed' votes (Opposed were Regents Tilles, Rosa and Cashin.)

**MEETING OF THE FULL BOARD, Tuesday, May 17 at 12:40 p.m.**

**Board Members in Attendance:**

Chancellor Merryl H. Tisch  
Vice Chancellor Milton L. Cofield  
Anthony S. Bottar  
Geraldine D. Chapey  
Harry Phillips, 3<sup>rd</sup>  
James R. Tallon, Jr.  
Roger Tilles  
Charles R. Bendit  
Betty A. Rosa  
Lester W. Young, Jr.  
Christine D. Cea  
Wade S. Norwood  
James O. Jackson  
Kathleen M. Cashin  
James E. Cottrell

Also present were the Commissioner of Education, David M. Steiner, Senior Deputy Commissioner for P-12 Education, John King, Acting Counsel and Deputy Commissioner for Legal Affairs, Erin O'Grady-Parent, and the Secretary, Board of Regents, Anthony Lofrumento. Chancellor Emeritus Robert M. Bennett and Regent James C. Dawson were absent and excused.

Chancellor Merryl H. Tisch called the meeting to order at 12:40 p.m.

**TRANSITIONS**

Commissioner David M. Steiner provided an overview of his tenure as Commissioner

Chief of Staff James Baldwin provided parting words as he leaves the Department to return to his position as BOCES Superintendent.

**ACTION ITEMS**

**Charter Applications for May 2011**

**BR (A) 1**

**MOVED**, that the Regents approve each application in accordance with the recommendations contained in the respective summaries.

**Summary of the April 2011 Meeting of the Board of Regents  
BR (A) 2**

**MOVED**, that the Summary of the April 2011 Meeting of the Board of Regents of The University of the State of New York be approved.

**Regents Monthly Meeting Dates, January - December 2012  
BR (A) 5**

**MOVED**, that the Regents approve the following meeting dates for 2012.

2012 Regents Monthly Meeting Dates

January 9 - 10	Monday – Tuesday
February 13 - 14	Monday – Tuesday
March 19 - 20	Monday – Tuesday
April 23 - 24	Monday – Tuesday
May 21 - 22	Monday – Tuesday
June 18 - 19	Monday – Tuesday
July 16 - 17	Monday – Tuesday
August	Recess
September 10 - 11	Monday – Tuesday
October 9 - 10	Tuesday – Wednesday
November 5 - 6	Monday – Tuesday
December 10 - 11	Monday – Tuesday

**Motion by:** Regent Roger Tilles  
**Seconded by:** Vice Chancellor Milton L. Cofield  
**Action:** Motion carried unanimously

**ACTION ITEMS**

**PROGRAM AREA CONSENT ITEMS**

**Adult Career and Continuing Education Services (ACCES)**

**Amendment to Section 100.8 of the Regulations of the Commissioner of  
Education Relating to Local High School Equivalency Diplomas based upon  
experimental programs  
BR (CA) 1**

**MOVED**, that section 100.8 of the Regulations of the Commissioner of Education be amended, as submitted, effective May 24, 2011, as an emergency action upon a

finding of the Board of Regents that such action is necessary for the preservation of the general welfare in order to prevent a lapse in the existing provision allowing boards of education to award a local high school equivalency diploma based upon experimental programs approved by the Commissioner of Education, by extending such provision through June 30, 2012, and thereby ensure that students currently enrolled in the National External Diploma Program (NEDP) can complete their programs without disruption.

**Amendment to the State Plan for Vocational Rehabilitation and Supplement for Supported Employment Services Program  
BR (CA) 2**

**MOVED**, that the Amendment to the State Plan for Vocational Rehabilitation and Supported Employment Services, effective October 1, 2011, is approved.

**Cultural Education**

**Amendment of Regents Rule §3.27, Relating to Museum Collections Management Policies  
BR (CA) 3 – Revised**

**MOVED**, that paragraphs (6) and (7) of subdivision (c) and subdivision (e) of section 3.27 of the Rules of the Board of Regents, be amended, as submitted, effective on June 8, 2011.

**Higher Education**

**Master Plan Amendment: Medaille College, Doctor of Psychology (Psy.D.), Clinical Psychology, at its Amherst campus  
BR (CA) 4**

**MOVED**, that the Board of Regents approve a master plan amendment for Medaille College, Buffalo, to authorize the College to offer its first doctoral program, a Doctor of Psychology (Psy.D.) in Clinical Psychology, at its Amherst campus. The amendment will be effective until May 31, 2012, unless the Department registers the program prior to that date, in which case master plan amendment shall be without term.

**State University of New York, College at Buffalo: Regents Authorization to Award the Master of Public Administration (M.P.A.) Degree  
BR (CA) 5**

**MOVED**, that the Board of Regents authorize the State University of New York Board of Trustees to award the Master of Public Administration (M.P.A.) degree on students successfully completing registered programs at the State University College at Buffalo effective May 17, 2011.

**Proposed Amendment of Section 52.21 of the Regulations of the Commissioner  
Relating to the Graduate Level Clinically Rich Principal Preparation Pilot  
Programs  
BR (CA) 6**

**MOVED**, that subclause (3) of clause (d) of subparagraph (v) of paragraph (7) of subdivision (c) of section 52.21 of the Regulations of the Commissioner of Education is amended, effective June 8, 2011.

**Proposed Amendment of Section 52.21 of the Regulations of the Commissioner  
Relating to the Graduate Level Clinically Rich Teacher Preparation Pilot Programs  
BR (CA) 7**

**MOVED**, that clause (d) of subparagraph (iv) of paragraph (5) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education be amended, effective May 24, 2011 as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to timely implement the provisions of the proposed amendment to provide program providers with notice of the degree requirements before the 2011-2012 school year.

**P-12 Education**

**Proposed Technical Amendment of Section 100.2(ee)(2) of the Regulations of the  
Commissioner  
BR (CA) 8**

**MOVED**, that paragraph (2) of subdivision (ee) of section 100.2 of the Regulations of the Commissioner be amended as submitted, effective June 1, 2011; and it is further

**MOVED**, that paragraph (2) of subdivision (ee) of section 100.2 of the Regulations of the Commissioner be amended as submitted, effective May 17, 2011, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to ensure that the emergency rule adopted at the February 2011 Regents meeting remains continuously in effect until the effective date of its permanent adoption.

**Professional Practice**

**(Re)Appointments of Members to the State Boards for the Professions and  
(Re)Appointments of Extended Members to the State Boards for the Professions  
for Service on Licensure Disciplinary and/or Licensure Restoration and Moral  
Character Panels  
BR (CA) 9**

**MOVED**, that the Regents should approve the proposed (re)appointments.

**Report of the Committee on the Professions Regarding Licensing Petitions  
BR (CA) 10**

**MOVED**, that the Regents approve the recommendations of the Committee on the Professions regarding licensing petitions.

**Hunter College of The City University of New York: Authorization to Award the  
Doctor of Nursing Practice (D.N.P.) Degree  
BR (CA) 11**

**MOVED**, the Board of Regents authorize The City University of New York Board of Trustees to confer the D.N.P. degree on duly qualified students successfully completing registered D.N.P. programs at Hunter College of The City University of New York effective May 17, 2011.

**Motion by:** Regent Anthony S. Bottar  
**Seconded by:** Regent Harry Phillips, 3<sup>rd</sup>  
**Action:** Motion carried unanimously

**STANDING COMMITTEE REPORTS**

**Joint P-12 Education/State Aid**

Your P-12 Education Committee and Subcommittee on State Aid held a joint meeting on May 16, 2011. All members were present, except for Regent Bendit, who was excused.

**Action Items**

**Mandate Relief and Flexibility**

Your Committee recommends that the Regents approve the mandate relief and flexibility option recommendations, as described in Appendix A, of which several were reviewed at the February meeting, and issue a vote of support for Department staff to seek further public comment on the special education options, as described in Appendix B. [P-12/SA (A) 1]

**Motion for Action By Full Board**

Madam Chancellor and Colleagues: Your P-12 Education Committee and State Aid Subcommittee recommend, and we move, that the Board of Regents act affirmatively

upon the recommendation in the written report of the Committees' deliberations at their meeting on May 17, 2011, copies of which have been distributed to each Regent.

### **Cultural Education**

Regent Roger Tilles, Chair of the Cultural Education Committee, submitted the following written report.

Your Committee on Cultural Education Committee had its scheduled meeting on May 16, 2011.

In attendance were committee members: Tilles and Dawson. Absent were Regents Rosa and Bendit.

In addition to CE Committee Members, in attendance were: Regents Cea, Norwood, and Cottrell and Chief Operating Officer Valerie Grey.

### **Items for Discussion**

**Chair's Remarks:** Regent Tilles welcomed everyone and opened the meeting. He noted that at tomorrow's full-board meeting, the Board will consider final adoption of a modification of Regents Regulations section 3.27 relating to the management of Museums and Historical Societies holding collections. The modifications were developed with the assistance and consensus support of a broad based committee, led by Carole Huxley.

### ***CE (D) 1 – Annual Report of the Regents Advisory Council on Libraries to the Board of Regents***

Gerald Nichols, vice chair of the Regents Advisory Council (RAC) on Libraries briefed the committee on the Annual Report of the RAC. Chair of the Committee, Bridget Quinn-Carey was unable to attend today's meeting. Printed copies of the report were distributed to committee members prior to the meeting. The in-depth report included the status of current programs, services, recommendations and potential opportunities that would continually improve library services for all New Yorkers and to meet customers' ever-changing needs, advancing technologies and trends and challenges faced by libraries. Mr. Nichols indicated that libraries across the state are thriving, but are "starving" for resources. Mr. Nichols asked the committee to designate a liaison between the committee and the RAC. He also asked for input from committee members on the future vision for libraries. RAC member John Hammond briefed the committee on his work in developing a "20/20 Vision" report that establishes an agenda for libraries for the coming decade. He indicated that his working group will have a draft vision document by the end of the summer and that they would solicit input and feedback from the field at the New York Library Association annual meeting and hopefully in meetings throughout the state, within each Regent region.

Regent Tilles agreed to act as the liaison to the RAC. He also suggested that libraries would benefit from greater partnerships and increasing their visibility within the communities they serve. Regent Norwood suggested that the RAC solicit Board of Regents members for their input directly. He also suggested that he would assist the committee in reaching out to the library community in the finger lakes region. Finally, he suggested that the committee develop a plan and a vision that breaks down silos, that incorporates strong partnerships with the P-12 and higher education communities and that libraries follow the model of banks, being seen, not as buildings, but as omnipresent services.

### **CE (D) 2– *Summer School of the Arts***

Chief Operating Officer Val Grey briefed the committee on the financial status of the Summer School of the Arts and the recent transition of the program from the Office of P-12 to the Office of Cultural Education. The nationally recognized Summer School for the Arts' program is unique in itself, providing opportunities for professional training and instruction to qualifying high school students with special talents. By enriching students' experiences, these programs may help them define and elevate their talents and aid them in choosing a field in the fine arts and/or the performing arts. Regent Tilles indicated that the committee would like additional information on each of the individual schools, specifically where the students come from and what the need for each school is in order to advocate for additional support for the school.

### **Joint P-12 Education/College and Career Readiness Working Group**

Your P-12 Education Committee and College and Career Readiness Working Group held a joint meeting on May 16, 2011. All members were present.

### **Action Items**

#### **Options for Funding the Regents Examination System**

Your Committees recommends that the Board of Regents direct staff to take the action steps listed in Chart A and Chart B in the Regents Item. The Committee endorsed the long-term action steps proposed by staff which include the securing of exams after they are given so that the questions can be reused, looking at other cost-effective options other than printing and shipping the tests, and piloting online testing to gauge the capacity of the Department and the field to administer tests electronically. Regent Roger Tilles voted in opposition on these proposed action steps. [P-12/CCR (A) 1]

### **Motion for Action By Full Board**

Madam Chancellor and Colleagues: Your P-12 Education Committee and College and Career Readiness Working Group recommend, and I ove, that the Board of Regents act affirmatively upon the recommendation in the written report of the Committees' deliberations at their meeting on May 17, 2011, copies of which have been distributed to each Regent.

### **Matters Not Requiring Board Action**

Common Core Transition Strategy – The Committees discussed strategies to revise the State's assessment programs to ensure that they measure the knowledge and skills that are required for students to stay on track to college and career readiness from elementary school through graduation. The strategies discussed include:

- Possible revisions to the existing state standards in Science and Social Studies/History to ensure that they reflect rigorous expectations in each grade level and that they reflect a learning trajectory that ensures students graduate college and career ready.
- Creation of four domain-specific advisory panels and an implementation panel to advise on each step in the assessment design and validation process.
- Assessment design activities including conducting an analysis of the gap between the knowledge and skills currently measured by each of our exams and the knowledge and skills our exams need to make sure students are on track for college and career readiness.
- Creation of an ongoing empirical validation strategy to collect a variety of evidence regarding our assessments to be used to evaluate the quality and improve the rigor of our assessments.
- Changing the score scale to one which is consistent with the 3–8 testing program scale and reports student performance as a performance category.

Staff will begin the research and work necessary to build on this comprehensive assessment transition strategy and will return at a later date with a proposal for a coherent sequenced system that is aligned with the Common Core standards. [P-12/CCR (D) 1]

Earning Additional Course Credit through Integrated CTE Courses – The Committees discussed staff recommendations to provide additional integrated options in grades 9-10, where currently most BOCES districts offer CTE courses in middle-level and grades 11-12. Specific career pathways available in grades 11-12 in approved CTE programs could be expanded downward to reflect specific academic and technical skill sets necessary to provide the foundational content knowledge needed for success in college and careers. The Committee discussed a multi-year phase-in approach with the option for some districts to begin as early as the 2011-12 school year, by identifying existing CTE courses at the high school level that have the potential for integrated academic enhancement. Staff will begin to further develop the implementation plan and come back to a future meeting to update the Regents. [P-12/CCR (D) 2]

CTE Program Approval Process – the Committees discussed the Regents approved CTE policy permitting students to earn up to one unit each of required credit in English, science, and mathematics, and the combined unit of economics and government through integrated CTE courses in approved CTE programs. This allows students to pursue career and technical education through coursework that also offers credit for commencement-level academic skills and content. Department staff will review the existing Regents CTE policy to identify ways to expand access to high-quality CTE programs. Staff will return to the Regents at a future date with considerations for policy decisions. [P-12/CCR (D) 3]

## CTE Panel Presentation - Academic Integration in Approved CTE Programs

### Panel Members

- David Arntsen, Career and Technical Education Director, Madison-Oneida BOCES
- Ms. Gene Silverman, Executive Director, Department of Career and Technical Education Nassau BOCES
- James Weimer, Principal, Emerson High School of Hospitality, Buffalo City Schools
- Shirley Ware, Career and Technical Education Teacher, North Syracuse Central School District

The panel presented overviews of their programs and answered questions relating to how academic integration is operationalized in their CTE approved programs. Discussion focused on current options for students to earn academic credit through integrated CTE coursework and how integrated CTE coursework improves student learning and achievement. [P-12/CCR (D) 4]

Graduation Rate Reporting – the Committees discussed several approaches to developing valid and rigorous aspirational performance standards that are aligned with college- and career-readiness. Among the approaches discussed were the Regents Diploma with Advanced Designation, the ELA/Math Aspirational Performance Measure and using additional course and achievement differentiation for Math. Since fewer students pursue advanced math courses, the latter approach will need further development. In the next few weeks, the Department will release the graduation rate for students who entered grade 9 in the 2006-07 school year. This release will make clear the percentage of students in the cohort – by school and district – that met the following aspirational performance standards discussed in the meeting (which can be viewed as possible indicators of potential postsecondary success): Regents Diploma with Advanced Designation and the ELA/Math Aspirational Performance Measure. [P-12/CCR (D) 5]

### Professional Practice

Your Professional Practice Committee held its scheduled meeting on May 17, 2011. All Committee members were present, except for Vice Chancellor Milton L. Cofield, who was excused. Chancellor Merryl H. Tisch, Regent James O. Jackson,

Regent Kathleen M. Cashin and Regent James E. Cottrell were also present but did not vote on any case or action.

## **Action Items**

### Professional Discipline Cases

Your Committee recommends that the reports of the Regents Review Committees, including rulings, findings of fact, determinations as to guilt, and recommendations, by unanimous or majority vote, contained in those reports which have been distributed to you, be accepted in 6 cases. In addition, your Committee recommends, upon the recommendation of the Committee on the Professions, that 20 consent order applications and 3 surrender applications be granted, with four members of the Committee voting acceptance of the consent application in the case of Mary Ann Lester, Dentist, Calendar No. 25522, and Regent Wade S. Norwood recusing himself from any consideration of this matter. [PPC EXS (A) 1-3]

In the case of John E. Walden, under Calendar No. 24917, we recommend that the April 5, 2011 Vote and Order in this matter, the Application For Consent Order granted in this matter, and the terms of probation attached as Exhibit "B" to the Application For Consent Order in this matter each be deemed corrected solely insofar as the calendar number of 25486 shown on each of said documents shall reflect the correct calendar number in this matter and be deemed to read the correct calendar number of "Cal. No. 24917"; and that the determination rendered on April 5, 2011 shall otherwise remain in full force and effect.

In the case of James Michael Werner, under Calendar No. 25495, we recommend that the terms of probation set forth in Exhibit "B" to the Application For Consent Order previously submitted by James Michael Werner and accepted by the Board of Regents on April 5, 2011 be deemed corrected solely insofar as the presently existing caption and headers in said Exhibit "B" indicates the name of James William Werner and the caption and headers in said Exhibit "B", therefore, each be deemed to read the applicant's correct name of "James Michael Werner"; and that the determination rendered on April 5, 2011 shall otherwise remain in full force and effect.

In the case of Ronald J. Peters, Veterinarian, Calendar No. 25612, we recommend the correction that, in view of respondent's clear, relevant conviction for the crime of "Animal Cruelty", the word "Forgery" at the beginning of line 19 on page 10 of the report of the Regents Review Committee in this matter be deemed deleted and the word "Cruelty" be deemed substituted therefore.

These recommendations are made following the review of 29 cases involving six licensed practical nurses, four registered professional nurses, three veterinarians, two certified public accountants, two dentists, two licensed practical nurses who are also registered professional nurses, one architect, one chiropractor, one clinical laboratory

technician, one certified dietitian/nutritionist, one licensed mental health counselor, one physical therapist, one professional engineer, and one psychologist.

### Restoration Cases

Your Committee recommends: That, upon completion of an evaluation and, if necessary, treatment by a psychiatrist or psychologist and the submission of proof of his fitness to practice satisfactory to the Director of the Office of Professional Discipline, the execution of the order of revocation of the license of Allen Koral to practice as a dentist in the State of New York be stayed; that, upon his return to the practice of dentistry in this state, he be placed on probation for a period of two years in accordance with the Terms of Probation set forth in Exhibit A annexed the report of the Peer Committee, provided that the period of probation shall be tolled during periods in which the applicant is not engaged in the active practice of dentistry in New York State; and that, upon satisfactory completion of the probationary period, his license be fully restored. [PPC EXS (A) 4]

That the execution of the Order of Surrender of the license of P. Kithsen Dias to practice as a physician in New York State be stayed; that he placed on probation for five years under the Terms of Probation attached to the Report of the Committee on the Professions as Exhibit A; and that, upon satisfactory completion of the probationary period, his license be fully restored. [PPC EXS (A) 5]

That the application of Nicolette Francey for restoration of her license to practice as a physician in the State of New York be denied. [PPC EXS (A) 6]

That the application of Khaja Naseeruddin for restoration of his license to practice as a physician in the State of New York be denied. [PPC EXS (A) 7]

That the application of Rameshwar Pathak for restoration of his license to practice as a physician in the State of New York be denied. [PPC EXS (A) 8]

That the application of Abraham I. Sokol for restoration of his license to practice as a physician in the State of New York be denied. [PPC EXS (A) 9]

That the application of Donald R. Werner for restoration of his license to practice as a physician in the State of New York be denied. [PPC EXS (A) 10]

That application of Steven B. Wilkins for restoration of his license to practice as a physician in the State of New York be tabled. [PPC EXS (A) 11]

### **Motion for Action By Full Board**

Your Professional Practice Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of

the Committee's deliberations at its meeting on May 17, 2011, copies of which have been distributed to each Regent.

### **Matters Not Requiring Board Action**

Your Committee discussed several topics of interest, including:

Acting Deputy Commissioner's Report/Update [Oral] – The Acting Deputy Commissioner reported on the following issues:

- Deputy Commissioner recruitment
- Overview of PPC Consent Agenda items scheduled for action by the Full Board
- Document Scanning
- E-licensing
- Licensing staffing
- International Medical School Advisory Committee
- Social Work Issues
- New York participation in the national nursing disciplinary and licensure data bank (NURSYS) through membership in the National Council of State Boards of Nursing (NCSBN)
- Institute of Medicine (IOM) report on The Future of Nursing

Update on the Professions [PPC (D) 1] – This overview of the Office of the Professions was provided as an introduction for a series of reports to the Professional Practice Committee about the status of and important issues relating to the various professions.

Amendment of Regents Rule Relating to Customized Patient Packaging of Medications for Patients on Complex Medication Regimens [PPC (D) 2] – This proposed amendment to the Rules of the Board of Regents would authorize pharmacists to package different medications together for administration at the same time. The proposed amendment will come before the Board of Regents for action at its July 2011 meeting.

### **Higher Education**

Your Higher Education Committee held its scheduled meeting on May 17, 2011. All members were present with the exception of Chancellor Emeritus Bennett.

### **Action Items**

**Tenure and Seniority Rights for Teachers Performing Instructional Support Services in a BOCES.** Your Committee discussed and approved an amendment to Subpart 30-1 of the Rules of the Board of Regents and section 80-1.8 of the Regulations of the Commissioner of Education, to authorize teachers employed by a board of cooperative educational services (BOCES) that perform instructional support services to accrue tenure and seniority rights in new tenure areas within the BOCES that are aligned with their instructional support duties. Your Committee voted that

subdivision (b) of section 30-1.2 of the Rules of the Board of Regents be amended; that subdivisions (c) and (d) of section 30-1.2 shall be renumbered to subdivisions (d) and (e), a new subdivision (c) be added, and renumbered subdivision (d) shall be amended and a new subdivision (e) shall be added to section 30-1.2 of the Rules of the Board of Regents; that subdivision (b) and (d) of section 30-1.9 of the Rules of the Board of Regents be amended; that section 80-1.7 of the Regulations of the Commissioner of Education be amended and that subdivision (a) of section 80-1.8 of the Regulations of the Commissioner of Education be amended, as submitted, effective May 20, 2011, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare in order to allow a teacher employed by a BOCES to accrue tenure and seniority rights for the performance of instructional support services in one of the newly created tenure areas so that BOCES can make budgetary and employment decisions before the new school year.

**STEM Regulations.** Your Committee discussed and approved a proposed amendment to allow individuals with advanced degrees in Science, Technology, Engineering and Mathematics (STEM) and related teaching experience at the postsecondary level to obtain a teaching certificate in Earth Science, Biology, Chemistry, Physics, Mathematics or in a closely related field. Your Committee voted that that paragraphs (45) through (47) of subdivision (b) of Section 80-1.1 be renumbered to paragraphs (46) through (48) and a new paragraph (45) be added; that subparagraph (i) of paragraph (2) of subdivision (a) of section 80-3.3 be amended; that section 80-3.7 be amended and a new section 80-5.22 is added to the Regulations of the Commissioner of Education, effective May 17, 2011, as an emergency action upon a finding by the Board of Regents that such action is necessary to protect the general welfare of the public to address the demonstrated shortage of certified teachers in science and mathematics in grades 7-12.

### **Motion for Action By Full Board**

Your Higher Education Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on May 17, 2011, copies of which have been distributed to each Regents.

### **P-12 Education**

Your P-12 Education Committee held its scheduled meeting on May 17, 2011. All members were present, except for Chancellor Emeritus Bennett and Regent Dawson, who were excused.

### **Action Items**

#### **Charter School Actions**

Your Committee recommends that the Board of Regents approves and issues the second renewal charter of the Tapestry Charter School as proposed by the Board of Trustees of the State University of New York, and that its provisional charter be extended for a term up through and including April 24, 2016. [P-12 (A) 1]

### **Motion for Action By Full Board**

Madam Chancellor and Colleagues: Your P-12 Education Committee recommends, and I move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on May 17, 2011, copies of which have been distributed to each Regent.

### **Matters Not Requiring Board Action**

Laboratory Requirements for Qualifying to take a Regents Exam in any of the Sciences – The Committee discussed the current laboratory requirements necessary for students to qualify to take a Regents Exam in any of the Sciences and recent changes and proposed additions to regulations that allow students to demonstrate achievement of the NYS Learning Standards through alternate pathways beyond traditional coursework, including online and blended learning. The Committee directed staff to convene a group of science, technology, and education stakeholders including teachers and leaders from school districts, institutions of higher education, and business and industry to review and evaluate the science laboratory requirement; consider and appraise current available research on teaching and learning in science; and make recommendations to the Board of Regents regarding amendments to current regulations. [P-12 (D) 1]

School Safety Plans – the Committee discussed proposed amendments to regulations relating to district-wide school safety plans and building-level school emergency response plans. Current regulations require that the district-wide school safety plans include the minimum requirements prescribed by law, plus plans of evacuation and sheltering as well as information on school population, number of staff, transportation needs and the business and home telephone numbers of key officials of each educational agency within the district. Due to recent events surrounding safety and security, this confidential information will now be part of the building-level school emergency response plan, which is not shared with the general public. This proposed amendment will ensure that confidential information including the home telephone numbers of local education officials and the tactical strategies for responding to critical events such as building evacuation and sheltering are not disclosed to the public. These proposed regulations will be presented to the Committee at the July meeting for permanent adoption. [P-12 (D) 2]

Consent Agenda Items – Senior Deputy Commissioner King presented the following item scheduled for approval on the full Board consent agenda:

- Proposed amendments to regulations to make technical amendments to Section 100.2(ee)(2) relating to Academic Intervention Services.

### **Adult Career and Continuing Education Services (ACCES)**

Your ACCES Committee held its scheduled meeting on May 17, 2011. All members were present, with the exception of Chancellor Emeritus Bennett, Regent Chapey and Regent Tilles, who were excused. Additional members of the Board attending were Vice Chancellor Cofield, Regent Cashin, Regent Cottrell, and Regent Jackson.

### **Matters Not Requiring Board Action**

The Committee was informed about the Business Initiatives within the Office of Adult Career and Continuing Education Services-Vocational Rehabilitation. The marketing strategy developed through *Designing Our Future* provided the construct for ACCES-VR's current business initiatives. A report was given on the initiatives undertaken by ACCES-VR on outreach to businesses, tracking job ready consumers and marketing of business incentives. In order to meet the employment needs of the more than 53,000 individuals who are engaged in the VR program, we continue to develop strategies that connect consumer training with the employment needs of businesses. The resulting initiatives will serve to provide VR professionals and consumers with information about essential job skills, hiring practices, and company-based opportunities for career development. Such information will serve to empower individuals with disabilities in their choice of employment or career path.

The goal of Vocational Rehabilitation is for individuals with disabilities to achieve an employment outcome that allows them to be self-sufficient and support themselves through earned income. For ACCES-VR to support that goal, it means we must be responsive to the ever changing labor market forces. It is also essential that ACCES-VR continues to foster its partnerships with business, qualified employers and its potential employees. Partnerships are the key for Vocational Rehabilitation to ensure equal access to the world of work because the labor market changes constantly and those changes impact individuals with disabilities obtaining employment.

### **Audit/Budget and Finance**

The Regents Committee on Audits/Budget and Finance met as scheduled on May 17, 2011. Vice Chair Bendit, Regents Tilles, Phillips, Tallon, Young, Cashin and Cottrell were in attendance.

Chair's Remarks: Regent Chapey welcomed everyone. She reiterated the role of the Committee in assisting the Board of Regents in its fiscal responsibilities and fostering collaboration across the Department.

## **Items for Discussion**

### May 2011 Fiscal Report

Your Committee reviewed the fiscal report. Our Chief Operating Officer briefed the Committee members on the status of efforts to improve the fiscal health of some accounts including Teacher Tenure Hearings, Cultural Ed, GED, and Assessment.

