

ESSA IN NEW YORK

A Guide for the Implementation of The School Accountability Provisions of the Every Student Succeeds Act and Related New York ESSA Regulations



New York State School Boards Association

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Introduction

On December 10, 2015, President Barack Obama signed into law the Every Student Succeeds Act (ESSA), which constitutes the latest reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965 (20 USC § 6301 *et seq.*). It also replaces the No Child Left Behind Act (NCLB) and ESEA flexibility waivers granted to states under the NCLB.

On January 12, 2018, the U.S. Department of Education approved New York's plan for the implementation of ESSA (ESSA Plan). A copy is available on the New York State Education Department's website at: <http://www.p12.nysed.gov/accountability/essa/documents/nys-essa-plan-final-1-16-2018.pdf>.

Five months later, on June 12, 2018, the New York State Board of Regents adopted emergency regulations for the implementation of the school accountability provisions embedded in New York's ESSA Plan. A copy is available on the New York State Education Department's website at: <http://www.regents.nysed.gov/common/regents/files/618p12a5.pdf>.

At the time this *Guide* was released, the June 2018 New York ESSA emergency regulations were still open for public comment and, therefore, may be subject to some possible revisions. Final adoption is not expected until early fall 2018.

Notwithstanding the possibility of some changes to the emergency regulations, it is crucial for school board members, their staff and everyone within the school community to understand the impact of ESSA's school accountability requirements and New York's related regulations on daily school life. This will enable them to ask the right questions, identify priority issues, and help implement ESSA in a way that enhances district programs, academic achievement outcomes and equitable educational opportunities for all children in their care. School board leadership is critical to this effort.

School districts may need to review their recruitment, hiring and retention of staff practices, curriculum and professional development, and school board policies. They also may need to examine collective bargaining agreement provisions relevant to ensuring compliance with ESSA and related New York regulatory requirements.

Each chapter of this *Guide* summarizes specific ESSA and New York ESSA regulatory requirements, and provides answers to frequently asked questions. Individual chapters highlight some implementation recommendations for school districts. However, it is still a work in progress, subject to further regulatory changes and guidance from the New York State Board of Regents and the New York State Education Department.

The Association will keep its members informed of new developments. Look for continued coverage in *OnBoard*, the NYSSBA website and at NYSSBA conference events. As always, school board members should feel free to call the Association with any questions they might have.

Chapter 1

STATEWIDE ACCOUNTABILITY SYSTEM

The Every Student Succeeds Act (ESSA) requires that a state receiving federal Title I funds develop and maintain a single, statewide system of accountability that is applicable to all public schools within the state (20 USC §6311(c)(1), (4)). The system must be based, in part, on challenging state academic content and achievement standards and assessments (20 USC §6311(b)(1),(2)) and student performance on four accountability indicators set out in the statute (20 USC §6311(c)(4)(B)).

In addition, the system must account for the participation of at least 95% of all students and 95% of all students in specified accountability subgroups on ESSA required assessments (20 USC §6311(c)(4)(E)), establish a methodology for the identification of schools for support and improvement (20 USC §6311(c)(4)(D)), provide for meaningful differentiation of the performance of all public schools on an annual basis (20 USC §6311(c)(4)(C)), and establish post-identification school support and improvement activities (20 USC §6311(d)).

New York's ESSA school accountability regulations establish a statewide accountability system that is consistent with ESSA requirements (8 NYCRR §100.21).

Academic Standards

Under ESSA, states must adopt and implement challenging academic content and achievement standards (20 USC §6311(b)(1)(A)). Those standards must be aligned with entrance requirements for credit-bearing coursework in the state's system of public higher education and with relevant state career and technical education standards (20 USC §6311(b)(1)(D)(i)).

In addition, states must adopt English language proficiency standards that address speaking, listening, reading and writing and the different proficiency levels of English language learners, and that are also aligned with the challenging state academic standards (20 USC §6311(b)(1)(F)).

Questions and Answers

1. Must the same academic content and achievement standards apply to all students?

Yes. ESSA requires that a state's challenging academic content and achievement standards include the same knowledge, skills, and levels of achievement expected of all public school students in the state (20 USC §6311(b)(1)(B)).

2. Does ESSA allow the use of alternate academic achievement standards?

Yes, but only for students with the most significant disabilities (20 USC §6311(b)(1)(E)), and only if the alternate standards are aligned with the challenging state academic content standards (20 USC §6311(b)(1)(E)(i)(I)).

Moreover, any state's alternate academic achievement standards for students with the most significant disabilities must:

- Promote access to the general education curriculum consistent with the Individuals with Disabilities Education Act (IDEA),
- Reflect professional judgment as to the highest possible standards achievable by such students,
- Be designed in a student's individualized education program (IEP) as the academic achievement standards that will be used for the student, and
- Be aligned to ensure that a student who meets the alternate standards is on track to pursue postsecondary education or employment, consistent with the purposes of the federal Rehabilitation Act of 1973 as in effect on July 22, 2014 (§1111(b)(1)(E)).

3. Do the ESSA academic content and achievement standards apply to all subjects?

No. ESSA requires such standards only for mathematics, reading or language arts, and science. However, a state may adopt them for any other subject(s) it determines (20 USC §6311(b)(1)(C)).

Recommendations

Here is what school districts can do to facilitate the successful implementation of federal and state school accountability requirements:

- Take all steps necessary toward ensuring both the alignment of curriculum with New York's learning standards, and the alignment of curriculum among the various schools.
- Reexamine the results of past state assessments and the specific content areas where students have had problems meeting the learning standards.
- Identify the possible causes of student problems in meeting specific learning standards and assess whether the curriculum incorporates proven strategies for addressing those problem areas.
- Identify the types of additional resources necessary to ensure that all students in each school meet the learning standards, and allocate those resources according to student needs.

Assessments

ESSA requires that states adopt high quality student academic assessments in mathematics and reading or language arts in grades 3–8, and at least once in grades 9–12, and in science at least once during grades 3–5, 6–9, and 10–12 (20 USC §6311(b)(2)(A)).

Such assessments must be aligned with the challenging state academic standards (20 USC §6311(b)(2)(B)(ii)). They also must provide information both about student attainment of the challenging state academic standards, and whether a student is performing at grade level (20 USC §6311(b)(B)(ii)).

Measures used to assess higher-order thinking skills and understanding may include measures of student academic growth (20 USC §6311(b)(2)(B)(vi)). New York has chosen to include a student academic growth measure in its statewide school accountability system for grades 3 – 8 (8 NYCRR §100.21(f)(1)(i)(b)).

Questions and Answers

1. Must the ESSA required assessments be administered to all students?

Yes. ESSA requires that states administer such assessments at the appropriate grade level to measure the achievement of all public school students in the state (20 USC §6311(b)(2)(B)(i), (ii)).

2. Are there any students who do not have to participate in “grade level” assessments in mathematics and science?

Yes, advanced middle school mathematics and science students (8 NYCRR §100.21(xvi)((c), (d)).

Eligible students in grades 7 or 8 may take a Regents examination in mathematics in place of the grade 7 or 8 grade state assessment in mathematics (8 NYCRR §100.21(xvi)((c))

Eligible students in grade 8 may take a Regents examination in science in place of the .Grade 8 Intermediate Science Test, and eligible students in grade 7 may take the Grade 8 Intermediate Science Test in place of the seventh grade state assessment in science (8 NYCRR §100.21(xvi)((d)).

3. Does ESSA permit the use of alternate assessments?

Yes, but only for students with the most significant cognitive disabilities (20 USC §6311(b)(2)(D)(i)), and only if they are aligned with the challenging state academic standards and the alternate academic achievement standards for students with the most significant cognitive disabilities (*Id.*).

In New York, the alternate assessment is the New York State Alternate Assessment (NYSAA) approved by the commissioner of education (8 NYCRR §100.21(b)(1)(viii)). As required by ESSA, the alternate assessment must be recommended by the committee on special education (*Id.*; see 20 USC §6311(b)(2)(D)(ii)).

Parents must be informed that the use of an alternate assessment may delay or otherwise affect the student's ability to complete the regular high school diploma requirements (20 USC §6311(b)(2)(D)(i)(II)).

4. Does ESSA permit the use of district-selected high school assessments in place of state academic assessments?

Yes. Under ESSA, school districts may choose to administer nationally recognized high school academic assessments instead of state-designed assessments, provided they have been approved by the state for such purpose (20 USC §6311(b)(2)(H)(i)).

School districts must notify parents of any such choice (20 USC §6311(b)(2)(H)(vi)).

Recommendations

Here is what school districts can do to facilitate the successful implementation of federal and state school accountability requirements:

- Engage parents in conversation regarding concerns over student participation in state assessments and provide information that addresses those concerns.
- Provide to the public information regarding the importance and benefits of student participation on state assessments.
- Identify and make available resources and the use of strategies that will help all students perform at proficiency levels.

Accountability Indicators

ESSA establishes four school performance indicators for use in holding all public schools accountable for the performance of their students. They include measures of student academic achievement and, at the high school level, the school's graduation rate. The two other indicators include the progress of English language learners toward English proficiency, and at least one additional indicator of school quality or student success (20 USC §6311(c)(4)(B)).

At the state's discretion, the academic achievement measure can include student growth (20 USC §6311(c)(4)(B)(i), (ii)), and the high school graduation rate can include the extended-year adjusted cohort graduation rate (20 USC §6311(c)(4)(B)(iii)).

Progress toward English proficiency is measured by an English language learner's performance on a state's annual English language proficiency assessment (20 USC §6311(c)(4)(B)(iv)).

The additional indicator of school quality or student success may include student and educator engagement, student access to and completion of advanced coursework, post-secondary readiness, school climate and safety, and any other indicator a state chooses that meets ESSA requirements for this indicator (20 USC §6311(c)(4)(B)(v)).

Questions and Answers

1. Does New York use student growth as a measure of student academic achievement?

Yes, and it means the change in student achievement for an individual student between two or more points in time (8 NYCRR §100.21(b)(2)(ix)).

A “mean student growth percentile” statistical model is used to calculate each student's change in achievement between two or more points in time on a state assessment and compare each student's performance to that of other achieving students (8 NYCRR §100.21(b)(2)(x)).

2. What additional indicators of school quality or student success does New York currently include in its statewide accountability system?

Currently, for all schools, New York uses a chronic absenteeism measure (8 NYCRR §100.21(f)(1)(i)(f), (2)(i)(f)).

