

**Race To The Top
NY Application
Appendix**

The New York law and regulations set forth in the State's application and appendix are the laws and regulations in effect as of the date of submission of the application and appendix.

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**Appendix A 1 i 1: Dec 8 Regent Item: Update on School Turnaround /Restart/ Closure/
Transformation Strategies**



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: EMSC Committee
FROM: John B. King, Jr.
SUBJECT: Update on School Turnaround/Restart/Closure/Transformation Strategies
DATE: December 8, 2009
STRATEGIC GOAL: Goals 1 and 2
AUTHORIZATION(S):

SUMMARY

Issue for Discussion

What actions can the Board of Regents and the Department take to support local educational agencies (LEAs) in turnaround, restart, school closure or transformation activities with persistently low-achieving schools?

Procedural History

At the Regents meetings in June, July, September and November 2009, Chancellor Merryl H. Tisch and Regent Lester W. Young provided updates on activities related to New York State's Race to the Top (RTTT) application planning and strategy. One key area of Race to the Top involves how states will support local educational agencies (LEAs) in turning around schools that are persistently lowest-achieving. In December, Department staff will review with the Regents the proposed methodology for identifying these schools. This companion item provides recommendations on policy decisions, changes to Commissioner's regulations, and items for inclusion in the Regents legislative priorities that will build a robust infrastructure to support the efforts of LEAs to intervene successfully in persistently lowest-achieving schools.

Background Information

New York's vision for educational excellence is focused on the centrality of the teaching and learning experience in the classroom supported by the synergistic efforts of state, regional, district, and school-based infrastructures. The vision is depicted in Figure 1.

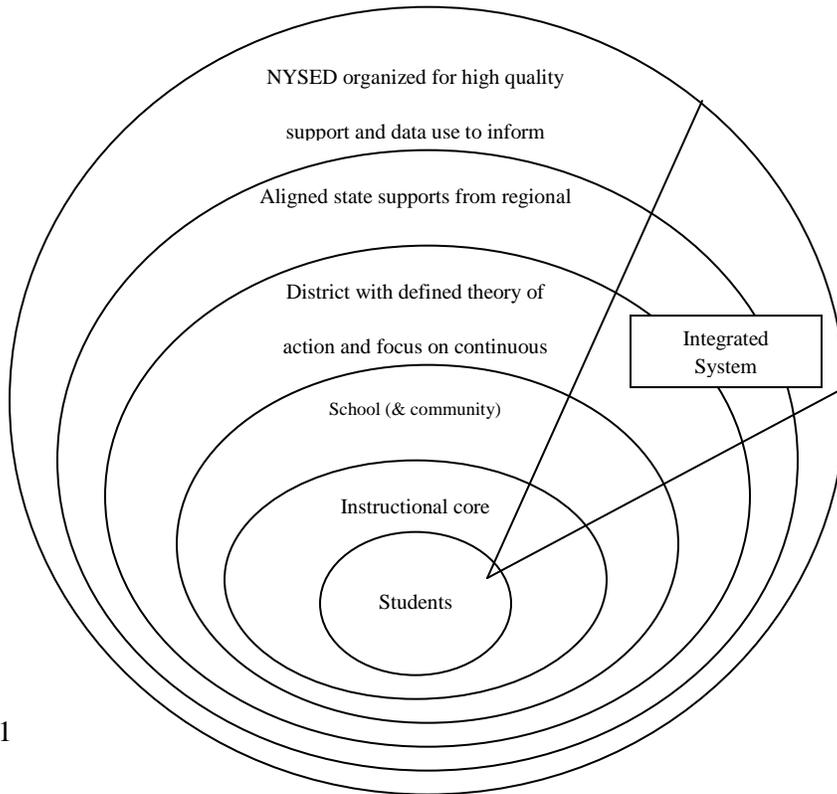


Figure 1

Among the areas encompassed by this vision are:

Local Accountability for Student Success:

- LEAs must be encouraged to:
 - Redesign school programs to increase graduation rates for at-risk students and provide instructional programs, including the use of on-line learning, that prepare students for the 21st century global economy.
 - Determine appropriate school turnaround and replacement strategies, and use Title I School Improvement, Race to the Top and other funds to support bold new reform efforts in schools that are persistently lowest-achieving.

State Level Leadership for Change:

- The State Education Department must:
 - Transform from a compliance-oriented agency to a service-oriented agency focused on providing technical assistance to districts on preparing students for college, the global economy, 21st century citizenship, and lifelong learning. This effort will build on past analyses/evaluations of the department.