### Implementing the 2011-2012 Operations Budget

The Committee was updated on the development of budget plans and cost cutting measures in line with the enacted State budget.

### Completed Audits

The Committee was presented with 59 audits this month. The audits included 6 audits issued by the Office of Audit Services (OAS) and 53 audits issued by the Office of the State Comptroller (OSC). The members were briefed on the audit of Henry Viscardi School. The audits identified the need for recovery of funds and improved accounting and budgeting practices. OAS will continue to monitor trends requiring the attention of the Committee.

### Developing the Audit Plan for the Office of Audit Services

The Committee was updated on the development of the Office of Audit Services' Audit Plan for 2011-2012 which will be presented at the next month's meeting.

<b>Motion by:</b>	Regent Harry Phillips, 3rd
<b>Seconded by:</b>	Regent Geraldine D. Chapey
<b>Action:</b>	Motion carried unanimously

## **ACTION ITEMS**

### **Proposed Revocation of Charter of Kingsbridge Innovative Design Charter School BR (A) 6**

**MOVED**, that the attached recommended decision is adopted by the Board of Regents, that the Kingsbridge Innovative Design Charter School be placed on probation for the period commencing on May 17, 2011 and ending on June 29, 2011; that the charter and certificate of incorporation (also known as the provisional charter) are revoked and the education corporation is dissolved, effective June 30, 2011; and that notice to such effect be given to the trustees of the charter school, that any student records be transferred to the New York City Department of Education in accordance

with the provisions of Education Law §2851(2)(t), and that the assets of the corporation be distributed through the procedures set forth in Education Law §220.

**Motion by:** Vice Chancellor Milton L. Cofield  
**Seconded by:** Regent Anthony S. Bottar  
**Action:** Motion carried unanimously

**April 2011 Fiscal Report and Federal Budget Update  
BR (A) 3**

**MOVED**, that the Board of Regents accept the April 2011 State Education Department Fiscal Report as presented.

**Motion by:** Vice Chancellor Milton L. Cofield  
**Seconded by:** Regent Geraldine D. Chapey  
**Action:** Motion carried unanimously

**Appendix I**  
**NEW YORK STATE BOARD OF REGENTS CHARTER ACTIONS**

<b>Name of Institution</b>	<b>Program Area</b>	<b>County of Location</b>	<b>Description of Charter Action(s)</b>
Alice Curtis Desmond and Hamilton Fish Library	CE	Putnam	Amend charter to: <ul style="list-style-type: none"> <li>• designate the library's service area to be the Town of Philipstown excluding the Villages of Cold Spring and Nelsonville;</li> <li>• restate IRS language.</li> </ul>
Dolgeville Manheim Public Library	CE	Herkimer	Amend charter to: <ul style="list-style-type: none"> <li>• designate the library's service area to be coterminous with the Town of Manheim and the Village of Dolgeville, including that portion of the Village of Dolgeville that lies within the Town of Salisbury;</li> <li>• specify the number of trustees to be not less than five nor more than 15;</li> <li>• restate IRS language.</li> </ul>
Dutchess County Firefighting Museum	CE	Dutchess	Grant provisional charter for five years.
Foundation of Jewish Moroccan Legacy	CE	New York	Grant provisional charter for five years.
Friends of Mountainside	CE	Washington	Amend charter to: <ul style="list-style-type: none"> <li>• designate Commissioner as agent for service;</li> <li>• add IRS tax language.</li> </ul>
James Prendergast Library Association	CE	Chautauqua	Grant absolute charter in the first instance.
The Leslie-Lohman Museum of Gay and Lesbian Art	CE	New York	Grant provisional charter for five years.
Mohawk Valley Historical Transportation Society	CE	Oneida	Grant provisional charter for five years.
Niagara Science Museum	CE	Niagara	Grant provisional charter for five years.

Ogden Historical Society	CE	Monroe	Grant absolute charter.
Oriskany Public Library	CE	Oneida	Amend charter to: <ul style="list-style-type: none"> <li>designate the library's service area to be coterminous with the Village of Oriskany;</li> <li>specify the number of trustees to be not less than five nor more than 15;</li> <li>designate Commissioner as agent for service;</li> <li>add IRS tax language.</li> </ul>
The Public Broadcasting Council of Central New York, Inc.	CE	Onondaga	Consent to filing of certificate of assumed name "Axxess Television Production".
Red Jacket Community Library	CE	Ontario	Grant absolute charter.
Stony Point Historical Society	CE	Rockland	Grant provisional charter for five years.
WNET.ORG	CE	New York	Consent to filing of certificate of assumed name "WNET".
Dominican Academy of the City of New York	P-12	New York	Amend charter to: <ul style="list-style-type: none"> <li>restate members of corporation;</li> <li>restate IRS dissolution language.</li> </ul>
First Nursery School of Utica	P-12	Oneida	Amend charter to add authority to operate a day care for children ages three to five and extend charter for three years.
Grace Playschool	P-12	Nassau	Amend charter to add authority to operate a day care for children under the age of six years who will be in attendance for more than three hours a day.
Hebrew Educational Society of Brooklyn	P-12	Kings	Amend charter to restate corporate purposes.
Holy Angels Academy	P-12	Erie	Amend charter to: <ul style="list-style-type: none"> <li>provide for members and reserved rights of members;</li> <li>add authority to operate grades six, seven and eight.</li> </ul>
International Preschools	P-12	New York	Extend charter for three years.

The Manhattan Childrens Center	P-12	Queens	Amend charter to add authority to operate grades nine through 12 for children diagnosed with autism spectrum disorder.
Milestones Children’s Center	P-12	Jefferson	Extend charter for three years.
Mountain Laurel Waldorf School	P-12	Ulster	Extend charter for three years.
Our Lady of Mercy High School of Rochester	P-12	Monroe	Amend charter to revise provision on members.
Park Slope North/Helen Owen Carey Child Development Center	P-12	Kings	Amend charter to delete authorization to operate kindergarten.
The Sands Academy	P-12	Livingston	Extend charter for three years.
Solomon Schechter High School of New York	P-12	Suffolk	Dissolve absolute charter.
South Buffalo Catholic School	P-12	Erie	Amend charter to: <ul style="list-style-type: none"> <li>• provide for members and reserved rights of members;</li> <li>• amend dissolution language and extend charter for three years.</li> </ul>
Westchester-Fairfield Hebrew Academy	P-12	New York	Amend charter to change corporate name to “Carmel Academy”.
The Julliard School	HE	New York	Amend charter to add authority to confer the degree of Master of Fine Arts.
Medaille College	HE	Erie	Amend charter to restate the purposes of the corporation, including authorization: <ul style="list-style-type: none"> <li>• to confer degrees approved and authorized by the Board of Regents;</li> <li>• to conduct a demonstration school;</li> <li>• to offer adult education classes;</li> <li>• to operate branch campuses in Amherst, NY; Brighton, NY; and the Greater Toronto Area, Ontario, Canada;</li> <li>• award honorary degrees in accordance with Regents Rule</li> </ul>

Yeshiva University	HE	Nassau	Amend charter to add authority to confer the degree of Master of Business Administration (M.B.A.).

## Appendix II

### REGENTS ACTIONS IN 29 PROFESSIONAL DISCIPLINE CASES AND 7 RESTORATION PETITIONS

May 16-17, 2011

The Board of Regents announced disciplinary actions resulting in the revocation of 1 certificate, surrender of 3 licenses, and 25 other disciplinary actions. The penalty indicated for each case relates solely to the misconduct set forth in that particular case. In addition, the Board acted upon 7 restoration petitions.

#### I. REVOCATION AND SURRENDERS

##### Dietetics and Nutrition

[REDACTED]; Dietitian/Nutritionist; [REDACTED]  
[REDACTED]; **Found guilty of professional misconduct;**  
**Penalty:** Revocation.

##### Nursing

[REDACTED]; Licensed Practical Nurse; [REDACTED]  
[REDACTED] **Application to surrender license granted. Summary:**  
Licensee admitted to charges of having been convicted of Petit Larceny and Offering a False Instrument for filing in the 2<sup>nd</sup> Degree, both misdemeanors.

[REDACTED]; Registered Professional Nurse; [REDACTED]  
[REDACTED]; **Application to surrender license granted. Summary:**  
Licensee did not contest charges of having been convicted in Indiana of Child Molesting and Battery to a Child.

##### Psychology

[REDACTED]; [REDACTED];  
**Application to surrender license granted. Summary:** Licensee admitted to charges of having been convicted of Health Care Fraud and having been found guilty of professional misconduct in New Jersey.

#### II. OTHER REGENTS DISCIPLINARY ACTIONS

##### Architecture

[REDACTED]; [REDACTED];  
**Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine.

## Chiropractic

[REDACTED]; [REDACTED]  
[REDACTED]; **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine.

## Clinical Laboratory Technology Practice

[REDACTED]  
[REDACTED] **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

## Dentistry

[REDACTED]  
[REDACTED] **Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine.

[REDACTED] 0;  
**Application for consent order granted; Penalty agreed upon:** 1 year actual suspension, 2 year stayed suspension, 3 years probation, \$1,000 fine.

## Engineering and Land Surveying

[REDACTED]  
[REDACTED]; **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension, 23 month stayed suspension, 2 years probation, \$3,500 fine.

## Mental Health Practitioners

[REDACTED]  
[REDACTED]; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

## Nursing

[REDACTED]  
[REDACTED] **Found guilty of professional misconduct; Penalty:** 24 months suspension, execution of last 6 months of suspension stayed, probation 24 months to run concurrently with period of suspension.

[REDACTED]  
[REDACTED] **Found guilty of professional misconduct; Penalty:** \$500 fine, indefinite suspension until substance abuse-free and until fit to practice,

probation 2 years to commence subsequent to termination of suspension and upon actual return to practice.

[REDACTED]  
[REDACTED] **Application for consent order granted; Penalty agreed upon:** 4 month actual suspension, 20 month stayed suspension, 2 years probation, \$500 fine.

[REDACTED]  
[REDACTED] **Application for consent order granted; Penalty agreed upon:** 1 month actual suspension commencing June 1, 2011 and terminating June 30, 2011, 23 month stayed suspension, 2 years probation, \$500 fine.

[REDACTED]  
[REDACTED] **; Application for consent order granted; Penalty agreed upon:** Indefinite actual suspension for no less than 6 months and until mentally fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 90 days.

[REDACTED]  
[REDACTED] **; Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine.

[REDACTED]  
[REDACTED] **; Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine.

[REDACTED]  
[REDACTED] **Application for consent order granted; Penalty agreed upon:** Indefinite actual suspension for no less than 3 months and until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice, \$500 fine payable within 6 months.

[REDACTED]  
[REDACTED] **Application for consent order granted; Penalty agreed upon:** Indefinite actual suspension until fit to practice, upon termination of suspension, 2 years probation to commence upon return to practice in State of New York, \$500 fine.

[REDACTED]  
[REDACTED] **; Application for consent order granted; Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine.

**Physical Therapy**

[REDACTED]  
[REDACTED]; **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$500 fine.

### **Public Accountancy**

[REDACTED]  
[REDACTED] **Application for consent order granted; Penalty agreed upon:** Partial actual suspension in certain area until successfully complete course of retraining in said certain area, upon termination of partial actual suspension, 2 years probation, \$2,500 fine payable within 5 months.

[REDACTED]  
[REDACTED] **Application for consent order granted; Penalty agreed upon:** Partial actual suspension in certain area until successfully complete course of retraining in said certain area, upon termination of partial actual suspension, 2 years probation, \$2,500 fine payable within 2 months.

### **Veterinary Medicine**

[REDACTED]  
[REDACTED] **Application for consent order granted; Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$2,500 fine.

[REDACTED]  
[REDACTED] **Application for reconsideration granted,** as set forth in Regents Review Committee report.

[REDACTED]; **Application for reconsideration granted,** only to the extent of modification of penalty, as set forth in Regents Review Committee report.

### **III. RESTORATIONS**

The Board of Regents voted on May 17, 2011 to deny the petition for restoration of the physician license of [REDACTED] Norwalk, CT. [REDACTED] license was originally surrendered July 21, 2000.

The Board of Regents voted on May 17, 2011 to deny the petition for restoration of the physician license of [REDACTED] I, Scarsdale, NY. [REDACTED] license was originally surrendered January 31, 1994.

The Board of Regents voted on May 17, 2011 to deny the petition for restoration of the physician license of [REDACTED], Sunapee, NH. [REDACTED] license was originally revoked February 14, 2000.

The Board of Regents voted on May 17, 2011 to deny the petition for restoration of the physician license of [REDACTED], Goshen, NY. [REDACTED] license was originally surrendered July 25, 2000.

The Board of Regents voted on May 17, 2011 to stay the execution of the order of surrender of the physician license of [REDACTED], Roslyn, NY, to place him on probation for 5 years under specified terms and conditions, and, upon satisfactory completion of the probationary period, to fully restore his license. [REDACTED]' license was originally surrendered March 25, 2003.

The Board of Regents voted on May 17, 2011 to stay the execution of the order of revocation of the dentist license of [REDACTED] Jericho, NY, upon his satisfaction of specified conditions; upon his return to the practice of dentistry in New York, to place him on probation for a period of two years under specified terms and conditions, and, upon satisfactory completion of the probationary period, to fully restore his license. [REDACTED] license was originally revoked February 8, 2000.

The Board of Regents voted on May 17, 2011 to deny the petition for restoration of the physician license of [REDACTED] East Patchogue, NY. [REDACTED] license was originally revoked June 2, 1996.

## **Think Tank Members**

Members included representatives from the following organizations:

- Alliance for Quality Education
- Boards of Cooperative Educational Services (BOCES)
- Conference of Big Five School Districts
- Council of School Supervisors & Administrators (CSA)
- Special Act Schools
- New York Charter Schools Association
- New York City Charter School Center
- New York City Department of Education
- New York State Council of School Superintendents
- New York State Parent Teacher Association
- New York State School Boards Association
- NYSUT
- School Administrators Association of New York State
- State University of New York
- United Federation of Teachers (UFT)

**Key Proposed Changes to New York’s Differentiated Accountability System  
(Changes Made to Table Since January 2011 Regents Presentation are Noted in Bold)**

<b>Category</b>	<b>The Current System</b>	<b>New System After Incorporating Revisions to the ESEA Waiver Flexibility Request for Approval</b>
<p><b>1. Assessments and Other Academic Measures</b></p>	<p>New York (NY) uses the following assessments and measures to hold schools and districts accountable for student results:</p> <ul style="list-style-type: none"> <li>• Grades 3-8 English Language Arts (ELA)</li> <li>• Grades 3-8 Mathematics</li> <li>• High School ELA</li> <li>• High School Mathematics</li> <li>• Grades 4 and 8 Science</li> <li>• Four and Five Year Cohort Graduation Rates</li> </ul>	<p>New York will continue to use these same measures, although in somewhat different ways (e.g: introducing student growth measures), to hold schools and districts accountable for results.</p> <p>Over time, as new assessments are developed and the build out of the longitudinal data system allows for the collection of more complete information on certain measures of student achievement, the Regents may wish to consider including additional indicators that could include:</p> <ul style="list-style-type: none"> <li>▪ Value added growth models [as required by the Commissioner's Regulations 100.2(o)] when approved for existing or new State assessments.</li> <li>▪ New assessments in ELA in grades 9 and 10 and new middle level assessments in science and social studies (subject to fund availability).</li> <li>▪ New data elements or existing data elements, including: such measures as:                             <ul style="list-style-type: none"> <li>○ college retention and credit accumulation</li> <li>○ performance on Advanced Placement (AP)</li> <li>○ International Baccalaureate (IB)</li> <li>○ SAT and American College Testing (ACT)</li> <li>○ Other measures of college readiness; Career and Technical Education (CTE)</li> <li>○ Program completion and industry certification</li> </ul> </li> </ul>

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		<p>and</p> <ul style="list-style-type: none"> <li>o High school course credit earned in middle school and college credit earned in high school.</li> </ul>
<p><b>2. Definition of Proficiency for Purposes of Determining Adequate Yearly Progress in English Language Arts, Mathematics, and Science</b></p>	<p>For Grades 3-8 ELA and math: the proficiency standards established by the Regents in July 2010. These standards were based on a review of research that analyzed how the grades 3 through 8 state tests relate to the National Assessment of Educational Progress (NAEP) exam and Regents exams, how performance on the Regents exams relates to SAT scores; and how performance on the Regents exams relates to first-year performance in college.</p> <p>For Grades 4 and 8 Science Exams: Level 3, passage of a Regents exam in Science or score of Level 3 on the NYSAA (for students with severe disabilities).</p> <p>For High School ELA: Score of 65 on the Comprehensive Regents Examination in English, a designated score on an approved alternative to the Regents, or a score of Level 3 on the NYSAA (for students with severe disabilities).</p> <p>For High School Math: Score of 65 on a Regents examination in math, a designated score on an approved alternative to the Regents, or a score of Level 3 on the NYSAA (for students with severe disabilities).</p>	<p>Same</p> <p>Same</p> <p>The definition of proficiency for purposes of determining Adequate Yearly Progress will be:</p> <ul style="list-style-type: none"> <li>• The score of 75 on the Comprehensive Regents Examination in English, a designated score on an approved alternative to the Regents, or a score of Level 3 on the NYSAA (for students with severe disabilities).</li> <li>• The score of 80 on a Regents examination in math, a designated score on an approved alternative to the Regents, or a score of Level 3 on the NYSAA (for students with severe disabilities).</li> </ul> <p>In addition, the Department is working with USDE to determine if</p>

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		<p>”partial” credit can be awarded to districts for students who score between 55 and 64 on Regents examinations in ELA or math or who pass Regents Competency Exams in Reading and Writing or math. Depending on these discussions and further review of data, SED may seek to amend its application to incorporate this provision.</p>
<p>3. The Goals for Schools and Districts in Terms of the Assessments and Academic Measures (Annual Measurable Objectives)</p>	<p>Annual Measurable Objectives (AMO) have been established such that for Grades 3-8 ELA, Grades 3-8 math, High School ELA and High School Math, the AMO increases annually in equal increments until they reach in 2013-14 a Performance Index of 200, which requires 100 percent of students to be proficient.</p> <p>The same AMOs apply to the all student group and each subgroup.</p> <p>For grades 4 and 8 science the AMO is fixed at a Performance Index of 100.</p> <p>For Graduation Rate, the goal is 80 percent of students achieve a local or Regents diploma within five years of first entry into Grade 9.</p>	<p>The baseline for 2010-11 school year performance for grades 3-8 ELA and math will be reset to reflect the incorporation of student growth into the Performance Index.</p> <p>The baseline for 2010-11 school year performance for high school ELA and math will be reset to reflect the use of the higher aspirational goals on Regents examinations as the cut scores for proficiency.</p> <p>Once the revised baselines are calculated for grades 3-8 and high school ELA and math, New York will increase Annual Measurable Objectives (AMOs) for these measures and grades 4 and 8 Science in annual equal increments toward the goal of reducing by half, within six years, the gap between the Performance Index for the “all students” group and each subgroup in 2010-11 and a Performance Index of 200.</p> <p>Same.</p>
<p>4. The Categorization of Schools and Districts Along a Continuum of Accountability</p>	<p>Schools are categorized as either in Good Standing, Improvement, Corrective Action, or Restructuring based upon whether they achieve Adequate Yearly Progress (AYP) on state assessments. Districts are similarly identified as</p>	<p>New York will identify, reward, and provide interventions, incentives and supports to Reward Schools, Priority Schools, and Focus Districts and Schools using a methodology that rank orders schools by a mathematical formula to be prescribed the Commissioner, as approved by the Board of Regents.</p>

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	<p>in Good Standing, Improvement or Corrective Action based on their history of making AYP.</p> <ul style="list-style-type: none"> <li>• Schools that fail to make AYP for two consecutive years in the same measure lose their status of Good Standing in that measure. Schools not in Good Standing must make AYP for two consecutive years in the same measure in which they failed to regain their status of Good Standing.</li> <li>• Districts that fail to make AYP for two consecutive years for the same subject lose their status of Good Standing in that subject. Districts not in Good Standing must make AYP for two consecutive years in the same subject in which they failed to regain their status of Good Standing.</li> </ul>	<p>A Focus District will be required to identify the schools upon which it will focus its support and intervention efforts. Each Priority School may be further identified as a School Under Registration Review (SURR).</p> <p>Districts will be required to prepare Local Assistance Plans to support schools within the district that show a persistent pattern of failing to make AYP with a particular student population or which have large gaps in student achievement between one or more student subgroups, but which are not designated Priority or Focus Schools. The plans must be posted to the district’s website. Focus districts will incorporate their plan for these schools into their District Comprehensive Education Plan in lieu of doing a separate Local Assistance Plan.</p>

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<p><b>5.</b> The Determination and Role of Adequate Yearly Progress (AYP)</p>	<p>In order to make AYP, schools and districts are required to achieve their Effective Annual Measurable Objectives or make Safe Harbor, and demonstrate the required participation rate on state assessments for each disaggregated group on each measure for which the school is accountable.</p>	<p>New York will determine AYP in a similar manner as currently required under NCLB, with a focus on the academic achievement of the current NCLB subgroups. As in the past, in order to make AYP, schools will continue to be required to achieve their EAMO or make Safe Harbor, and demonstrate the required participation rate on state assessments for each sub group on each measure for which the school is accountable. However, New York will eliminate the requirement that in order to make Safe Harbor in grades 3-8 ELA or math an accountability group must also make AYP with that group in science, as well as the requirements that to make Safe Harbor for high school ELA or math, an accountability group must also make AYP with that group for graduation rate.</p> <p>New York will continue to report AYP results for all accountability groups at the school and district level. The use of AYP will be limited to being one of the indicators in determining Reward Schools and in determining whether specific schools that do not fall into the Focus or Priority groups must complete a Local Assistance Plan.</p>
<p><b>6.</b> The Role of Growth Measures</p>	<p>Student growth is currently not used to determine school and district classifications.</p>	<p>New York State will incorporate growth into the Accountability system in two ways:</p> <ul style="list-style-type: none"> <li>• For Grades 4-8 ELA and mathematics, schools and districts will be given credit in the computation of their Performance Index for each student who is on track towards meeting proficiency based on the student's academic growth between administrations of State assessments. Schools and districts will get "full credit" for any student who is proficient or is on track to become proficient within a prescribed time period.</li> <li>• New York will use a comparative growth measure as part of the process of determining the identification of schools and districts for Reward, Focus, and Priority status. If schools or districts that would otherwise be given Priority or Focus designation demonstrate</li> </ul>

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		<p>median Student Growth Percentiles that above the State median in ELA and mathematics combined for the 2009-10 and 2010-11 school years combined they will not be so designated. Conversely, schools that otherwise would be categorized as Reward Schools, but that fail to demonstrate median Student Growth Percentiles at least equal to the State median in both ELA and mathematics for two consecutive years will not be so designated. Detailed Information about the growth model can be found in a technical appendix to the ESEA waiver request.</p>
<p>7. The Identification of Priority Schools</p>	<p>Identification of Priority Schools is not a part of New York State’s accountability system.</p>	<p>First, New York will identify the 75 schools that were awarded a 1003(g) School Improvements Grant in the 2011-12 school year.</p> <p>Second, New York will identify high schools that have had graduation rates below 60 percent for three consecutive years on the 2004, 2005, and 2006 high school graduation cohorts.</p> <p>Third, New York will identify schools that are among the lowest achieving in the State in ELA and math combined for the all students group and that have failed to demonstrate progress over a number of years.</p> <p>Elementary and middle schools that have a combined Performance Index in ELA and mathematics of 113 and below and high schools that have a combined Performance Index in ELA and math of 107 or below in the 2010-11 school year will be considered among the lowest achieving in the State.</p> <p>An elementary or middle school will be considered to have failed to show progress if:</p> <ul style="list-style-type: none"> <li>• the school is in improvement, corrective action or restructuring in</li> </ul>

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		<p>the 2011-12 school year;</p> <ul style="list-style-type: none"> <li>• the school has made less than a ten point gain in its 2010-11 Performance Index compared to its 2009-10 Performance Index;</li> <li>• the school's combined median student growth percentile in ELA and math for the 2009-2010 and 2010-11 school years combined is below 50%; and</li> <li>• the majority of subgroups in the school did not have 2010-2011 SGP's that exceeded the statewide median SGP for that subgroup.</li> </ul> <p>A high school will be considered to have failed to show progress if:</p> <ul style="list-style-type: none"> <li>• the school is in improvement, corrective action or restructuring in the 2011-12 school year; and</li> <li>• the school has made less than a five point gain in its 2010-11 Performance Index compared to its 2009-10 Performance Index;</li> </ul> <p>For Transfer high schools, New York State will use the higher of the combined Performance Index using the regular and the transfer high school cohort definitions.</p> <p>At least 5 percent of the public schools in the State will be identified as Priority Schools. If necessary, additional schools will be identified to ensure that at least five percent of the Title I schools in the State are identified as priority schools.</p> <p>Schools in Special Acts School Districts will only be identified as priority schools if they have also been identified for Registration Review as a Poor Learning Environment.</p>

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		<p>Before identifying a transfer high school as a priority school the Commissioner will review the performance of the school on a case-by-case basis, giving careful consideration to the mission of a particular school, student performance, and the intent of the priority school requirements</p> <p>In addition schools that are not currently implementing a school improvement grant and that are in the process of closing will not be identified as priority schools.</p>
<p><b>8.</b> The Identification of Focus Schools</p>	<p>Identification of Focus Schools is not a part of New York State’s accountability system.</p>	<p>New York State identifies Focus Schools in a two-stage process under which the Commissioner will first identify the districts with the lowest-performing subgroups as Focus Districts and the districts, in turn, would, with the Commissioner’s approval, identify at least a specified minimum number of Focus Schools within the district.</p> <p>Focus Districts are those whose combined Performance Index in English language arts and mathematics for Grades 3-8 and high school ELA and mathematics or high school graduation rate places the district among the lowest five percent of districts in the State for that subgroup of students. In addition any District that has a Title I or Title I eligible secondary school that is a Priority School will also be automatically identified as a Focus District, except that Special Act school districts will only be identified as a Focus District based upon whether the district has a Priority School. Once identified, a Focus District will then be required to identify a specified minimum number of schools upon which it will focus its support and intervention efforts based on similar criteria. The total of the minimum targets of schools that Focus Districts must identify will equal at least ten percent of the schools in the State, exclusive of those already identified as Priority Schools. If the number of Title I schools identified by districts as Focus Schools does not equal ten percent of Title I schools, the</p>

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		<p>Commissioner will expand the minimum number of schools that a district must identify.</p> <p>New York State plans to identify a district as a Focus District if any of its student subgroups have a combined ELA and mathematics Performance Index that places the subgroup among the lowest five percent in the State for racial/ethnic subgroups, low-income students, students with disabilities, or English language learners. A district will not be identified for that subgroup's performance if that subgroup has a graduation rate above the State average on the four year graduation cohort and the group's median Student Growth Percentile in ELA and mathematics has been above the combined Statewide Median Growth Percentile for that group in the past two years combined. For purposes of identification of Focus Districts, each of New York City's 32 community school districts will be treated as a separate district. In addition to identifying ten percent of districts as Focus Districts, the Commissioner will use the same methodology to identify ten percent of the total number of charter schools (both Title I and non-Title I) in the State as Focus Schools.</p> <p>When a district is identified as a Focus District, all of the schools in the district are preliminarily identified as Focus Schools. The Focus District may either choose to provide support to all of its schools to address the performance of subgroup(s) on the accountability measure(s) that caused the district to be identified, or the District may choose to identify a subset of schools as Focus Schools. If the district chooses the latter option, the district must use the rank order lists provided by the Commissioner based on the number or the percentage of students who are not proficient in ELA or mathematics in the subgroup(s) that caused the district to be identified, and then use that rank ordered list to identify the minimum, required number of Focus Schools. If a district believes there are extraordinary circumstances and that a school should not be identified as</p>