At the high school level only, it uses a college, career and civic readiness indicator (8 NYCRR §100.21(f)(2)(i)(g)).

3. Are there other accountability measures that New York might incorporate in the future into its school accountability system?

Yes. Commencing with 2019-2020 school year, New York will add an out-of-school suspension rate measure that will look at the number of students suspended from school (not including in-school suspensions) for one full day or longer any time during the school year. Students will be counted only once even if they are suspended more than one time during the school year (8 NYCRR §100.21(b)(2)(xi)).

Other possible accountability measures could include class size, high school readiness, the number of violent incidents, teacher turnover absences (New York State's ESSA Plan, pp 68-69).

4. How does New York incorporate the ESSA accountability indicators into its school accountability system?

While others may be added in the future, the ESSA accountability indicators currently translate into the following New York accountability measures:

Elementary and Middle School	High School
<ul style="list-style-type: none"> • Composite Performance • Student Growth • Combined Composite Performance and Student Growth • English Language Proficiency • Academic Progress • Chronic Absenteeism 	<ul style="list-style-type: none"> • Composite Performance • Graduation Rate • Combined Composite Performance and Graduation Rate • English Language Proficiency • Academic Progress • Chronic Absenteeism • College, Career and Civic Readiness

(8 NYCRR § 100.21(b)(2)(i); see also 8 NYCRR § 100.21(f)).

Recommendations

Here is what school districts can do to facilitate the successful implementation of federal and state school accountability requirements:

- Make sure that educators and school leaders across the district are familiar with the elements of each accountability measure.
- Provide ongoing job-embedded professional development for educators, consistent with the expectations for student performance under the various accountability measures.
- Engage educators, administrators and parents actively in the development and implementation of strategies that would help schools perform successfully under the various accountability measures.
- Identify the types of additional resources necessary to address the needs of all student populations across the district, and allocate those resources accordingly.
- Review current student attendance and school suspension policies for any possible needed revisions, and make sure those policies are being implemented consistently across the district.
 - Shift the focus of attendance policies to attendance promotion, review their impact on graduation rates, assess the quality and effectiveness of family engagement on this topic, and look into the availability and effectiveness of counseling services.
 - Assess the impact of school suspension policies on student performance, grade promotion and graduation rates. Also the quality of alternative instruction and the effectiveness of implementation of restorative justice alternatives.

- Promote and reward school attendance.
- Provide and encourage student participation in advanced coursework.

Chapter 2

STUDENT PARTICIPATION IN STATE ASSESSMENTS

In General

The Every Student Succeeds Act requires that states measure the achievement of at least 95 percent of all students, and of all students in each accountability subgroup enrolled in a school (20 USC §6311(c)(4)(E)).

In addition, states must factor in the 95 percent student participation in state assessments requirement into their statewide accountability system (20 USC §6311(c)(4)(E)(ii)).

Questions and Answers

1. How does ESSA require that states incorporate the 95 percent student participation rate in state assessments mandate into their school accountability system?

Pursuant to ESSA, for purposes of measuring, calculating, and reporting on the student academic achievement indicator, states must include in the denominator the greater of:

- 95 percent of all students enrolled in a school or 95 percent of all such students in the subgroup, as the case may be, or
- The number of students participating in the assessments (*Id.*).

2. How is compliance with the 95 percent participation rate requirement determined?

On an annual basis, the commissioner of education determines the participation rate for each accountability subgroup in each public school in which the subgroup has 40 or more students.

A subgroup will be deemed to have met the 95 percent participation rate requirement if:

- The participation rate for the current year equals or exceeds 95 percent, or
- The weighted average of the current year and prior year participation rates equals or exceeds 95 percent (8 NYCRR §100.21(i)(5)(i)).

3. What is the definition of student participation rate for school accountability purposes?

For elementary and middle school students, participation rate means the percentage of students enrolled during the test administration period who did not have a significant medical emergency and who received a valid test score on the required state assessments in elementary and middle school grades (8 NYCRR §100.21(b)(1)(xiii)).

For high school students, participation rate means the percentage of students in grade 12 during the reporting year who received a valid score on the required high school assessments (8 NYCRR §100.21(b)(1)(xiv)).

A significant medical emergency refers to an excused absence from school during both the regular and makeup examination period for which a school 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 (8 NYCRR §100.21(b)(1)(x)).

4. In what ways can the non-participation of students in ESSA required state assessments affect a school’s accountability standing?

Low participation rates in state assessments will affect some of the various calculations that determine a school’s accountability status (see 20 USC §6311(c)(4)(E); 8 NYCRR §100.21(f)).

In addition, schools in accountability status that are required to implement a participation rate improvement plan because of low student participation may not be removed from their accountability designation even if they meet all other applicable criteria from exiting such status (8 NYCRR §100.21(j)(1)(ii)(d), (iii)(d)).

Failure to Meet the 95 Percent Requirement

1. What happens if a school fails to meet the 95 percent student participation rate requirement?

It depends. First, the commissioner of education can identify for registration review any school that has excessive percentages of students failing to fully participate in state assessments (8 NYCRR §100.21(k)(3)).

Second, schools with low student participation in state assessments and their district also would need to undertake a series of progressive steps to improve the situation (8 NYCRR §100.21(i)(5)(ii)-(viii)).

2. What kinds of steps are schools required to undertake to address their failure to meet the 95 percent student participation rate requirement?

Beginning with 2017-2018 and 2018-2019 school year results, two courses of action are possible:

- Schools must participate in a participation rate self-assessment and develop a participation rate improvement plan if they fail to both:
 - Meet the 95 percent student participation rate requirement for the same subgroup(s), in the same subject (i.e. English language arts or math) for two consecutive years, and

- Improve the participation rate as compared to the previous year for the same subgroup(s) and subjects (8 NYCRR §100.21(i)(5)(ii)).
- School districts must submit, for approval by the commissioner, the participation rate improvement plan of any school that is:
 - Required to develop such a plan, and
 - Among the lowest 10 percent of schools within the state for participation rate.

(8 NYCRR §100.21(i)(5)(vi)).

Beginning with 2018-2019 and 2019-2020 school year results, school districts must conduct a participation rate audit and develop an updated participation rate improvement plan for any school that:

- Completed a school participation rate self-assessment and improvement plan in the previous school year, and
- Fails to improve its participation rates for the subgroup(s) and subject(s) for which the plan was required (8 NYCRR §100.21(i)(5)(iii)).

Beginning with 2019-2020 and 2020-2021 school year results, a school district must partner with a board of cooperative educational services (BOCES) or other technical assistance center to conduct a participation rate audit and develop an updated participation rate plan with respect to any school that:

- The district completed a district audit and a district participation rate improvement plan for the previous year, and
- Failed to improve its participation rates for the subgroup(s) and subject(s) for which the plan was required (8 NYCRR §100.21(i)(5)(iv)).

Beginning with 2020-2021 and 2021-2022 school year results, the New York State Education Department will conduct an audit of the participation rate of any school that:

- An audit and participation rate improvement plan was completed for the previous year based on 2019-2020 school year results, and
- Failed to improve its participation rate for the subgroup(s) and subject(s) for which the plan was required.

3. What type of action can the commissioner of education require from a school for which the New York State Education Department conducts an audit of its participation rate?

The commissioner may require that such a school undertake additional activities to raise student participation in state assessments, which may include requiring that the school district set aside a portion of its Title I funds for such purpose (8 NYCRR §100.21(i)(5)(v)).

4. For how long must a school required to conduct a self-assessment and develop a participation rate improvement plan continue to update such a plan?

Annually, until the school is no longer failing to meet the 95 percent student participation rate for any subgroup(s) and subject(s) which caused it to be required to conduct such self-assessment and develop such plan (8 NYCRR §100.21(i)(5)(viii)).

5. Can a school be excused from having to conduct a participation rate self-assessment and develop a participation rate improvement plan?

Yes, if the school successfully demonstrates to the commissioner of education extenuating or extraordinary circumstances that should cause the school to be so excused (8 NYCRR §100.21(i)(5)(vii)).

Recommendations

Here is what school districts can do to facilitate the successful implementation of federal and state school accountability requirements:

- Be more proactive by assisting schools at risk of non-compliance.
- Conduct a participation rate self-assessment at every school and identify what works at schools without a problem and how the experience of those schools can help others improve student participation in state assessments.
- Develop strategies for improving the participation rate of all accountability subgroups within a school, based on the results of the self-assessments.
- Engage parents and others in the identification of non-participation issues and the development of activities for improving participation.
- Seek the assistance of BOCES or other technical assistance center.

Chapter 3

SCHOOL ACCOUNTABILITY – OVERVIEW

The Every Student Succeeds Act holds public schools accountable for the performance of all of their students and students in four specified accountability groups (20 USC §6311(c)(2)).

States must establish long-term goals and measures of interim progress for all students and separately for each subgroup (20 USC §6311(c)(4)(A)), and meaningfully differentiate the performance of all public schools on an annual basis (20 USC §6311(c)(4)(C)).

Accountability Groups

ESSA’s school accountability subgroups include students who are economically disadvantaged, from major racial and ethnic groups, English language learners, and students with disabilities (20 USC §6311(c)(2)).

Questions and Answers

1. Which students are considered economically disadvantaged for school accountability purposes?

Economically disadvantaged students include those who participate in, or whose family participates in, economic assistance programs such as the Free or Reduced Price Lunch Programs; Social Security Insurance (SSI); Food Stamps; Foster Care; Refugee Assistance (cash or medical assistance); Earned Income Tax Credit (EITC); Home Energy Assistance Program (HEAP); Safety Net Assistance (SNA); Bureau of Indian Affairs (BIA); or Family Assistance: Temporary Assistance for Needy Families (TANF).

In addition, if one student in a family is identified as economically disadvantaged, all students from that household may be identified as economically disadvantaged (8 NYCRR §100.21(b)(1)(xi), (xii)).

2. Are there any special rules that apply as to who may be considered a student with a disability for school accountability purposes?

Yes. The students with disabilities subgroup includes students no longer identified as having a disability, but who had been during the preceding one or two school years (8 NYCRR §100.21(b)(1)(xi)).

3. Are there any special rules that apply as to who may be considered an English language learner for school accountability purposes?

Yes. The English language learner subgroup includes students no longer identified as English language learners but who had been during the preceding one, two, three or four school years (8 NYCRR §100.21(b)(1)(xi)).