- Increase the State's capacity to support district-led improvement and replacement strategies, while at the same time exercising the Commissioner's authority to close chronically underperforming schools.

For more than twenty years, the Board of Regents have had in place a process by which the Commissioner annually identifies those schools that are farthest from State standards and most in need of improvement. These schools are placed under registration review. LEAs with identified schools are required to develop plans for turning these schools around and are provided support by the State Education Department to implement these plans. If improvement in student achievement does not occur, LEAs must phase-out and close these schools or the Commissioner will recommend to the Board of Regents that the school's registration be revoked. This process has helped to improve academic performance in more than 200 schools. At the same time, the process has also resulted in the closure of more than 60 schools that failed to achieve performance targets established by the Commissioner.

With the United States Department of Education announcement of the Race to the Top (RTTT) fund application, the Board of Regents and the State Education Department have an unprecedented opportunity to build upon these successes. One of the four key selection criteria in the application is the State's plan for turning around its persistently lowest-achieving schools. Persistently lowest-achieving schools are schools in improvement, corrective action, or restructuring that are among the lowest-achieving in the State in terms of student proficiency in ELA or mathematics or have graduation rates below 60% for a number of years.

RTTT guidelines highlight four effective models for dramatic school intervention in persistently lowest-achieving schools: the turnaround model; the restart model; school closure; and the transformation model. LEAs that have schools that have been identified as persistently lowest-achieving will be required to select one of the four models and submit an intervention plan to the Commissioner for approval. These models all include elements of intervention strategies that have already been implemented in New York State.

Recommendations:

In order to raise student achievement and close achievement gaps by turning around the State's persistently lowest achieving schools, Department staff recommend that the Regents:

- 1) Pursue a framework for dramatic school intervention, which includes direct management of schools by external lead partners and possible creation of Partnership Zones¹. This framework will be implemented statewide in selected schools.

¹ For an example of how this framework might work, see Mass Insight report, *The Turnaround Challenge* (2007).

- 2) Use Federal funds and issue a Request for Proposal (RFP) to create a statewide Technical Assistance Center for Innovation and Turnaround (TACIT) to support the implementation of the school intervention models. In addition, we recommend expanding the use of federal school improvement funds (1003(g) funds [20 USC §6303(g)] to support LEAs that voluntarily opt-in to use of the four intervention models before schools are identified as persistently lowest-achieving.
- 3) Create a State Education Department Office of Innovative School Models (OISM). Through OISM, lowest-achieving schools will have the opportunity to apply for competitive grants to support community based organization implementation of Full Service Models that include academic, social/emotional, and health supports and Extended Learning Time.
- 4) Support the implementation of this plan by establishing the following legislative priorities:
 - the authorization of educational management organizations (EMOs) to directly manage schools (including budget, staffing decisions, the daily schedule and yearly calendar, etc.);
 - raising the charter school cap to facilitate the creation of new charter schools, particularly secondary schools, focused on serving high need populations of students, i.e., low-income students, students at Level 1 or Level 2 performance on the NY State assessments, over-age and under-credited high school students, English language learners (ELLs), and students with disabilities (SWDs). As part of raising the cap:
 - Encourage authorizing single Board governance of multiple schools with a common management entity, the provision of pre-K education by charter schools, strengthen equitable funding for charter schools, and access to facilities financing for charters;
 - Ensure that charter school funding, student enrollment policies, and all charter board and school-level practices are fully transparent and their actions and results fully accountable to public authority; and continue to evaluate the local impact of placing new charter schools into particular communities.
 - authorizing the Commissioner to order – in extraordinary circumstances – an LEA to convert a struggling school into a charter school; and
 - authorizing charter schools access to BOCES services.
- 5) Establish as a legislative priority expansion of the authority of the Board of Regents to intervene in LEAs that have been declared chronically under performing and give the Regents the authority to designate a three- member team who would assume the responsibilities of an Education Oversight Board of the district with all the powers of the School Board.
- 6) Amend Commissioner’s regulations to:
 - allow newly created schools to seek operational waivers at the time of registration;
 - align the process for identification of the Schools Under Registration Review and persistently lowest achieving schools (as described in a separate report to the Regents);

- ensure that each LEA's annual professional performance review plan requires timely and constructive feedback and that the evaluation include performance data for that teacher's students; and
 - expand the means by which students can earn high school credit (or receive a high school diploma) based on completion of competencies, including the achievement of credit through successful virtual/on-line course completion.
- 7) Create innovative secondary schools, including developing a Virtual High school, in order to improve graduation rates.