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		<p>a Focus School, the district may seek permission from the Commissioner to identify a school with higher subgroup performance than the school with special circumstances.</p> <p>The number of schools that a Focus District must identify will be based upon the number of students enrolled in the district who are members of subgroups whose results caused the district to be identified, and the performance of these subgroups on ELA and mathematics assessments. The total, minimum number of schools that the Commissioner will require that districts identify will be equal to at least ten percent of the Title I public schools in the State.</p>
<p><b>9.</b> The Identification of Reward Schools</p>	<p>New York identifies a school as high performing if the “all students” group achieves all applicable State standards, and the school makes AYP on applicable performance measures. A school can be identified as rapidly improving, if the school makes AYP on applicable performance measures and the school demonstrates a specified amount of improvement.</p> <p>There is currently no reward for these schools beyond their posting to SED’s website.</p>	<p>New York will identify Reward Schools in a significantly more rigorous way than previously done for high performing schools.</p> <p>New York will identify Reward Schools in a significantly more rigorous way than previously done for high performing schools.</p> <p>At the elementary and middle level, New York will use the following criteria to designate a school as highest performing:</p> <ul style="list-style-type: none"> <li>• the school’s combined ELA and mathematics Performance Index places it among the top twenty percent in the State for each of the past two years;</li> <li>• the school has made AYP with all groups and all measures for which it is accountable;</li> <li>• the school’s student growth percentile for the past two years in ELA and mathematics equals or exceeds fifty percent;</li> <li>• the school’s student growth percentile for ELA and mathematics in the most recent year for its bottom quartile of students, as</li> </ul>

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		<p>measured by their student growth percentile in the previous year, equals or exceeds fifty percent in the current year; and,</p> <ul style="list-style-type: none"> <li>• the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of the subgroup.</li> </ul> <p>At the high school level, a school will be considered highest performing, if all of the following conditions are met:</p> <ul style="list-style-type: none"> <li>• the school’s combined ELA and mathematics Performance Index places it among the top twenty percent in the State for each of the past two years;</li> <li>• the school has made AYP with all groups on all measures for which it is accountable;</li> <li>• the percentage of students who graduated with a Regents diploma equals or exceeds 80 percent and the percentage of students who have graduated with a Regents diploma with advanced designation or CTE endorsement exceeds the State average;</li> <li>• the percentage of the students who scored Level 1 or Level 2 on an ELA or mathematics exam in Grade 8 who subsequently graduated within four years of first entry in Grade 9 equaled or exceeded the State average for these students; and</li> <li>• the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of the subgroup.</li> </ul>

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		<p>At the elementary and middle levels, a school will be considered a high progress school, if all of the following conditions are met:</p> <ul style="list-style-type: none"> <li>• the school's combined ELA and mathematics Performance Index places it among the top ten percent in the State in terms of gains between the most recent assessment data and the data from the previous year;</li> <li>• the school has made AYP with all groups and all measures for which it is held accountable;</li> <li>• the school's student growth percentile for the past two years in ELA and mathematics equals or exceeds 50 percent;</li> <li>• the school's student growth percentile for ELA and mathematics in the most recent year for its bottom quartile of students, as measured by their student growth percentile in the previous year, equals or exceeds fifty percent in the current year; and,</li> <li>• the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of the subgroup.</li> </ul> <p>At the high school level, a school will be considered high progress if all of the following conditions are met:</p> <ul style="list-style-type: none"> <li>• the school's combined ELA and mathematics Performance Index places it among the top ten percent in the State in terms of gains between the most recent assessment data and the data from the previous year;</li> </ul>

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		<ul style="list-style-type: none"> <li>• the school has made AYP with all groups for which it is accountable;</li> <li>• the percentage of students who graduated with a Regents diploma equals or exceeds 60 percent and the percentage of students who have graduated with a Regents diploma with advanced designation or CTE endorsement exceeds the State average;</li> <li>• the percentage of the students who scored Level 1 or Level 2 on an ELA or mathematics exam in Grade 8 who subsequently graduated within four years of first entry in Grade 9 equaled or exceeded the State average for these students; and,</li> <li>• the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of the subgroup.</li> </ul> <p>Reward Schools will be:</p> <ul style="list-style-type: none"> <li>• identified annually and be publicly recognized with a press release and a posting of the list to the Department's website.</li> <li>• eligible to compete for a Commissioner's Schools Dissemination Grant of up to \$100,000, which is currently funded through the RTTT initiative.</li> <li>• a potential factor beginning in the 2012-13 school year in determining which districts receive District Performance Improvement Award Grants.</li> </ul> <p>After consultation with representatives of Reward Schools, a process will be recommended to the Regents by which Reward Schools may seek expedited variances from certain provisions of Commissioner's Regulations.</p>

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<p>10. The Diagnostic Reviews to be Conducted in Identified Schools and Districts</p>	<p>New York conducts a School Quality Review (SQR), Joint Intervention Team (JIT) or an External School Curriculum Audit (ESCA) site visit, based on the accountability status of a school or district. Each type of visit requires a different review protocol with a separate corresponding diagnostic tool.</p>	<p>New York will use a single diagnostic tool (the Diagnostic Tool for School and District Effectiveness) closely aligned to implementation of the key components of the Regents’ Reform Agenda, for use in all identified schools.</p> <ul style="list-style-type: none"> <li>• The single diagnostic tool will allow for focus-driven visits, repeated to see if benchmarks are achieved.</li> <li>• School Quality Review Teams will conduct diagnostic reviews in Focus Districts, which will include visits to a sample of Focus Schools within the district.</li> <li>• In districts that are required to develop a Local Assistance Plan for specified schools, the district will be expected to use the diagnostic tool to inform the development of its plans.</li> <li>• The intent is that Department staff and/or designated representatives will make regular visits using the single diagnostic tool to determine the progress that schools and districts are making in implementing their plans and improving educational results.</li> <li>• A key purpose of the diagnostic is to measure the degree to which there is a strong delivery chain from the State to the district to the school leadership to support the implementation of the key elements of the Regents’ Reform Agenda in the classroom. The Diagnostic Tool will build upon steps the Department has already taken to align the Accountability Systems under NCLB (Title I AYP), Title III (Annual Measurement Achievement Objectives [AMAOs]), and the Individuals with Disabilities Education Act (IDEA). In particular the Department has worked to integrate the Special Education Quality Improvement Plan (QIP) process with SQR and JIT reviews when the performance of students with disabilities contributed to the identification of a school for improvement.</li> </ul>

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<p>11. The Required Plans for Identified Schools and Districts</p>	<p>New York State’s accountability system includes the following required plans for identified schools and districts:</p> <ul style="list-style-type: none"> <li>• Professional Development Plan</li> <li>• School Improvement Plan</li> <li>• Local Assistance Plan</li> <li>• Professional Performance Review</li> <li>• Corrective Action Plan</li> <li>• Restructuring Plan</li> <li>• District Improvement Plan (for non Title I districts)</li> <li>• Improvement Plan</li> <li>• Comprehensive Education Plan</li> </ul>	<p>New York will require schools and districts to develop the following plans:</p> <ul style="list-style-type: none"> <li>• Priority Schools will be required to develop a plan that either implements one of the four Federal SIG intervention models as part of a whole school reform model and in cooperation with partner organizations; or that implements all ESEA waiver Turnaround Principles as part of a whole school reform model in collaboration with partner organizations. The plan must be approved by the board of education and posted to the district’s website.</li> <li>• A district with one or more Focus Schools must develop a District Comprehensive Improvement Plan for these schools. This plan must be informed by the recommendations of the School Quality Review or Joint Intervention Team visit (i.e. Integrated Intervention Team) and must identify the programs and services that will be provided to schools from the list promulgated by the Commissioner. School leadership, staff, parents, and students, if appropriate, must have a meaningful opportunity to participate in the development of the plan and comment upon it before it is approved. The plan must be approved by the school board and posted to the district’s website. A Focus District will incorporate into its plan the actions it will take with any school that requires a Local Assistance Plan.</li> </ul> <p>A district that does not have any Priority or Focus Schools, but instead has schools that have persistently failed to make AYP with one or more subgroup(s) on an accountability measure or that have large gaps in student achievement among subgroups will be required to develop a Local Assistance Plan for these schools. The Local Assistance Plan shall specify:</p> <ul style="list-style-type: none"> <li>• the process, by which the plan was developed and how school leadership, staff, parents, and students, if appropriate, were given meaningful opportunities to participate in the development of the plan;</li> <li>• the additional resources and professional development that will be provided to Focus Schools to support implementation of the plan;</li> </ul>

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		<ul style="list-style-type: none"> <li>the timeline for implementation of the plan;</li> </ul> <p>The plan must be approved by the board of education of the district and posted to the district's website.</p>
<p><b>12.</b> The Requirements for Public School Choice</p>	<p>Title I, Part A, Section 1116 (E) of the federal No Child Left Behind legislation requires an LEA with Title I schools identified in need of improvement (Year 2), corrective action or restructuring to provide all students enrolled in those schools with the option to transfer to another public school served by the LEA that has not been identified for school improvement.</p>	<p>New York will require districts to continue offering public school choice for students attending either Title I Priority or Focus Schools. New York will consider advancing legislation to expand choice options to include BOCES programs (offered by a consolidated group of districts).</p>
<p><b>13.</b> The Requirements for Districts that Offer Supplemental Educational Services (SES)</p>	<p>New York currently supports Supplemental Educational Services (SES) as defined in the federal No Child Left Behind Act (NCLB). Under NCLB, districts are responsible for notifying parents of eligible students in Title I schools identified for improvement, corrective action or restructuring that their children are eligible for supplemental educational services (including tutoring) from a provider on the New York State’s list of approved providers. Districts are required to pay for these SES services up to an amount equal to 20 percent of the District’s basic Title I grant.</p>	<p>New York will not require districts to offer SES or set aside a portion of their Title I allocation to pay for SES. However, districts can choose to offer SES and pay for the services using Title I funds.</p> <p>In order to support districts that choose to continue to provide SES, New York will require all SES providers to reapply for state approval. New York will evaluate whether the SES providers’ programs are aligned with the common core standards. Districts that wish to offer SES will be allowed to determine the providers that parents in their district may select.</p>

Attachment 12 Key Proposed Changes to New York’s Differentiated Accountability System

Category	The Current System	New System After Incorporating Revisions to the ESEA Waiver Flexibility Request for Approval
<p><b>14.</b> The Changes to the Current Set-Aside Requirements Under ESEA</p>	<p>Districts are required to set aside a percentage of their Title I allocation for SES and Public School Choice (20 percent); professional development at identified schools (10 percent); and for parent involvement activities (1 percent).</p>	<p>New York will eliminate the previous rules for set-asides and replace them with new set-asides. The new rules include the following:</p> <ul style="list-style-type: none"> <li>• Districts will set aside between 5 percent and 15 percent of an amount equal to their base Title I; Title IIA; and Title III allocations, if identified for the performance of their English language learners based on student enrollment in Priority and Focus Schools to provide state approved programs and services in these schools.</li> <li>• Districts will set aside an amount equal to a percentage of their total Title I allocation, based on student enrollment in Priority and Focus Schools, for parent involvement and engagement activities. The plans for this set-aside must be made in collaboration with district parent organization leadership.</li> </ul>
<p><b>15.</b> Logistics for Schools Under Registration Review (SURR) and Provisions of the Enhanced Accountability System</p>	<p>Currently, Education Law §211-b requires the assignment of School Quality Review and Joint Intervention Teams to schools in accountability status and the expansion of the Schools Under Registration Review process. The law also requires that District Improvement Plans be created under certain conditions and gives the Commissioner the authority in certain circumstances to appoint a Distinguished Educator to certain schools and districts.</p>	<p>New York’s schools and districts will no longer be identified using the specific categories of improvement, corrective action, or restructuring. New York will use the following system to ensure compliance:</p> <ul style="list-style-type: none"> <li>• Schools Under Registration Review will be a subset of Priority Schools; School Quality Review Teams will be assigned to Focus Districts; and Joint Intervention Teams will conduct visits to Priority Schools using the new diagnostic tool.</li> <li>• Districts that have Focus Schools will submit a District Improvement Plan that proposes a district-based approach to supporting these schools.</li> </ul> <p>As appropriate, the Commissioner will assign Distinguished Educators to support Focus Districts or Priority Schools.</p>
<p><b>16.</b> Applying for the optional Waiver Which Permits</p>	<p>Not applicable</p>	<p>New York will apply for this optional waiver and incorporate it into the next grant round for this program. The Request for Proposal developed for this next grant round should be informed by legislation under</p>

Attachment 12 Key Proposed Changes to New York’s Differentiated Accountability System

<b>Category</b>	<b>The Current System</b>	<b>New System After Incorporating Revisions to the ESEA Waiver Flexibility Request for Approval</b>
<p>Expanded Learning Time , and Additional Activities During the School Day and Non-school Hours</p>		<p>consideration by the United States Senate that calls for comprehensive school redesign. The Request for Proposal will allow additional hours of learning time as well as additional collaborative planning time and professional development for teachers and community partners who provide expanded learning in core academic subjects for 21<sup>st</sup> Century Community Learning Center program recipients. The next 21st CCLC Request for Proposal will allow a range of models and approaches, provided that any specific model a school, community, or district considers for implementation embodies the research-based principles of exemplary expanded learning opportunities that improve students’ academic, social, and emotional outcomes. Within that framework, the Request For Proposal will allow additional hours of learning time as well as additional collaborative planning time and professional development for teachers and community partners who provide expanded learning for 21st Century Community Learning Center program recipients.<sup>1</sup> Proposed program models will be directly related to the three tenets of 21<sup>st</sup> CCLC programming: academic enrichment, youth development and family literacy/engagement.</p>

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**Regents Task Force Meetings  
2010-2012**

<b>2010</b>	<b>2011</b>	<b>2012</b>
September 14	January 11	January 11
October 19	February 8	March 21
November 16	March 8	June 7
December 14	March 23	
	April 4	
	May 17	
	October 27	

## Attachment 14 - Teaching Standards Workgroup (Participants and Meeting Schedule)

<b>NYS Teaching Standards Workgroup</b>		
<b>First Name</b>	<b>Last Name</b>	<b>Affiliation</b>
Ann	Sanzone	Big 5 Conference
Beth	Peller	CSA
Joan	Lucariello	CUNY
Vito	Borrello	EPIC
James	Cibulka	NCATE
Kathleen	DaBoll-Lavoie	NYACTE
Kirsten	Busch-Johnson	NYCDOE
Dan	White	NYS District Supt.
Rick	Longhurst	NYS PTA
Andrew	Bodden	NYS School Boards Association
Julius	Adams	NYSATE
Colleen	Corsi	NYSCEA
Grace	Wilkie	NYSCEA
Phyllis	Glassman	NYSCOSS
Elena	Bruno	NYSED
Lisa	Luderman	NYSED
Alysan	Slighter	NYSED
Richard	Gervais	NYSED OCUE
Pedro	Ruiz	NYSED Off of Bilingual Ed
Kin	Chee	NYSED Off of Bilingual Ed
Anthony	Jaacks	NYSED Office of Curr & Inst
Barbara	Downs	NYSED OHE
Robert	Bentley	NYSED OTI
Patricia	Oleaga-Gill	NYSED OTI
Marybeth	Casey	NYSED P-12 Curr/Inst
Suzanne	Corey	NYSED VESID
Sandra	Cote	NYSED VESID
Cynthia	Gallagher	NYSED/ECE
Kim	Santiago-Armenia	NYSED/ECE
Doris	Hill-Wyley	NYSED-ECE
Anne	DeFiglio	NYSED-Off of Teacher Quality
Alysan	Slighter	NYSED-Off of Teacher Quality
Cathy	Corbo	NYSUT Innovation Initiative
Mike	Bakatsias	NYSUT Innovation Initiative
Carolyn	Williams	NYSUT Innovation Initiative
Maria	Cady	NYSUT Innovation Initiative
Debra	Clinton	NYSUT Innovation Initiative
James	Grove	NYSUT Innovation Initiative
Colleen	O'Connor	NYSUT Innovation Initiative
Katherine	Schadewald	NYSUT Innovation Initiative
Linda	Rudnick	NYSUT Innovation Initiative
Claudine	Selzer	NYSUT Innovation Initiative
Joanna	Valente Orr	SAANYS
Laurie	Hedges	SCDN
Allison	Cugini	SPSPB
Gale	Sookdeo	SPSPB
Pamela	Sandoval	SUNY
Mark	LaCelle-Peterson	Teacher Education Accreditation Council and NCATE
Drey	Martone	The College of St Rose
Lori	Quigley	The Sage Colleges
Catalina	Fortino	UFT
Phyllis	Walker	UFT

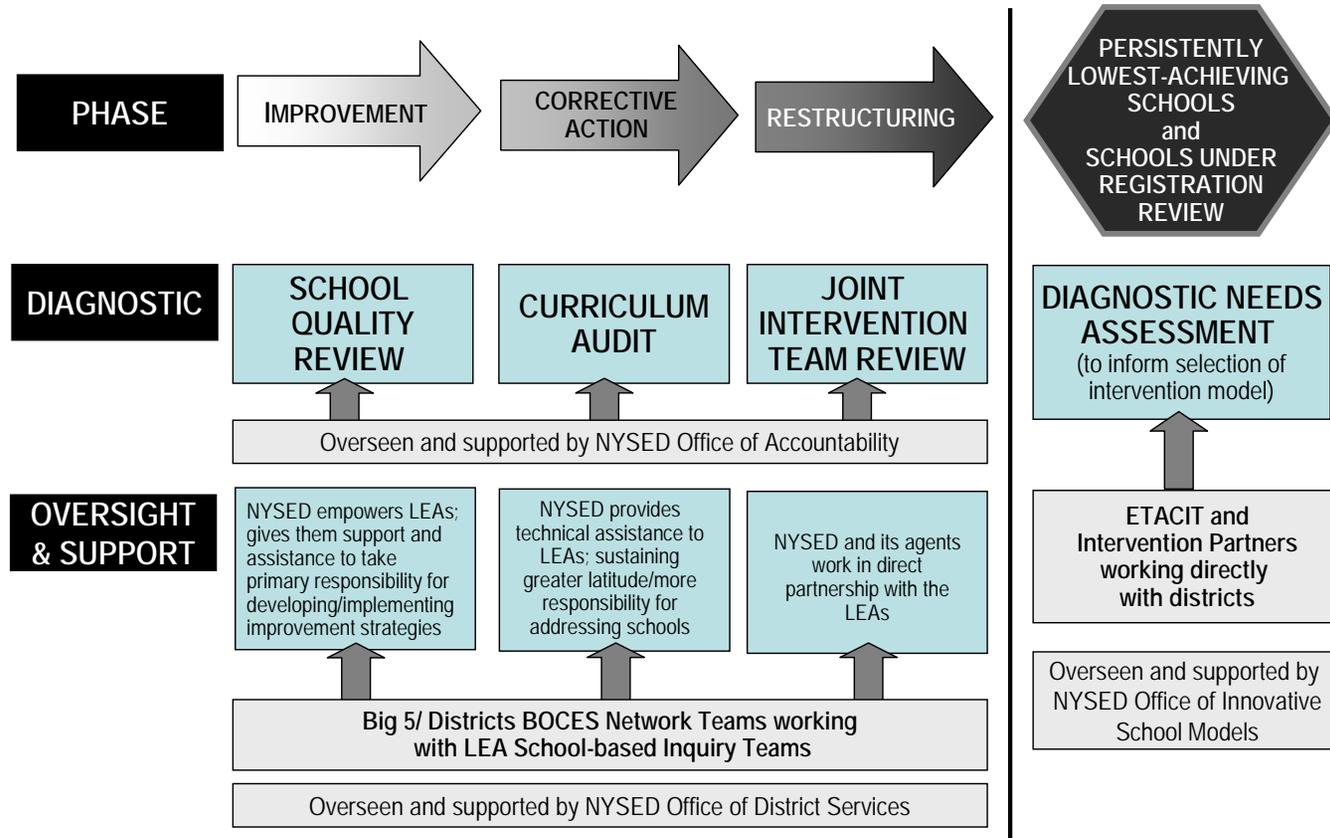
### The Development of the NYS Teaching Standards

Meeting Date	Location
November and December 2009 BoR discuss development of NYS Teaching Standards	
Jan- April Department Research TS	
April BoR Item on TS	
First TS Workgroup meeting May 26 & 27, 2010	NYSED
June 8, 2010	Malta
July 12, 2010	Malta
7/21/2010 Released First Draft for comment	
8/16/2010 End of first comment period	
August 24 & 25, 2010	Malta
August 31 & September 1, 2010	Malta
September 9, 2010 Sub-group mtg	SED
September 20 and 21, 2010	Webinars
October BoR Discussion	
October TS Survey developed	
NYSUT Comments on Survey Instrument 11/2/2010	
11/17/2010 Release of Second Draft for comment	
12/14/2010 End of Second Comment Period	
12/11/2010 Sub-group meeting	
12/20/2010 Full group meeting	Illuminate Session
1/11/11 Regents Adopt NYS TS	

TEACHER/LEADER QUALITY PARTNERSHIP PROGRAM: EDUCATIONAL LEADERSHIP PROGRAM  
MEETING SCHEDULE 2008-2009

Meeting dates	Attendees	Affiliation
11/08	Joseph Frey Stan Hansen Robert B. McClure Richard Rose	NYSED Deputy Commissioner OHE NYSED Executive Director OHE Wallace Foundation NYSED Associate in Higher Education
12/08	Stan Hansen Robert B. McClure Richard Rose David Lovell	NYSED Executive Director OHE Wallace Foundation NYSED Associate in Higher Education NYSED Assistant in Higher Education, TEACHER/LEADER QUALITY PARTNERSHIP PROGRAM Program Coordinator
12/08	Stan Hansen Robert B. McClure Richard Rose David Lovell	NYSED Executive Director OHE Wallace Foundation NYSED Associate in Higher Education NYSED Assistant in Higher Education, TEACHER/LEADER QUALITY PARTNERSHIP PROGRAM Program Coordinator
01/09	Stan Hansen Robert B. McClure Richard Rose David Lovell	NYSED Executive Director OHE Wallace Foundation NYSED Associate in Higher Education NYSED Assistant in Higher Education, TEACHER/LEADER QUALITY PARTNERSHIP PROGRAM Program Coordinator
02/09	Stan Hansen Robert B. McClure Richard Rose David Lovell  Kathleen Clarity	NYSED Executive Director OHE Wallace Foundation NYSED Associate in Higher Education NYSED Assistant in Higher Education, TEACHER/LEADER QUALITY PARTNERSHIP PROGRAM Program Coordinator NYSED Supervisor OHE
03/09	Stan Hansen Robert B. McClure Richard Rose David Lovell  Kathleen Clarity	NYSED Executive Director OHE Wallace Foundation NYSED Associate in Higher Education NYSED Assistant in Higher Education, TEACHER/LEADER QUALITY PARTNERSHIP PROGRAM Program Coordinator NYSED Supervisor OHE

### DIFFERENTIATED ACCOUNTABILITY MODEL



New York identified Focus schools based on the following factors as defined in the ESEA waiver guidance:

- Title I schools with the lowest achievement of the subgroups in terms of proficiency on the statewide assessments that are part of the state's differentiated recognition, accountability and support system.
- Title I high schools with the lowest graduation rate for subgroups

New York has identified focus schools using a two-stage process. The state first identified focus districts and charters that have the lowest achieving subgroups for performance index (PI) and graduation rate (GR). The state will then provide the districts with a list of focus schools that have the lowest achieving groups in PI and graduation rate. The goal is to identify 10 percent (350) of Title I schools.

The criteria used to identify the Focus districts, Focus charter schools and Focus schools are described below:

A. District identification based on PI

1. For each district, the combined 2010-11 Performance Index (PI) of ELA and Math for the elementary-middle (EM) and secondary levels for each subgroup for which it is accountable is determined. If a district has only EM level, then the combined PI will be only for the EM level and vice versa.
2. The group's combined 2009-10 and 2010-11 ELA and Math SGP is determined. If the SGP is above the combined 2009-10 and 2010-11 state average then the group is removed from those for which the district can be identified as a Focus District.

*Example:*

- District A is accountable for Black, Hispanic and Economically Disadvantaged (ED) groups. The combined 2009-10 and 2010-11 ELA and Math SGP for Black students is 42, Hispanic students is 47, and ED students is 48. The state average SGP is 43, 47 and 47 respectively.
  - The ED group's SGP is above the state average therefore the group's PI will be removed from identification. District A can now be identified only for the Black and Hispanic groups.
3. If the group's 2006 4-year cohort graduation rate is above the state average, then the group is removed from those for which the district can be identified as a Focus District.

*Example:*

- District B's 2006 4-year graduation rate for Black students is 51, Asian students is 72 and White students is 87. The state average is 58, 83 and 84, respectively. The White group's GR is above the state average and

therefore the group will be removed for which the district can identified District B can now be identified only for the Black and Asian groups.

4. The lowest performing racial/ethnic subgroup (American Indian, Asian, Black, Hispanic, White, and multi-racial) will be used to determine whether a district is identified for a racial/ethnic subgroup.

*Example:*

- District A has combined 2010-11 Asian PI of 120, Black PI of 100, Hispanic PI of 110, and White PI of 130. The race/ethnicity PI for District A will be 100 (minimum PI amongst all the groups).
5. Determine the statewide 5% count of districts for Students with Disabilities (SWD), Limited English Proficient (LEP), ED, race/ethnicity group based on PI. The counts are based on the total number of accountable groups – without removing any group for reasons stated in steps 2 and 3.

*Example:*

- There are a total of 631 districts with an accountable SWD group either for EM or secondary level in the state. 5% of 631 is 32. This is the count of low-achieving districts that needs to be identified for PI for SWD group.
6. For the SWD group sort the PI in descending order. From the bottom count the required number.

*Example:* Select the bottom 32 districts for the SWD group. These 32 districts are identified for their SWD group. If there is a tie in the PI representing the highest count, that is, if there are two districts with the same PI as the 32<sup>nd</sup> district, then include the 33<sup>rd</sup> district also in the count.

7. Repeat step 6 for the LEP, ED and race/ethnicity groups.
8. If any of the groups American Indian, Asian, Black, Hispanic, White, or multi-racial has a PI equal to or less than the 5% race/ethnicity group's PI, then that group will be identified.

*Example:*

- Statewide there are 705 districts with an accountable race/ethnicity group. 5% of 705 is 35. The race/ethnicity PI is sorted in descending order and the bottom 35 districts are selected. The race/ethnicity minimum PI for the 35<sup>th</sup> district is 111.
- Any district that has a race or ethnicity group with a PI of 111 or less will be identified for that group. District C with Asian 112, Black 115, Hispanic 111 and White 110 will be identified for the Hispanic and White groups.

B. District identification based on Graduation Rate (GR)

9. All the districts with their 2006 4-yr GR for each accountable group is listed. For the groups where the GR is above the state average the group is removed from consideration as a group for which the district can be identified as a Focus District.

*Example:*

- District D has a 2006 4-year SWD GR of 47, Hispanic GR of 59 and LEP GR of 38. The state average is 44, 57 and 40, respectively.
- The SWD and Hispanic graduation rates are above the state average and therefore the groups will be removed from identification. The district can only be identified for the LEP group.

10. For districts that were not identified by the PI methodology, if the group's 2006 5 year GR is above the state average, then the group will be removed from those for which the district can be identified for graduation rate.

*Example:*

- District E was not identified as a focus district for PI. It is accountable for the Black, LEP and ED groups.
- The Black 2006 5-year GR is above the state average and therefore the group is removed from identification. The district can now be identified only for the LEP and ED groups.

11. For districts that were not identified by the PI methodology, if the group's gain in GR from the 2004 4 year graduation rate cohort to 2006 4 year graduation rate is 10 percent or more, then the group will be removed from those for which the district can be identified.

*Example:*

- District F was not identified as a focus district for PI. It is accountable for the ED group. The group's 2004 4 year GR was 20% and the 2006 4 year GR is 35%.
- The group made a 15% gain and is therefore removed from those for which the district can be identified. The district is now not identifiable for any groups.

12. For each district, the minimum GR for the race/ethnicity group is determined using the process described in Step 4

13. Determine the statewide 5% district counts for Students with Disabilities (SWD), Limited English Proficient (LEP), ED, the race/ethnicity group based on GR. The counts are based on the total number of accountable groups – without removing any group for reasons stated in steps 9, 10 and 11 above.