Recommendations

Here is what school districts can do to facilitate the successful implementation of federal and state school accountability requirements:

- Review the past performance of each accountability subgroup at every school on state assessments and identify the specific content areas in which they have had problems performing.
- Identify the possible causes affecting the ability of students in the various subgroups within each school to reach proficiency levels on state assessments, and potential strategies to address those causes and improve student performance.
- Determine what additional resources should be made available and strategies implemented to help students in the various accountability subgroups perform at proficient levels on state assessments, and allocate resources according to student needs.

Long-term Goals and Measures of Interim Progress

ESSA requires that states establish long-term goals and interim measures of progress with respect to various accountability measures (20 USC §6311(c)(4)(A)).

New York defines its long-term goal as the amount of progress it expects each accountability subgroup to make based on the state's accountability baseline at the end of a five-year period towards achieving the state end goal (8 NYCRR §100.21(b)(2)(vii)). The commissioner of education establishes annual state measures of interim progress for each accountability subgroup, for each accountability measure that a state baseline has been established (8 NYCRR §100.21(b)(2)(v)).

Questions and Answers

1. What constitutes New York's school accountability baseline?

New York defines its accountability baseline in terms of the statewide performance of an accountability subgroup on an accountability measure that is used to establish the state long-term goals and annual measures of interim progress for that measure (8 NYCRR §100.21(b)(2)(iii)).

2. Which accountability measures have an established accountability baseline in New York?

There are six accountability measures with an established state baseline in New York. They include:

- Academic Progress in English Language Arts
- Academic Progress in Mathematics

- Four-Year Graduation Rate
- Five-Year Graduation Rate
- Six-Year Graduation Rate
- Chronic Absenteeism
- College, career and civic readiness (8 NYCRR §100.21(b)(2)(iii)).

3. What constitutes New York’s accountability end goal?

New York’s end-goal is defined in terms of the ultimate desired performance at an undetermined future point for an accountability subgroup on an accountability measure for which a State long-term goal has been established (8 NYCRR §100.21(b)(2)(viii)).

4. How would it be determined if New York has exceeded its long-term goal?

That determination is made by subtracting the long-term goal from the end-goal, dividing that number by 2, and then adding the result to the long-term goal. The outcome must be at or above that resulting number (8 NYCRR §100.21(b)(2)(vii)).

5. Do schools and school districts have their own baseline and measures of interim progress (MIPs)?

Yes, and with two exceptions, their functionality is the same as those at the state level.

One of the exceptions applies to the establishment of a school or district baseline when there are accountability subgroups that do not have the minimum number of students required to make an accountability determination (also known as the “minimum n size”) on a particular accountability measure. That number is usually 30 unless otherwise provided. In such an instance, the school or district baseline will be established when such a subgroup satisfies the minimum n size requirement for the purpose of establishing MIPs (8 NYCRR §100.21(b)(2)(iv); see also 8 NYCRR §100.21(b)(1)(xvii)).

The other exception applies to the establishment of MIPs in schools and/or districts that undergo a significant change in student enrollment, as determined by the commissioner of education. Examples of such a change include a change in grade configuration or a significant increase or decrease in the number of students in an accountability subgroup. In such an instance, the district can petition the commissioner to revise the specific MIPs assigned to one or more accountability subgroups for one or more accountability measures (8 NYCRR §100.21(b)(2)(vi)).

6. Is there a timetable for the setting of measures of interim progress (MIPs)?

Yes. Prior to the start of the 2018-2019 school year, the commissioner will establish state, school and school district MIPs through the 2021-2022 school years. Thereafter, the commissioner will establish new MIPs for the school year next succeeding the last school year for which MIPs had been previously established (8 NYCRR §100.21(b)(2)(v), (vi)).

Recommendations

Here is what school districts can do to facilitate the successful implementation of federal and state school accountability requirements:

- Make sure educators and administrators at both the school and district level are familiar with the state’s long-term goals and MIPs, as well as the MIPs for their own school.
- Identify strategies for ensuring schools can meet the state and local school MIPs, including the provision of on-going job-embedded professional development
- Compare a school’s performance in meeting, exceeding or failing to meet the state and local school MIPs during the current and prior year, and identify challenges and strategies that worked or did not work.
- Determine whether, and what, revisions might need to be made to the curriculum and/or support services that are provided to students to help them succeed.

School Classifications

ESSA establishes two categories of accountability schools. They include comprehensive support and improvement (CSI) schools, (20 USC §6311(c)(4)(D)(i), (d)(i)), and targeted support and improvement (TSI) schools (20 USC §6311(d)(2)). States, in their discretion, may establish additional statewide categories of schools (20 USC §6311(c)(4)(D)(ii)).

New York differentiates the performance of its public schools by classifying them into one of four categories:

- Schools in good standing
- Recognition schools
- Comprehensive support and improvement schools
- Targeted support and improvement schools (8 NYCRR §100.21(b)(3)(i)-(iii),(v),(vi)).

Questions and Answers

1. Which schools are considered in good standing?

Schools in good standing are those that are not identified as a comprehensive support and improvement or targeted support and improvement school (8 NYCRR §100.21(b)(3)(v)).

2. What is a recognition school?

A recognition school is a school in good standing that exhibits evidence of high performance and/or rapid improvement as determined by the commissioner of education (8 NYCRR §100.21(b)(3)(vi)).

3. Which types of schools are classified as a comprehensive support and improvement (CSI) school?

Generally, schools that can be classified as a CSI school at both the elementary and middle school level and the high school level include:

- Those identified by the state as among the lowest five performing schools based on the results of the all students subgroup on the accountability measures applicable to the particular school grade level (8 NYCRR §100.21(b)(3)(i)(a), (ii)(a)), including at least the lowest five percent of all schools receiving Title I Part A funds (20 USC §6311(c)(4)(D)(i)(I)).
- Targeted support and improvement schools (TSI) that were previously identified for additional targeted support based on the performance of one or more accountability subgroups (20 USC §6311(c)(4)(D)(i)(III), (d)(2)(C), (D)), and which continue to be identified as TSI for three consecutive school years thereafter for the performance of the same accountability subgroup(s) (8 NYCRR §100.21(b)(3)(i),(ii); (f)(2)(ii)(5)).

In addition, ESSA requires that high schools failing to graduate one third or more of their students be classified as a CSI school (20 USC §6311(c)(4)(D)(i)(II)). In New York, high schools with a four-year graduation rate below 67 percent and a five- or six-year graduation rate also below 67 percent in the years in which the state identifies CSI schools will automatically be preliminarily identified as a CSI school (8 NYCRR §100.21(b)(3)(ii)(c)).

4. How often does the state identify the lowest five percent performing schools as comprehensive support and improvement (CSI) schools?

The state identifies a minimum of five percent of the lowest performing schools as CSI schools once every three years, beginning with the 2018-2019 school year using 2017-1018 school year results (8 NYCRR §100.21(b)(3)(i)(a), (ii)(a)).

5. What happens if less than five percent of Title I schools are identified as a comprehensive support and improvement (CSI) school?

If the accountability measures used to identify CSI schools result in the identification of fewer than five percent of Title I schools, the commissioner of education will identify the lowest five percent of Title I schools using a rank ordered list for a specified index applicable to the particular school's grade level (8 NYCRR §100.21(b)(3)(i)(a), (ii)(a)).

6. Which types of schools are classified as a targeted support and improvement (TSI) school?

TSI schools include those with one or more consistently underperforming accountability subgroups based on the accountability measures applicable to the particular school grade level (8 NYCRR §100.21(b)(3)(iii)).

7. How often does the state identify targeted support and improvement (TSI) schools?

The state identifies TSI schools on an annual basis, beginning with the 2019-2020 school year.

However, schools that were identified as a priority or focus school during the 2017-2018 school year may be identified as a TSI school using 2017-2018 school year data only, if they meet the criteria for identification as a TSI school beginning with the 2018-2019 school year (8 NYCRR §100.21(b)(3)(iii)).

8. Which targeted support and improvement (TSI) schools are identified for additional targeted support?

TSI schools identified for additional targeted support are those with any accountability subgroup performing below the threshold for the all students subgroup for the lowest performing five percent of schools (8 NYCRR §100.21(b)(3)(iii), (f)(1)(iii)(a), (2)(iii)(a)). The commissioner of education will make that determination (8 NYCRR §100.21(f)(1)(iii)(c), (2)(iii)(c)).

However a school will be identified for additional targeted support only if the school was identified as a TSI school and remains so identified in the current school year (8 NYCRR §100.21(f)(1)(iii)(b), (2)(iii)(b)).

9. How often are targeted support and improvement (TSI) schools identified for additional targeted support?

Beginning with the 2018-2019 school year, TSI schools will be identified for additional targeted support in the same years in which the state identifies CSI schools based on the performance of the all students subgroup (8 NYCRR §100.21(b)(3)(iii)).

10. What happens if a school meets the identification criteria for both comprehensive support and improvement (CSI) and targeted support and improvement (TSI) schools?

In such an instance, the school will be designated as a CSI school. However, the school will be designated as a TSI school if in the year in which a CSI school is removed from CSI designation the school meets the criteria for a TSI school (8 NYCRR §100.21(f)(1)(ii)(c), (2)(ii)(c)).

Recommendations

Here is what school districts can do to facilitate the successful implementation of federal and state school accountability requirements:

- Review and address the unique needs of the various accountability subgroups at each school.

- Compare the characteristics of schools in good standing and those performing at a lower level including, but not limited to, the type and level of resources allocated to each, the basis for such allocations, curriculum offerings, best practice initiatives, and parental involvement.
- Review the qualifications, skills and experience of building administrators, educators, and student support staff within each school, as well as the effectiveness of teacher and principal evaluation practices.
- Identify areas of teacher shortages and the number of educators teaching outside of their area of certification.
- Assess the effectiveness of current staff recruitment, hiring and retention policies and practices
- Examine the level, quality and effectiveness of professional development offerings.
- Conduct school needs assessments even in schools that are not in accountability status to help identify areas in need of improvement and related activities, including programmatic offerings, school schedule organization, changes in budgeting and resource allocation practices, and more.
- Explore the availability of potential partnerships with other school districts, BOCES and higher education institutions that can help to enhance student and school performance.

Chapter 4

SCHOOL ACCOUNTABILITY – METHODOLOGY FOR THE DESIGNATION OF ACCOUNTABILITY SCHOOLS

The Every Student Succeeds Act requires that states establish a methodology for the identification of schools for support and improvement (20 USC §6311(c)(4)(D)).

The New York ESSA school accountability regulations establish such a methodology (8 NYCRR §100.21(f)).