With the concurrence of the Regents, Department staff will incorporate these concepts in New York's Race to the Top application and develop amendments to Commissioner's regulations for consideration by the Regents later this school year.

Proposed Plan for Turning Around Persistently Low-Achieving Schools

RTTT guidelines highlight four models for dramatic school intervention in persistently lowest-achieving schools: the turnaround model; the restart model; school closure; and the transformation model. LEAs that have schools that have been identified as persistently lowest-achieving will be required to select one of the four models and submit an intervention plan to the Commissioner for approval. These same models must also be used by LEAs that receive Title I School Improvement Grants. These models all include elements of intervention strategies that have already been implemented in New York State.

Intervention Models and Requirements as Defined by Race to the Top

In the **turnaround** model, the principal is replaced along with fifty percent of the current staff. In addition, the LEA must:

- use local competencies to measure the effectiveness of staff;
- grant the principal sufficient operational flexibility regarding staffing, calendars/time, and budget;
- provide incentives and flexible working conditions to attract and retain skilled teachers;
- provide staff with ongoing, high-quality, job-embedded professional development;
- adopt a new governance structure, which may include requiring the school to report to a LEA turnaround office or State turnaround office;
- hire a turnaround leader (external lead partner) who reports directly to the Superintendent, or enter into a multi-year contract with the LEA or State to obtain greater operational flexibility in exchange for greater accountability;
- promote the continuous use of data to inform and differentiate instruction;
- establish schedules and implement strategies that provide increased learning time; and
- provide appropriate social-emotional and community-oriented services and supports for students.

In the **restart** model, the LEA converts a school or closes and reopens a school under the management of an external lead partner (i.e., charter school operator, a charter management organization, or an education management organization). The new or converted school must allow students from the former school to attend. The external lead partner contracts directly with the LEA, and is directly responsible for the operation of the school and accountable for dramatic increases in student achievement.

School closure occurs when a LEA closes a school and enrolls the students who attended that school in other schools within the LEA that are higher achieving.

Under the **transformation** model, the LEA is required to implement all of the following strategies:

- replace the principal in the persistently low-achieving school;

- use a rigorous and equitable evaluation system for teachers and principals;
- identify and reward school leaders, teachers, and other staff who, in implementing this model, have increased student achievement and high school graduation rates, and identify/remove those who, after ample professional development, have not increased student achievement;
- provide staff with ongoing, high-quality, job-embedded professional development;
- provide incentives and flexible working conditions to attract and retain skilled teachers;
- use data to identify and implement an instructional program that is research-based and vertically aligned across grades and with State standards;
- promote the continuous use of data to inform and differentiate instruction;
- establish schedules and implement strategies that provide increased learning time;
- provide on-going mechanisms for family and community engagement, which may include appropriate social-emotional and community-oriented services and supports for students;
- allow the school operational flexibility (in staffing, time, and budgeting) to implement a comprehensive program to dramatically increase student achievement; and
- ensure that the school receives ongoing, intensive technical assistance and related support from the LEA, State, and/or a designated external lead partner organization, such as an educational management organization (EMO).

Race to the Top Proposed Plan for Struggling Schools

In Race to the Top, the state is required to provide a high-quality and ambitious plan to support LEAs in turning around persistently lowest-achieving schools. Department staff recommend that New York's plan include the following steps:

1. The Commissioner will identify persistently lowest achieving schools.
2. LEAs, with support from the Technical Assistance Center for Innovation and Turnaround (TACIT), will choose one of the four school intervention models.
3. With support from the TACIT, LEAs will choose partners to facilitate dramatic school change.
4. LEAs will adopt a governance structure to oversee the implementation of the intervention model, for example an internal LEA turnaround office, a Partnership Zone or an external lead partner.
5. LEAs, in collaboration with partners will develop an Intervention Plan, including measurable benchmarks, based upon the chosen model.
6. The Commissioner will appoint a panel consisting of members of the Joint Intervention Team (JIT) and Distinguished Educators (DEs) to review the Intervention Plans. The panel will make one of the three recommendations to the Commissioner:
 - accept the LEA's Intervention Plan.
 - accept the LEA's Intervention Plan on the condition that the suggested revisions are made; or
 - return the LEA's proposal and require the LEA to submit a new Plan.
7. The LEA and partners will implement the approved Intervention Plan.

Two concepts are central to New York State's successful implementation of the proposed RTTT plan.