Example: There are a total of 259 districts with an accountable SWD group for GR in the state. 5% of 259 is 13. This is the count of low achieving districts that needs to be identified for GR for SWD group.

14. For the SWD group sort the GR in descending order. From the bottom count the required number.
15. Repeat step 14 for the LEP, ED and race/ethnicity groups.
16. If any of the groups American Indian, Asian, Black, Hispanic, White, or multi-racial has a GR equal to or less than the 5% race/ethnicity group's GR, then that group will be identified.

*Example:*

- Statewide there are 663 districts with an accountable race/ethnicity group. 5% of 663 is 33. The race/ethnicity GR is sorted in descending order and the bottom 33 districts are selected. The race/ethnicity minimum GR for the 33<sup>rd</sup> district is 54.
  - Any district that has a race or ethnicity group with a GR of 54 or less will be identified for that group. District G with Asian 53, Black 52, Hispanic 51 and White 59 will be identified for the Asian, Black and Hispanic groups.
17. Districts are identified as Focus Districts if any group is identified either through the PI or GR methodology.
  18. Special Act Districts are identified only if they have priority schools.

C. Focus school identification within Focus districts

19. All the schools are listed in the Focus districts. Priority and closing schools are then removed from the list.
20. For each school, the non-proficient students for the identified groups are determined. If a student belongs to two groups or more groups then the student will be counted in each group of which they are a member.

*Example:* District H is identified for the Black and ED groups for PI. All the schools in the district are listed. For each school, the non-proficient students for Black and ED groups for elementary-middle and secondary levels are summed up. Thus a student who is Black but not ED will be counted once, a student who is ED but not Black will be counted once, and a student who is both Black and ED will be counted twice.

21. The cumulative count of non-proficient students for the district is determined.

22. For each school, the non-graduate students for the identified groups are determined. If a student belongs to two groups then the student will be counted twice, three groups then counted thrice etc.

*Example:* District I is identified for the SWD and LEP groups for GR. All the schools in the district are listed. For each school, the non-graduate students for SWD and LEP groups are summed up.

23. The cumulative count of non-graduate students for the district is determined
24. The non-proficient and non-graduate students are summed up for each district.
25. For the year 2010-11, there were a total of 4,707 schools in the state, out of which 3,500 were Title I. The goal is to identify at least 10% of state and Title I, which amounts to 471 and 350 schools, respectively.

For each identified district, the count of elementary-middle and high schools are determined. Priority and closing schools are removed from the count.

26. For each district the number of schools to be identified for PI and GR is determined by taking the proportion of nonproficient and nongraduate students in the district.
27. All Focus districts will have either non-proficient students or non-graduate students, or both. Therefore, all Focus districts will have to identify at least one Focus school.
28. The count of schools that need to be identified for PI and GR are determined for each of the Focus districts.
29. For each Focus district the schools are rank ordered on non-proficient students with the highest count at the top. Starting at the top the required numbers of schools are identified.
30. For each Focus district the schools are rank ordered on non-graduate students with the highest percentage at the top. Starting at the top the required numbers of schools are identified.
31. The district may choose to identify schools based on the list from Step 29 or Step 30. The district may also choose to identify schools not on the selected list with the permission of the Commissioner as substitutes for or in addition to schools on the selected list.

D. Focus charter identification

32. Process identified in steps 1 to 18 will be used to identify the lowest achieving charter schools.
33. The total of schools identified in steps 31 and 32 constitute the Focus schools

Total number of Title I Schools in state	3500
Total number of Focus districts identified	78
Total number of Focus charters identified	12
Total number of Title I schools in Focus districts, excluding Priority and closing schools	921
Total number of Title I Focus schools preliminarily identified	413
Total number of Title I Focus charters identified	9
Total number of non Title I Focus schools and Focus charters identified	28
Total number of Focus schools and Focus charters identified	450

New York identified Priority schools based on the following factors as defined in the ESEA waiver guidance:

- Title I schools based on the achievement of the “All Students” group in terms of proficiency on the statewide assessments that are part of the state’s differentiated recognition, accountability and support system. The school should also have showed lack of progress for the “all students” group over a number of years.
- Title I or Title I eligible secondary schools with graduation rate less than 60 percent for a number of years
- Title I or Title I eligible schools implementing school intervention models using School Improvement Grants fund (SIG)

For the school year 2010-11, there were 4,707 registered public schools or operating public charter schools in the state, of which 3,500 were Title I schools. The goal is to identify 5% of schools in the state as priority schools, of which at least 175 are Title I schools. The criteria used to identify the Priority schools are described below:

1. The Persistently Lowest Achieving (PLA) schools that are implementing a SIG program are selected.
2. Title I or Title I-eligible secondary schools that have a 4-year cohort graduation rate less than 60 percent for the 2004, 2005 and 2006 cohorts are selected. The State will identify all schools meeting this criterion as priority schools.

New York’s differentiated accountability system identifies schools for “Improvement,” “Corrective Action,” and “Restructuring” based on the number of years the school has failed to make AYP for ELA, Math, Science or Graduation Rate. These groups of schools are collectively known as Schools in Need of Improvement (SINI) schools.

3. For each SINI school that was not selected in steps 1 and 2 above, the composite 2010-11 Performance Index (PI) of ELA and Math for the elementary-middle (EM) and secondary levels are determined. If a school has only EM level, then the combined PI will be only for the EM level and vice versa. If a school does not have 2010-11 PI then the school is removed from consideration to be a Priority school.
4. For each SINI school that was not selected in steps 1 and 2, the average 2009-10 Performance Index (PI) of ELA and Math for the EM and secondary levels are determined. If a school has only EM level, then the average will be only for the EM level and vice versa. If a school does not have 2009-10 PI then the school is removed from consideration to be a Priority school

*Example:*

- School A has an EM ELA PI of 100, EM Math PI of 120, HS ELA PI of 60 and HS Math PI of 80. The average PI for school A will be  $(100+120+60+80)/4$  is 90.

- School B has EM ELA PI of 120 and EM Math PI of 100. The average PI for school B will be  $(120+100)/2$  is 110.
5. Sort the 2010-11 PI in descending order. Subtract the average 2009-10 PI from the average 2010-11 PI.
  6. For the elementary and middle schools, select schools from the bottom that have a 2010-11 PI less than or equal to 113 and a PI gain less than or equal to 10.
  7. For high schools, select schools from the bottom that have a 2010-11 PI less than or equal to 107 and a PI gain less than or equal to 4<sup>1</sup>.
  8. For elementary and middle schools, the combined 2009-10 and 2010-11 Student Growth Percentile (SGP) is determined. If the school did not have an SGP for both the years or if the combined SGP is greater than the state average the school is removed from consideration to be a Priority school.

*Example:*

- School A has a 2009-10 ELA and Math SGP of 48 & 54, respectively, and a 2010-11 ELA and Math SGP of 46 and 56, respectively. The school's combined SGP of 51 is higher than the state average of 50; therefore the school will be removed.
  - School B has only one year of data and its 2010-11 ELA SGP is 48 and Math SGP is 50. The school's combined SGP of 49 is lower than the state average of 50; therefore the school will be included for Priority consideration.
9. Any elementary, middle or high school that has a majority of their accountability group's 2010-11 ELA and Math combined SGP greater than the state average will be removed from consideration to be a Priority school.

*Example:*

- School A has three groups for which it is accountable – Students with disabilities (SWD), Black, and Economically Disadvantaged (ED).
- The 2010-11 combined ELA and Math SWD SGP is 44, combined ELA and Math Black SGP is 47, and the combined ELA and Math ED SGP is 42. The 2010-11 combined ELA and Math state average for the groups are 42, 44 and 47, respectively.
- School A has majority of groups (two out of three groups, or 67%) with an SGP greater than state average. The school is removed from consideration to be a Priority school.

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<sup>1</sup> After removing closing schools, schools that had been identified as priority schools because of implementation of a SIG grant or because of high school graduation rates below 60%, and transfer and special act schools removed on a case by case basis, approximately eight percent of schools at the elementary, middle, and high school level were below these cut points for combined ELA and math performance. The gains required of schools to be removed from consideration placed schools in approximately the top quartile of gains for their grade level in the state in 2010-11.

10. Note: Schools with special circumstances (transfer high schools, special act schools) are considered on a case by case basis to determine whether they remain under consideration and schools identified for closure are removed from consideration to be a Priority school.

Although New York chose to identify 5% of the total number of schools in the State, regardless of whether they were Title I or non-Title I schools, in fact each of the 233 schools identified is either a Title I school or a Title I eligible secondary school.

Total number of Title I Schools in state	3500
Total number of priority schools required to be identified	175
Total number of schools on list that are current SIG schools	75
Total number of Title I or Title I eligible high schools that have a graduation rate less than 60 for three years	16
Total number of schools in list that have a SINI status and are the lowest achieving schools and has shown less progress	142
Total number of priority schools identified in list	233

**Education Law § 211. Review of regents learning standards**

1. The regents shall periodically review and evaluate the existing regents learning standards to determine if they should be strengthened, modified or combined so as to provide adequate opportunity for students to acquire the skills and knowledge they need to succeed in employment or postsecondary education and to function productively as civic participants upon graduation from high school. Such review and evaluation shall be conducted upon a schedule adopted by the regents, provided that a review and evaluation of the English language arts standards shall be completed as soon as possible, but no later than the end of the two thousand seven--two thousand eight school year.

2. In conducting such reviews, the regents shall seek the recommendations of teachers, school administrators, teacher educators and others with educational expertise on improvements to the standards so that they ensure that students are prepared, in appropriate progression, for postsecondary education or employment.

**Education Law § 211-a. Enhanced state accountability system**

To more fully implement the requirements of section one thousand one hundred eleven of the elementary and secondary education act of nineteen hundred sixty-five, as amended, and the federal regulations implementing such statute, the regents shall develop and implement an enhanced state accountability system that uses growth measures to the extent required by this section.

1. By the start of the two thousand eight--two thousand nine school year, the regents shall establish, using existing state assessments, an interim, modified accountability system for schools and districts that is based on a growth model, subject to approval of the United States department of education where required under federal law.

2. The regents shall proceed with the development of an enhanced accountability system, with revised or new state assessments, based on an enhanced growth model that, to the extent feasible and consistent with federal law, includes a value-added assessment model that employs a scale-score approach to measure growth of students at all levels. (a) If the regents establish that the assessment scaling and accountability methodology employed have been determined by external experts in educational testing and measurement to be valid and reliable and in accordance with established standards for educational and psychological testing, and (b) the approval of the United States department of education has been obtained where required by federal law, the enhanced growth model shall be implemented no later than the start of the two thousand ten--two thousand eleven school year.

3. In implementing the provisions of subdivisions one and two of this section, the regents shall by July first, two thousand eight, establish targets for improvement of schools and school districts based upon performance on state assessments, graduation rates, and other indicators of progress, such as student retention rates and college attendance and completion rates.

4. As used in this chapter, the following words shall have the following meanings:

a. "Growth model" shall mean the assessment of a cohort of students, or individual students, over time that measures the academic progress made by those students.

b. "Value added assessment model" shall mean a form of growth model that includes an evaluation of the specific effects of programs, and other relevant factors, on the academic progress of individual students over time.

#### **Education Law § 211-b. Consequences for consistent lack of improvement in academic performance**

In addition to taking appropriate action pursuant to the regulations of the commissioner and the requirements of federal law, the following actions shall be taken to increase school and district accountability for academic performance:

1. The regents shall expand the scope and improve the effectiveness of the schools under registration review (SURR) process in the two thousand seven--two thousand eight school year and thereafter, so as to ensure that all schools that meet the criteria for identification as SURR shall be so identified. The goal of such expansion shall be to identify as SURR up to a total of five percent of the schools in the state within four years, and to reorganize or restructure schools so identified in cases where such action is appropriate.

2. The regents shall develop a plan for increased support and possible intervention in schools in improvement, corrective action, or restructuring status or in SURR status. Notwithstanding any provision of law to the contrary, the regents shall establish a two-step process as follows:

a. The appointment by the commissioner of a school quality review team to assist any school in school improvement, corrective action, restructuring status or SURR status in developing and implementing a school improvement, corrective action, restructuring, or comprehensive plan for the school. Such team may also conduct resource and program and planning audits and examine the quality of curriculum, instructional plans, and teaching in the schools, the learning opportunities and support services available to students, and the organization and operations of the school. After such review, the team shall provide diagnostic recommendations for school improvement, which may include administrative and operational improvements. The recommendation of such team shall be advisory. The reasonable and necessary expenses incurred in the performance of the team's official duties shall be a charge upon the school district, or charter school, where applicable, that operates the school.

b. The appointment by the commissioner of a joint school intervention team, for schools in (i) restructuring status or (ii) SURR status that have failed to demonstrate progress as specified in their corrective action plan or comprehensive education plan. Administrators and educators from the district or charter school where applicable must be included on the team, as well as any distinguished educator appointed to the district pursuant to [section two hundred eleven-c](#) of this part. Such team shall assist the school district in developing, reviewing and recommending plans for reorganizing or reconfiguring of such schools. The recommendations of such team should be advisory. The reasonable and necessary expenses incurred in the performance of the school intervention team's official duties shall be a charge upon the school district, or charter school where applicable, that operates the school.

3. A school district that has been identified as requiring academic progress, as defined by 100.2(p)(7) of the commissioner's regulations, or includes one or more schools under registration review, in need of improvement, in corrective action or restructuring status shall be required to submit a district improvement plan to the commissioner for approval. In formulating the district improvement plan, the district shall consider redirecting resources to programs and activities included in the menu of options under [subdivision three of section two hundred eleven-d](#) of this part in the schools so identified. If such options are not adopted in the district improvement plan, the school district shall provide the commissioner with an explanation of such decision which shall be considered by the commissioner in

determining whether to approve such plan. The trustees or board of education shall hold a public hearing before adoption of the district improvement plan and a transcript of the testimony at such hearing shall be submitted to the commissioner for review with the district improvement plan.

4. The commissioner shall develop a plan for intervention in schools under restructuring or SURR status that fail to demonstrate progress on established performance measures and may be targeted for closure. Such plan shall specify criteria for school closure and include processes to be followed, research based options, and alternatives and strategies to reorganizing, restructuring or reconfiguring schools. Such plan shall be developed with input from educators including, but not limited to, administrators, teachers and individuals identified as distinguished educators pursuant to [section two hundred eleven-c](#) of this part.

5. (a) The regents shall ensure that all school districts include in any contract of employment, entered into, amended, or extended with a superintendent of schools, community superintendent or deputy, assistant, associate or other superintendent of schools who has been or will be appointed for a fixed term, a provision requiring that such contract specify that the superintendent shall be required to cooperate fully with any distinguished educator appointed by the commissioner pursuant to [section two hundred eleven-c](#) of this part.

(b) In the case of a superintendent of schools, community superintendent or deputy, assistant, associate or other superintendent of schools who is not appointed for a fixed term, the contract provisions contained in paragraph (a) of this subdivision shall be deemed to apply to such superintendent immediately.

(c) In the case of a charter school, the contract of employment of the principal or headmaster or other chief school officer of the charter school that is entered into, amended or extended shall also be required to include the provisions contained in paragraph (a) of this subdivision. In addition, such contract provisions shall be deemed to apply immediately to any such person not appointed for a fixed term.

### **Education Law § 211-c. Distinguished educators**

The regents shall establish a distinguished educator program that recognizes educational leaders who have agreed to assist in improving the performance of low performing school districts.

1. Building principals, superintendents of schools and teachers including retirees and current employees of school districts, under whose leadership schools have demonstrated consistent growth in academic performance and other individuals who have demonstrated educational expertise, including superior performance in the classroom, shall be eligible for designation by the regents as distinguished educators. Provided, however, individuals employed by for-profit entities shall not be eligible for such recognition.

2. From the pool of distinguished educators designated by the regents pursuant to subdivision one of this section, the commissioner shall appoint distinguished educators who have expressed their willingness to assist low performing districts in improving their academic performance. To the extent practicable, the commissioner shall appoint distinguished educators to assist districts with comparable demographics to the schools or districts that are or were under such educator's leadership.

3. The commissioner may appoint a distinguished educator to a school district;

a. when such district or a school within such district has failed to achieve adequate yearly progress for four or more years;

b. as a member of a joint school intervention team pursuant to [paragraph b of subdivision two of section two hundred eleven-b](#) of this part.

4. The school district to which a distinguished educator is appointed shall cooperate fully with an appointed distinguished educator.

5. An appointed distinguished educator shall assess the learning environment of schools in the district, review or provide assistance in the development and implementation of any district improvement plan and/or any corrective action, restructuring, or comprehensive plan of any school within the district to which the distinguished educator is assigned. Such distinguished educator shall either endorse without change or make recommendations for modifications to any such plan to the board of education, trustees, or chancellor, in a school district in a city of one million or more inhabitants, and the commissioner. Upon receipt of any recommendations for modification, the board of education, trustees, or chancellor shall either modify the plans accordingly or provide a written explanation to the commissioner of its reasons for not adopting such recommendations. The commissioner shall direct the district to modify the plans as recommended by the distinguished educator unless the commissioner finds that the written explanation provided by the district has compelling merit.

6. Appointed distinguished educators shall be deemed ex-officio, non-voting members of the board of education or trustees. In a school district in a city of one million or more inhabitants, any such distinguished educator shall be deemed an ex-officio, non-voting member of the community district education council or the city board, as applicable.

7. The reasonable and necessary expenses incurred by the appointed distinguished educators while performing their official duties shall be paid by the school district.

8. If an appointed distinguished educator is employed by a school district or charter school, it shall be the duty of the board of education or trustees of such school district, the chancellor of a city school district in a city of one million or more inhabitants, or the board of trustees of such charter school to facilitate the efforts of any such appointed distinguished educators in their employ by granting reasonable leave requests and otherwise accommodating their efforts, to the extent such efforts do not substantially interfere with the educator's performance of his or her regular duties.

#### **Education Law § 211-d. Contract for excellence**

1. a. Every school district that, as of April first of the base year, has at least one school identified as in corrective action or restructuring status or as a school requiring academic progress: year two or above or as a school in need of improvement: year two shall be required to prepare a contract for excellence if the school district is estimated to receive an increase in total foundation aid for the current year compared to the base year in an amount that equals or exceeds either fifteen million dollars or ten percent of the amount received in the base year, whichever is less, or receives a supplemental educational improvement plan grant. In school year two thousand seven--two thousand eight such increase shall be the amount of the difference between total foundation aid received for the current year and the total foundation aid base, as defined in [paragraph j of subdivision one of section thirty-six hundred two](#) of this chapter.

b. In addition to the school districts required to prepare a contract for excellence under paragraph a of this subdivision, every school district that filed a contract for excellence in the base year shall file a contract for excellence in the current year if such district is estimated to receive a two-year increase, equal to the positive difference of the total foundation aid apportioned for the current year less the total foundation aid base, as defined in [paragraph j of subdivision one of section thirty-six hundred two](#) of this chapter, for the

base year, in an amount that equals or exceeds either twenty-seven million five hundred thousand dollars or twenty percent of such total foundation aid base for the base year; provided however, that this requirement shall apply only to a school district that, as of April first of the base year, has at least one school that has been identified as in corrective action or restructuring status or as a school requiring academic progress: year two or above or as a school in need of improvement: year two.

c. In a city school district located in a city of one million or more inhabitants, a contract for excellence shall be prepared for the city school district and each community district that meets criteria specified in this subdivision.

d. All computations pursuant to paragraphs a and b of this subdivision and subdivision two of this section shall be based upon data included in the computerized school aid run produced by the commissioner in support of the enacted state budget which established the foundation aid formulas for the current year. For purposes of this section, accountability status of schools shall be determined as of April first of the base year, except that if the commissioner determines that the accountability data on file for a school as of April first of the base year was in error and officially adjusts the accountability status of the school after such date, such adjusted data shall be used for the purposes of paragraphs a and b of this subdivision and subdivision two of this section.

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district's gap elimination adjustment percentage. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to a chapter of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to a chapter of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

2. a. (i) In a common, union free, central, central high school, or a city school district in a city having less than one hundred twenty-five thousand inhabitants, required to prepare a contract for excellence pursuant to subdivision one of this section and, as of April first of the base year, does not contain any schools identified as in corrective action or restructuring status or requiring academic progress: year three or

above, each contract for excellence shall describe how the sum of the amounts apportioned to the school district in the current year as total foundation aid, in excess of one hundred four percent of the district's foundation aid base, as adjusted for additional amounts payable as charter school basic tuition over such amount payable in the base year, shall be used to support new programs and new activities or redesign or expand the use of programs and activities demonstrated to improve student achievement; provided however, up to fifty percent of additional funding received in the current year may be used to maintain investments in programs and activities listed in paragraph a of subdivision three of this section.

(ii) In a common, union free, central, central high school, or a city school district in a city having less than one hundred twenty-five thousand inhabitants, required to prepare a contract for excellence pursuant to subdivision one of this section and, as of April first of the base year, has at least one school identified as in corrective action or restructuring status or requiring academic progress: year three or above, each contract for excellence shall describe how the sum of the amounts apportioned to the school district in the current year as total foundation aid, in excess of one hundred four percent of the district's foundation aid base, as adjusted for additional amounts payable as charter school basic tuition over such amount payable in the base year, shall be used to support new programs and new activities or redesign or expand the use of programs and activities demonstrated to improve student achievement; provided however, up to thirty-five percent of additional funding received in the current year may be used to maintain investments in the programs and activities listed in paragraph a of subdivision three of this section.

(iii) In a city school district in a city having a population of one hundred twenty-five thousand or more inhabitants but less than one million inhabitants that either receives a supplemental educational improvement plan grant or is required to submit a contract for excellence based solely upon the criteria specified in paragraph b of subdivision one of this section, each contract for excellence shall describe how the sum of the amounts apportioned to the school district in the current year as total foundation aid, and as supplemental educational improvement plan grants, in excess of one hundred four percent of such aid apportioned to the district in the base year, as adjusted for additional amounts payable as charter school basic tuition over such amount payable in the base year, shall be used to support new programs and new activities or redesign or expand the use of programs and activities demonstrated to improve student achievement; provided however, up to fifty percent of additional funding received in the current year may be used to maintain investments in the programs and activities listed in paragraph a of subdivision three of this section.

(iv) In a city school district in a city having a population of one hundred twenty-five thousand or more inhabitants but less than one million inhabitants that satisfies the criteria specified in paragraph a of subdivision one of this section and does not receive a supplemental educational improvement plan grant, each contract for excellence shall describe how the sum of the amounts apportioned to the school district in the current year as total foundation aid, in excess of one hundred three percent of the district's foundation aid base, as adjusted for additional amounts payable as charter school basic tuition over such amount payable in the base year, shall be used to support new programs and new activities or expand the use of programs and activities demonstrated to improve student achievement; provided however, up to twenty-five percent of additional funding received in the current year may be used to maintain investments in the programs and activities listed in paragraph a of subdivision three of this section.

(v) In a city school district in a city having a population of one million or more inhabitants, each contract for excellence shall describe how the amounts apportioned to the school district in the current year as total foundation aid and academic achievement grants, in excess of one hundred three percent of the district's

foundation aid base, as adjusted for additional amounts payable as charter school basic tuition over such amount payable in the base year, shall be used to support new programs and new activities or expand the use of programs and activities demonstrated to improve student achievement; provided however, up to thirty million dollars or twenty-five percent of additional funding received in the current year, whichever is less, may be used to maintain investments in the programs and activities listed in paragraph a of subdivision three of this section.

(vi) Each contract for excellence for a school district that was required to prepare a contract for excellence in the base year shall provide for the expenditure of an amount equivalent to the total budgeted amount approved by the commissioner in the district's approved contract for excellence for the base year; provided that such amount shall be expended to support and maintain allowable programs and activities approved in the base year or to support new or expanded allowable programs and activities in the current year.

(vii)(A) Notwithstanding any other provision of this section to the contrary, a school district that submitted a contract for excellence for the two thousand seven--two thousand eight school year and the two thousand eight--two thousand nine school year and is required to submit a contract for excellence for the two thousand nine--two thousand ten school year but did not fully expend all of its two thousand seven--two thousand eight foundation aid subject to the contract for excellence restrictions during the two thousand seven--two thousand eight school year may reallocate and expend such unexpended funds during the two thousand eight--two thousand nine and two thousand nine--two thousand ten school years for allowable contract for excellence programs and activities as defined in subdivision three of this section in a manner prescribed by the commissioner. For purposes of determining maintenance of effort pursuant to subparagraph (vi) of this paragraph for the two thousand eight--two thousand nine school year, funds expended pursuant to this subparagraph shall be included in the total budgeted amount approved by the commissioner in the district's contract for excellence for the two thousand seven--two thousand eight school year; provided that such amount shall not be counted more than once in determining maintenance of effort for the two thousand nine--two thousand ten school year or thereafter.

(B) Notwithstanding any other provision of this section to the contrary, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year but did not fully expend all of its two thousand nine--two thousand ten foundation aid subject to the contract for excellence restrictions during the two thousand nine--two thousand ten school year may reallocate and expend such unexpended funds during the two thousand eleven--two thousand twelve school year for allowable contract for excellence programs and activities as defined in subdivision three of this section in a manner prescribed by the commissioner; provided that such amount shall not be counted more than once in determining any maintenance of effort pursuant to this section.

b. (i) The contract shall specify the new or expanded programs for which additional amounts of such total foundation aid, or grant shall be used and shall affirm that such programs shall predominately benefit students with the greatest educational needs including, but not limited to, those students with limited English proficiency, students in poverty and students with disabilities.

(ii) In a city school district in a city having a population of one million or more inhabitants such contract shall also include a plan to reduce average class sizes, as defined by the commissioner, within five years for the following grade ranges: (A) pre-kindergarten-third grade; (B) fourth-eighth grade; and (C) high school. Such plan shall include class size reduction for low performing and overcrowded schools and also

include the methods to be used to achieve such class sizes, such as the creation or construction of more classrooms and school buildings, the placement of more than one teacher in a classroom or methods to otherwise reduce the student to teacher ratio; provided, however, that notwithstanding any law, rule or regulation to the contrary, the sole and exclusive remedy for a violation of the requirements of this paragraph shall be pursuant to a petition to the commissioner under [subdivision seven of section three hundred ten](#) of this title, and the decision of the commissioner on such petition shall be final and unreviewable.

(iii) A city school district in a city having a population of one million or more inhabitants shall prepare a report to the commissioner on the status of the implementation of its plan to reduce average class sizes pursuant to subparagraph (ii) of this paragraph. Such report shall identify all schools that received funds targeted at class size reduction efforts pursuant to the requirements of this section and provide the following information regarding such schools:

(A) the amount of contract for excellence funds received by each school and the school year in which it received such funds;

(B) a detailed description of how contract for excellence funds contributed to achieving class size reduction in each school that received such funding including specific information on the number of classrooms in each school that existed prior to receiving contract for excellence funds and the number of new classrooms that were created in each school for each year such funding was received, the number of classroom teachers that existed in each school prior to receiving contract for excellence funds and the number of new classroom teachers in each school for each year such funding was received, the student to teacher ratio in each school prior to receiving contract for excellence funds and the student to teacher ratio in each school for each year such funding was received;

(C) the actual student enrollment for the two thousand six--two thousand seven school year, the actual student enrollment for the two thousand seven--two thousand eight school year, the actual student enrollment for the two thousand eight--two thousand nine school year, and the projected student enrollment for the two thousand nine--two thousand ten school year for each school by grade level;

(D) the actual average class sizes for the two thousand six--two thousand seven school year, the actual average class sizes for the two thousand seven--two thousand eight school year, the actual average class sizes for the two thousand eight--two thousand nine school year, and the projected average class sizes for the two thousand nine--two thousand ten school year for each school by grade level; and

(E) the schools that have made insufficient progress toward achieving the class size reduction goals outlined in the approved five year class size reduction plan pursuant to subparagraph (ii) of this paragraph and a detailed description of the actions that will be taken to reduce class sizes in such schools.

Such report shall be submitted to the commissioner on or before November seventeenth, two thousand nine and shall be made available to the public by such date.

c. The contract for excellence shall state, for all funding sources, whether federal, state or local, the instructional expenditures per pupil, the special education expenditures per pupil, and the total expenditures per pupil, projected for the current year and actually incurred in the base year.