Each school year, commencing with the 2017-2018 school year results, the commissioner of education will review the performance of all public schools and school districts, and determine whether they should be designated for accountability status (8 NYCRR §100.21(e)).

Use of Multiple Measures

New York uses a total of seven measures to identify and designate accountability schools. Some of those measures apply at both the elementary and middle school level and the high school level. Others are unique to each of them (8 NYCRR §100.21(f)).

At both school levels, those measures include student academic achievement, academic progress, English language proficiency and chronic absenteeism. At the elementary and middle school level only, they also include student growth. At the high school level only, they also include graduation rates and college, career and civic readiness (*Id.*)

Questions and Answers

1. What is included in the student academic achievement measure?

For all schools, it includes student achievement on the ESSA required state assessments in English language arts (ELA), mathematics and science.

At the high school level, it also includes student achievement on social studies assessments.

2. What is the process for rating school performance under the student academic achievement measure?

Elementary and middle school:

Schools are rated under this measure through the use of a Composite Performance Index that is used to assign the school a Composite Performance Achievement Level from 1-4. The Composite Performance Index is calculated by combining the results of a school's Weighted Average Achievement Level and Core Subject Performance Index Level.

- The Weighted Average Achievement Level is calculated by computing a Composite Performance Level for each school whose all students subgroup meets the minimum n size requirement. First, by using an ELA and Mathematics Achievement Index and a Science Achievement Index based on student results on those assessments. Then, by calculating a Weighted Average Achievement Index to rank order schools and assign them a Weighted Average Achievement Level from 1-4.
- The Core Subject Performance Index is computed using a formula set forth in regulation, with the result used to rank order schools and assign them a Core Subject Performance Index Level from 1-4 (8 NYCRR §100.21(f)(1)(i)(a)(6)).

High School:

High schools under this measure also are rated using a Composite Performance Index that serves to assign each school whose all students subgroup meets the minimum n size requirement a Composite Performance Achievement Level from 1-4.

The computation of a high school Composite Performance Index involves:

- The calculation of a separate Performance Index for ELA, mathematics, science, and social studies
- The combination of the ELA, mathematics, science and social studies Performance Indices using a formula set forth in regulation.

The Composite Performance Index is used to rank order schools.

A school's Composite Performance Achievement Level is based on the school's rank ordering (8 NYCRR §100.21(f)(2)(i)(a)).

3. How does the academic progress measure work?

The academic progress measure, applicable to all schools, looks at student progress on state assessments in ELA and mathematics against long-term goals and measures of interim progress (MIP).

The commissioner of education computes an Academic Progress Level for each school meeting the minimum n-size requirement by:

- Calculating separate ELA and Mathematics Academic Achievement Indices for the all students subgroup in the school
- Determining a separate state MIP and long-term goal for ELA and mathematics
- Determining a separate school MIP in ELA and mathematics

- Assigning an Academic Progress Level in ELA and mathematics based on whether the school’s Academic Achievement Indices for ELA and mathematics met, exceeded, or failed to meet the state long-term goal, the state MIP, and/or the school’s MIP
- Averaging the ELA and mathematics Academic Progress Levels (8 NYCRR §100.21(f)(1)(i)(e), (2)(i)(e)).

Nonetheless, the all students subgroup will be assigned an Academic Progress Level 2 or Level 3 if it:

Automatic Academic Progress Level 2	Automatic Academic Progress Level 3
<ul style="list-style-type: none"> • Fails to meet the lower of the state or school MIP, but • Increases the Achievement Index by an amount at least equal to the difference between the higher of: <ul style="list-style-type: none"> - the school’s current year MIP and prior year MIP, or - the current year state MIP and prior year state MIP 	<ul style="list-style-type: none"> • Meets either but not both of the school and state MIP, and • Makes progress that is equivalent to at least three times the difference between the lower of: <ul style="list-style-type: none"> - The school specific current and prior year MIPs, and - The state current and prior year MIPs , but • The progress is insufficient to meet the higher of the state or school MIP or the long-term goal

(8 NYCRR §100.21(f)(1)(i)(e)(7), (2)(i)(e)(7)).

4. How are schools rated under the English Language Proficiency measure?

Progress toward English proficiency is measured by an English language learner’s performance on a state’s annual English language proficiency assessment within a state-determined timeline (20 USC §6311(c)(4)(B)(iv)).

This measure, applicable at both the elementary and middle school level, and high schools, looks at the progress of English language learners in meeting their individual targets on the New York State English as a Second Language Achievement Test (NYSESLAT).

For each school meeting the minimum n-size requirement, the commissioner of education will compute an English Language Proficiency Level. That computation involves:

- A determination of the initial level of proficiency and the corresponding years a student was identified as an English language learner based on the student’s performance on the NYSESLAT in the initial year of identification
- A determination of progress rates for each student based on the years that the student has been identified as an English language learner and the level achieved on the NYSESLAT in the first year in which the student was identified as an English language learner
- A calculation of each school’s success ratio based on the results of all continuously enrolled students compared to the progress rates of continuously enrolled students (8 NYCRR §100.21(f)(1)(i)(d), (2)(i)(d)).

For grades 3-8 and ungraded age equivalent students, continuously enrolled refers to students enrolled in BEDS day and during the test administration period for the subject tested. At the high school level, it refers to students in the accountability cohort, except that for the English language proficiency accountability measure it means, for grades 9 – 12 and ungraded age equivalent students, those enrolled on BEDS day and during the test administration period (8 NYCRR §100.21(b)(1)(ix)).

5. How does the chronic absenteeism accountability measure work?

For all schools, this measure looks at the percentage of students who miss 10 percent or more of the school year against long-term goals and measures of interim progress (MIP).

For each school meeting the minimum n-size requirement, the commissioner of education will compute a Chronic Absenteeism Level by:

- Computing the school’s Chronic Absenteeism Rate
- Determining a state long-term goal and MIP for chronic absenteeism
- Determining a school MIP for chronic absenteeism
- Assigning a Chronic Absenteeism Level from 1-4 based on whether the school’s Chronic Absenteeism Rate met, exceeded, or failed to meet the state long-term goal, the state MIP and/or the school MIP (8 NYCRR §100.21(f)(1)(i)(f), (2)(i)(f)).

Similar to what happens with the Academic Progress accountability measure, there are special conditions that would require the automatic assignment of a Chronic Absenteeism Level 1, 2 or 3 (8 NYCRR §100.21(f)(1)(f)(6),(7), (2)(i)(f)(1)(f)(6),(7)).

6. Are all enrolled students included in the calculation of a school’s chronic absenteeism rate?

No. A school’s Chronic Absenteeism Rate includes only the number of students enrolled in the school during the school year for a minimum of ten instructional days and in attendance at least one of those days who were absent (excused or unexcused) for at least 10 percent of

enrolled instructional days divided by the total number of students enrolled during the school year, expressed as a percentage (8 NYCRR §100.21(f)(1)(i)(f)(1), (2)(i)(f)(1)).

At the elementary and middle school level, Chronic Absenteeism is calculated for grades 1-8 and ungraded age equivalent students (8 NYCRR §100.21(f)(1)(i)(f)(1)). At the high school level, it is calculated for grades 9-12 and ungraded age equivalent students (2)(i)(f)(1)).

7. How are schools rated under the student growth measure?

Applicable only at the elementary and middle school level, this measure assesses student growth on statewide assessments in ELA and mathematics for students in grades 4-8 by comparing student scores in the current year to the scores of students with similar scores in prior years.

A Student Growth Level is assigned to every elementary and middle school whose all students subgroup meets the minimum n-size requirement, using a school's rank order that has been calculated based on the school's Mean Student Growth Percentile score. The school's Mean Student Growth Percentile score is based on the Mean Growth Percentile for the all students subgroup using a formula set out in regulation (8 NYCRR §100.21(f)(1)(i)(b)).

8. How does the graduation rate accountability measure work?

Applicable only at the high school level, this accountability measure looks at the four- five- and six-year cohort graduation rates against long-term goals and measures of interim progress (MIP).

For each public high school that meets the minimum n-size requirement, the commissioner of education will compute a Graduation Rate Level for the four-, five- and six- year graduation rate. That process involves:

- Determining a state long-term goal and MIP based on the state four-, five- and six-year Graduation Rate
- Determining a school MIP based on the school's four-, five- and six-year Graduation Rate
- Assigning a Graduation Rate Level from 1-4 based on the average of the school's four-, five- and six year Graduation Rates and whether the school met, exceeded, or failed to meet the state long-term goal, the state MIP, and/or the school MIP for the four-, five- and six-year Graduation Rate
- Averaging the four-, five- and six-year Graduation Rate Level and rank ordering each school based on this average (8 NYCRR §100.21(f)(2)(i)(b)).

However, any high school with a graduation rate below 67 percent for the four-year graduation rate cohort and a five- or six-year graduation rate also below 67 percent will be

preliminarily identified as a comprehensive support and improvement school (8 NYCRR §100.21(f)(2)(i)(b)(7)).

In addition, the commissioner may automatically assign a high school a Graduation Rate Level of 2 or 3 when certain conditions set out in the regulations occur (8 NYCRR §100.21(f)(2)(i)(b)(8),(9)).

9. How does the college, career and civic readiness (CCCR) accountability measure work?

Applicable only at the high school level, this accountability measure looks at the percentage of students who are leaving high school prepared for college, career, and civic readiness as measured by diplomas, credentials, advanced course credits and enrollment, career and technical education certifications, and other similar indicators against long-term goals and measures of interim progress (MIP).

For every high school meeting the minimum n-size requirements, the commissioner of education will compute a CCCR Index, and then assign a CCCR Level from 1-4 based on whether the CCCR Index met, exceeded or failed to meet the state long-term goal, the state MIP and/or the school MIP (8 NYCRR §100.21(f)(2)(i)(g)).

10. How is the college, College, Career and Civic Readiness (CCCR) Index calculated?

The numerator used to calculate the CCCR Index includes:

- The number of students demonstrating success on college, career and civic readiness using specific measures multiplied by assigned weightings from 0.5 to 2.0
- The number of students who earned a high school equivalency diploma in the current reporting year, and
- Students who were members of the English language learner subgroup at the time of graduation who earned a Regents Diploma with a Seal of Biliteracy in the reporting year regardless of whether they were in the 4-Year Graduation Rate Cohort (8 NYCRR §100.21(f)(2)(i)(g)(2)).