First, LEAs must provide identified schools with the *operational flexibility* (staffing, time, and budgeting) to implement a comprehensive plan for dramatic intervention. This can be accomplished by the LEA adoption of a governance structure where schools are given operational autonomy with increased accountability.

Secondly, *partners* must be used to facilitate dramatic school change. Ideally, a lead partner will be identified who will sign a 3-5 year performance contract for student achievement with the LEA and collaborate with the LEA to define both the operational autonomies needed to implement the selected model, and the accountability outcomes that signal success. The partner will have a consistent and intense on-site relationship with each school, for five days a week over the two to three year turnaround period. A partner involved in the creation of a new school, under the restart model, can also work with the LEA to request operational waivers regarding staffing, time, and budgeting.

Through a rigorous process focused on proven success in raising the achievement of high needs students and demonstration of capacity, the State will pursue educational management organizations (EMOs), charter management organizations (CMOs), institutions of higher education (including SUNY and CUNY), and internal LEA offices as possible lead partners. The Regents will also pursue legislative changes that allow the delegation of school management to educational management organizations.

These concepts are outlined in Mass Insight's 2007 Report, *The Turnaround Challenge*. This report, which U.S. Education Secretary Arne Duncan recently called "the bible of school turnaround," provides an ambitious framework for approaching intervention in persistently lowest-achieving schools.

State Level Leadership for Change

The primary support mechanisms for implementation of this plan are the Technical Assistance Center for Innovation and Turnaround (TACIT) and the New York State Education Department Office for Innovative School Models (OISM).

The Technical Assistance Center for Innovation and Turnaround (TACIT) will serve LEAs with persistently lowest-achieving schools by:

- gathering and disseminating research to LEAs on effective intervention strategies, especially as it relates to English language learners (ELLs) and students with disabilities (SWDs). This would lead to evolving, common, highly effective strategies across the State;
- providing technical assistance to LEAs on the most appropriate intervention option for each school based upon the needs of the LEA and the school community;
- assisting the LEA in the development of the plan for the selected intervention option;

- developing LEA capacity in the following areas: adopting a new LEA governance structure; gathering and analysis of data for programmatic planning; human resource management, including developing locally adopted competencies to measure the effectiveness of staff; job-embedded professional development; financial planning and budget allocation;
- coordinating the professional development services available through the network of regional SED Leadership Academies;
- identifying external lead partners to work with LEAs selecting the restart or transformation models; and
- expanding the potential pool of external lead partners through outreach and technical assistance.

In addition, the New York State Education Department (SED) Office for Innovative School Models (OISM) will support the activities of TACIT. The main work of the OISM will be to establish the policy and operating conditions in LEAs that enable school change. OISM will report directly to the Commissioner regarding the activities of the TACIT, and the progress of LEAs intervening in the persistently lowest-achieving schools. This office will have expertise and/or have access to experts in grants management/compliance; procurement; contract management; human capital management; and state policy. The OISM will ensure that the LEAs use competitive grant opportunities such as the Secondary School Innovation Fund and Virtual High School to support their efforts.

Finally, OISM will collaborate with the Office of Higher Education to ensure support for new leadership through the SED regional network of Leadership Academies.

OISM, in conjunction with the TACIT, will assist the LEA in designing new policies and structures including staffing, faculty incentives and rewards, governance, student enrollment practices and instructional programs. The OISM will work with the LEA to identify waivers for which the LEA may wish to apply when registering new schools as a result of the implementation of a restart or turnaround model.

Recommendations

In order to support the Regents agenda for turning around persistently lowest-achieving schools, and for each of the RTTT intervention model requirements to be met, staff recommends that the Regents adopt the following policy, regulatory and legislative agenda:

Create the Statewide Infrastructure to Support LEAs in Turning Around Persistently Lowest Achieving Schools

We recommend the Regents endorse the following strategies:

- 1) Pursue a framework for dramatic school intervention, which includes direct management of schools by external lead partners and possible of creation of Partnership Zones². This framework will be implemented statewide in selected schools.
- 2) Use Federal funds and issue a Request for Proposal (RFP) to create a statewide Technical Assistance Center for Innovation and Turnaround (TACIT) to support the implementation of the school intervention models.
- 3) Create a State Education Department Office of Innovative School Models (OISM). Through OISM, lowest-achieving schools will have the opportunity to apply for competitive grants for community based organizations to implement Full Service Models that include academic, social/emotional, and health supports (e.g., Say Yes, Community Schools, Beacon) and Extended Learning Time.
- 4) Amend Commissioner's regulations to expand the means by which students can earn high school credit based on completion of competencies, including the achievement of credit through successful virtual/on-line course completion