3. a. The commissioner shall adopt regulations establishing allowable programs and activities intended to improve student achievement which shall be limited to: (i) class size reduction, (ii) programs that increase student time on task, including but not limited to, academic after-school programs, (iii) teacher and principal quality initiatives, (iv) middle school and high school re-structuring, (v) expansion or replication of effective model programs for students with limited English proficiency, and (vi) full-day kindergarten or prekindergarten. Provided, however, that districts may use up to fifteen percent of the additional funding they receive for experimental programs designed to demonstrate the efficacy of other strategies to improve student achievement consistent with the intent of this section and, in school year two thousand seven--two thousand eight, up to thirty million dollars or twenty-five percent of such additional funding, whichever is less, may be used to maintain investments in programs and activities listed in this subdivision. Any such district seeking to implement an experimental program shall first submit a plan to the commissioner setting forth the need for such experimental program and how such program will improve student performance.

b. The commissioner shall assist school districts that include in their contract for excellence the implementation of incentives, developed in collaboration with teachers in the collective bargaining process, for highly qualified and experienced teachers to work in low performing schools to ensure that such incentives are effective.

4. a. A district's contract for excellence for the academic year two thousand eight--two thousand nine and thereafter, shall be developed through a public process, in consultation with parents or persons in parental relation, teachers, administrators, and any distinguished educator appointed pursuant to [section two hundred eleven-c](#) of this chapter.

b. Such process shall include at least one public hearing. In a city school district in a city of one million or more inhabitants, a public hearing shall be held within each county of such city. A transcript of the testimony presented at such public hearings shall be included when the contract for excellence is submitted to the commissioner, for review when making a determination pursuant to subdivision five of this section.

c. In a city school district in a city of one million or more inhabitants, each community district contract for excellence shall be consistent with the citywide contract for excellence and shall be submitted by the community superintendent to the community district education council for review and comment at a public meeting.

d. For the two thousand seven--two thousand eight school year, school districts shall solicit public comment on their contracts for excellence.

5. Each contract for excellence shall be subject to approval by the commissioner and his or her certification that the expenditure of additional aid or grant amounts is in accordance with subdivision two of this section.

6. The school district audit report certified to the commissioner by an independent certified public accountant, an independent accountant or the comptroller of the city of New York pursuant to [section twenty-one hundred sixteen-a](#) of this chapter shall include a certification by such accountant or comptroller in a form prescribed by the commissioner and that the increases in total foundation aid and supplemental educational improvement plan grants have been used to supplement, and not supplant funds allocated by the district in the base year for such purposes.

7. The trustees or board of education of each school district subject to this section, or the chancellor in the case of a city school district in a city of one million or more inhabitants, shall assure that procedures are in place by which parents or persons in parental relation may bring complaints concerning implementation of the district's contract for excellence.

a. In a city school district in a city of one million or more inhabitants, such procedures shall provide that complaints may be filed with the building principal with an appeal to the community superintendent, or filed directly with the community superintendent, and that any appeal of the determination of a community superintendent shall be made to the chancellor.

b. In all other districts, such procedures shall either provide for the filing of complaints with the building principals with an appeal to the superintendent of schools or for filing of the complaint directly with the superintendent of schools, and shall provide for an appeal to the trustees or board of education from the determination of the superintendent of schools.

c. The determination of the trustees or a board of education or the chancellor may be appealed to the commissioner pursuant to [section three hundred ten](#) of this title.

8. School districts subject to the provisions of this section shall publicly report the expenditure of total foundation aid in the form and manner prescribed by the commissioner which shall ensure full disclosure of the use of such funds.

9. The department shall develop a methodology for reporting school-based expenditures by all school districts subject to the provisions of this section.

#### **Education Law § 211-e. Educational partnership organizations**

1. The board of education of a school district, and the chancellor of the city school district of the city of New York, subject to the approval of the commissioner, shall be authorized to contract, for a term of up to five years, with an educational partnership organization pursuant to this section to intervene in a school designated by the commissioner as a persistently lowest-achieving school, consistent with federal requirements, or a school under registration review.

2. Notwithstanding any other provision of law, rule or regulation to the contrary, and except as otherwise provided in this section, such contract shall contain provisions authorizing the educational partnership organization to assume the powers and duties of the superintendent of schools for purposes of implementing the educational program of the school, including but not limited to, making recommendations to the board of education on budgetary decisions, staffing population decisions, student discipline decisions, decisions on curriculum and determining the daily schedule and school calendar, all of which recommendations shall be consistent with applicable collective bargaining agreements. Such contract shall include district performance expectations and/or benchmarks for school operations and academic outcomes, and failure to meet such expectations or benchmarks may be grounds for termination of the contract prior to the expiration of its term. Such contract shall also address the manner in which students will be assigned to the school, the process for employees to transfer into the school, the services that the district will provide to the school, and the manner in which the school shall apply for and receive allocational and competitive grants.

3. The board of education shall retain the ultimate decision-making authority over the hiring, evaluating, termination, disciplining, granting of tenure, assignment of employees serving in the school as well as with respect to staff development for those employees, together with authority concerning all other terms and conditions of employment, all of which decisions shall be made in a manner consistent with applicable collective bargaining agreements. However, notwithstanding any law, rule or regulation to the contrary, upon the effective date of the contract, the educational partnership organization shall be authorized to exercise all powers of a superintendent of schools with respect to such employment decisions, including but not limited to making recommendations, as applicable, to the board of education in connection with and prior to the board of education making decisions regarding staff assignments, the hiring, the granting of tenure, the evaluating, the disciplining and termination of employees, as well as concerning staff development. The employees assigned to the school shall solely be in the employ of the school district and shall retain their tenure rights and all other employment rights conferred by law, and service in the school shall constitute service to the school district for all purposes, including but not limited to, the requirements for criminal history record checks and participation in public retirement systems. Notwithstanding any other provision of law to the contrary, for purposes of article fourteen of the civil service law, employees in the school shall be public employees of the school district as defined in [subdivision seven of section two hundred one of the civil service law](#) and shall not be deemed employees of the educational partnership organization by reason of the powers granted to the educational partnership organization by this section. All such employees shall be members of the applicable negotiating unit containing like titles or positions for the public school district in which such school is located, and shall be covered by the collective bargaining agreement covering that public school district's negotiating unit, except that the duly recognized or certified collective bargaining representative for that negotiating unit may modify or supplement, in writing, the collective bargaining agreement in consultation with the employees of the negotiating unit working in the school. All such modifications of, or supplements to the collective bargaining agreement are subject to ratification by the employees employed within the school and by the board of education of the public school district, consistent with article fourteen of the civil service law. Upon the effective date of the school district's contract with the educational partnership organization, the educational partnership organization shall be empowered to make recommendations to the board of education with respect to the scope of, and process for making modifications and additions to the collective bargaining agreement.

4. Where a recommendation is made by the educational partnership organization to the board of education pursuant to subdivision two or three of this section, and such recommendation is denied, the board of education shall state its reasons for the denial, which shall include an explanation of how such denial will promote improvement of student achievement in the school and how such action is consistent with all accountability plans approved by the commissioner for the school and the school district. Nothing in this subdivision shall be construed to prevent a board of education from denying a recommendation of the educational partnership organization based upon the board of education's determination that carrying out such recommendation would result in a violation of law or violation of the terms of an applicable collective bargaining agreement. If the board of education rejects a recommendation of the educational partnership organization to terminate a probationary employee assigned to the school or to deny tenure to an employee assigned to the school, it shall be the duty of the board of education to transfer such employee to another position in the school district within such employee's tenure area for which the employee is qualified, or to create such a position.

5. For purposes of this section the following terms shall have the following meanings:

(i) “educational partnership organization” means a board of cooperative educational services, a public or independent, non-profit institution of higher education, a cultural institution, or a private, non-profit organization with a proven record of success in intervening in low-performing schools, as determined by the commissioner, provided that such term shall not include a charter school;

(ii) “board of education” means the trustees or board of education of a school district, or, in the case of a city school district of a city having a population of one million or more, the chancellor of such city district;

(iii) “school district” means a common, union free, central, central high school or city school district, other than a special act school district as defined in [section four thousand one](#) of this chapter.

(iv) “superintendent of schools” means the superintendent of schools of a school district, and, in the case of a city school district of a city having a population of one million or more, a community superintendent and the chancellor of such city district when acting in the role of a superintendent of schools.

Official Compilation of Codes, Rules and Regulations of the State of New York  
Title 8. Education  
Chapter II. Regulations of the Commissioner  
Subchapter E. Elementary and Secondary Education  
Part 100. Elementary and Secondary Education School Program

**Section 100.2. General school requirements.**

(p) *Registration of schools and school/district accountability.* Nonpublic schools may be, and public elementary, intermediate, middle, junior high, and high schools shall be, registered by the Board of Regents pursuant to this subdivision upon recommendation by the commissioner, provided that charter schools shall not be subject to registration pursuant to this subdivision, but shall be held accountable for meeting or exceeding the student performance standards and student assessment requirements applicable to other public schools in accordance with the provisions of article 56 of the Education Law. No school district may operate a public school whose registration has been revoked by the Board of Regents pursuant to paragraph (10) of this subdivision or has lapsed pursuant to paragraph (3) of this subdivision. Only those public and nonpublic high schools which are registered by the Board of Regents upon recommendation of the commissioner, may issue diplomas and administer Regents examinations, except that charter schools may issue diplomas and administer Regents examinations as authorized by article 56 of the Education Law.

(1) Definitions. As used in this subdivision:

(i) *Accountability groups* shall mean, for each public school, school district and charter school, those groups of students for each grade level or annual high school cohort, as described in paragraph (16) of this subdivision comprised of: all students; students from major racial and ethnic groups, as set forth in subparagraph (bb)(2)(v) of this section; students with disabilities, as defined in section 200.1 of this Title, including, beginning with the 2009-2010 school year, students no longer identified as students with disabilities but who had been so identified during the preceding one or two school years; students with limited English proficiency, as defined in Part 154 of this Title, including, beginning with the 2006-2007 school year, a student previously identified as a limited English proficient student during the preceding one or two school years; and economically disadvantaged students, as identified pursuant to section 1113(a)(5) of the NCLB, [20 U.S.C. section 6316\(a\)\(5\)](#) (Public Law, section 107-110, section 1113(a)(5), 115 STAT, 1469; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234). The school district accountability groups for each grade level will include all students enrolled in a public school in the district or placed out of the district for educational services by the district committee on special education or a district official.

(ii) *School district* shall mean a common, union free, central, central high school or city school district, provided that, in the case of the city school district of the City of New York, such term shall mean a community school district or New York City superintendency to the extent that such entity is the local educational agency for purposes of title I.

(iii) *Board of education* shall mean the trustees or board of education of a school district; provided that in the case of the city school district of the City of New York, such term shall mean the chancellor of the city school district acting in lieu of the board of education of such city school district to the extent authorized by article 52-A of the Education Law and, with respect community school districts and New York City superintendencies, such term shall mean the community superintendent or other superintendent of schools acting in lieu of the board of education to the extent authorized by article 52-A of the

Education Law.

(iv) *Performance index* shall be calculated based on the four student performance levels defined in this subparagraph. Each student scoring at level 1 will be credited with 0 points, each student scoring at level 2 with 100 points, and each student scoring at level 3 or 4 with 200 points. The performance index for each accountability group will be calculated by summing the points and dividing by the number of students in the group.

(v) *Performance levels* shall mean:

(a) level 1/basic:

(1) for elementary and middle grades:

(i) a score of level 1 on State assessments in English language arts, mathematics and science or a score of level 1 on a State alternate assessment;

(ii) for the 2005-2006 school year and prior school years, a score for certain limited English proficient students pursuant to subparagraph (14)(viii) of this subdivision, in lieu of the State assessment in English language arts, that shows level 1 growth on the New York State English as a Second Language Assessment Test (NYSESLAT);

(iii) for the 2004-2005 and prior school years, the score to be reported for a student with a disability who participates in the local assessment option;

(2) for high school:

(i) a score of less than 55 on the Regents comprehensive examination in English or a Regents mathematics examination or a failing score on a State-approved alternative examination for those Regents examinations;

(ii) a failing score on the Regents competency tests in reading or writing; a failing score on the Regents competency test in mathematics;

(iii) a score of level 1 on a State alternate assessment;

(iv) a cohort member who has not been tested; or

(v) for the 2004-2005 and prior school years, the score of a student with a disability who participates in the local assessment option;

(b) level 2/basic proficient:

(1) for elementary and middle grades:

(i) a score of level 2 on State assessments in English language arts, mathematics and science or a score of level 2 on a State alternate assessment;

(ii) for the 2005-2006 school year and prior school years, a score for certain limited English proficient students pursuant to subparagraph (14)(viii) of this subdivision, in lieu of the State assessment in English language arts, that shows level 2 growth on the NYSESLAT;

(2) for high school:

(i) a score between 55 and 64 on the Regents comprehensive examination in English or a Regents mathematics examination;

(ii) a passing score on the Regents competency test in reading and writing; a passing score on the Regents competency test in mathematics;

(iii) a score of level 2 on a State alternate assessment;

(c) level 3/proficient:

(1) for elementary and middle grades:

(i) a score of level 3 on State assessments in English language arts, mathematics and science or a score of level 3 on a State alternate assessment;

(ii) for the 2005-2006 school year and prior school years, a score for certain limited English proficient students pursuant to subparagraph (14)(viii) of this subdivision, in lieu of the State assessment in English language arts, that shows level 3 growth on the NYSESLAT;

(2) for high school:

(i) a score between 65 and 84 on the Regents comprehensive examination in English or a Regents mathematics examination;

(ii) a passing score on a State-approved alternative to the Regents examinations set forth in item (i) of this subclause;

(iii) a score of level 3 on a State alternate assessment; and

(d) level 4/advanced:

(1) for elementary and middle grades:

(i) a score of level 4 on required State assessments in English language arts, mathematics and science or a score of level 4 on a State alternate assessment;

(2) for high school:

(i) a score of 85 or higher on the Regents comprehensive examination in English or a Regents mathematics examination;

(ii) a score of level 4 on a State alternate assessment;

(vi) *High school equivalency literacy levels* means the level that a student tested on reading and mathematics assessments approved by the commissioner divided into the following grade levels: 0.0-1.9, 2.0-3.9, 4.0-5.9, 6.0-8.9, 9.0-10.9 and 11.0 and above.

(vii) *Alternate assessment* means a State alternate assessment recommended by the committee on special

education, for use by students with disabilities as defined in section 100.1(t)(2)(iv) of this Part in lieu of a required State assessment.

(viii) *Title I* means title I, part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA), [20 U.S.C. sections 6301-6327](#).

(ix) *Continuously enrolled* means, for grades 3-8, students whose latest date of enrollment occurred after the date prescribed by the commissioner on which BEDS forms are required to be completed and, for grades 9-12, students in the high school cohort, as defined in paragraph (16) of this subdivision.

(x) *Significant medical emergency* means an excused absence from school during both the regular and makeup examination period for which a district has documentation from a medical practitioner that a student is so incapacitated as to be unable to participate in the State assessment given during that examination period.

(xi) *For elementary and middle-level students, participation rate* means the percentage of students enrolled on all days of test administration who did not have a significant medical emergency who received valid scores on the State assessments for elementary and middle-level grades, as set forth in subparagraph (v) of this paragraph. Beginning with the 2006-2007 school year, a limited English proficient student enrolled in school in the United States (excluding Puerto Rico) for less than one year as of a date determined by the commissioner and who received a valid score on the NYSESLAT may be counted as participating in an elementary or middle level English language arts assessment.

(xii) *For high school students, participation rate* means the percentage of designated students in at least their fourth year of high school, as designated by the commissioner, who received a valid score on the required assessments for high schools, as set forth in subparagraph (v) of this paragraph.

(xiii) *NCLB* means the No Child Left Behind Act of 2001, Public Law, section 107-110.

(2) Procedure for registration of public schools.

(i) All public elementary, intermediate, middle, junior high schools, and high schools, other than charter schools, in existence on September 1, 2002 shall be deemed registered by the Board of Regents pursuant to this subdivision as of such date.

(ii) A school district that seeks to register a public elementary, intermediate, middle, junior high school or high school which is not registered pursuant to subparagraph (i) of this paragraph shall submit a petition for registration to the Board of Regents, in a form prescribed by the commissioner and containing such information as the commissioner may require, no later than June 15th for schools opening in September of the next successive school year or, for those schools opening during a current school year, at least 90 days prior the opening of such school, except that the commissioner may waive this timeline for good cause. The commissioner shall review the petition and shall recommend its approval to the Board of Regents if it is satisfactorily demonstrated that the district has provided an assurance that the school will be operated in an educationally sound manner; is in compliance with applicable statutes, rules and regulations relating to public schools; and will operate in accordance with applicable building codes and pursuant to a certificate of occupancy. No new public school will be recommended for registration by the commissioner if, in the commissioner's judgment, the establishment of such school would conflict with an approved plan for district reorganization, except where it can be established to the satisfaction of the commissioner that such school is essential to the education welfare of the students.

(a) Where a school registered pursuant to this paragraph is in a district in which one or more schools have

been designated as a school in Improvement, Corrective Action or Restructuring, the commissioner shall determine the accountability status of the newly registered school based upon his review of the proposed educational program, including but not limited to such factors as: school mission, school administration and staff, grade configurations and groupings of students, zoning patterns, curricula and instruction and facilities.

(b) In the event that a school district merges two or more schools or transfers organizational responsibility for one or more grades from one school to another, the commissioner may adjust the accountability status of the affected schools to reflect such organizational changes.

(3) All registrations approved by the Board of Regents pursuant to this subdivision shall continue in effect unless revoked by the Board of Regents upon recommendation of the commissioner after review of the registration, or the school district closes the school.

(4) System of accountability for student success. Each year, commencing with 2002-2003 school year test administration results, the commissioner shall review the performance of all public schools, charter schools and school districts in the State. For each accountability performance criterion specified in paragraph (14) and each performance indicator specified in paragraph (15) of this subdivision, the commissioner, commencing with 2002-2003 school year test administration results, shall determine whether each public school, charter school and school district has achieved adequate yearly progress as set forth in paragraph (5) of this subdivision.

(5) Adequate yearly progress.

(i) A public school, charter school or school district shall be deemed to have made adequate yearly progress on an accountability performance criterion set forth in paragraph (14) of this subdivision if each accountability group within such school or district achieved adequate yearly progress on that criterion.

(ii) In public schools, charter schools or school districts with fewer than 30 students subject to an accountability performance criterion set forth in paragraphs (14) and (15) of this subdivision, the commissioner shall use the weighted average of the current and prior school year's performance data for that criterion in order to make a determination of adequate yearly progress. No public school, charter school or school district will be held accountable for any other accountability group consisting of fewer than 30 students as long as the "all student" accountability group includes at least 30 students for that school year.

(iii) For purposes of determining adequate yearly progress, only the performance of continuously enrolled students in grades 3-8 shall be included for consideration.

(iv) An accountability group shall be deemed to have made adequate yearly progress on an accountability performance criterion specified in paragraph (14) of this subdivision if:

(a) the superintendent of the school district or the principal of the charter school has submitted the required student data files to the commissioner pursuant to paragraph (bb)(2) of this section or section 119.3(b) of this Title in the timeframe and format specified by the commissioner; and

(b) for accountability groups consisting of 40 or more students, either:

(1) the participation rate for the current year equals or exceeds 95 percent; or

(2) the weighted average of the current year and prior year participation rates equals or exceeds 95

percent;

(c) for accountability groups consisting of 30 or more students:

(1) the accountability group met or exceeded, or did not differ significantly as determined by the commissioner, from the annual measurable objective for that criterion; or

(2) the accountability group met or exceeded, or did not differ significantly as determined by the commissioner, from an annual performance target established by the commissioner and the accountability group met or exceeded the third performance indicator at that grade level, as defined in paragraph (15) of this subdivision.

(v) A public school, charter school or school district shall be deemed to have made adequate yearly progress on a performance indicator specified in paragraph (15) of this subdivision if:

(a) the superintendent of the school district or the principal of the charter school has submitted the required student data files to the commissioner pursuant to paragraph (bb)(2) of this section or section 119.3(b) of this Title in the timeframe and format specified by the commissioner; and

(b) the "all students" accountability group in the school or school district at the applicable grade levels or high school cohort met or exceeded the performance indicator and, for elementary and middle levels, and beginning in 2005-2006 for the elementary- middle level, 80 percent of students enrolled on all days of the science test administration, who did not have a significant medical emergency, received valid scores.

(vi) For each school year, public schools, school districts, and charter schools in which no students or, pursuant to subparagraph (ii) of this paragraph fewer than 30 students, participate in the required State assessments for English language arts or mathematics, or in which the majority of students are not continuously enrolled, shall conduct a self-assessment of their academic program and the school learning environment, in such format and using such criteria as may be prescribed by the commissioner. Such self-assessment shall not be required of those schools and school districts for which the commissioner shall conduct a review of the performance of the school or school district in accordance with subparagraph (viii) of this paragraph. The superintendent of the school district or principal of the charter school shall review the self-assessment(s) and make a recommendation to the commissioner, in such format and according to such timeframe as the commissioner may prescribe, as to whether the school or school district has made adequate yearly progress. The commissioner shall consider the self-assessment, board recommendation and any other relevant information in determining whether the school or school district made adequate yearly progress.

(vii) The school accountability status of public schools, school districts, and charter schools serving grades 1 and/or 2, but not grade 3 or higher, (hereafter referred to as "feeder schools") will be determined using backmapping. In school districts with such feeder schools and in school districts that accept grade 3 students from feeder schools by contract, the grade three State assessment results for each feeder school student will be attributed to the feeder school as well as to the school or charter school in which the student took the assessment. The student's results will be attributed to a feeder school only if the student was continuously enrolled in the feeder school from the date prescribed by the commissioner on which the BEDS forms are required to be completed until the end of the school year in the highest grade served by the feeder school. In a district, if all schools serving grade three make adequate yearly progress in a given year, all feeder schools served by the district will be deemed to have made adequate yearly progress. If one or more schools enrolling students from a feeder school fail to make adequate yearly progress on a criterion set forth at subparagraphs (14)(iii) and (vi) of this subdivision, the commissioner will aggregate the district's grade three results on that criterion by feeder school and determine whether

each feeder school made adequate yearly progress on that criterion. If a feeder school fails to make adequate yearly progress on the same criterion for two consecutive years, the school will be designated as a school in Improvement (year 1).

(6) Differentiated Accountability for Schools.

(i) Except as provided in subparagraph (ii) of this paragraph, beginning with the 2009-2010 school year and thereafter, public schools, and charter schools that receive funds under title I, that failed to make adequate yearly progress (AYP) pursuant to this subparagraph shall be designated into accountability phases and phase categories as follows:

(a) Accountability phases.

(1) Improvement phase.

(i) A school that fails to make AYP for two consecutive years on the same accountability performance criterion in paragraph (14) of this subdivision or the same accountability indicator in paragraph (15) of this subdivision shall be designated in the next school year as a school in Improvement (year 1) for that accountability performance criterion/accountability indicator.

(ii) A school that is designated as a school in Improvement (year 1) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified shall be designated in the next school year as a school in Improvement (year 2) for that accountability performance criterion/accountability indicator.

(2) Corrective Action phase.

(i) A school that is designated as a school in Improvement (year 2) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified as a school in Improvement (year 2) shall be designated in the next school year as a school in Corrective Action (year 1) for that accountability performance criterion/accountability indicator.

(ii) A school that is designated as a school in Corrective Action (year 1) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified shall be designated in the next school year as a school in Corrective Action (year 2) for that accountability performance criterion/accountability indicator.

(3) Restructuring phase.

(i) A school that is designated as a school in Corrective Action (year 2) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified shall be designated in the next school year as a school in Restructuring (year 1) for that accountability performance criterion/accountability indicator.

(ii) A school that is designated as a school in Restructuring (year 1) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified shall be designated in the next school year as a school in Restructuring (year 2) for that accountability performance criterion/accountability indicator.

(iii) A school that is designated as a school in Restructuring (year 2) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified shall be

designated in the next school year as a school in Restructuring (advanced) for that accountability performance criterion/accountability indicator.

(b) Phase categories.

(1) Improvement phase. Schools designated in Improvement shall be assigned to a category upon entry into the phase as follows:

(i) Basic:

(a) schools that fail to make AYP for one accountability group within one accountability performance criterion, but not the all students group; or

(b) schools that fail to make AYP for one of the accountability indicators, but met the accountability performance criterion.

(ii) Focused:

(a) schools that fail to make AYP for more than one accountability performance criterion, but not the all students group; or

(b) schools that fail to make AYP for more than one accountability student group within an accountability performance criterion, but not the all students group;

(iii) Comprehensive:

(a) schools that fail to make AYP for the all students group on any accountability performance criterion; or

(b) schools that fail to make AYP for every accountability group, except the all students group, within an accountability criterion for which there are at least two accountability groups other than the all students group; or

(c) schools that fail to make AYP for an accountability performance criterion and for an indicator.

(2) Corrective Action or Restructuring phase. Schools designated in Corrective Action or Restructuring shall be assigned to a category upon entry into the phase as follows:

(i) Focused:

(a) schools that fail to make AYP for one of the accountability indicators, but met the accountability performance criterion; or

(b) schools that fail to make AYP for more than one accountability performance criterion, but not with the all students group; or

(c) Schools that fail to make AYP for one or more accountability groups within an accountability performance criterion, but not the all students group.

(ii) Comprehensive:

(a) schools that fail to make AYP for the all students group on any accountability performance criterion;  
or

(b) schools that fail to make AYP for every accountability group, except the all students group, within an accountability performance criterion for which there are at least two accountability groups other than the all students group; or

(c) schools that fail to make AYP for an accountability performance criterion and for an accountability indicator.

(c) The commissioner shall designate a school's overall accountability status as the most advanced phase for which it has been identified on an accountability performance criterion/accountability indicator and, within that designated phase, shall assign the highest category, provided that such category may not be reduced in a subsequent year of a phase.

(d) Upon a finding of exceptional or uncontrollable circumstances, the commissioner may delay for a period of one year the designation of a school under this paragraph.

(ii) Special transition provisions for schools in operation during the 2008-2009 school year and for schools under registration review. Notwithstanding the provisions of subparagraph (i) of this paragraph:

(a) For each public school that was in operation during the 2008-2009 school year and for each charter school that was in operation and received funds under title I during the 2008-2009 school year, the commissioner shall designate the school's accountability phase and phase category for the 2009-2010 school year, based upon the school's accountability status for the 2008-2009 school year and the school's adequate yearly progress (AYP) status for the 2007-2008 and 2008-2009 school years;

(b) Notwithstanding the provisions of clause (a) of this subparagraph, a school that is identified for registration review pursuant to paragraph (9) of this subdivision during a school year in which it is designated as a school in Improvement or Corrective Action shall, in the next school year, be designated as a school in Restructuring (year 1)/Comprehensive and shall be subject to the requirements of subclause (iv)(c)(2) of this paragraph.

(iii) Removal from accountability designation. A school that makes adequate yearly progress for two consecutive years on the accountability performance criterion/accountability indicator for which it has been identified shall be removed from accountability designation for that accountability performance criterion and/or accountability indicator.

(iv) Interventions.

(a) Improvement phase schools.

(1) School quality review. Each school upon initial designation for the Improvement phase shall participate in a school quality review, to include at a minimum a self-assessment of the educational program, using quality indicators in a form and content prescribed by the commissioner. The school quality review shall focus on the accountability group(s) for each accountability performance criterion and/or accountability indicator for which the school has been identified.