The denominator includes the number of students in the 4-Year Graduation Rate Cohort as of June 30 of the reporting year plus any members of the English language learner subgroup who earn a Regents Diploma with a Seal of Biliteracy who are not members of the 4-Year Graduation Rate Cohort.

The result of that division is multiplied by 100 (8 NYCRR §100.21(f)(2)(i)(g)(1),(2)).

The 4-Year Graduation Rate Cohort includes those students (including ungraded students with disabilities) whose first date of entry into grade nine (anywhere) was four years previously and whose last enrollment in the school or district (as applicable) did not end because of:

- Transfer to another school or district (as applicable), to home schooling, or to a postsecondary school prior to earning a diploma, or
- Being a prior graduate from outside the United States and enrolled without proper documentation from their previous schools, or
- Leaving the United States or its territories, or
- Transfer to a prison or juvenile facility, or
- Death (8 NYCRR §100.21(b)(2)(xiii)(a)).

11. What measures are used to calculate the College, Career and Civic Readiness Index?

Those measures and their respective weighting include:

In accordance with the provisions of Section 100.5 of this Part: Regents Diploma with Advanced Designation Regents or Local Diploma with CTE Technical Endorsement Regents Diploma with Seal of Biliteracy Regents Diploma and score of 3 or higher on an Advanced Placement exam Regents Diploma and score of 4 or higher on an International Baccalaureate exam Regents or Local Diploma and the passage of nationally certified Career and Technical Education (CTE) examination Skills and achievement commencement credential as provided in section 100.6(a) of this Part and a Level 4 on the New York State Alternate Assessment for students with disabilities as defined in section 100.1(t)(2)(iv) of this Part.	2.0
In accordance with the provisions of Section 100.5 of this Part: Regents Diploma and high school credit earned through participation in an Advanced Placement course Regents Diploma and high school credit earned through participation in an International Baccalaureate course Regents Diploma and high school credit earned through participation in dual enrollment (in high school and accredited college) course Regents Diploma with Career Development and Occupational Studies (CDOS) endorsement Skills and achievement commencement credential as provided in section 100.6(a) of this Part and Level 3 on the New York State Alternate Assessment for students with disabilities as defined in section 100.1(t)(2)(iv) of this Part.	1.5
Regents or Local Diploma only in accordance with provisions of section 100.5 of this Part Skills and achievement commencement credential as provided in section 100.6(a) of this Part and an achievement Level 2 on the NYSAA	1.0
Annual high school equivalency diploma recipients (included in numerator but not denominator) New York State career development and occupational studies commencement credential as provided in section 100.6(b) of this Part.	0.5
No high school diploma or high school equivalency diploma.	0

Source: New York ESSA School Accountability Emergency Regulations at 8 NYCRR §100.21(f)(2)(g)(2).

12. What happens if the all students subgroup does not meet the minimum n-size requirement?

In such an instance, the school will be identified using a self-assessment process (8 NYCRR §100.21(f))

Recommendations

- Make sure teachers, administrators and student support services staff are familiar with various accountability measures and their impact on the delivery of educational and support services to all students.
- Identify the resources needed to help students perform successfully under each of the accountability measures.
- Allocate resources among schools according to the unique needs of the accountability subgroups in each school.

Putting It All Together

Overall, schools are designated as comprehensive improvement and support (CSI) and targeted support and improvement (TSI) schools through the use of decision tables that combine accountability measures applicable to the school grade level (8 NYCRR §100.21(f)(1)(i), (ii), (2)(i), (ii)).

A CSI designation is based on the levels of performance of the all students accountability subgroup in the applicable accountability measures (8 NYCRR §100.21(f)(1)(i), (2)(i)). A TSI designation is based on the levels of performance of the various accountability subgroups other than the all student subgroup (8 NYCRR §100.21(f)(1)(ii)(b), (2)(ii)(b)).

Elementary and middle schools:

At the elementary and secondary school level schools will be preliminarily identified as a CSI school if one or more of the rows in the table below are applicable to the school.

Decision Table for Identification of Comprehensive Support and Improvement Elementary/Middle Schools

<u>Composite Performance Level</u>	<u>Student Growth Level</u>	<u>Combined Composite Performance & Growth Level</u>	<u>English Language Proficiency Level</u>	<u>Academic Progress Level</u>	<u>Chronic Absenteeism Level</u>
Both Level 1		Level 1	Any Level	Any Level	
Either Level 1		Level 1	None*	Any One of the Two is Level 1	
Either Level 1		Level 1	Level 1	Any Level	
Either Level 1		Level 1	Level 2	Any Level 1	
Either Level 1		Level 1	Level 3 or 4	Both Level 1	

**“None” means there were not enough English Language Learners to meet the minimum n-size requirement.
 Source: New York ESSA School Accountability Emergency Regulations at 8 NYCRR §100.21(f)(1)(i)

Schools at the elementary and middle school level are preliminarily identified as a TSI school if they met the criteria for identification in the table below for two consecutive school years for the same accountability subgroup. However, schools identified as a Priority or Focus school during the 2017-2018 school year may be identified using 2017-2018 school year data only, if they meet the criteria for identification as a TSI school beginning with the 2018-2019 school year. The table below combines the same multiple measures of performance for accountability subgroups in the school, other than the all students subgroup, using the same methodology used to designate CSI schools.

Decision Table for Identification of Targeted Support and Improvement Elementary/Middle Schools

<u>Composite Performance Level</u>	<u>Student Growth Level</u>	<u>Combined Composite Performance & Growth Level</u>	<u>English Language Proficiency Level</u>	<u>Academic Progress Level</u>	<u>Chronic Absenteeism Level</u>
Both Level 1		Level 1	Any Level	Any Level	
Either Level 1		Level 1	None*	Any One of the Two is Level 1	
Either Level 1		Level 1	Level 1	Any Level	
Either Level 1		Level 1	Level 2	Any Level 1	
Either Level 1		Level 1	Level 3 or 4	Both Level 1	

**“None” means there were not enough English Language learners to meet the minimum n size requirement.
 Source: New York ESSA School Accountability Emergency Regulations at 8 NYCRR §100.21(f)(1)(ii),(ii)(a),(b)).

High Schools:

At the high school level, schools will be preliminarily identified as a CSI school if they meet any of the conditions in the rows of the decision table below, except that beginning with the 2017-2018 school year graduation results, any public high school with a four year graduation rate below 67 percent and a five- or six-year graduation rate that is also below 67 percent will be preliminarily identified as a CSI school.

Decision Table for Identification of Comprehensive Support and Improvement High Schools

<u>Composite Performance Level</u>	<u>Grad Rate Level</u>	<u>Combined Composite Performance & Grad Rate Level</u>	<u>ELP Level</u>	<u>Progress Level</u>	<u>Chronic Absenteeism Level</u>	<u>CCCR Level</u>
Both Level 1		Level 1	Any	Any Level		
			Level			
Either Level 1		Level 1	None*	Any One of the Three is Level 1		
Either Level 1		Level 1	Level 1	Any Level		
Either Level 1		Level 1	Level 2	Any Level 1		
Either Level 1		Level 1	Level 3 or 4	Any Two Level 1		

None means there were not enough English Language Learners to meet the minimum n-size requirement.
 Source: New York ESSA School Accountability Emergency Regulations at 8 NYCRR §100.21(f)(2)(i)

Similar to schools at the elementary and middle school level, high schools are preliminarily identified as a TSI school if they met the criteria for identification in the table below for two consecutive school years for the same accountability subgroup. In addition, high schools identified as a Priority or Focus school during the 2017-2018 school year may be identified using 2017-2018 school year data only, if they meet the criteria for identification as a TSI school beginning with the 2018-2019 school year. The table below combines the same multiple measures of performance for accountability subgroups in the school, other than the all students subgroup, using the same methodology used to designate CSI high schools.

Decision Table for Identification of Targeted Support and Improvement High Schools

Composite Performance Level	Grad Rate Level	Combined Composite Performance & Grad Rate Level	English Language Proficiency Level	Progress Level	Chronic Absenteeism Level	CCCR Level
Both Level 1		Level 1	Any Level	Any Level		
Either Level 1		Level 1	None*	Any One of the Three is Level 1		
Either Level 1		Level 1	Level 1	Any Level		
Either Level 1		Level 1	Level 2	Any Level 1		
Either Level 1		Level 1	Level 3 or 4	Any Two Level 1		

None means that there are not a sufficient number of English Language Learners to meet the minimum n-size
 Source: New York ESSA School Accountability Emergency Regulations at 8 NYCRR §100.21(f)(2)(i)

Chapter 5

SCHOOL ACCOUNTABILITY – SUPPORT AND IMPROVEMENT INTERVENTIONS

In General

The Every Student Succeeds Act (ESSA) requires the implementation of school support and improvement strategies for schools identified as comprehensive support and improvement (CSI) and targeted support and improvement (TSI) schools.

Some of those activities differ as to each type of school. Overall, however, both CSI and TSI schools must implement a support and improvement plan to improve student outcomes (20 USC §6311(d)(1), (2)).

The New York ESSA accountability regulations build upon and expand ESSA requirements, including differentiation between activities during the various years that a school is designated as a CSI or TSI school (8 NYCRR §100.21(i)).

CSI and TSI schools in New York will start implementing all interventions applicable to them, beginning with accountability designations made on or after July 1, 2018 (*Id.*).

Questions and Answers

1. Are there any special rules that apply to schools that had been identified as a priority or focus school prior to June 30, 2018?

Yes. During the 2018-2019 school year, those schools must implement a school comprehensive education plan that meets pre-ESSA requirements (8 NYCRR §100.21(i)).

In addition, those that were required to offer public school choice prior to July 1, 2018, must continue to permit students to remain in the school to which they had transferred, and provide them with transportation, until they complete the highest grade level in that school (*Id.*).

2. What types of support and improvement interventions must comprehensive support and improvement (CSI) schools implement?