Create the Conditions to Allow LEAs to Leverage External Resources

We recommend that the Regents include in their legislative agenda changes to statute to:

- 5) Authorize educational management organizations (EMOs) to directly manage schools (including budgets, staffing decisions, the daily schedule and yearly calendar, etc.). Education Law §355(2)(n) authorizes SUNY to enter into a contract with the board of education of a city or LEA in which the State-operated institution is located. Education Law §2590-K, empowers the New York City Board of Education and CUNY to enter into a contract to administer not more than five high schools. Similar provisions would be necessary to allow EMOs to enter into contracts with LEAs to operate one or more schools.
- 6) Upon a determination by the Board of Regents that a school district has failed to improve the academic performance of students attending school in that district over a three-year period, the Education Commissioner shall appoint an independent fact-finding team to assess the reasons for the under-performance and the prospects for improvement. Upon review of the conclusions of the fact-finding team, the Regents may declare the district chronically under-performing. Following such a declaration, the Regents shall designate a three- member team who would assume the responsibilities of an Education Oversight Board of the district with all the powers of the School Board. NYSED would not directly manage the district. The Education Oversight Board will have the authority to choose a new superintendent should they so decide. The Education Oversight Board shall report directly to the Education Commissioner and serve at the discretion of the Commissioner.

² For an example of how this framework might work, see Mass Insight report, *The Turnaround Challenge* (2007).

- 7) Create incentives to encourage CMOs to convert persistently lowest-achieving schools or to create new charter schools to replace failing schools by establishing the following legislative priorities:
 - o the amendment of the charter school law to facilitate the creation of new charter schools, particularly secondary schools, focused on serving high need populations of students (i.e., low-income students, students at Level 1 performance on the NYS assessments, over-age and under-credit high school students, ELLs and SWDs). As part of that amendment, encourage authorizing single Board governance of multiple schools with a common management entity, the provision of pre-K education by charters, equitable funding for charters, and expanded access to facilities financing for charters.
 - o authorizing the Commissioner to order – in extraordinary circumstances – an LEA to convert a struggling school into a charter school.
 - o authorizing charter schools access to BOCES services.

Create the Conditions to Support Innovative Models of Schooling

We recommend that the Regents amend Commissioner's Regulations to:

- 8) Allow newly created schools to seek operational waivers at the time of registration. By allowing newly created schools to seek waivers at the time of registration, the Regents can encourage innovative approaches to school intervention that are tailored to student needs.

We recommend the Regents adopt the following policies:

- 9) Use RTTT to create an Innovative Secondary Schools Model Incentive Fund. The fund would serve as an incentive for eligible LEAs with schools in need of improvement, corrective action or restructuring status to implement programs using innovative models in partnership with institutions of higher education, leaders in business and industry in local communities, management agencies, and other profit/nonprofit organizations. Provide LEAs, in partnership with various stakeholders, the autonomy to support, stimulate, engage and sustain customized pathways to high school completion by launching innovative model schools. These models can be centered on themes, such as (but not limited to):
 - secondary schools focused on science, technology, engineering, and mathematics (STEM);
 - virtual/blended secondary schools;
 - secondary schools for the Arts;
 - Career and Technical secondary schools;
 - Museum secondary schools;
 - Language Acquisition secondary schools; and

- Full-service secondary schools supported by cross-agency partnerships and community-based organizations (CBOs).

Appendix A 1 i 2: RTTT Project Timeline

Goals	Key Activities/Milestones	2010				2011				2012				2013				2014		
		Pre-Q1	Q1	Q2	Q3	Q4	Q1	Q2												
Overall																				
Redesign NYSED Organization																				
Assurance B: Standards and Assessments																				
Implement new Common Core Standards in ELA and Math	Engage key stakeholders around Common Core standards																			
	Issue RFP to begin process of developing statewide curriculum frameworks for grades P-12 based on the Common Core ELA and math standards																			
	Develop english language arts and mathematics curriculum frameworks, which will include curriculum guidance for teachers of English language learners and students with disabilities																			
	Develop additional curriculum frameworks, beginning with science and technology																			
	Sign MOU/MOA with 3 Consortium for the development of Common Assessments																			
Develop comprehensive assessment system integrating formative, interim, and summative assessments aligned to the Common Core	Apply for the Federal Assessment Program as part of a multi-state consortium																			
	Begin curriculum framework development																			
	Draft and issue two RFPs, based upon the Common Core standards, for performance-based formative assessment collection, development and dissemination																			
	Award RFPs and begin task collection, development, and dissemination will begin																			
	Begin work of the College and Career Readiness Working Group																			
Develop, disseminate, and implement a statewide network strategy for sustained intensive professional development on the new standards, curriculum frameworks, and assessments	Issue RFP for development of online professional development course offerings for P-20 educators																			
	Communicate to support transition to new standards and assessments; Engage all stakeholders																			
	Facilitate development of train-the-trainer models to provide Teacher Center facilitators and identified staff with content and frameworks to provide professional development																			
	Expand use of its VLS web portal, to include PD opportunities for P-20 educators and promote the availability of these opportunities																			
Ensure vertical and horizontal alignment of learning standards and develop aligned curriculum frameworks and assessments	Develop strategic supports for integration of the new curriculum frameworks and standards across the USNY organizations																			
	Complete Science and Technology curriculum frameworks																			
	Complete Economics, the Arts, Social Studies, and Languages other than English curriculum frameworks																			
	Complete curriculum frameworks in other content areas as approved by the Board of Regents																			

