

10 Things to Know About NY's ESEA Waiver

New York State has successfully applied for a waiver from specific provisions of No Child Left Behind (also known as ESEA—the Elementary & Secondary School Act). We see this as an opportunity to align federal funds and requirements with the work we've already started through the Regents Reform Agenda and Race to the Top. It's a chance to spur innovative ideas while eliminating programs and mandates that have not proven to be effective in helping our students.

Here are ten things you should know about the ESEA waiver opportunity for New York State.

1	<p>Alignment with New York's vision. NY's approved waiver is closely aligned with the Regents Reform Agenda for PreK-12 education, including the goals of preparing all students for college and meaningful careers and targeting supports and interventions to teachers, principals, schools and districts based on students' academic growth and achievement.</p>
2	<p>College and Career Readiness Standards and Assessments. Proficiency will now be defined in terms of college and career readiness as reflected in the Board of Regents adoption of Common Core Learning Standards (CCLS). NY will continue to administer English Language Arts (ELA) and math assessments every year from grades 3 through 8 as well as Regents exams in high school. Beginning with 2012-2013 school year administrations, these tests will be revised to better align with the CCLS.</p>
3	<p>Ambitious and realistic goals for improvement. Prior to the waiver, all schools and districts were held to the standard of having all students proficient on state assessments in ELA and math by 2014. New York has now been able to set new ambitious and realistic timelines and trajectories for schools and district to demonstrate they are increasing the percentage of students who are on track to college and career readiness while closing achievement gaps among student groups. The State goal is that between 2010-11 and 2016-2017, we will reduce by half for each ESEA accountability group the percentage of students who are not proficient or on track to proficiency in terms of college and career readiness in ELA and mathematics.</p>

<p style="text-align: center; font-size: 2em; font-weight: bold;">4</p>	<p>AMO and AYP, Improved. Annual Measurable Objectives (AMOs) and Adequate Yearly Progress (AYP) for districts, schools and subgroups will continue to be reported, but are being calculated and used in new ways. At the elementary and middle school level, AMOs and AYPs now take into account both whether students are proficient or making acceptable growth towards proficiency. At the high school level, AMOs and AYPs now give “full credit” to schools and districts only when students pass Regents exams at college and career readiness levels (i.e., a score of 75 or higher on the Regents Comprehensive English Exam and a score of 80 or higher on a Regents Math Examination). Students who score between 55-64 on a Regents examination or pass a Regents Competency Test no longer earn “partial credit” for a school or district. AYP is now used in a more limited way (i.e., as part of the process of identifying Reward Schools and Schools requiring Local Assistance Plans) and no longer is the key determinant of a school or a district’s accountability status.</p>
<p style="text-align: center; font-size: 2em; font-weight: bold;">5</p>	<p>New School and District Accountability Continuum: Priority, Focus and Reward Schools and Focus Districts. At the end of the 2011-12 school year, NY will sunset the current accountability continuum of schools and districts in improvement, corrective action and restructuring based on failure to make AYP. Instead, five percent of the schools in the state will be identified as “Priority” and ten percent as “Focus” schools. Priority schools are among the lowest performing schools in the state based on combined ELA and math performance that are not showing progress or that have had graduation rates below 60% for the last several years. These schools must no later than the 2014-15 school year implement a whole school reform model that fully incorporates federal requirements for school turnaround. “Focus” schools are located in “Focus Districts,” which are those districts that either have the lowest achieving students or the lowest graduation rates for a particular student group. Districts with one or more “Priority” schools are automatically designated as “Focus” districts. Within these districts, “Focus” Schools are those that are lowest performing or have the lowest graduation rates for the subgroups for which the districts are identified. Reward Schools, in contrast, are among those in the state that are the highest achieving or are making the most progress.</p>
<p style="text-align: center; font-size: 2em; font-weight: bold;">6</p>	<p>Differentiated supports and interventions. The old system of mandated supports and interventions is being replaced with a more flexible one that provides new latitude to direct federal funds to targeted, effective services for districts, schools and students based on their unique needs. The Department will support this new system by using a newly developed diagnostic tool to assess school and district performance and assist districts to create District Comprehensive Improvement Plans and schools to create Comprehensive Education Plans.</p>

7	<p>Targeted use of Federal Funds. Districts with Title I schools in improvement status will no longer be required to spend an amount equivalent to up to 20% of their Title I, Part A funds on Supplemental Educational Services (SES), or transportation related to Public School Choice. Requirements for a set aside of funds for professional development in identified schools have also been eliminated. Instead, beginning in the 2012-13 school year, Focus Districts will be required to set aside specific funds for state-approved programs and services as well as parent involvement and engagement activities. The set-aside amount will be:</p> <ul style="list-style-type: none">▪ The equivalent of 5% - 15% of an LEA's Title I, II, and, if identified as a Focus District for performance of English language learners, Title III funds that must be used to support programs and services chosen from a list promulgated by the Commissioner in Priority and Focus Schools. NYSED will notify Focus Districts later this school year of the size of their set aside.▪ An amount equal to 2% of an LEA's Title I allocation for parent involvement and engagement. (Previously, the required set aside for parent involvement and engagement was 1%.)
8	<p>Teacher and principal quality based on effectiveness. Districts will no longer be required to develop improvement plans when 100% of their teachers are not "highly qualified" (credentialed). Instead schools will be required to perform regular teacher and principal evaluations, which must include student growth as a significant factor. By the end of the waiver period, we will use this information to ensure that school districts are taking actions to create an equitable distribution of effective teachers among schools. New York is a national leader on this change of approach since we are already implementing statewide teacher and principal evaluations based on multiple measures of effectiveness, including student growth.</p>

9

More Flexible Use of Federal Funding. Districts will now have more flexibility to transfer funds received among ESEA programs (e.g., switching funds designated to support professional development to the program designed to provide services to low-income students). Moreover, to minimize burden, districts will not be required to notify the SEA prior to transferring funds. Districts will also have more flexibility to operate schoolwide programs that can serve all the students in a school, not just low-income students, to use funds to support expanded learning time during the school day in addition to activities during non-school hours or periods when school is not in session (i.e., before and after school or during summer recess). In addition, districts can serve certain Title I-eligible high schools with low graduation rates below 60 even if the schools do not otherwise rank sufficiently high in terms of the percentage of low-income students to be served.

10

Measuring School and District Success Based on Both Proficiency and Growth. New York will now measure the success of elementary and middle schools based not only on the level of student performance but on how much growth students are making annually. New York hopes before the end of the waiver period to also incorporate such growth measures into the high school accountability system.