Those activities depend on whether the school is in its first, second, or third year of CSI designation. They include, for example:

Year One	Year Two	Year Three
<ul style="list-style-type: none"> • Comprehensive needs assessment participation • Comprehensive education plan development • Incoming teacher transfers limitation • Participatory budgeting process • Parent, staff and student surveys • Parental and public notification of CSI status 	<ul style="list-style-type: none"> • Implementation of Year 1 requirements, including plan implementation • Commissioner approval for any significant plan changes • School principal quarterly progress reports to school district on plan goals regarding leading indicators identified in the plan • Plan changes for Year 3 based on progress needs assessment • Submission of needs assessment and principal support report to commissioner if school did not meet or exceed state-specified annual achievement progression targets 	<ul style="list-style-type: none"> • Implementation of Year 2 requirements, including plan implementation • Continued submission to district of school principal quarterly progress reports • Plan changes for Year 4 based on progress needs assessment, unless meets criteria for removal from CSI status • Schools failing to meet or exceed certain specified conditions: <ul style="list-style-type: none"> - Conduct progress needs assessment or comprehensive needs assessment if prior year had a progress needs assessment - Amend plan subject to commissioner approval to identify partnership with a BOCES or others, as determined by the commissioner, to support the plan's implementation - Continue submission of principal support report

(8 NYCRR §100.21(i)(1)).

3. What types of support and improvement interventions must targeted support and improvement (TSI) schools implement?

TSI schools must:

- Participate in a comprehensive needs assessment in their first year of identification (or a progress needs assessment in subsequent years)
- Develop a school comprehensive education plan (8 NYCRR §100.21(i)(2)).

4. What is the nature of the limitation on incoming teacher transfers in schools identified for comprehensive support and improvement (CSI) schools?

That limitation requires that only teachers rated effective or highly effective by a school district in the previous year can transfer into a CSI school.

The limitation is subject to collective bargaining to the extent required by the Taylor Law. However, any successor collective bargaining agreement must authorize such transfers unless otherwise prohibited by law (8 NYCRR §100.21(i)(1)(i)(c)).

School Needs Assessments

ESSA itself does not require that schools identified as comprehensive support and improvement (CSI) or targeted support and improvement (TSI) schools conduct a needs assessment before developing a plan for improving student outcomes.

However, the New York ESSA school accountability regulations require that CSI and TSI conduct school needs assessments to help inform the development and update of a comprehensive education plan to improve student performance. Those include, for example, a school comprehensive needs assessment and a school progress needs assessment (8 NYCRR §100.21(b)(4)(ii), (ii), (i)(1)(a), (2)(a)).

Questions and Answers

1. Are there any specific requirements that apply to a comprehensive needs assessment?

Yes. The assessment must include a quality review of school quality, and must be conducted using such forms as may be prescribed by the commissioner of education. Those forms may include:

- The diagnostic tool for school and district effectiveness
- Select state-reported and state-supported indicators, and
- A resource audit (8 NYCRR §100.21(b)(4)(ii)).

The resource audit examines the effectiveness of professional development and how schools use their time (e.g., instructional time, length of school day and/or school year), space (facilities), staff, and funds in relation to best practices as determined by the commissioner (8 NYCRR § 100.21(b)(4)(iv)).

2. What is the difference between a comprehensive needs assessment and a progress needs assessment?

A progress needs assessment is an annual assessment of the school that includes:

- A progress review of the implementation of the school’s comprehensive education plan

- Select state-reported and state-supported data in comparison to other schools and in comparison to prior year performance
- A resource audit
- A review of parent, staff and teacher survey results.

A progress needs assessment shall not be conducted in a school year in which a comprehensive needs assessment is conducted (8 NYCRR §100.21(b)(4)(iii)).

3. **What is a principal support report?**

It is a report that school districts with at least one comprehensive support and improvement (CSI) school that did not meet its annual achievement progression target must complete to identify any areas in which the school district determines that it could support principals in CSI schools more effectively, based upon the specific needs of such schools (8 NYCRR §100.21(b)(1)(xii)).

A school's annual achievement progression target refers to an increase between the school's performance in the current school year compared to the prior school year on either the Core Subject Performance Index or the Mean Student Growth Percentile at the elementary and middle school level, and the Composite Performance Index or Unweighted average for the four-, five- and six year graduation rate measures at the high school level (8 NYCRR §100.21(b)(1)(xiv)).

Recommendations

Here is what school districts can do to facilitate the successful implementation of federal and state school accountability requirements:

- Use the diagnostic tool for school and district effectiveness in all schools that data shows are at risk of being designated as in need of comprehensive or targeted support and improvement, to identify and address potential problem areas early on.
- Conduct resource audits in all schools on a regular basis
- Regularly review the effectiveness of school district support for school building principals in all schools, based on the individual characteristics of each school
- Address any dissonance between building principal evaluation results and school performance results

Comprehensive Education Plans

In general, ESSA requires that comprehensive education plans for comprehensive support and improvement (CSI) and targeted support and improvement (TSI) schools be developed in partnership with certain specified stakeholders, be informed by all accountability indicators,

include evidence-based interventions, be subject to regular monitoring (20 USC §6311(d)(1),(2)), and identify resource inequities to be addressed, which may include a review of district-wide and school-level budgeting (20 USC §6311(d)(1)(B)(iv)). In addition, the plans are subject to school board approval, and to state educational agency approval in the case of CSI schools, with monitoring responsibilities shared between the state for CSI schools and school districts for CSI schools (20 USC §6311(d)(1)(B)(v), (vi), (2)(B)(iii), (iv)).

The New York ESSA school accountability regulations build on these requirements.

Questions and Answers

1. Are there any specific requirements regarding the contents of a comprehensive education plan?

Yes. Under New York’s ESSA school accountability regulations, such a plan must:

- Include an analysis of the school’s achievement of previous goals
- Be based upon school data including, but not limited to, the results of a comprehensive needs assessment or progress needs assessment and any additional data collected by the school
- Specify the accountability measures for which the school was identified
- Identify initiatives that will be implemented to positively affect student learning and to address the accountability measures for which the school was identified
- Identify resource inequities, which may include a review of school and school district budgeting
- Explicitly delineate the plan for annually increasing student performance through comprehensive instructional programs and services as well as enhancement of teacher and leader effectiveness, with a focus on the accountability subgroup(s) and measures for which the school was identified
- Include school-level evidence-based interventions (8 NYCRR §100.21(b)(4)(viii)), which include activities, strategies, or interventions that demonstrate either a statistically significant effect on improving student outcomes or other relevant outcomes, or a rationale based on high-quality research findings or positive evaluation and includes ongoing efforts to examine its effects (8 NYCRR §100.21(b)(4)(v)).

In addition, the plan must include a description of the goals, targets, and activities, and include timelines for the implementation of school-level evidence-based interventions and job-embedded professional development (8 NYCRR §100.21(i)(1)(i)(b)(6), (2)(i)(b)(6)).

Job-embedded professional development refers to professional development for teachers and leaders that is informed by the results of a comprehensive or progress needs assessment of the school and by the teacher or leader evaluation system and any applicable supports, and addresses identified teacher and student needs (8 NYCRR §100.21(b)(4)(ix)).

2. Who develops the comprehensive education plan?

The school develops the comprehensive education plan in consultation with parents, school staff, and other stakeholders in accordance with the school district's shared-decision-making plan (8 NYCRR §100.21(i)(1)(i)(b), (b)(5), (2)(i)(b)(5)).

In addition, students must participate in the development of a comprehensive education plan for a comprehensive support and improvement high school (see 8 NYCRR §100.21(b)(4)(viii)).

3. Must the school board adopt the comprehensive education plan?

Yes, and in New York City the chancellor or the chancellor's designee (8 NYCRR §100.21(i)(1)(i)(b)(1), (2)(i)(b)(1)).

However, the comprehensive education plan for a comprehensive support and improvement school also must be approved by the commissioner of education, and submitted for such approval by July 1 of the school year in which the plan is required to be implemented (8 NYCRR §100.21(i)(1)(i)(b)(1)).

The commissioner may reject any plan for a comprehensive support and improvement school that does not adhere to the directions provided by the New York State Department of Education. Also if it does not provide sufficient evidence in such format as prescribed by the commissioner that parents and pedagogical staff, and in high schools students, meaningfully participate in the development of the plan (8 NYCRR §100.21(b)(4)(viii)).

4. Is there a timeline for the implementation of a comprehensive education plan?

Yes. The plan must be implemented no later than the first day of regular student attendance of the next school year after the school year in which the school was identified (8 NYCRR §100-21(b)(4)(viii), (i)(1)(i)(b)(2), (2)(i)(b)(2)).

Updated plans must be implemented similarly, no later than the first day of regular student attendance of each year that the school remains in accountability status (8 NYCRR §100.21(i)(1)(i)(b)(3), (2)(i)(b)(3)).

5. How often must a comprehensive education plan be updated?

Such a plan must be updated annually and incorporate the findings of the comprehensive or progress needs assessment, as applicable (8 NYCRR §100-21(i)(1)(i)(b)(3), (2)(i)(b)(3)).

6. Are comprehensive education plans available to the public?

Yes. Such plans must be made widely available through public means by either posting on the school district's or school's website, if one exists, or displayed conspicuously within the school, according to such timelines as may be prescribed by the commissioner of education (8 NYCRR §100.21(i)(1)(i)(b)(4), (2)(i)(b)(4)).

7. Is the comprehensive needs assessment required for targeted support and improvement (TSI) schools the same as applies to comprehensive support and improvement (CSI) schools?

Yes. They are the same (8 NYCRR § 100.21(b)(4)(ii), (i)(1)(i)(a),(2)(i)(a)).

8. Are the requirements that apply to the content and the development and adoption of a targeted support and improvement (TSI) school's comprehensive education plan different than those required for comprehensive support and improvement (CSI) schools?

No, except for the requirement that plans for CSI schools are further subject to approval by the commissioner of education, and that students must participate in the development of a CSI high school plan (8 NYCRR § 100.21(b)(4)(viii), (i)(1)(i)(b), (2)(i)(b)).

Recommendations

Here is what school districts can do to facilitate the successful implementation of federal and state school accountability requirements:

- Examine the impact of strategies incorporated within a school's improvement plan from a programmatic, staffing, budgetary, and collective bargaining perspective.
- Determine what potential adjustments might need to be made for the successful implementation of improvement strategies, including changes related to, for example:
 - Current limitations on student access to course offerings
 - Availability of advanced level courses - number, subject and eligibility criteria
 - Access to instructional materials and technology
 - Reassignment of teachers and replacement of out-of-field teachers
 - Use of regional opportunities, including BOCES, to lessen costs
 - Student support services including levels of availability and accessibility
 - The length of school day and/or school year
- Identify the resources necessary to successfully implement improvement strategies and allocate resources accordingly

- Provide ongoing job-embedded professional development strategies for educators to enhance their ability to implement the strategies identified as appropriate to improve student performance in a school.
- Provide support to school building principals, and enhance their ability to help educators successfully implement school improvement strategies
- Review the school district's school based management and shared-decision-making plans.