Goals	Key Activities/Milestones	Pre-Q1	Q1	Q2	Q3	Q4	Q1	Q2														
Assurance C: Data Systems																						
Enhancement of current P-12 system to include all data elements	Expansion of system (include student-teacher linkages for 3-8 ELA/Math)																					
	Expansion of system (include all student-teacher linkages)																					
Statewide Instructional Reporting and Improvement System (NY-SIRIS) construction and rollout	Initial pilots																					
	Full rollout across State																					
	Build Early Warning Systems																					
Promote effective use of longitudinal data to inform decision-making and practice	Provide professional development through statewide network																					
	Form P-20 Steering and Executive Committee																					
Integration of HED	Integrate the public colleges (SUNY/CUNY)																					
	Integrate private colleges aligned with CICU																					
Construct and enhance growth model system																						
Integrate non-education systems																						
Make the data from the instructional improvement system and the longitudinal data system fully accessible electronically to researchers	Create and publish de-identified school and district aggregate tables																					
	Supplement with specific data tables that facilitate data analysis of crucial results																					
	Provide an expedited data to researchers who need de-identified student-level data																					
Assurance E: School Turnarounds																						
Finalize list of low performing schools																						
Build state and local capacity to intervene in low-performing schools and sustain reform efforts by catalyzing the marketplace for innovative partners	Create (OCSISM)																					
	Initiate RFP for lead partners for the turnaround, restart and transformation models and select partners for pre-approved list																					
	Initiative procurement of external partner for ETACIT																					
	Finalize metrics and processes to measure implementation progress																					
	Launch ETACIT																					
	Assist LEAs in selecting one of the intervention models and developing an implementation plan																					
Provide a comprehensive system of support to LEAs as they implement one of the four intervention models	their intervention plans																					
	Launch RFP for virtual and blended schools																					
	Launch Partnership Zone model; identify districts and select first cohort of schools																					
	Begin turnaround implementation by LEAs with support from lead partners and ETACIT																					
	Begin administering Innovative Secondary School Model Fund																					
	Identify next cohort of LEA low performing schools identified (for September 2012 re-opening)																					
	Launch Partnership Zone initiative with support from Mass Insight																					
	Provide ongoing support, tracking and review for low performing schools																					

Goals	Key Activities/Milestones	Pre-Q1	Q1	Q2	Q3	Q4	Q1	Q2												
Assurance D: Teachers and Leaders																				
Develop clear approaches to measuring student growth by developing value-added growth model rooted in comprehensive and robust data systems	Develop value-added metrics in currently-tested grades and subjects																			
	Pilot in small set of LEAs in via the Teacher Growth & Accountability Incentive Fund																			
	Implemented statewide																			
Design rigorous, transparent, and fair evaluation systems for teachers and principals	Regents revise their regulations to align the APPR with the newly revised teacher standards																			
	LEAs required to incorporate student growth in teacher evaluations																			
	RTTT participating LEAs required to use the four designated qualitative rating levels																			
	Regents issue PPES regulations that include the incorporation of student growth data and establish four designated qualitative rating levels																			
	LEAs required to incorporate student growth in principal and assistant principal evaluations																			
	All RTTT participating LEAs required to use the four designated qualitative rating levels																			
	RFP issued for Teacher Growth & Accountability Incentive Fund																			
	Design and pilot implementation of new LEA evaluation system																			
	RFP issued for Principal Growth & Accountability Incentive Fund																			
	Design and pilot implementation of new LEA evaluation system																			
Build the capacity of participating LEAs to successfully execute annual evaluations of teachers and principals	Participating LEAs will be required to use a State-developed diagnostic tool to assess their current evaluation systems																			
	Provide support to participating LEAs to conduct annual evaluations per the RTTT Scope of Work that provide timely and constructive feedback																			
	Participating LEAs will develop Individual Development Plans for their teachers and principals per the RTTT Final Scope of Work.																			
Drive substantial increases in teacher and principal effectiveness by incentivizing LEAs and their collective bargaining agents to conduct more robust, multi-layered evaluations	Leverage the more robust, multi-layered evaluations Teacher and Principal Growth and Accountability Incentive Funds to produce richer data-driven feedback																			
	Regents revise their regulations to align the APPR with the newly revised teacher standards																			
Participating LEAs, supported by NYSED, will use the enhanced APPR and PPES results	LEAs required to incorporate student growth in teacher evaluations																			
	RTTT participating LEAs required to use the four designated qualitative rating levels and to provide relevant coaching, induction support, and/or differentiated professional development																			