(2) School improvement plan. A school improvement plan, in such format as may be prescribed by the commissioner, shall be developed based on the school quality review and cover a two year period. The plan shall:

(i) be formally approved by the board of education (in New York City, both the New York City Board of Education and the community school board for schools under the jurisdiction of the community school district) no later than three months following the designation of the school in the Improvement phase and shall be subject to the approval of the commissioner, upon request;

(ii) be implemented no later than the beginning of the next school year after the school year in which the school was identified or immediately upon approval of the board of education if such approval occurs after the first day of regular school attendance;

(iii) be updated annually and, as so updated, approved by the board of education and implemented no later than the first day of regular student attendance of each year that the school remains in improvement. If, in the second year of improvement, the school fails to make AYP with a different accountability group for which the school is subsequently designated for improvement or is subsequently designated for improvement for a different accountability performance criterion or indicator, the school shall modify the plan consistent with the highest accountability category and also address the additional group(s), criterion or indicator;

(iv) for a school designated as Improvement/Basic, the plan shall also include a description of activities and timeline for implementation. The district shall be responsible for oversight and support of the plan;

(v) for a school designated as Improvement/Focused, the plan shall, consistent with State law, also include one or more of the actions set forth in section 6316 (b)(3)(A)(i-x) of the NCLB, [20 U.S.C. section 6316\(b\)\(3\)\(A\)\(i-x\)](#) (Public Law, section 107-110, section 1116(b)(3)(A)(i-x), 115 STAT. 1480-1481; Superintendent of Documents, U.S. Government Printing Office, Washington,, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234), in accordance with a written report by the school quality review team; and

(vi) for a school designated as Improvement/Comprehensive, the plan shall, consistent with State law, also include all of the actions set forth in section 6316 (b)(3)(A)(i-x) of the NCLB, [20 U.S.C. section 6316\(b\)\(3\)\(A\)\(i-x\)](#) (Public Law, section 107-110, section 1116(b)(3)(A)(i-x), 115 STAT. 1480-1481; Superintendent of Documents, U.S. Government Printing Office, Washington,, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234), in accordance with a written report by the school quality review team. Such report may include a recommendation that the school engage the services of a content area consultant.

(3) On-site review. Except as provided in paragraph (9) of this subdivision, in addition to the school quality review and prior to the development of the school improvement plan required under clause (a) of this subparagraph:

(i) for a school designated as Improvement/Focused, the school shall be required to participate in an on-site review that shall be conducted by a school quality review team, with district representation, appointed by the commissioner. The review shall focus on the accountability group(s), accountability performance criterion and/or indicator for which the school was identified. The district shall be responsible for oversight and support of the plan;

(ii) for a school designated as Improvement/Comprehensive, the school shall be required to participate in an intensive on-site review that shall be conducted by a school quality review team, with district representation, appointed by the commissioner. The review shall focus on the systemic issues at the school that have caused the school to be designated for Improvement. The district shall be responsible for oversight and support of the plan.

(b) Corrective Action phase schools.

(1) Curriculum audit. Except as provided in paragraph (9) of this subdivision, each school, upon initial designation for the Corrective Action phase, shall participate in a curriculum audit to assess the school's educational program. The curriculum audit shall be in a form and content prescribed by the commissioner and shall focus on the accountability group(s) for each accountability performance criterion and/or accountability indicator for which the school was identified. The school shall be assisted by a school quality review team, with district representation, appointed by the commissioner.

(2) Corrective action plan. A corrective action plan, in such format as may be prescribed by the commissioner, shall be developed and cover a two-year period. The district and school quality review team shall provide oversight and support for implementation of a corrective action plan. The plan shall:

(i) be formally approved by the board of education (in New York City, both the New York City Board of Education and the community school board for schools under the jurisdiction of the community school district) no later than three months following the designation of the school in the Corrective Action phase and shall be subject to the approval of the commissioner, upon request;

(ii) be implemented no later than the beginning of the next school year after the school year in which the school was identified or immediately upon approval of the board of education if such approval occurs after the first day of regular school attendance;

(iii) be updated annually and incorporate the findings of the audit and any other action required to be taken by the district pursuant to this subclause and, as so updated, approved by the board of education and implemented no later than the first day of regular student attendance of each year that the school remains in corrective action. If, in the second year of corrective action, the school fails to make AYP with a different accountability group for which the school is subsequently designated for corrective action or is subsequently designated for corrective action on a different accountability performance criterion or indicator, the school shall modify the plan consistent with the highest accountability category and also address the additional group(s), criterion or indicator;

(iv) include, to the extent consistent with State law, at least one of the actions set forth at section 6316(b)(7)(C)(iv)(I-VI) of the NCLB, [20 U.S.C. section 6316\(b\)\(7\)\(C\)\(iv\)\(I-VI\)](#) (Public Law, section 107-110, section 1116(b)(7)(C)(iv)(I-VI), 115 STAT. 1484; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234). The district shall identify and provide the support(s) required to implement any new curriculum, including professional development;

(c) Restructuring phase schools.

(1) Assessment of educational program. Each school shall participate in an assessment of the educational program by a joint intervention team appointed by the commissioner which shall include district representation and may include a distinguished educator. The team shall assess the educational program and make recommendations.

(2) Restructuring plan. A two year restructuring plan shall be developed and implemented by the district, focusing on the subgroup(s) for the accountability performance criterion and/or accountability indicator for which the school was identified. The district shall provide oversight and support for the plan, with the assistance of the Department. Such restructuring plan shall require the school to make fundamental reforms, such as significant changes in the staff, governance, or organization and may include a plan to

close or phase out the school, and shall:

(i) be formally approved by the board of education (in New York City, both the New York City Board of Education and the community school board for schools under the jurisdiction of the community school district) no later than three months following the designation of the school in the Restructuring phase and also shall be subject to the approval of the commissioner; and

(ii) be implemented no later than the beginning of the next school year after the school year in which the school was identified or, to the extent practicable, immediately upon approval of the board of education if such approval occurs after the first day of regular school attendance.

(3) Distinguished educator. In addition to, and notwithstanding the provisions of, subclauses (1) and (2) of this clause, a school designated as Restructuring/Comprehensive shall cooperate with a distinguished educator assigned by the commissioner. The distinguished educator shall also provide oversight of the restructuring plan and shall serve as an ex-officio member of the board of education. All plans are subject to review by the distinguished educator who shall make recommendations to the board of education. The board shall implement such recommendations unless it obtains the commissioner's approval otherwise.

(d) Each improvement, corrective action and restructuring plan, and each updated plan, shall be developed, to the extent appropriate, consistent with section 100.11 of this Title.

(e) The commissioner may require that any plan, or subsequent modification of a plan, be submitted for prior approval.

(v) Supplemental education services. Each local educational agency that receives title I funds shall make supplemental education services available to eligible students who attend a school designated in Improvement, Corrective Action or Restructuring pursuant to this paragraph, consistent with section 120.4 of this Title.

(vi) Title I public school choice. Each local educational agency that receives title I funds that has a school designated in Improvement (year 2); Corrective Action; or Restructuring pursuant to this paragraph, shall provide public school choice consistent with section 120.3 of this Title.

(7) Districts requiring academic progress.

(i) Commencing with 2003-2004 school year results, a district that failed to make adequate yearly progress on all applicable criteria in paragraph (14) of this subdivision in a subject area, or all applicable indicators in subparagraphs (15)(i) through (iii) of this subdivision, or the indicator in subparagraph (15)(iv) of this subdivision, for two consecutive years shall be designated as a "district requiring academic progress." A district improvement plan in such format as may be prescribed by the commissioner shall be developed by each district requiring academic progress. Such district improvement plan shall be formally approved by the board of education (in New York City, both the New York City Board of Education and the community school board for schools under the jurisdiction of the community school district) no later than three months following the identification of the district as requiring academic progress and submitted to the commissioner for approval. The plan shall be implemented no later than beginning of the next school year after the school year in which the school district was identified as requiring academic progress or immediately, to the extent practicable, upon approval of the board, if such identification occurs after the first day of regular student attendance. Such plan shall be developed in consultation with parents, school, staff, and others. The plan shall be revised annually and resubmitted to the commissioner for approval no later than July 31st of each school year in which the district remains identified as requiring academic progress. Any modification of the district's approved improvement plan shall require

the prior approval of the commissioner.

(ii) Commencing with 2003-2004 school year results:

(a) a district identified as requiring academic progress for failing to make adequate yearly progress on all applicable criterion in paragraph (14) of this subdivision in a subject area shall be removed from such status if it makes adequate yearly progress for two consecutive years on any criterion in the subject area for which it is identified;

(b) a district identified as requiring academic progress for failing to make adequate yearly progress on every applicable indicator set forth at subparagraphs (15)(i) through (iii) of this subdivision shall be removed from such status if it makes adequate yearly progress for two consecutive years on any applicable indicators; and

(c) a district identified as requiring academic progress for failing to make adequate yearly progress on the indicator set forth at subparagraph (15)(iv) of this subdivision shall be removed from such status if it makes adequate yearly progress for two consecutive years on such indicator; provided that for a district requiring academic progress that is removed from such status based on 2002-2003 and 2003-2004 results, such district shall have made adequate yearly progress in 2002-2003 on each criterion or indicator for which it was identified.

(iii) Except as provided in subparagraph (vi) of this paragraph, a local educational agency (LEA) that received funds under title I for two consecutive years during which the LEA did not make adequate yearly progress on all applicable criteria in paragraph (14) of this subdivision in a subject area, or all applicable indicators in subparagraphs (15)(i) through (iii) of this subdivision, or the indicator in subparagraph (15)(iv) of this subdivision, shall be identified for improvement under section 1116(c) of the NCLB, [20 U.S.C. section 6316\(c\)](#) and shall be subject to the requirements therein (Public Law, section 107-110, section 1116[c], 115 STAT. 1487-1491; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234).

(iv) Except as provided in subparagraph (vi) of this paragraph, at any time following the identification of an LEA for improvement, the commissioner may further identify the local educational agency for corrective action under section 1116(c)(10) of the NCLB, [20 U.S.C. section 6316\(c\)\(10\)](#). The commissioner shall identify such LEA for corrective action if, by the end of the second full school year the LEA has failed to make adequate yearly progress. The commissioner may delay identification of an LEA for corrective action for a period of one year pursuant to section 1116(c)(10)(F) of the NCLB, [20 U.S.C. section 6316\(c\)\(10\)\(F\)](#) (Public Law, section 107-110, section 1116[c][10], 115 STAT. 1489-1491; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234).

(v) Commencing with 2003-2004 school year results, an LEA identified for improvement or corrective action that is removed from status as a district requiring academic progress pursuant to subparagraph (ii) of this paragraph shall no longer be subject to the requirements of section 1116(c) of the NCLB, [20 U.S.C. section 6316\(c\)](#) (Public Law, section 107-110, section 1116[c], 115 STAT. 1487-1491; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234).

(vi) Notwithstanding any other provision of law, an LEA subject to the provisions of subparagraphs (iii) and (iv) of this paragraph which accountability status is dependent upon the 2005-2006 assessment results for grades 3-8 and which does not receive notice of such status until after the first day of regular

attendance for the 2006-2007 school year, shall immediately commence implementation, to the extent practicable, of any plan required to be implemented pursuant to section 1116(c) of the NCLB.

(8) High performing and rapidly improving schools and districts.

(i) Commencing with 2003-2004 school year results, the commissioner shall annually identify as "high performing" public schools, school districts, and charter schools in which:

(a) the school or district meets or exceeds the benchmarks established by the commissioner pursuant to subparagraph (14)(ix) of this subdivision; and

(b) the school or district has made adequate yearly progress on all applicable criteria and indicators in paragraphs (14) and (15) of this subdivision for two consecutive years.

(ii) Commencing with 2004-2005 school year results, the commissioner shall annually identify as "rapidly improving" public schools, school districts, and charter schools in which:

(a) the school or district is below the benchmark established by the commissioner pursuant to subparagraph (14)(ix) of this subdivision;

(b) the school or district has improved its performance by an amount determined by the commissioner during the past three years on each applicable criterion in paragraph (14) of this subdivision in which it is below the benchmark established by the commissioner; and

(c) the school or district has made adequate yearly progress on all applicable criteria and indicators in paragraphs (14) and (15) of this subdivision for three consecutive years.

(iii) The commissioner may elect not to identify a school or district as high performing or rapidly improving if the school or district is held accountable for the performance of three or fewer accountability groups on each applicable criterion.

(9) Identification of schools for public school registration review.

(i) Up through and including the 2009-2010 school year, the commissioner shall place under registration review those schools that are determined to be farthest from meeting the benchmarks established by the commissioner pursuant to subparagraph (14)(ix) of this subdivision and most in need of improvement.

(ii) Beginning with the 2010-2011 school year and thereafter, the commissioner shall place under preliminary registration review a school that is identified as persistently lowest-achieving in such school year. A school identified as persistently lowest-achieving in the 2009-2010 school year, that was not a school under registration review during the 2009-2010 school year, shall not be placed under registration review but shall follow the intervention and other applicable requirements in subparagraphs (10)(ii) and (iv) of this subdivision.

(a) A school shall be identified as persistently lowest-achieving if, based upon the academic indicators set forth in clause (b) of this subparagraph, it is:

(I) A Title I school in improvement, corrective action, or restructuring that:

(i) is among the lowest-achieving five percent of Title I schools in improvement, corrective action or restructuring, or the lowest achieving five Title I schools in improvement, corrective action or

restructuring, whichever number of schools is greater; or

(ii) is a high school that has a graduation rate, as defined in section 100.2(p)(15)(iv) of this subdivision, that is less than 60 percent over the three consecutive year period for which accountability determinations have been made pursuant to this subdivision; or

(2) A secondary school that is eligible for, but does not receive, Title I funds that:

(i) is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, Title I funds, whichever number of schools is greater; or

(ii) is a high school that has a graduation rate, as defined in section 100.2(p)(15)(iv) of this subdivision, that is less than 60 percent over the three consecutive year period for which accountability determinations have been made.

(b) A school shall be identified as persistently lowest-achieving based on the following academic indicators:

(1) the performance of the school's "all students" group on the State assessments in English language arts and mathematics combined, which shall be determined by dividing the sum of the "all students" performance index for each English language arts and mathematics measure for which the school is accountable by the number of measures for which the school is accountable; and

(2) the school's lack of progress on the State assessments in English language arts and mathematics over three years. A school shall be deemed to have demonstrated lack of progress if:

(i) the school is designated as a school in restructuring; and

(ii) the school has failed to demonstrate, over the three consecutive year period for which accountability determinations have been made pursuant to this subdivision, at least a twenty-five point gain in its performance index for the "all students" group in each English language arts and mathematics measure for which the school is held accountable; and/or

(3) the school has a graduation rate, as defined in section 100.2(p)(15)(iv) of this subdivision, that is less than 60 percent over the three consecutive year period for which accountability determinations have been made pursuant to this subdivision.

(iii) The commissioner shall also place under preliminary registration review a school that is not otherwise eligible to be identified as persistently lowest-achieving that meets the academic indicators in clause (ii)(b) of this paragraph to be identified as a persistently lowest-achieving school; and

(a) is a school in which more than fifty percent of the total student enrollment consists of students with disabilities; or

(b) is a non-Title I elementary school or a non-Title I eligible secondary school.

(iv) The commissioner may also place under preliminary registration review any school that has conditions that threaten the health, safety and/or educational welfare of students or has been the subject of persistent complaints to the department by parents or persons in parental relation to the student, and has been identified by the commissioner as a poor learning environment based upon a combination of factors

affecting student learning, including but not limited to: high rates of student absenteeism, high levels of school violence, excessive rates of student suspensions, violation of applicable building health and safety standards, high rates of teacher and administrator turnover, excessive rates of referral of students to or participation in special education or excessive rates of participation of students with disabilities in the alternate assessment, excessive transfers of students to alternative high school and high school equivalency programs and excessive use of uncertified teachers or teachers in subject areas other than those for which they possess certification.

(v) The commissioner may also place under registration review any school for which a district fails to provide in a timely manner the student performance data required by the commissioner to conduct the annual assessment of the school's performance or any school in which excessive percentages of students fail to fully participate in the State assessment program.

(vi) Beginning in the 2010-2011 school year, for each school identified for preliminary registration review pursuant to subparagraphs (ii) and (iii) of this paragraph, the local school district shall be given the opportunity to present to the commissioner additional assessment data, which may include, but need not be limited to, valid and reliable measures of: the performance of students in grades other than those in which the State tests are administered; the performance of limited English proficient students and/or other students with special needs; and the progress that specific grades have made or that cohorts of students in the school have made towards demonstrating higher student performance. For each school identified as a poor learning environment and placed under preliminary registration review pursuant to subparagraph (iv) of this paragraph, the district shall be given the opportunity to present evidence to the commissioner that the conditions in the school do not threaten the health or safety or educational welfare of students and do not adversely affect student performance. The district may also provide relevant information concerning extraordinary, temporary circumstances faced by the school that may have affected the performance of students in the school on the State tests.

(vii) The commissioner shall review the additional information provided by the district and determine which of the schools identified for preliminary registration review pursuant to subparagraphs (ii) and (iii) of this paragraph, or identified as poor learning environments pursuant to subparagraph (iv) of this paragraph, shall be placed under registration review.

(viii) In determining the number of schools to place under registration review, other than persistently lowest-achieving schools identified pursuant to subparagraph (ii) of this paragraph, the commissioner may consider the sufficiency of State and local resources to effectively implement and monitor school improvement efforts in schools under registration review.

(ix) For schools required to conduct a self-assessment pursuant to subparagraph (5)(vi) of this subdivision, the commissioner upon review of the self-assessment may make a determination that the school shall be placed under registration review.

(10) Public school registration review.

(i) Upon placing the registration of a school under review, the commissioner shall warn the board of education (in New York City, the chancellor) that the school has been placed under registration review, and that the school is at risk of having its registration revoked. The commissioner shall include in any warning issued pursuant to this subparagraph an explicit delineation of the progress that must be demonstrated in order for a school to be removed from consideration for revocation of registration. Upon receipt of such warning, the board of education (in New York City, the chancellor or chancellor's designee) shall take appropriate action to notify the general public of the issuance of such warning. Such action shall include, but need not be limited to, direct notification, within 30 days of receipt of the

commissioner's warning, in English and translated, when appropriate, into the recipient's native language or mode of communication, to persons in parental relation of children attending the school that it has been placed under registration review and is at risk of having its registration revoked, and disclosure by the district at the next public meeting of the local board of education of such warning. Each school year during which a school remains under registration review, by June 30th or at the time of a student's initial application or admission to the school, whichever is earliest, the board of education shall provide direct notification to parents or other persons in parental relation to children attending the school that the school remains under registration review and is at risk of having its registration revoked. Such notification shall include a summary of the actions that the district and school are taking to improve student results and an explanation of any district programs of choice, magnet programs, transfer policies, or other options that a parent or a person in parental relation may have to place the child in a different public school within

the district. Such notification shall include the timelines and process for parents exercising their rights to school choice.

(ii) Following the placement of a school under registration review, or following the identification of a school as persistently lowest-achieving in the 2009-2010 school year, a joint intervention team, as appointed by the commissioner, shall assist the school district in which such school is located in selecting an intervention pursuant to subparagraph (iv) of this paragraph. The district shall develop a new restructuring plan, or update an existing restructuring plan, that shall, in addition to the requirements pursuant to subclause (6)(iv)(c)(2), describe the implementation of the intervention. Such plan shall be in a format as prescribed by the commissioner. The district shall update the plan annually for implementation no later than the first day of the regular student attendance of each school year that the designation continues. The school shall implement the intervention in accordance with a timeline prescribed by the commissioner, and no later than the beginning of the next school year following the school's identification for registration review, provided that the commissioner may upon a finding of good cause extend the timeline for implementing elements of such plan beyond the date prescribed therein.

(iii) Schools placed under registration review pursuant to subparagraph (9)(i) of this subdivision, but not identified pursuant to subparagraph (9)(ii) of this subdivision as persistently lowest-achieving prior to the 2010-2011 school year, shall continue implementation of the existing restructuring plan.

(iv) Interventions.

(a) A school that is identified pursuant to subparagraph (9)(ii) of this subdivision as persistently lowest-achieving in the 2010-2011 school year or thereafter and placed under registration review, and a school that is identified pursuant to subparagraph (9)(ii) as persistently lowest-achieving in the 2009-2010 school year, shall implement one of the following interventions, in a format and timeline as approved by the commissioner:

(1) Turnaround model. Implementation of the turnaround model may include, but not be limited to, the following actions as approved by the commissioner:

(i) Replace the principal and grant the principal sufficient operational flexibility (including in staffing, calendars/time, and budgeting) to implement fully a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates;

(ii) Using locally adopted competencies to measure the effectiveness of staff that shall work within the turnaround environment to meet the needs of students:

(A) screen all existing staff and rehire no more than fifty percent; and

(B) select new staff;

(iii) Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that shall be designed to recruit, place, and retain staff with the skills necessary to meet the needs of students in the turnaround school;

(iv) Provide staff ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed with school staff to ensure that they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;

(v) Adopt a new governance structure, which may include, but is not limited to, requiring the school to report to a new "turnaround office" in the LEA or SEA, hire a "turnaround leader" who reports directly to the Superintendent or Chief Academic Officer, or enter into a multi-year contract with the LEA or SEA to obtain added flexibility in exchange for greater accountability;

(vi) Use data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with State academic standards;

(vii) Promote the continuous use of student data (such as from formative, interim, and summative assessments) that shall inform and differentiate instruction in order to meet the academic needs of individual students;

(viii) Establish schedules and implement strategies that shall provide increased learning time, as defined by the commissioner; and

(ix) Provide appropriate social-emotional and community-oriented services and supports for students.

(2) Restart model. Implementation of the restart model may include, but is not limited to, converting a school or closing and reopening a school under a charter school operator, a charter management organization, or an educational partnership organization that has been selected pursuant to a format approved by the commissioner.

(3) School closure model. Implementation of the school closure model may include, but is not limited to, closing a school and enrolling its students in other schools within the district that are in good standing.

(4) Transformation model. Implementation of the transformation model may include, but is not limited to, the following actions as approved by the commissioner; in addition, the school shall be encouraged to partner with an external intermediary or "lead partner" that may assist the school with planning and implementation:

(i) develop and increase teacher and school leader effectiveness;

(ii) replace the principal who led the school prior to commencement of the transformation model;

(iii) use rigorous, transparent, and equitable evaluation systems for teachers and principals that:

(A) take into account data on student growth as a significant factor as well as other factors, such as multiple observation-based assessments of performance and ongoing collections of professional practice reflective of student achievement and increased high school graduation rates; and

(B) are designed and developed with teacher and principal involvement;

(iv) identify and reward school leaders, teachers, and other staff who, through implementation of the transformation model, have increased student achievement and high school graduation rates, per rates defined by the commissioner; and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so;

(v) provide staff ongoing, high-quality job-embedded professional development (e.g. regarding subject-specific pedagogy, instruction that reflects a deeper understanding of the community served by the school or differentiated instruction) that is aligned with the school's comprehensive instructional program and designed with school staff to ensure they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;

(vi) implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that shall be designed to recruit, place and retain staff with the skills necessary to meet the needs of the students in a transformation school;

(vii) use data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with State academic standards; and

(viii) promote the continuous use of student data (such as from formative, interim and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students

(ix) establish schedules and strategies that provide increased learning time;

(x) provide ongoing mechanisms for family and community engagement;

(xi) give the school sufficient operational flexibility (such as staffing, calendars/time, and budgeting) to implement fully a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates; and

(xii) ensure that the school receives ongoing, intensive technical assistance and related support for the LEA, the SEA or a designated external lead partner organization.

(b) A school as described in subparagraph (9)(iii) of this subdivision that is placed under registration review in the 2010-2011 school year or thereafter, shall implement a plan, in a format and timeline as approved by the commissioner, that shall, at a minimum, meet the requirements of a restructuring plan pursuant to subclause (6)(iv)(c)(2) of this subdivision and include at least one of the actions of a transformation or turnaround model.

(v) The department shall periodically monitor the implementation of the restructuring plan. The commissioner may require a school district to submit such reports and data as the commissioner deems necessary to monitor the implementation of the restructuring plan and to determine the degree to which the school has achieved the progress required by the commissioner. Such reports shall be in a format and in accordance with such timeframe as are prescribed by the commissioner. The commissioner may upon a finding of good cause extend the deadline for submission of a restructuring plan.

(vi) Unless it is determined by the commissioner that a school identified for registration review should be phased out or closed, or that a shorter period of time shall be granted, a school placed under registration

review shall be given three full academic years to show progress. If, after three full academic years of implementing a restructuring plan, the school has not demonstrated progress as delineated by the commissioner in the warning pursuant to subparagraph (i) of this paragraph, the commissioner shall recommend to the Board of Regents that the registration be revoked and the school be declared an unsound educational environment, except that the commissioner may upon a finding of extenuating circumstances extend the period during which the school must demonstrate progress. The board of education of the school district which operates the school (in New York City, the chancellor) shall be afforded notice of such recommendation and an opportunity to be heard in accordance with subparagraph (iv) of this paragraph. Upon approval of revocation of registration by the Board of Regents, the commissioner will develop a plan to ensure that the educational welfare of the pupils of the school is protected. Such plan shall specify the instructional program into which pupils who had attended the school will be placed, how their participation in the specified programs will be funded, and the measures that will be taken to ensure that the selected placements appropriately meet the educational needs of the pupils. The commissioner shall require the board of education to implement such plan.

(vii) Decisions to revoke the registration of a public school shall be made in accordance with the following procedures:

(a) The commissioner shall provide written notice of his recommendation and the reasons therefore to the board of education, which operates the school (in New York City, both the New York City Board of Education and any community school board having jurisdiction over the school). Such notice shall also set forth:

(1) the board of education's right to submit a response to the recommendation and request oral argument pursuant to clause (b) of this subparagraph;

(2) the place, date and time the matter will be reviewed and if requested, argument heard by a three-member panel of the Board of Regents for recommendation to the full Board of Regents; and

(3) notification that failure to submit a response will result in the commissioner's recommendation being submitted to the Board of Regents for determination.

(b) Within 15 days of receiving notice of the recommendation to revoke registration, the board of education may submit a written response to the commissioner's recommendation. The response shall be in the form of a written statement which presents the board of education's position, all evidence and information which the board of education believes is pertinent to the case, and legal argument. If the board of education desires, it may include in its response a request for oral argument. Such response must be filed with the Office of Counsel, New York State Education Department, State Education Building, Albany, NY 12234.

(c) Within 30 days of the date of notice of the commissioner's recommendation, a panel comprised of three members of the Board of Regents, appointed by the chancellor, shall convene to consider the commissioner's recommendation, review any written response submitted by the board of education and, if timely requested by the board of education, hear oral argument.

(11) Removal of schools from registration review, school phase-out or closure.

(i) In the event that a school has demonstrated the progress necessary to be removed from registration review, the superintendent may petition the commissioner to remove the school from registration review. If such petition is based upon results of the "all student" group on the English language arts and mathematics assessments or graduation rate, such petition shall be submitted pursuant to a date prescribed

by the commissioner but no later than December 31st of the calendar year in which such assessments were administered, except that the commissioner may for good cause accept a petition submitted after such date. A school shall not be removed from registration review if, in the commissioner's judgment, conditions that may contribute to a poor learning environment, as identified in paragraph (9) of this subdivision, remain present in the school.

(ii) In the event that a school placed under registration review prior to the 2010-2011 school year demonstrates previously established progress to be removed from registration review, but is identified in the 2010-2011 school year as persistently lowest-achieving pursuant to subparagraph (9)(ii) of this subdivision, the school shall remain under registration review and shall follow intervention requirements pursuant to subparagraph (10)(iv) of this subdivision.

(iii) In the event that a school placed under registration review prior to the 2010-2011 school year demonstrates previously established progress to be removed from registration review and is not identified in the 2010-2011 school year as persistently lowest-achieving pursuant to subparagraph (9)(ii) of this subdivision, the school shall be removed from registration review.

(iv) In the event that a board of education seeks to phase out or close a school under registration review, the board of education (in New York City, the chancellor or chancellor's designee) shall submit for commissioner's approval, a plan identifying the intervention that will be implemented and will result in phase out or closure. The commissioner may grant approval of such plan provided that:

(a) official resolutions or other approvals to phase out or close the existing school have been adopted by the local board of education (in New York City, the chancellor or chancellor's designee);

(b) a formal phase out or closure plan has been developed and approved in accordance with the requirements of the intervention prescribed by the commissioner pursuant to subparagraph (10)(iv) of this subdivision; and

(c) parents, teachers, administrators, and community members have been provided an opportunity to participate in the development of the phase out or closure plan.

(12) Registered nonpublic high school registration review.