Chapter 6

SCHOOL ACCOUNTABILITY – PARTICIPATORY BUDGETING

Although the Every Student Succeeds Act contains no similar mandatory or discretionary provision, the New York ESSA school accountability regulations require that schools designated as comprehensive support and improvement (CSI) schools establish a participatory budgeting process as an additional support and improvement intervention (8 NYCRR §100.21(i)(1)(d)).

Pursuant to that process, CSI schools are required to set aside an amount of funds designated by the commissioner of education and students and families are allowed to decide the types of projects for which those funds should be spent (8 NYCRR §100.21(b)(4)(x)).

Questions and Answers

- 1. Is there a date by which comprehensive support and improvement (CSI) schools must begin to implement the participatory budgeting process?**

Yes, beginning with the 2019-2020 school year (8 NYCRR §100.21(b)(4)(x)).

- 2. How much money must comprehensive support and improvement (CSI) schools set aside for participatory budgeting?**

The commissioner of education will designate the amount of funds CSI schools must set aside, except that such amount will be not less than \$2,000 (8 NYCRR §100.21(b)(4)(x)).

- 3. How often will comprehensive support and improvement schools (CSI) need to set aside funds for the participatory budgeting?**

CSI schools must set aside the amount of funds designated by the commissioner of education on an annual basis and spend the designated amount in such school year (8 NYCRR §100.21(b)(4)(x)).

- 4. Where will the funds to be set aside for participatory budgeting come from?**

In the absence of a dedicated stream of federal or state funds for this purpose, such funds will have to come from revenues raised at the local school district level.

- 5. On what types of projects can a comprehensive support and improvement (CSI) school spend participatory budgeting funds and what is the process for making such determinations?**

Participatory budgeting funds must be spent on projects that are proposed by and voted on by the students and families of the school through a process determined by the commissioner of education.

The budget proposal period and subsequent final vote must occur annually within each CSI school and be organized in such a manner as may be specified by the commissioner.

The final vote to determine the projects funded is open to all students and the families of each student shall have a minimum of one vote per family (8 NYCRR §100.21(b)(4)(x)).

6. Are there any limitations on the type of participatory budgeting projects that parents and students can propose?

No.

Recommendations

Here is what school districts can do to facilitate the successful implementation of federal and state school accountability requirements:

- Heighten the awareness of parents and students regarding the root causes that led to the school's designation and the types of strategies that can help address those problems.
- Engage parents and students in conversation regarding how their choice of participatory budgeting project(s) can affect their school's ability to improve the performance of students in the school.
- Help parents and students gain a better understanding of the finances of their school and district, sources of school revenue, any limitations on the use of such funds, how resources are allocated at the district level and among the various schools, the school budget process, and the impact of those factors and others on the actual delivery of educational services and supports for students in a school.

Chapter 7

SCHOOL ACCOUNTABILITY – PUBLIC SCHOOL CHOICE

The Every Student Succeeds Act does not require public school choice. Instead, it makes it an option at the discretion of a local educational agency (school district) (20 USC §6311(d)(1)(D)).

However, the New York ESSA school accountability regulations require that students enrolled in certain comprehensive support and improvement (CSI) schools be offered public school choice (8 NYCRR §100.21(i)(1)(iii)(g)).

Questions and Answers

1. Which comprehensive support and improvement schools (CSI) must provide public school choice to their students?

CSI schools required to provide public school choice include those that see a decline in certain specified indices that are part of the school accountability measures (8 NYCRR §100.21(i)(1)(iii)(g)).

2. Are there any limitations on the types of schools that students in a comprehensive support and improvement (CSI) school required to offer public school choice can transfer to?

Yes. Students may transfer only to a public school in good standing at the appropriate grade level within the district. If there are no schools in good standing within the district, such students must be offered the opportunity to transfer to a targeted support and improvement school (8 NYCRR §100.21(i)(1)(iii)(g); see also 8 NYCRR §100.21(b)(4)(viii)).

3. What happens if there are schools available for public school choice but not enough seats to accommodate all the school transfer requests received?

Any comprehensive support and improvement school that is required, but unable, to provide all of its students with public school choice because the number of transfer requests exceed the number of seats available within the district for such purpose must at least double the amount of funds set aside and expended the previous year for participatory budgeting (8 NYCRR §100.21(i)(1)(iii)(g)).

4. What happens if there are no schools available for public school choice?

Any comprehensive support and improvement school that is required, but unable, to provide public school choice at all because there are no other schools within the district that qualify to accept school choice transfers must set aside and expend for participatory budgeting at least three times the amount it set aside and expended for such purpose during the previous year (8 NYCRR §100.21(b)(4)(x)).

5. For how long must a comprehensive support and improvement (CSI) school unable to provide public school choice continue to provide that option?

For as long as the school remains designated as a CSI school (8 NYCRR §100.21(i)(1)(iv)).

In addition, such schools must continue to expend the increased amount of participatory budgeting funds required as a result of their inability to provide public school choice to all of their students (*Id.*).

6. Is a comprehensive support and improvement (CSI) school that is removed from its accountability designation required to continue to provide public school choice?

No, starting in the following school year.

However, students receiving public school choice at the time the CSI designation was removed must be given the opportunity to remain at the school they had transferred to until they complete the highest grade level at that school.

In addition, until that time, the students must continue to be provided transportation to their transfer school (8 NYCRR §100.21(i)(1)(iv)).

Chapter 8

SCHOOL ACCOUNTABILITY – REMOVAL FROM ACCOUNTABILITY DESIGNATION

The Every Student Succeeds Act requires that states establish statewide exit criteria for the removal of schools identified as either a comprehensive support and improvement school (CSI) or a targeted support and improvement school from their accountability designation (TSI) (20 USC § 6311(d)(3)(A)(i)).

The New York ESSA school accountability regulations establish such criteria for both CSI and TSI schools (8 NYCRR § 100.21(j)(1), (2), (3)).

Questions and Answers

1. What are the specific exit criteria that comprehensive support and improvement (CSI) and targeted support and improvement (TSI) schools must meet to be removed from their accountability designation?

That exit criteria vary depending on the particular accountability designation, and in the case of a CSI school, the grade level (see 8 NYCRR § 100.21(j)).

CSI schools must, for two consecutive years, meet the following criteria:

CSI Elementary or Middle School	CSI High School
<ul style="list-style-type: none">• A Level 2 or higher in both the Composite Performance and Student Growth accountability measures, or• A Composite Performance Index and a Mean Growth Percentile higher than at the time of identification, and a Level 2 or higher in both the Combined Composite Performance and Student Growth accountability measures, and a Level 2 or higher in the Academic Progress, English Language Proficiency, and Chronic Absenteeism accountability measures	<ul style="list-style-type: none">• A Level 2 or higher in both the Composite Performance and Graduation Rate accountability measures, or• A Composite Performance Index and an average of the Four-, Five-, and Six-year graduation rates higher than at the time of identification, and a Level 2 or higher in both the Combined Performance and Graduation Rate accountability measures, and a Level 2 or higher in the Academic Progress, English Language Proficiency, Chronic Absenteeism, and College, Career and Civic Readiness accountability measures

(8 NYCRR § 100.21(j)(1)(ii), (2)(i)).

In addition, CSI schools may be removed from their accountability designation if they are not on the new list of identified schools that is created every third year, as a result of having improved performance on the measures used to identify CSI schools (8 NYCRR § 100.21(j)(1)(ii)(c), (2)(i)(c)).

TSI schools, on the other hand, must not be identified as such for any accountability subgroup in order to be removed from the accountability designation. The performance of the school must be such for two consecutive years that the school would no longer be identified as a TSI school (8 NYCRR § 100.21(j)(1)(iii), (2)(ii)).

2. Is it possible for a comprehensive support and improvement (CSI) and a targeted support and improvement (TSI) school to meet the applicable exit criteria and still remain in accountability status?

Yes. CSI and TSI schools that otherwise meet the exit criteria may not exit their accountability status if they are required to implement an assessment participation rate improvement plan (8 NYCRR § 100.21(j)(1)(ii)(d),(iii), (2)(i)(d)).

Recommendations

To facilitate the successful implementation of New York’s school district accountability requirements, school districts can support school efforts to improve student performance, and their student participation rate in school assessments.

Chapter 9

SCHOOL DISTRICT ACCOUNTABILITY

The Every Student Succeeds Act does not include any provisions requiring that states hold school districts accountable for the performance of their students. Under ESSA, only schools are held accountable for student performance (20 USC §6311(c)(2)). However, New York’s ESSA Plan and ESSA school accountability regulations establish an accountability system that applies to school districts as well, not just schools.

Separately, ESSA requires that both the state and local school districts prepare and disseminate annual report cards that provide various types of information on the performance of students, the number and percentage of schools identified for support and improvement. These report cards must be made available to the public in an understandable and uniform format and, to the extent practicable, in a language that parents can understand (20 USC §6311(h)(1), (2)).

School District Accountability Designation

In New York, a school district may be placed in accountability status as a “target district” if:

- It has one or more schools identified as a comprehensive support and improvement (CSI) and/or targeted support and improvement (TSI) schools, or
- Its district-wide performance levels would cause a school to be identified as a CSI or a TSI school (8 NYCRR §100.21(b)(3)(iv), (f)(3)).

Special rules apply to the city school district of the city of New York (*Id.*).

Questions and Answers

1. Are there any accountability measures that are used to assess a school district’s district-wide performance levels?

Yes. The commissioner will apply the accountability measures used for the identification of comprehensive support and improvement (CSI) and targeted support and improvement (TSI) schools, in accordance with the same timelines and procedures applicable to CSI and TSI schools (8 NYCRR §100.21(f)(3)(ii)).

2. Are school districts designated as a target district required to implement improvement interventions?

Yes (8 NYCRR §100.21(i), (i)(3)). Starting with the first year of identification, a target school district must participate in a comprehensive needs assessment and develop a district comprehensive improvement plan (8 NYCRR §100.21(i)(3)(i)(a), (b)).

3. What is included in a target district’s comprehensive needs assessment?

The comprehensive needs assessment must include a quality review of district quality using such form(s) as may be prescribed by the commissioner or education, which may include:

- The diagnostic tool for school and district effectiveness,
- Select state-reported and state-supported data indicators, as prescribed by the commissioner, and
- A resource audit (8 NYCRR §100.21(b)(4)(ii)), which examines the effectiveness of professional development and how schools and districts use their time (e.g., instructional time, length of school day and/or school year), space (facilities), staff, and funds in relation to best practices as determined by the commissioner (8 NYCRR §100.21(b)(4)(iv)).