Goals	Key Activities/Milestones	Pre-Q1	Q1	Q2	Q3	Q4	Q1	Q2													
Assurance D: Teachers and Leaders																					
Drive substantial increases in teacher and principal effectiveness by incentivizing LEAs and their collective bargaining agents to conduct more robust, multi-layered evaluations and to provide teachers and principals with relevant coaching, induction support, and/or differentiated professional development based on those evaluations	Leverage the more robust, multi-layered evaluations using Teacher and Principal Growth and Accountability Incentive Funds																				
Establish a Teacher Career Development Continuum and a Principal Career Development Continuum	Collaboration between NYSED, LEAs, Higher Education partners, and experts in the field to finalize recommendations regarding the TCDC																				
Establish a Teacher Career Development Continuum and a Principal Career Development Continuum	Regents adopt regulations to implement new TCDC certification structure																				
Establish a Teacher Career Development Continuum and a Principal Career Development Continuum	Collaboration between NYSED, LEAs, Higher Education partners, and experts in the field to finalize recommendations regarding the PCDC																				
Establish a Teacher Career Development Continuum and a Principal Career Development Continuum	Regents adopt regulations to implement new PCDC certification structure																				
Drive substantial increases in teacher and principal effectiveness by incentivizing LEAs and their collective bargaining agents to conduct more robust, multi-layered evaluations and to use them to provide opportunities for highly effective teachers and principals to obtain additional compensation and be given additional responsibilities	Leverage evaluations to supplement compensation and compensate highly effective teachers using Teacher and Principal Growth and Accountability Incentive Funds																				
Professional certification of teachers and principals, require performance-based assessments that incorporate evidence of effectiveness	Launch of new requirements for professional certification for teachers and principals																				
Drive substantial increases in teacher and principal effectiveness by incentivizing LEAs and their collective bargaining agents to conduct more robust, multi-layered evaluations and to use them to make decisions on whether to grant tenure	Begin as part of the implementation of the Teacher and Principal Growth and Accountability Incentive Fund Initiative																				
Remove ineffective tenured and untenured teachers and principals	Regents revise their regulations to align the APPR with the newly revised teacher standards, incorporate student growth data, and establish four designated qualitative rating levels (e.g. Highly Effective, Effective, Developing, and Ineffective) for school districts and BOCES to use in teacher evaluations																				
	Regents issue PPES regulations that include the incorporation of student growth data and establish four designated qualitative rating levels (e.g. Highly Effective, Effective, Developing, and Ineffective) for school districts and BOCES to use in teacher evaluations																				
Streamline the 3020-a process to provide incentives to expedite the process to remove ineffective teachers																					
Drive substantial increases in teacher and principal effectiveness by incentivizing LEAs and their collective bargaining agents to conduct more robust, multi-layered evaluations and to use them for removing ineffective tenured and untenured teachers after they have been provided ample opportunities to improve	Begin as part of the implementation of the Teacher and Principal Growth and Accountability Incentive Fund Initiative																				