(i) The registration of a registered nonpublic high school shall be placed under review under the following circumstances:

(a) when the school scores below the registration review criterion on one (or more) of the measures adopted by the Board of Regents, and the student achievement on such measures or other appropriate indicators has not shown improvement over the preceding three school years, as determined by the commissioner; or

(b) when sufficient other reason exists, as determined by the commissioner, to warrant a review of the school's registration.

(ii) On an ongoing basis consistent with clauses (i)(a) and (b) of this paragraph, and after consultation with the appropriate nonpublic school officials, the commissioner shall identify the nonpublic high schools whose registration shall be placed under review. When a nonpublic high school is identified for registration review, the commissioner shall offer technical assistance to the school in the development of a school improvement plan. The commissioner shall require that:

(a) the nonpublic school develop a school improvement plan which will address the areas in which the school has been determined to be in need of assistance;

(b) the school improvement plan be submitted to the department no later than June 30th of the school year in which the commissioner required such a plan; and

(c) the school improvement plan be implemented no later than the first week of classes in the September next following the close of the school year in which the plan was approved by the commissioner.

(iii) If, after a time period established by the commissioner in consultation with the appropriate nonpublic school officials, the nonpublic high school under registration review has not demonstrated progress on the registration criteria in question, the commissioner shall formally notify the appropriate nonpublic school officials that the school is at risk of having its registration revoked. Upon receipt of such warning, the nonpublic school officials shall notify the parents of children attending the school under registration review of the issuance of such warning.

(iv) If, after a further time period established by the commissioner in consultation with the appropriate nonpublic school officials, the nonpublic high school under registration review has not demonstrated progress as determined by the commissioner, the commissioner shall recommend to the Board of Regents that the registration be revoked. The governing body and the chief administrative officer of the nonpublic school shall be afforded notice of such recommendation and an opportunity to be heard in accordance with the procedures set forth in subparagraph (10)(viii) of this subdivision, except that such procedure shall be afforded to the governing body and chief administrative officer of the nonpublic school. Upon approval of revocation of registration by the Board of Regents, the commissioner in consultation with the appropriate nonpublic school officials will develop a plan to ensure that the educational welfare of the pupils of the school is protected.

(13) Nonpublic school accountability performance criteria.

(i) The registration of a registered nonpublic school may be placed under registration review when its students score below the following criteria on the measures of student achievement specified below:

Measure	Criteria
Pupil Evaluation Program (PEP) Tests	
Grade 3 Reading	65 percent above statewide reference point (SRP)
Grade 3 Mathematics	75 percent above statewide reference point (SRP)
Grade 6 Reading	65 percent above statewide reference point (SRP)
Grade 6 Mathematics	70 percent above statewide reference point (SRP)
Preliminary competency testing requirements, Grade 8 or 9	
Grade 8 Reading	85 percent above statewide reference point (SRP)
Grade 9 Reading	84 percent above statewide reference point (SRP)
Regents competency testing requirements	
Reading	25 percent Failure rate
Writing	25 percent Failure rate

Mathematics	40 percent Failure rate
Dropout Rate	10 percent or higher

(14) Public school, school district and charter school accountability performance criteria. Each district and school accountability group, as defined in subparagraph (1)(i) of this subdivision shall be subject to the performance criteria specified below:

(i) Elementary level English language arts. Annual measurable objectives, based on a performance index, set at 123 in 2002-03 and 2003-04 and 131 in 2004-2005.

(ii) Middle level English language arts. Annual measurable objectives, based on a performance index, set at 107 in 2002-03 and 2003-04 and 116 in 2004-2005.

(iii) Elementary-middle level English language arts. Annual measurable objectives, based on a performance index, set by the commissioner in 2005-2006 and, beginning in 2008-2009, increasing annually in equal increments through 2009-2010 and then reset at 122 in 2010-2011 and increasing annually in equal increments so as to reach 200 in 2013-2014.

(iv) Elementary level mathematics. Annual measurable objectives, based on a performance index, set at 136 in 2002-03 and 2003-04 and 142 in 2004-2005.

(v) Middle level mathematics. Annual measurable objectives, based on a performance index, set at 81 in 2002-03 and 2003-04 and 93 in 2004-2005.

(vi) Elementary-middle level mathematics. Annual measurable objectives, based on a performance index, set by the commissioner in 2005-2006 and, beginning in 2008-2009, increasing annually in equal increments through 2009-2010 and then reset at 137 in 2010-2011 and increasing annually in equal increments so as to reach 200 in 2013-2014.

(vii) High school English language arts and mathematics requirements. Annual measurable objectives, based on the performance index of the high school cohort defined in paragraph (16) of this subdivision, set at 142 in English language arts and 132 in mathematics in 2002-03 and 2003-04, and incremented annually thereafter as necessary so that in 2013-2014 the index shall be 200.

(viii) For the 2002-2003 through the 2005-2006 school year test administrations, for purposes of the commissioner's annual evaluation of public schools, public school districts, and charter schools, the following limited English proficient students may be considered to be meeting performance criteria in elementary or middle-level English language arts if they demonstrate a specified increment of progress on the New York State English as a Second Language Achievement Test (NYSESLAT) for their grade level. For limited English proficient students who have attended school in the United States (not including Puerto Rico) for fewer than three consecutive years, districts and charter schools may administer the NYSESLAT to such students in lieu of the required State assessment in English language arts. Districts or charter schools may, on an individual basis, annually determine to administer the NYSESLAT in lieu of the required assessment in English language arts to limited English proficient students who have attended school in the United States (not including Puerto Rico) for four or five consecutive school years. No exemption is available beyond the student's fifth year and the student must take the required English language arts assessment.

(ix) For each criterion (subparagraphs [i] through [vii] of this paragraph), the commissioner shall also establish a benchmark against which the performance of the accountability group, *all students*, defined in subparagraph (1)(i) of this subdivision, will be measured. This benchmark will be used in recognizing

high-performing schools and districts, determining which school districts are required to develop local assistance plans as described in paragraph (m)(6) of this section and for identifying those schools that are subject to registration review pursuant to paragraph (9) of this subdivision.

(15) Additional public school, school district, and charter school accountability indicators.

(i) Elementary science indicator: For the 2002-2003 through 2004-2005 school years:

(a) an index of 100 that may be incremented annually, as the commissioner deems appropriate, or progress in relation to performance in the previous school year; and

(b) beginning in 2004-05, 80 percent of students enrolled on all days of the test administration, who did not have a significant medical emergency, received valid scores.

(ii) Middle-level science indicator: For the 2002-2003 through 2004-2005 school years:

(a) an index of 100 that may be incremented annually, as the commissioner deems appropriate, or progress in relation to performance in the previous year; and

(b) beginning in 2004-05, 80 percent of students enrolled on all days of the test administration, who did not have a significant medical emergency, received valid scores.

(iii) Elementary-middle science combined indicator: For the 2005-2006 school year and thereafter:

(a) an index of 100 that may be incremented annually, as the commissioner deems appropriate, or progress in relation to performance in the previous year; and

(b) 80 percent of students enrolled on all days of the test administration, who did not have a significant medical emergency, received valid scores.

(iv) A high school graduation rate established annually by the commissioner, or progress in relation to the previous school year's graduation rate. The graduation rate is the percentage of the annual graduation rate cohort that earns a local or Regents diploma by August 31st following the third school year after the school year in which the cohort first entered grade 9, except that in a school in which the majority of students participate in a department-approved, five-year program that results in certification in a career or technology field in addition to a high school diploma, the graduation rate shall be the percentage of the annual graduation rate cohort that earns a local diploma by August 31st following the fourth school year after the school year in which the cohort first entered grade 9.

(16) Annual high school or high school alternative cohort.

(i) Beginning in the 2005-2006 school year, except as provided in clauses (a) and (b) of this subparagraph, the annual high school cohort for purposes of determining adequate yearly progress on the criteria set forth at subparagraph (14)(vii) of this subdivision and identifying schools for registration review pursuant to paragraph (9) of this subdivision for any given school year shall consist of those students who first enrolled in ninth grade three school years previously anywhere and who were enrolled in the school on the first Wednesday in October of the current school year. The annual district high school cohort for purposes of determining such adequate yearly progress for any given school year shall consist of those students who first enrolled in ninth grade three school years previously anywhere and who were enrolled in the district or placed by the district committee on special education or by district officials in educational programs outside the district on the first Wednesday in October of the current school year.

Students with disabilities in ungraded programs shall be included in the annual district and high school cohort in the third school year following the one in which they attained the age of 17.

(a) The following students shall not be included in the annual high school cohort: students who transferred to another high school or approved alternative high school equivalency preparation program or high school equivalency preparation program approved pursuant to section 100.7 of this Part, or criminal justice facility, who left the United States or its territories, or who are deceased; except that, beginning with students who first entered grade 9 in the 2002-03 school year, the following students will be included in the high school cohort of the school they attended before transferring:

(1) students who transfer to an approved alternative high school equivalency preparation program or high school equivalency preparation program approved pursuant to section 100.7 of this Part, but leave that program before the end of the third school year after the school year in which they first entered grade 9 without having earned a high school equivalency diploma or without entering a program leading to a high school diploma; and

(2) students who transfer to any high school equivalency preparation program other than those approved pursuant to section 100.7 of this Part.

(b) The following students shall not be included in the annual district high school cohort: student who transferred to a high school that is not a component of the district or to an approved alternative high school equivalency preparation program or high school equivalency preparation program approved pursuant to section 100.7 of this Part, or criminal justice facility, who left the United States or its territories, or who are deceased; except that, beginning with students who first entered grade 9 in the 2002-03 school year, the following students will be included in the high school cohort of the district they attended before transferring:

(1) students who transfer to an approved alternative high school equivalency preparation program or high school equivalency preparation program approved pursuant to section 100.7 of this Part, but leave that program before the end of the third school year after the school year in which they first entered grade 9 without having earned a high school equivalency diploma or without entering a program leading to a high school diploma; and

(2) students who transfer to any high school equivalency preparation program other than those approved pursuant to section 100.7 of this Part.

(ii)

(a) For purposes of determining adequate yearly progress on the indicator set forth at subparagraph (15)(iv) of this subdivision, the graduation rate cohort for each public school, school district, and charter school for each school year from 2002-03 through 2006-2007 shall consist of all members of the school or district high school cohort, as defined in subparagraph (i) of this paragraph, for the previous school year plus any students excluded from that cohort solely because they transferred to an approved alternative high school equivalency or high school equivalency preparation program.

(b) Commencing with the 2007-08 school year, for purposes of determining adequate yearly progress on the indicator set forth at subparagraph (15)(iv) of this subdivision:

(1) the graduation rate cohort for each public school and charter school shall consist of those students who first enrolled in grade 9 anywhere three school years previously or, if an ungraded student with a disability, first attained the age of 17 three school years previously, and who have spent at least five

consecutive months, not including July and August, in the school since first entering grade 9 and whose last enrollment in the school did not end because of transfer to another school, death, court-ordered transfer, or leaving the United States.

(2) the graduation rate cohort for each public school district shall consist of those students who first enrolled in grade 9 anywhere three school years previously or, if an ungraded student with a disability, first attained the age of 17 three school years previously, and who have spent at least five consecutive months, not including July and August, in the district since first entering grade 9 and whose last enrollment in the district did not end because of transfer to another district, death, court-ordered transfer, or leaving the United States.

(iii) The high school alternative cohort in any given year shall consist of those students enrolled in the high school on the first Wednesday of October three years previously who were still enrolled in the school on the first Wednesday of October two years previously. Schools in which more than half the students enrolled have previously been enrolled in another high school or in which more than half the enrollment is receiving special education services may voluntarily submit to the commissioner information on the performance of an alternative high school cohort.

(17) Identification of programs for high school equivalency program review.

(i) Each year, commencing with 2002-03 school year test administration results, the commissioner shall review the performance of all alternative high school equivalency programs and high school equivalency programs for high school equivalency program review.

(ii) The commissioner shall identify those programs that have the lowest percentage of students meeting the following criteria:

(a) students under the age of 21 who complete 150 hours of instruction who receive a high school equivalency diploma if the student upon entering the program is assessed on an instrument approved by the commissioner to have a reading and mathematics level at or above grade nine;

(b) students under the age of 21 who complete 150 hours of instruction who receive a high school equivalency diploma or advance one high school equivalency literacy level in reading or mathematics if the student upon entering the program is assessed on an instrument approved by the commissioner to have a reading or mathematics level below grade nine; and

(c) students under the age of 21 who complete fewer than 150 hours of instruction who receive a high school equivalency diploma or continue in the program during the subsequent school year.

(iii) In programs in which fewer than 20 students are subject to the criteria in subparagraph (ii) of this paragraph, the commissioner may review prior years' performance of the program in order to make a determination whether the program shall be considered farthest from meeting the criteria. In calculating the performance of a program, the commissioner may exclude from consideration students who complete fewer than 12 hours of instruction.

(iv) The commissioner may also place under high school equivalency program review any program for which a district or board of cooperative educational services fails to provide in a timely manner the student's performance data required by the commissioner to conduct the annual assessment of the high school equivalency program.

(v) For each high school equivalency program identified as having the lowest percentage of students

meeting the high school equivalency performance criteria, the local school district or board of cooperative educational services shall be given the opportunity to present to the commissioner additional information.

(vi) The commissioner shall review the available data, including additional information provided by the district or board of cooperative educational services and determine which of the high school equivalency programs identified as having the lowest percentage of students meeting the criteria of high school equivalency performance established by the commissioner, are most in need of improvement and shall be placed under high school equivalency program review.

(18) High school equivalency program approval review.

(i) Upon placing a high school equivalency program under high school equivalency program review, the commissioner shall notify the district or board of cooperative educational services that the high school equivalency program has been identified for high school equivalency program review, and that the program may not receive approval for continued operation. The commissioner shall include in any notification issued pursuant to this subparagraph an explicit delineation of the progress that must be demonstrated in order for the high school equivalency program to be removed from program review status. Upon receipt of such notification, the district or board of cooperative educational services shall take appropriate action to notify the general public of the issuance of such warning. Such action shall include, but need not be limited to, direct notification, within 30 days of receipt of the commissioner's warning, in English and translated, when appropriate, into the recipient's native language or mode of communication, to persons in parental relation of children attending the program that it has been placed under high school equivalency program review and is at risk of not receiving an approval for program continuance, and disclosure of such warning by the district, or board of cooperative educational services at its next public meeting. By June 30th of each school year during which a program remains under high school equivalency program review, or at the time of a student's initial application or admission to the program, whichever is earliest, the district or board of cooperative educational services shall provide direct notification to parents or other persons in parental relation to children attending the high school equivalency program that the program remains under high school equivalency program review and is at risk of not receiving continuance approval. Such notification shall include a summary of the actions that the district or board of cooperative educational

services are taking to improve student results.

(ii) Following the identification of a high school equivalency program for high school equivalency program review the commissioner shall require that a corrective action plan be developed by the district superintendent of the board of cooperative educational services or superintendent of the district and submitted to the commissioner for review and approval; such corrective action plan shall be in a format prescribed by the commissioner and shall be submitted to the commissioner according to the timeframes established by the commissioner. The department shall periodically monitor the implementation of the corrective action plan. The commissioner may require a school district or board of cooperative educational services to submit such reports and data as the commissioner deems necessary to monitor the implementation of the corrective action plan.

(iii) Unless it is determined by the commissioner that a shorter period of time shall be granted, a high school equivalency program placed under high school equivalency program review shall be given two full academic years to show progress. If, after this period of time, the high school equivalency program under high school equivalency program review has not demonstrated progress as delineated by the commissioner in the notification pursuant to subparagraph (i) of this paragraph, the commissioner shall render a decision not to approve subsequent applications from the district or board of cooperative educational services for the operation of the high school equivalency program, except that the

commissioner may upon a finding of extenuating circumstances extend the period during which the high school equivalency program must demonstrate progress.

(19) Removal of high school equivalency programs from high school equivalency program review.

(i) In the event that a high school equivalency program has demonstrated the progress necessary to be removed from high school equivalency program review, the commissioner shall make such determination and notify the school district or board of cooperative educational services of the decision.

(ii) A district or board of cooperative educational services that has been denied approval to operate a high school equivalency program may after a period of one year submit a new application. The application shall be in a format approved by the commissioner and must ensure that:

(a) the school's chief administrative officer has designated a staff member to provide leadership to the program;

(b) the class size does not exceed 15 students for the first year of program;

(c) quarterly progress reports will be submitted for the first year;

(d) a minimum of 20 hours of staff development will be offered to all teachers and administrators involved with the program; and

(e) such other information as required by the commissioner.

## **New York State Student Growth Percentile Methodology**

### **-A Technical Overview and Impact**

#### **Introduction**

To develop a new-generation accountability system that incorporates student academic growth, the New York State Education Department (NYSED) adopted the student growth percentile (SGP) methodology (Betebenner, 2008, 2009, 2011) to measure student growth and make determinations about whether non-proficient students have made sufficient growth to be on track to proficiency in 3 years or by grade 8, whichever comes first. This paper provides an overview of student growth percentiles and percentile growth trajectories methodology as they are applied in New York State in the text of the Grades 3-8 testing program, and summarizes the SGP and percentile trajectory results and the impact they have on the accountability system.

SGP expresses student growth in a normative sense in that it describes how (a)typical a student's growth is by examining his/her current achievement relative to his/her academic peers - those students beginning at the same place. That is, a student growth percentile examines the current achievement of a student relative to that of other students who have, in the past, "walked the same academic path" (Betebenner, 2011). For example, if a student scores 670 on the 2010 test and scores 700 on the 2011 test, and the score of 700 normatively places the student at the 75<sup>th</sup> percentile in the 2011 conditional score distribution among students who started with the same score of 670 in 2010, the student gets an SGP of 75, which means the student's progress met or exceeded that of approximately 75 percent of the students who started from the same place. This methodology works well with the New York State Grades 3-8 testing program because the Grades 3-8 tests are not vertically scaled.

#### **Student Growth Percentile Estimation**

In New York State SGP calculation, up to three years of prior achievement data were used. Calculation of a student's growth percentile is performed using R, a language and environment for statistical computing with an SGP package (Betebenner & VanIwaarden, 2012). SGP calculation is based upon estimating the conditional density associated with a student's current achievement score using the student's prior achievement history. By examining a student's current achievement with regard to the conditional density, the student's growth percentile normatively situates the student's outcome in the current year, taking into account the student's prior achievement. The percentile result reflects the likelihood of such an outcome, given the student's prior achievement (Betebenner, 2011).

Quantile regression is used to establish curvi-linear functional relationships between the cohort's prior scores and the cohort's current scores. Whereas linear regression methods model the conditional mean of a response variable  $Y$ , quantile regression is more generally concerned with the estimation of the family of conditional quantiles of  $Y$ . The techniques are ideally suited for estimation of the family of conditional quantile functions (i.e. reference percentile curves). Using quantile regression, the conditional density associated with each student's prior scores is derived and used to situate the student's most recent score (Betebenner, 2011). Specifically, for each grade by subject cohort, quantile

regression is used to establish 100 (1 for each percentile) curvi-linear functional relationships between the prior scores and the current score.

For example, given 3 years of prior assessment data, regression equations relating students' Grade 4, grade 5, and grade 6 prior scores and their grade 7 scores are generated. The result of these 100 separate analyses is a single coefficient matrix that can be employed as a look-up table that relates prior student achievement to current student achievement for each percentile. Using the coefficient matrix, one can plug in any grade 4, 5, and 6 prior-year score combination to the functional relationship to get the percentile cutpoints for the Grade 7 conditional achievement distribution associated with that prior score combination. These cutpoints are the percentiles of the conditional distribution associated with the individual's prior achievement (see Betebenner, 2012 for mathematical details for SGP estimation).

### **Percentile Growth Projections/Trajectories**

Percentile growth trajectory is the process of establishing the threshold of growth for each student to reach a future achievement target. In New York State, the percentile growth target for all students is to reach proficiency in three years or by 8<sup>th</sup> grade, whichever comes first. The percentile growth target stipulates the rate of growth necessary for each student to reach proficiency in three years; i.e., growth-to-proficiency.

Using the coefficient matrices generated from the SGP analysis, a 3-year percentile growth target is calculated for each student. Specifically, the following coefficient matrices produced in the SGP calculations are used to calculate the percentile growth target:

- **Grade 4** Using grade 3 prior achievement
- **Grade 5** Using grade 4, and grades 3 & 4 prior achievement
- **Grade 6** Using grade 5, grades 4 & 5, and grades 3, 4, & 5 prior achievement
- **Grade 7** Using grade 6, grades 5 & 6, and grades, 4, 5, & 6 prior achievement
- **Grade 8** Using grade 7, grades 6 & 7, and grades 5, 6, & 7 prior achievement

Once the percentile growth targets are established, the students' actual growth, also expressed in SGP metric, are compared to their three-year percentile growth targets to determine whether the non-proficient students are on track to proficiency in three years or by grade 8, whichever comes first. For example, a non-proficient 3<sup>rd</sup> grader would be expected to be proficient by grade 6. The first check, or growth adequacy judgment of whether the student is on track to proficiency, occurs in grade 4, when the student's growth between grade 3 and grade 4 is reported and compared against the student's percentile growth target. If the student's actual growth percentile meets or exceeds his or her growth target; i.e., 3-year growth-to-standard target, then the student is deemed on track to reach proficiency for the year. Otherwise, the student is deemed not on track. It should be noted that if this 4<sup>th</sup> grader keeps the same rate of growth in the next two years, the student will be proficient by grade 6. If the

student does not meet the growth target in the next two years, he/she will not be proficient by grade 6. (See Betebenner, 2012 for more details of percentile growth projections /trajectories)

#### **Data Validation and Inclusion/Exclusion Rules**

- A valid, unique student identifier is required to allow matching student achievement records over time.
- A valid scale score on the New York State grades 3-8 tests from a single content area in consecutive years and consecutive grades is required. That is, for calculation of a student growth percentile in a given year and given content area, the student must have a record in that year and at least one record from the previous year in the grade preceding the current year grade.
- Students with duplicate records (duplicate ID numbers) on the New York State assessment in a given year are considered invalid.
- Students without normal progression of grades or grade assessment scores, such as those who repeated grades or skipped grades between the current and previous years, were excluded from the SGP/percentile growth projections.
- All grade 3 students are excluded from the SGP/percentile growth projections because they do not have prior testing scores.
- For calculating district median SGPs, students who were not enrolled in a district for the full academic year were excluded.
- For calculating school median SGPs, students who were not enrolled in a school for the full academic year were excluded.

Tables 1 and 2 present the number of students included in the 2011 New York State SGP calculations for ELA and math respectively. As stated earlier, Grade 3 students were not included in the SGP calculations because they do not have any prior achievement history. As a result of the data validation and inclusion/exclusion rules stated above, approximately 94% of the total students in grades 4 through 8 have SGP scores, and approximately 6% do not have SGPs in each grade and each subject area.

**Table 1. 2011 Number of Students in ELA SGP Calculations**

Grade	Number of Students	Number of Students with SGP	Number of Students without SGP
4	197,133	186,109	11,024
5	200,259	189,785	10,474
6	198,225	186,762	11,463
7	200,262	187,127	13,135
8	201,387	188,927	12,460
Grade 4- 8 Total	997,266	938,710	58,556

**Table 2. 2011 Number of Students in Math SGP Calculations**

Grade	Number of Students	Number of Students with SGP	Number of Students without SGP
4	198,702	187,512	11,190
5	202,408	187,752	14,656
6	200,177	188,545	11,632
7	201,531	188,689	12,842
8	203,186	189,740	13,446
Grade 4- 8 Total	1,006,004	942,238	63,766

### Summary of SGP Results

Table 3 presents the disaggregated 2011 ELA median SGP by student subgroup, and percentage of students meeting or exceeding standards associated with each subgroup. The results indicate that female students showed a higher growth rate than their male counterparts (median SGP of 52<sup>nd</sup> percentile vs the 48<sup>th</sup> percentile); special education students and students from low income families grew significantly slower (median SGPs of 42<sup>nd</sup> percentile and 47<sup>th</sup> percentile respectively) than their counterparts. Among the racial and ethnic groups, Asian American students showed the highest growth rate (59<sup>th</sup> percentile), while the American Indian and African American students showed the lowest growth rate (45<sup>th</sup> percentile). Among the Need/Resource groups, students from the Big 4 cities (i.e. Buffalo, Rochester, Syracuse, and Yonkers) and high-need urban/suburban districts had significantly lower growth rates (42<sup>nd</sup> percentile and 43<sup>rd</sup> percentile respectively) while the low-need districts displayed the highest growth rate (55<sup>th</sup> percentile).

Table 4 presents the disaggregated 2011 mathematics median SGP by student subgroup, and the percentage of students meeting or exceeding standards associated with each subgroup. Similar patterns were found.

**Table 3. 2011 ELA Median SGP and Achievement Level by Student Subgroup**

Group	Subgroup	Median SGP	N Count	% Meets/ Exceeds Standard	% Exceeds Standard
Gender	Female	52	459591	58.5	4.2
	Male	48	479119	48.9	2.5
ELL	LEP Eligible	49	50022	10.8	0.1
	Never LEP/ELL	50	888688	56.0	3.5
SWD	General Ed.	51	794344	60.9	3.9
	Special Ed.	42	144366	13.6	0.2
Poverty	Not low-income family	52	458100	46.4	5.3
	Low-income family	47	480610	39.7	1.5
Race/Ethnicity	American Indian or Alaska	45	4430	40.8	1.6
	Asian	59	71255	67.4	6.9
	Black or African American	45	171013	34.9	1.0
	Hispanic or Latino	47	201219	37.2	1.2
	Multiracial	51	5542	58.6	5.3
	Native Hawaiian/Other Pac.	54	1085	53.4	5.4
	White	51	484166	64.2	4.8
Need/Resource Category	New York City	51	314826	46.6	2.7
	Large Cities	42	38825	29.5	0.8
	Urban/Suburban High-Need	43	70283	40.5	1.3
	Rural	45	55097	47.6	2.0
	Average-Need	50	291106	60.3	3.6
	Low-Need	55	148814	75.4	6.8
Grade	Grade 4	48	186109	57.8	2.5
	Grade 5	50	189785	55.0	4.5
	Grade 6	50	186762	57.2	4.1
	Grade 7	50	187127	49.5	3.7
	Grade 8	50	188927	48.7	1.9
Prior Achievement Level	Below Standard	51	104613	2.6	0.0
	Meets Basic Standard	50	336353	26.4	0.1
	Meets Proficiency Standard	50	411744	76.7	3.6
	Exceeds Proficiency Standard	49	102402	95.8	16.0
Statewide	Total	50	938710	53.6	3.4

**Table 4. 2011 Mathematics Median SGP and Achievement Level by Student Subgroup**

Group	Subgroup	Median SGP	N Count for SGP	% Meets/ Exceeds Standard	% Exceeds Standard
Gender	Female	51	461294	66.4	25.1
	Male	49	480944	64.1	25.3
ELL	LEP Eligible	51	59659	33.2	6.4
	Never LEP/ELL	50	882579	67.4	26.5
SWD	General Ed.	51	797413	72.2	29.0
	Special Ed.	42	144825	26.8	4.3
Poverty	Not low-income family	53	454699	77.8	34.4
	Low-income family	47	487539	53.5	16.6
Race/Ethnicity	American Indian or Alaska	46	4438	52.3	13.6
	Asian	64	72752	83.6	47.4
	Black or African American	43	171786	44.0	9.8
	Hispanic or Latino	46	205299	50.2	12.4
	Multiracial	50	5492	64.1	24.3
	Native Hawaiian/Other Pac.	52	1114	65.2	26.4
	White	52	481357	73.2	28.7
Need/Resource Category	New York City	50	319529	61.8	24.3
	Large Cities	38	39344	34.6	7.4
	Urban/Suburban High-Need	42	70934	52.9	12.9
	Rural	45	55161	57.7	15.3
	Average-Need	51	289854	71.3	26.4
	Low-Need	57	147342	84.4	42.2
Grade	Grade 4	49	187512	67.7	27.2
	Grade 5	50	187752	66.7	22.6
	Grade 6	50	188545	64.3	27.0
	Grade 7	50	188689	66.2	31.3
	Grade 8	50	189740	61.4	17.9
Prior Achievement Level	Below Standard	50	70498	4.2	0.2
	Meets Basic Standard	50	291051	31.3	1.8
	Meets Proficiency Standard	50	351050	80.7	20.3
	Exceeds Proficiency Standard	50	246248	98.1	65.6
Statewide	Total	50	942238	65.2	25.2

### **Summary of Percentile Growth Projections/Trajectories Results**

Table 5 summarizes the 2011 number and percent of students who were on track to be proficient in ELA in three years or by grade 8, whichever comes first, as a share of all below-proficient students (Columns 3 & 4) and as a share of all students (Column 5 & 6) respectively. The results show significantly lower on-track rates for the below-proficient male students (25%), LEP students (15%), special education students (13%), and students from low-income families (23%) than the on-track rates for their counterparts. Among the racial/ethnic groups, the on-track rates for below-proficient Asian American students (37%) and White students (32%) were much more likely to be on track than students from the other racial/ethnic groups. Students from the Big Four Cities had a much lower on-track rate (18%) than did students from the low-need districts (over 40%). Below-proficient students in grade 7 were much less likely to be on track than students in Grades 3, 4, 5, or 6. Finally, only 9% of the students who were below standard (Level 1 students in 2010) were on track to proficiency in 2011, compared to 31% of the students who met basic standard (Level 2 students in 2010) who were on track in 2011.