In addition, a target district that has at least one comprehensive support and improvement school that fails to meet its annual achievement progression target for two consecutive school years must conduct a comprehensive principal needs assessment that examines the capacity of the district to support its principals (8 NYCRR §100.21(b)(1)(xiii)).

A school’s annual achievement progression target refers to an increase between the school’s performance in the current school year compared to the prior school year on either of certain specified accountability measures that differ at the elementary and middle school level and the high school level (8 NYCRR §100.21(b)(1)(xiv)).

The district must submit the results of the principal needs assessment to the New York State Education Department along with a plan to provide the necessary supports and resources identified by the assessment and the plan (8 NYCRR §100.21(b)(1)(xiii)).

4. Are there any specific requirements that apply to the content of a target district’s comprehensive improvement plan?

Yes. The plan must incorporate the findings of the required comprehensive needs assessment (8 NYCRR §100.21(i)(3)(i)(a)) and include a description of the goals, targets, and activities, and include timelines for the implementation of interventions and professional development that address the needs identified by the district and school needs assessments (8 NYCRR §100.21(i)(3)(i)(b)(3), (6)).

Similar to the comprehensive improvement plan for schools designated for accountability status, a district-level plan also must:

- Include an analysis of the district’s achievement of previous goals

- Be based upon data from the district including, but not limited to, the results of the district-level comprehensive needs assessments, and any additional data collected by the district
- Specify the accountability measures for which the district was identified
- Identify resource inequities, which may include a review of school and school district budgeting
- Explicitly delineate the plan for annually increasing student performance through comprehensive instructional programs and services, as well as enhancement of teacher and leader effectiveness, with a focus on the accountability subgroup(s) and measures for which the district and its schools were identified (8 NYCRR §100.21(b)(4)(xv)).

5. Are there any specific procedures that apply to the development and adoption of a target district's comprehensive improvement plan?

Yes. The plan must be:

- Developed in consultation with parents, school staff, and others, consistent with the district's shared-decision-making plan,
- Approved by the school board, or the chancellor or chancellor's designee in New York City,
- First implemented no later than the first day of regular student attendance in the school year following the school year when the district was identified, and
- Updated annually, and
- Made widely available through public means by either posting on the district's website, if one exists, or displayed conspicuously within the district, in accordance with any timeline prescribed by the commissioner of education (8 NYCRR §100.21(b)(4)(xv), (i)(3)(i)(b)).

Starting with the second year of identification, the district must obtain prior approval of the commissioner of education for any significant modification to the district's comprehensive improvement plan (8 NYCRR §100.21(i)(3)(i)(b)).

Recommendation

To facilitate the successful implementation of New York's school district accountability requirements, school districts can be proactive and implement many of the same recommendations offered in the chapters addressing school accountability.

Removal from Accountability Designation

The same as schools designated for accountability status, school districts designate as target districts can be removed from that accountability designation (8 NYCRR §100.21(j)(6)).

Questions and Answers

1. How can a school district be removed from its designation as a target district?

A school district must meet two conditions to be removed from target district status. First, all of its schools must be in good standing. Second, in districts identified for their district-wide performance, that performance must, for two consecutive years, be such that the district would no longer be identified as a target district on that basis (8 NYCRR §100.21(j)(6)).

Recommendation

To facilitate the successful implementation of New York's school district accountability requirements, school districts can be proactive and implement many of the same recommendations offered in the chapters addressing school accountability.

School District Report Cards

In New York, the state issues a state school report card for each public school and school district. To satisfy the local report card requirements of ESSA, each report card must be placed on the district's website if one exists and, if not, provided to the public in another manner determined by the district (8 NYCRR §100.2(m)(4)).

Much of the information previously included in the report card remains the same. However, ESSA expands the content requirements to include data on a variety of new issues (20 USC §6311(h)(1)).

Questions and Answers

1. Are there any types of new information required by ESSA to be included in the school district report card that school boards should pay particular attention to?

Yes, including, for example, data on measures of school quality, climate and safety, preschool and accelerated coursework programs, levels of educator qualifications, and disaggregated per-pupil expenditures of federal, state and local funds (20 USC §6311(h)(1)(C)(viii), (ix), (x)).

2. What type of information on school quality, climate and safety does ESSA require be included in the school district report card?

That includes information submitted by the state and school districts pursuant to the federal Department of Education Organization Act regarding:

- Rates of in-school and out-of-school suspensions
- School-related arrests and referrals to law enforcement
- Chronic absenteeism (including both excused and unexcused absences),
- Incidences of bullying and harassment

(20 USC §6311(h)(1)(C)(viii)).

3. What type of information on preschool and accelerated coursework programs does ESSA require be included in the school district report card?

Based on information submitted by the state and school districts pursuant to the federal Department of Education Organization Act, the school report card must include data on the number and percentage of students enrolled in:

- Preschool programs
- Accelerated coursework to earn postsecondary credit while still in high school, such as Advanced Placement and International Baccalaureate courses and examination
- Dual or concurrent enrollment programs (20 USC §6311(h)(1)(C)(viii)).

4. What type of information on educator qualifications does ESSA require be included in the school district report card?

ESSA requires that the report card also include the number and percentage of:

- Inexperienced teachers, principals and other school leaders
- Teachers teaching with emergency credentials
- Teachers teaching outside the subject or field for which they are certified or licensed

The report card must present such data both in the aggregate and disaggregated by high poverty compared to low poverty schools (20 USC §6311(h)(1)(C)(ix)).

5. What type of per-pupil expenditures information does ESSA require be included in the school district report card?

Pursuant to ESSA, the report card must include data on the per-pupil expenditures of federal, state and local funds. Such data must include actual personnel and non-personnel expenditures of such funds. In addition, it must be disaggregated:

- By source of funds
- For each school district and each school in the state

for the preceding fiscal year (20 USC §6311(h)(1)(C)(x)).

Recommendations

Here is what school districts can do to facilitate the successful implementation of federal and state school accountability requirements:

- Shift the focus of the budget process from a district-wide to an enhanced building level orientation
- Review resource allocation policies and practices to ensure a more equitable approach to the distribution of such resources among schools, including during times of budget cuts. Who gets what and on what basis?
- Enhance the participation of school building principals in the budget development process and increase the examination of building-level analytics.
- Heighten awareness of, and factor in during the budget development process, each school's student accountability subgroups and their needs for supports and services, including costs and the delivery of services processes.
- Review current policies and practices regarding the recruitment, hiring, placement, and retention of educators.
- Conduct an analysis of the number of ineffective, out-of-field, and/or inexperienced teachers assigned to minority, low-income students in Title I schools compared to non-low-income, non-minority students in non-Title I schools
- Review and bargain over current contractual provisions that impair the ability to transfer experienced and effective teachers to schools with the most high-need students

Chapter 9

THE SCHOOL RECEIVERSHIP AND REGISTRATION REVIEW CONNECTION

Schools designated as a comprehensive support and improvement (CSI) school for three consecutive years will be preliminarily identified as a struggling school subject to the provisions of New York’s receivership regulations (8 NYCRR §100.21(j)(4)).

In addition, the commissioner of education will place under preliminary registration review any school:

- That has been identified as a comprehensive support and improvement school for at least three consecutive years (8 NYCRR §100.21(k)(1)), unless the school district successfully submits additional data and relevant information concerning extenuating or extraordinary circumstances that should be cause to not identify the school for registration review (8 NYCRR §100.21(k)(4),(6)).
- For which a school district has failed to provide the student performance data required to conduct the annual assessment of the school’s performance
- That has excessive percentages of students failing to fully participate in state assessments (8 NYCRR §100.21(k)(3)).

Questions and Answers

1. What happens if a school is placed under registration review?

The commissioner of education will warn the school board, or the chancellor or chancellor’s designee in New York City, that the school is at risk of having its registration revoked, and the actions that must be taken and/or the progress that must be shown for the school to be removed from consideration for revocation of registration (8 NYCRR §100.21(l)(1)).

2. What types of action must a school district take upon receiving notice that a school is at risk of having its registration revoked?

The school district must give notice to the general public of the issuance of such warning, and disclose it at the next public school board meeting (8 NYCRR §100.21(l)(1)(i)).

In addition, during each year that the school remains under registration review, the school district must give parents notice that the school remains under review and is at risk of having its registration revoked along with:

- A summary of actions the district and the school are taking to improve student results

- An explanation of any programs of choice, magnet programs, transfer policies, or other options parents may have to place the student in a different school within the district (8 NYCRR §100.21(1)(1)(ii)).

3. What happens if a school identified for registration review is also identified as a struggling or persistently struggling school?

Such a school must implement the school receivership provisions set out in commissioner’s regulations (8 NYCRR §100.21(1)(3)).

However, if the school fails to make demonstrable improvement for two consecutive years, the commissioner may direct that the school receivership be terminated and the district submit plans for converting the school into a charter school, contract with the State university trustees for the education of the school’s students, or close or phase out the school (8 NYCRR §100.21(1)(3)(i)).

If a school district fails to submit an acceptable plan, the commissioner may direct that the district close or phase out the school pursuant to a plan approved by the commissioner (8 NYCRR §100.21(1)(3)(ii)).

4. May schools be removed from registration review, school phase-out or closure?

Yes, if they make the progress necessary to be so removed and the school superintendent submits a petition to the commissioner of education to remove the school from registration review (8 NYCRR §100.21(m)(1)).

5. Are there any special rules that apply to the removal of schools placed under registration review prior to the 2018-2019 school year from such placement?

Yes. However, if they have met previously established progress targets but are identified in the 2018-2019 school year as a comprehensive support and improvement (CSI) school, the school will remain under registration review.

In addition, they must comply with the support and improvement intervention requirements that apply to schools identified as CSI, and meet the targets for removal from such designation (8 NYCRR §100.21(m)(3)).

On the other hand, they will be removed from registration review if they meet their previously established progress targets and are not identified in the 2018-2019 school year as a CSI school (8 NYCRR §100.21(m)(4)).

Recommendations

Here is what school districts can do to facilitate the successful implementation of New York’s ESSA school accountability requirements:

- Be proactive and implement the various recommendations offered to prevent the designation of schools as CSI schools or their removal from such designation.
- Timely comply with requests for data necessary for the commissioner to annually assess a school's performance.
- Implement the recommendations made in other chapters for the improvement of student participation in state assessments.