Table 6 summarizes the percent of students who are on track to be proficient in mathematics in three years or by grade 8, whichever comes first, as a share of all below-proficient students (Column 3 & 4) and as a share of all students (Column 5 & 6) respectively. Similar patterns were found for the student subgroup. Approximately 14% of students who were below standard (Level 1 students in 2010) were on track to proficiency in 2011, compared to 40% of the students who met basic standard (Level 2 students in 2010) who were on track in 2011.

**Table 5. 2011 Percentage of Students On Track to Proficiency in ELA by Subgroup**

Group	Subgroup	Below Proficient Students		All Students	
		N Count	% On Track	N Count	% On Track
Gender	Female	188373	29.1	459591	11.9
	Male	237130	24.7	479119	12.2
ELL	LEP Eligible	45308	15.3	50022	13.9
	Never LEP/ELL	380195	28.0	888688	12.0
SWD	General Ed.	302422	32.4	794344	12.3
	Special Ed.	123081	12.6	144366	10.7
Poverty	Not low-income family	140674	34.1	458100	10.5
	Low-income family	284829	23.0	480610	13.6
Race/Ethnicity	American Indian or Alaska	2530	22.1	4430	12.6
	Asian	22143	36.9	71255	11.5
	Black or African American	108705	21.5	171013	13.7
	Hispanic or Latino	122977	22.7	201219	13.9
	Multiracial	2212	28.2	5542	11.3
	Native Hawaiian/Other Pac.	450	27.6	1085	11.4
	White	166486	31.6	484166	10.9
Need/Resource Category	New York City	169628	25.9	314826	14.0
	Large Cities	26477	17.9	38825	12.2
	Urban/Suburban High-Need	39154	21.6	70283	12.0
	Rural	26813	24.2	55097	11.8
	Average-Need	110138	30.2	291106	11.4
	Low-Need	36511	39.9	148814	9.8
Grade	Grade 4	82474	36.3	197133	15.2
	Grade 5	80260	32.4	200259	13.0
	Grade 6	87462	31.3	198225	13.8
	Grade 7	83735	19.0	200262	7.9
Prior Achievement Level	Below Standard	104613	9.1	104613	9.1
	Meets Basic Standard	336353	30.9	336353	30.9

**Table 6. 2011 Percentage of Students On Track to Proficiency in Mathematics by Subgroup**

Group	Subgroup	Below proficient Students		Total Students	
		N Count	% On Track	N Count	% On Track
Gender	Female	167797	38.2	461294	13.9
	Male	178353	34.0	480944	12.6
ELL	LEP Eligible	44376	31.5	59659	23.5
	Never LEP/ELL	301774	36.7	882579	12.5
SWD	General Ed.	237220	42.1	797413	12.5
	Special Ed.	108930	22.7	144825	17.1
Poverty	Not low-income family	109978	43.0	454699	10.4
	Low-income family	236172	32.7	487539	15.9
Race/Ethnicity	American Indian or Alaska	2053	30.2	4438	14.0
	Asian	12769	49.9	72752	8.8
	Black or African American	95708	29.4	171786	16.4
	Hispanic or Latino	101376	33.4	205299	16.5
	Multiracial	1964	35.6	5492	12.7
	Native Hawaiian/Other Pac.	351	39.9	1114	12.6
	White	131929	41.6	481357	11.4
Need/Resource Category	New York City	131041	35.8	319529	14.7
	Large Cities	25271	23.1	39344	14.9
	Urban/Suburban High-Need	34565	31.3	70934	15.2
	Rural	23684	34.3	55161	14.7
	Average-Need	89264	41.7	289854	12.8
	Low-Need	26707	49.1	147342	8.9
Grade	Grade 4	74746	47.8	198702	18.0
	Grade 5	67377	42.0	202408	14.0
	Grade 6	65043	38.0	200177	12.4
	Grade 7	70715	32.0	201531	11.2
Prior Achievement Level	Below Standard	70498	13.8	70498	13.8
	Meets Basic Standard	291051	39.5	291051	39.5

### Potential Impact on Accountability

Table 7 shows the 2011 percentage of students who were on track/not on track to be proficient in 3 years or by grade 8 as a share of the total number of students in each grade (Column 3 and 4) and the percentage of on-track students in each of the achievement levels as a share in the total students in each grade (Columns 5-8). All percentages were based on the total number of students in each grade (Column 1). Grade 3 and Grade 8 are not included in the table. As stated earlier, grade 3 students do not have SGPs because they do not have prior achievement scores. For grade 8 students, on track to be proficient means the same as students scoring proficient in grade 8.

As shown in Table 7, a total of 12.5% of all grades 4-7 students were on track to proficiency in 2011 and 29.5% were not on track (Column 3 & 4, grades 4-7 totals). For mathematics, a total of 14% of all grades 4-7 students were on track in 2011 and 20.7% were not on track (Column 3 & 4, grades 4-7 totals). The on track students who met or exceeded standard (Levels 3 or 4) in 2011 make up approximately 10% of all grades 4-7 students in both ELA and mathematics (Columns 7 & 8, grades 4-7 totals). The percentage of all grade 4-7 students who were on track but not proficient in 2011 were 2.9% for ELA and 4.2% for math (Column 6, grades 4-7 totals).

In summary, adding the growth component will have a very moderate impact on the new generation accountability system. Specifically, the approximately 10% of all grades 4-7 students who were on track and proficient in 2011 are counted as proficient under both the old and the new accountability systems. The additional value that the growth component would add to the new accountability system is the 2.9% of students in ELA and the 4.2% of students in mathematics who were on track, but below proficient. Under the new accountability system, these students will be counted the same as proficient students.

**Table 7. Achievement Level Distribution of Students Who Are On Track to Proficiency**

GRADE	TOTAL N	On Track Status		Achievement Level of On Track Students As a Share of All students			
		% of Total On Track	% of Total Not On Track	% Level 1	% Level 2	% Level 3	% Level 4
Grade 4 ELA	197133	15.2	26.7	0.0	3.3	11.8	0.1
Grade 5 ELA	200259	13.0	27.1	0.0	4.5	8.4	0.1
Grade 6 ELA	198225	13.8	30.3	0.0	2.0	11.8	0.1
Grade 7 ELA	200262	7.9	33.9	0.0	1.9	6.0	0.0
Grades 4-7 ELA	795879	12.5	29.5	0.0	2.9	9.5	0.1
Grade 4 Math	198702	18.0	19.6	0.0	5.2	11.6	1.2
Grade 5 Math	202408	14.0	19.3	0.0	5.1	8.6	0.3
Grade 6 Math	200177	12.4	20.1	0.0	4.8	7.2	0.4
Grade 7 Math	201531	11.2	23.9	0.0	1.8	8.9	0.6
Grades 4-7 Math	802818	13.9	20.7	0.0	4.2	9.1	0.6

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Attachment 22 Example of how NY will report Accountability Results Under This Waiver

Not Migrant	#	#	#%	#	#	#	#	#	#	#	#	#%	#%
-------------	---	---	----	---	---	---	---	---	---	---	---	----	----

<b>Key</b>	
✓ Made AYP	✗ Did Not Make AYP
✓ <sup>SH</sup> Made AYP Using Safe Harbor Target	— Fewer Than 40 for Partic or 30 for Perf

## 2

## ESEA Accountability: Graduation Rate

School [School Name]

School ID [School BEDS Code] District [District Name]

**Graduation Rate**

Number of groups that made AYP in graduation rate in 2011–12: [# of #]

**Accountability Groups**

Student Group	Final AYP for Group	4-year Graduation-Rate Total Cohort					5-year Graduation-Rate Total Cohort				
		2007 Total Cohort Members	AYP for Cohort	Graduation Rate	State Standard	2011–12 Progress Target	2006 Total Cohort Members	AYP for Cohort	Graduation Rate	State Standard	2011–12 Progress Target
<b>All Students</b>	[✓/✗]	#	[✓/✗]	[#%]	80%	[#%]	#	[✓/✗]	[#%]	80%	[#%]
<b>Ethnicity</b>											
American Indian or Alaska Native	[✓/✗]	#	[✓/✗]	[#%]	80%	[#%]	#	[✓/✗]	[#%]	80%	[#%]
Black or African American	[✓/✗]	#	[✓/✗]	[#%]	80%	[#%]	#	[✓/✗]	[#%]	80%	[#%]
Hispanic or Latino	[✓/✗]	#	[✓/✗]	[#%]	80%	[#%]	#	[✓/✗]	[#%]	80%	[#%]
Asian or Native Hawaiian/ Other Pacific Islander	[✓/✗]	#	[✓/✗]	[#%]	80%	[#%]	#	[✓/✗]	[#%]	80%	[#%]
White	[✓/✗]	#	[✓/✗]	[#%]	80%	[#%]	#	[✓/✗]	[#%]	80%	[#%]
Multiracial	[✓/✗]	#	[✓/✗]	[#%]	80%	[#%]	#	[✓/✗]	[#%]	80%	[#%]
<b>Other Groups</b>											
Students with Disabilities	[✓/✗]	#	[✓/✗]	[#%]	80%	[#%]	#	[✓/✗]	[#%]	80%	[#%]
Limited English Proficient	[✓/✗]	#	[✓/✗]	[#%]	80%	[#%]	#	[✓/✗]	[#%]	80%	[#%]
Economically Disadvantaged	[✓/✗]	#	[✓/✗]	[#%]	80%	[#%]	#	[✓/✗]	[#%]	80%	[#%]

**Non-Accountability Groups**

Student Group	2007 Total Cohort Members	Graduation Rate	State Standard
Female	#	[#%]	80%
Male	#	[#%]	80%
Migrant	#	[#%]	80%

**Key**

- ✓ Made AYP
- ✓<sup>PT</sup> Made AYP Using Progress Target
- ✗ Did Not Make AYP
- Fewer Than 30 Graduation-Rate Total Cohort Members

**Aspirational Goal**

The Board of Regents has set an aspirational goal that 95% of students in each public school and school district will graduate within five years of first entry into grade 9. The graduation rate for the 2007 total cohort through June 2012 (after 5 years) is [#%] and, therefore, the goal was [met/not met]. The aspirational goal does not impact accountability.

**Advanced Designation**

The percentage of 2007 Graduation-Rate Total Cohort members who graduated as of August 31, 2011 with a Regents Diploma with an Advanced Designation is [#%], which [exceeded/did not exceed] the State average of [#%].

**CTE Endorsement**

Attachment 22 Example of how NY will report Accountability Results Under This Waiver

The percentage of 2007 Graduation-Rate Total Cohort members who graduated as of August 31, 2011 with a Regents Diploma with CTE Endorsement is [#%], which [**exceeded/did not exceed**] the State average of [#%].

### Rewards School Identification Technical Documentation

New York identifies a school as high performing if the “all students” group achieves all applicable State standards, and the school makes AYP on applicable performance measures. A school can be identified as rapidly improving, if the school makes AYP on applicable performance measures and the school demonstrates a specified amount of improvement.

There is currently no reward for these schools beyond their posting to SED’s website.

New York will identify Reward Schools in a significantly more rigorous way than previously done for high performing schools.

Only the 2,242 schools that were considered “In Good Standing” under our current accountability system were under consideration as a Rewards School. Descriptive statistics for each criteria can be found in the technical appendix on pages 6-10.

Rewards Schools	Elementary	High School
Achieve	118	59
Progress	18	19
Both	2	0

Rewards Schools	Elementary		High School	
	Achieve	Progress	Achieve	Progress
Average Needs	18	6	16	10
Large City	29	10	12	3
Low Needs	73	4	30	3
Rural High Needs	0	0	1	3
Big 4*	0	0	0	0

\*Yonkers CSD but its NRC was Large City - not Big 4

### Reward School Criteria Methodology

#### **High Achieving Schools - Elementary**

**Performance Index** – a school’s composite ELA and Math performance index must be among the top 20% statewide in 2009-10 & 2010-11.

- Each school’s ELA and Math performance index for both years was combined into a student-weighted composite and given a percentile rank.

**Adequate Yearly Progress** – the school must have made adequate yearly progress for the past two academic school years.

**Growth** – a school's average ELA and Math student growth percentiles must equal or exceed 50 for the past two years.

- The school-level student growth percentiles were first averaged for each subject across 2009-10 & 2010-11; then schools were identified as having an average school-wide SGP in ELA and Math greater than 50.
- Schools that had only one year of growth were eligible, as well as schools with fewer than **30** students were ineligible for this metric.

**Bottom Quartile Student Growth** – students in the bottom quartile of the school last year must demonstrate above average growth in the current year.

- As a first step, every student within a school was ranked by their student growth percentile in 2009-10 to determine which made up the bottom quartile for that particular school. Note: Students who were above the statewide could be in the bottom quartile for that school.
- Next, the average SGP of the bottom quartile students was calculated within subject, and then averaged across subjects for a single measure.
- Schools could be included if they only had one subject of growth scores for bottom quartile students.
- Schools were excluded if there were fewer than **15** students in the bottom quartile (or 40 students in the whole school).

**Gap Closing** - the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of that subgroup.

- For all schools, the performance index gap between each subgroup and students who are not part of that subgroup was calculated using a student weighted formula for all subgroups in 2007-08 & 2010-11.
- The maximum subgroup gap for both years was calculated, and the difference in the maximum gap was calculated next to determine if any gaps had grown between the two years. For instance, a school that had a performance index gap for any group of 30 points in 2007-08 and 40 points in 2010-11 would not have made this measure.
- Gaps in subgroup performance index were considered across all levels for which the school was accountable, i.e. gaps were not considered only at the elementary or only at the high school level. A K-12 school with a performance index could not make this criterion if their elementary performance index gaps were reduced, but their high school performance index gaps grew in the same time period.
- Schools that had closed the gap within their school made this criterion, even if the gap grew in 2010-11. For instance, if the gap was -7 in 2007-08 and -4 in 2010-11, the school would have made the metric.

- Schools where the gap was smaller than five points in 2010-11 also would have met the criteria
- Schools that did not have enough the minimum number of students to calculate a gap within their school for either year made this criterion as well. For instance, a school with 19 students with disabilities could be included.

***High Achieving – High Schools***

**Performance Index** – a school’s composite ELA and Math performance index must be among the top 20% statewide in 2009-10 & 2010-11.

- Each school’s ELA and Math performance index for both years was combined into a student-weighted composite and given a percentile rank.

**Adequate Yearly Progress** – the school must have made adequate yearly progress for the past two academic school years.

**Graduation Rate** – a school must have a cohort graduation rate that exceeds 80% and exceed the state average for students graduating with advanced designation or a CTE designation.

- Using 2010-11 graduation data that includes diploma code (for advanced designation and CTE) as well as their district exit code for having graduated, a school-level graduation rate for students with these types of diplomas was calculated for all schools with graduates.
- Next, the state average for students graduating with these diplomas was calculated, and a determination was made as to whether the school exceeded the state average for students with either. A school could have made this criteria if it exceeded either the state average for students graduating with advanced designation OR a CTE endorsement.
- Schools that had fewer than 30 graduates in either group were excluded.

**Graduating At-Risk Students** – the percentage of the students who scored Level 1 or Level 2 on an ELA or mathematics exam in Grade 8 who subsequently graduated within four years of first entry in Grade 9 equaled or exceeded the State average for these students

- Students 8<sup>th</sup> grade assessment data from 2006-07 were first related to graduation data provided to the state for 2010-11.
- Using these data, a school-level graduation rate for all students who scored a Level 1 or L2 on either the ELA or Math assessment in 8<sup>th</sup> grade was calculated.
- The state average graduation rate for these students was calculated next, and the difference between the two was calculated to determine if the school exceeded the state average.
- Schools that did not have sufficient L1 or L2s but had a cohort graduation rate above 80% made this criterion.
- Students were considered a L1 or L2 as long as they scored in one of those performance categories in either subject, and could be included in this calculation if they scored a L3 on one assessment.

**Gap Closing** - the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of that subgroup.

- For all schools, the performance index gap between each subgroup and students who are not part of that subgroup was calculated using a student weighted formula for all subgroups in 2007-08 & 2010-11.
- The maximum subgroup gap for both years was calculated, and the difference in the maximum gap was calculated next to determine if any gaps had grown between the two years. For instance, a school that had a performance index gap for any group of 30 points in 2007-08 and 40 points in 2010-11 would not have made this measure.
- Gaps in subgroup performance index were considered across all levels for which the school was accountable, i.e. gaps were not considered only at the elementary or only at the high school level. A K-12 school with a performance index could not make this criterion if their elementary performance index gaps were reduced, but their high school performance index gaps grew in the same time period.
- Schools that had closed the gap within their school made this criterion, even if the gap grew in 2010-11. For instance, if the gap was -7 in 2007-08 and -4 in 2010-11, the school would have made the metric.
- Schools where the gap was smaller than five points in 2010-11 also would have met the criteria
- Schools that did not have enough the minimum number of students to calculate a gap within their school for either year made this criterion as well. For instance, a school with 19 students with disabilities could be included.

**High Progress – Elementary**

**Performance Index** – the school’s combined ELA and mathematics Performance Index places it among the top ten percent in the State in terms of gains between the most recent assessment data and the data from the prior year.

- The difference between each school’s percentile rank for 2009-10 and 2010-11 school-wide composite performance index was calculated.
- Next, each school was given a percentile rank based on the difference in the percentile rank between the two years, and schools that were in the top 10 percent were considered to have made this criterion.

**Adequate Yearly Progress** – the school must have made adequate yearly progress for the past two academic school years.

- Note: Schools that made AYP in only one year were ineligible.

**Growth** – a school’s average ELA and Math student growth percentiles must equal or exceed 50 for the past two years.

- The school-level student growth percentiles were first averaged across 2009-10 & 2010-11, and then averaged across both subjects for a school-level student growth percentile in ELA and Math combined for a single measure.
- Note: Schools that had only one year of growth were eligible.

**Bottom Quartile Student Growth** – students in the bottom quartile of the school last year must demonstrate above average growth in the current year.

- As a first step, every student within a school was ranked by their student growth percentile in 2009-10 to determine which made up the bottom quartile for that particular school. Note: Students who were above the statewide could be in the bottom quartile for that school.
- Next, the average SGP of the bottom quartile students was calculated within subject, and then averaged across subjects for a single measure.
- Schools could be included if they only had one subject of growth scores for bottom quartile students.
- Schools were excluded if there were fewer than **15** students in the bottom quartile (or 40 students in the whole school).

**Gap Closing** - the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of that subgroup.

- For all schools, the performance index gap between each subgroup and students who are not part of that subgroup was calculated using a student weighted formula for all subgroups in 2007-08 & 2010-11.
- The maximum subgroup gap for both years was calculated, and the difference in the maximum gap was calculated next to determine if any gaps had grown between the two years. For instance, a school that had a performance index gap for any group of 30 points in 2007-08 and 40 points in 2010-11 would not have made this measure.
- Gaps in subgroup performance index were considered across all levels for which the school was accountable, i.e. gaps were not considered only at the elementary or only at the high school level. A K-12 school with a performance index could not make this criterion if their elementary performance index gaps were reduced, but their high school performance index gaps grew in the same time period.
- Schools that had closed the gap within their school made this criterion, even if the gap grew in 2010-11. For instance, if the gap was -7 in 2007-08 and -4 in 2010-11, the school would have made the metric.
- Schools where the gap was smaller than five points in 2010-11 also would have met the criteria
- Schools that did not have enough the minimum number of students to calculate a gap within their school for either year made this criterion as well. For instance, a school with 19 students with disabilities could be included.

### ***High Progress – High School***

**Performance Index** – the school’s combined ELA and mathematics Performance Index places it among the top ten percent in the State in terms of gains between the most recent assessment data and the data from the prior year.

- The difference between each school’s percentile rank for 2009-10 and 2010-11 school-wide composite performance index was calculated.

- Next, each school was given a percentile rank based on the difference in the percentile rank between the two years, and schools that were in the top 10 percent were considered to have made this criterion.

**Adequate Yearly Progress** – the school must have made adequate yearly progress for the past two academic school years.

- Note: Schools that made AYP in only one year were ineligible.

**Graduation Rate** – a school must have a cohort graduation rate that exceeds 80% and exceed the state average for students graduating with advanced designation or a CTE designation.

- Using 2010-11 graduation data that includes diploma code (for advanced designation and CTE) as well as their district exit code for having graduated, a school-level graduation rate for students with these types of diplomas was calculated for all schools with graduates.
- Next, the state average for students graduating with these diplomas was calculated, and a determination was made as to whether the school exceeded the state average for students with either. A school could have made this criteria if it exceeded either the state average for students graduating with advanced designation OR a CTE endorsement.
- Schools that had fewer than 30 graduates in either group were excluded.

**Graduating At-Risk Students** – the percentage of the students who scored Level 1 or Level 2 on an ELA or mathematics exam in Grade 8 who subsequently graduated within four years of first entry in Grade 9 equaled or exceeded the State average for these students

- Students 8<sup>th</sup> grade assessment data from 2006-07 were first related to graduation data provided to the state for 2010-11.
- Using these data, a school-level graduation rate for all students who scored a Level 1 or L2 on either the ELA or Math assessment in 8<sup>th</sup> grade was calculated.
- The state average graduation rate for these students was calculated next, and the difference between the two was calculated to determine if the school exceeded the state average.
- Schools that did not have sufficient L1 or L2s but had a cohort graduation rate above 80% made this criterion.
- Students were considered a L1 or L2 as long as they scored in one of those performance categories in either subject, and could be included in this calculation if they scored a L3 on one assessment.

**Gap Closing** - the school does not have a gap in performance larger in 2010-11 than it did three years prior for all subgroups of students and students who are not members of that subgroup.

- For all schools, the performance index gap between each subgroup and students who are not part of that subgroup was calculated using a student weighted formula for all subgroups in 2007-08 & 2010-11.
- The maximum subgroup gap for both years was calculated, and the difference in the maximum gap was calculated next to determine if any gaps had grown between the two years. For instance, a school that had a performance index gap for any group of 30 points in 2007-08 and 40 points in 2010-11 would not have made this measure.

- Gaps in subgroup performance index were considered across all levels for which the school was accountable, i.e. gaps were not considered only at the elementary or only at the high school level. A K-12 school with a performance index could not make this criterion if their elementary performance index gaps were reduced, but their high school performance index gaps grew in the same time period.
- Schools that had closed the gap within their school made this criterion, even if the gap grew in 2010-11. For instance, if the gap was -7 in 2007-08 and -4 in 2010-11, the school would have made the metric.
- Schools where the gap was smaller than five points in 2010-11 also would have met the criteria
- Schools that did not have enough the minimum number of students to calculate a gap within their school for either year made this criterion as well. For instance, a school with 19 students with disabilities could be included.

DRAFT

**Technical Appendix**  
**Descriptive Statistics for Reward School Criteria**

Criteria	Elementary		High School		# of Schools Met Criteria
	Achieve	Progress	Achieve	Progress	
Adequate Yearly Progress – Made Adequate Yearly Progress for in 2009-10 & 2010-11	Yes	Yes	Yes	Yes	1,981
Performance Index – Top 20% for Elementary Grades	Yes				510
Performance Index – Top 20% for High Schools			Yes		146
Performance Index – Top 10% for Difference b/n 2010 & 2011 – Elementary Schools		Yes			266
Performance Index – Top 10% for Difference b/n 2010 & 2011 – High Schools				Yes	72
Average SGP for 2010 & 2011 > 50	Yes	Yes			743
Average SGP for Bottom Quartile Students > 50 in 2011	Yes	Yes			784
Largest Gap in 2010 < 2008*	Yes	Yes	Yes	Yes	1,211
2006 Cohort Graduation Rate > 80%			Yes		512
2006 Cohort Graduation Rate > 60%				Yes	558
Graduation Rate with Advanced Designation or CTE Endorsement > State Average			Yes	Yes	431
L1 & L2 Students Graduate at Rate > State Average*			Yes	Yes	525

\*The number of schools meeting these criteria are more than reflected in later tables. Schools with no subgroups or Level 1 or Level 2 students were considered having made the metric.

**Performance Index Descriptives**

<b>Elementary Schools - Top 20% Performance Index in 2010-11</b>				
	Made Metric		Did Not Make Metric	
	2009-10	2010-11	2009-10	2010-11
Mean	181	183	156	160
Min	172	174	75	112
Max	199	200	185	189
<b>High Schools - Top 20% Performance Index in 2010-11</b>				
	Made Metric		Did Not Make Metric	
	2009-10	2010-11	2009-10	2010-11
Mean	182	181	151	149
Min	172	168	50	62
Max	200	200	188	183

<b>Percentile Rank Change Difference b/n 2010 &amp; 2011 – Elementary – Top 10%</b>				
	Made Metric		Did Not Make Metric	
	2009-10	2010-11	2009-10	2010-11
Mean	42%	61%	69%	68%
Min	5%	18%	0%	6%
Max	84%	98%	100%	100%
<b>Percentile Rank Change Difference b/n 2010 &amp; 2011 - High Schools – Top 10%</b>				
	Made Metric		Did Not Make Metric	
	2009-10	2010-11	2009-10	2010-11
Mean	41%	65%	66%	67%
Min	10%	28%	1%	2%
Max	76%	94%	100%	100%

<b>Largest Gap in School</b>				
	Made Metric*		Did Not Make Metric	
	2007-08	2010-11	2007-08	2010-11
Mean	38	20	17	36
Min	-95	-92	-68	0
Max	120	98	68	112
N	684	866	1039	1039

\*Additional Schools made this metric as a result of not having any subgroups

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**Student Growth Percentile Descriptives**

<b>School-wide Average SGP</b>								
	Made Metric				Did Not Make Metric			
	ELA		Math		ELA		Math	
	2010	2011	2010	2011	2010	2011	2010	2011
Mean	57	59	60	61	47	47	46	46
Min	39	38	38	32	16	14	9	2
Max	87	93	83	87	76	77	77	88
N	737	737	737	737	855	877	855	878

<b>Average SGP for Bottom Quartile Students</b>				
	Made Metric		Did Not Make Metric	
	ELA	Math	ELA	Math
Mean	56	58	44	43
Min	35	36	28	22
Max	82	85	59	63

**Graduation Rate Descriptives**

<b>Percent of Students Graduating with Advanced Designation or CTE Endorsement in 2010-11</b>						
	Made Metric		Did Not Make Metric		State Average	
	Advanced Designation	CTE Endorse	Advanced Designation	CTE Endorse	Advanced Designation	CTE Endorse
Mean	47%	4%	14%	0%	32%	2%
Min	0%	0%	0%	0%		
Max	99%	53%	32%	2%		
N	431	431	117	117		

<b>Level 1 &amp; Level 2 Graduation Rate</b>			
	Made Metric	Did Not Make Metric	State Average
Mean	86%	61%	69%
Min	69%	24%	
Max	100%	69%	
N	425	33	

\*Additional schools made this metric if they had a graduation rate above 80% & did not have enough Level 1s and 2s to qualify (>30).