Goals	Key Activities/Milestones	Pre-Q1	Q1	Q2	Q3	Q4	Q1	Q2												
Assurance D: Teachers and Leaders																				
	Strengthen existing processes for monitoring the equitable distribution of teachers and principals - Existing measures																			
	Strengthen existing processes for monitoring the equitable distribution of teachers and principals - New measures																			
	Strengthen existing processes for monitoring the equitable distribution of teachers and principals - New measures refined																			
	Diagnostic review of the evaluation processes and use of evaluations by participating LEAs																			
	Implementation of new APPR and PPES																			
	Ensure equitable distribution of the most effective teachers and principals across the State of New York																			
	Dramatically improve the equitable distribution of effective teachers and principals by incentivizing LEAs and their collective bargaining units to ensure the equitable distribution of teachers and principals																			
	Begin as part of the implementation of the Teacher and Principal Growth and Accountability Incentive Fund Initiative																			
	Increase the number and percentage of effective teachers teaching hard-to-staff subjects and specialty areas including mathematics, science, and special education; and teaching in language instruction educational programs																			
	Strengthen existing processes for monitoring the number and percentage of effective teachers teaching hard-to-staff subjects and specialty areas - Existing measures																			
	Strengthen existing processes for monitoring the number and percentage of effective teachers teaching hard-to-staff subjects and specialty areas - New measures																			
	Strengthen existing processes for monitoring the number and percentage of effective teachers teaching hard-to-staff subjects and specialty areas - New Measures Refined																			
	RFP - Pilot new induction programs (approximately 2,000 new teachers from high-need schools and shortage or specialty areas will undergo rigorous training to help create teacher leaders)																			
	Incentives for most effective teachers to remain in schools and classrooms serving high-poverty and high-minority youth across the State, especially in STEM area																			
	Increase the number and percentage of effective teachers teaching hard-to-staff subjects and specialty areas including mathematics, science, and special education; and teaching in language instruction educational programs																			
	Dramatically increase the number and percentage of effective teachers teaching hard-to-staff subjects and specialty areas by offering LEAs and their collective bargaining units the opportunity to provide those teachers with additional compensation																			
	Link student achievement and student growth (both as defined in this notice) data to the students' teachers and principals																			
	Publicly report the data for each credentialing program in the state																			

Goals	Key Activities/Milestones	Pre-Q1	Q1	Q2	Q3	Q4	Q1	Q2												
Assurance D: Teachers and Leaders																				
Link student achievement and student growth (both as defined in this notice) data to the students' teachers and principals	Require performance-based assessment, to include student growth measures, for initial/professional certification in teaching, and principal certification																			
	Enhance the rigor of Content Specialty Tests																			
Reform teacher and principal preparation to improve the effectiveness of its teaching and school leader workforce by developing a clinically rich approach to preparing teachers and leaders for high-need schools, where effective educators are needed the most	Residency programs creation																			
	Expand programs that successfully prepare principals for service in high-need schools																			
Provide comprehensive and action-oriented district-wide diagnostics, to assist LEAs in prioritizing reform strategies, differentiating professional development for all teachers and principals based upon student performance and growth, and building LEA capacity for data analysis to inform instructional practice																				
Establish clear expectations for high quality professional development providers, and support development of statewide, regional, and local capacity, with a specific focus on assisting educators in high-need schools	Continue to support national network of school leadership training and development organizations to extend access to high-quality leadership for LEAs																			
	Create rigorous professional development opportunities based upon research-based best practices that focus on formative assessment to drive continuous improvement in instructional strategies and ultimately student																			
	Create a New Teacher Induction Program designed to create Teacher Leaders - RFP																			
Measure, evaluate, and continuously improve the effectiveness of supports in order to improve student achievement	Create a New Teacher Induction Program designed to create Teacher Leaders - Programs begin																			

Appendix A 1 ii 1: Participating LEA Memorandum of Understanding

Appendix 2 - Draft Memorandum of Understanding for Districts to Participate in RTTT Plan

Signed MOUs from School Superintendents (and wherever possible, Board of Education Presidents, and local Education Union Leadership) are due by 5 p.m. on January 8, 2010.

Please:

- a. Scan the signed document and email to RTTT@mail.nysed.gov and include in the subject line of the email "Signed MOU" or you may fax it to 518-486-9070.*

AND

- b. Send hard copy with original signatures by overnight/express mail to Rebecca Kennard, Attn: RTTT, Room 152 Education Building, New York State Education Department, 89 Washington Avenue, Albany, NY 12234*

Participating LEA Memorandum of Understanding and Preliminary Scope of Work

This Memorandum of Understanding ("MOU") is entered into by and between the _____ School District/Charter School ("Participating LEA"), the teachers' collective bargaining representative serving the Participating LEA, if any, and the State of New York ("State") through the New York State Education Department ("Department"). The purpose of this agreement is to establish a framework of collaboration, as well as articulate specific roles and responsibilities, in support of the State in its implementation of an approved Race to the Top grant project. If the State is awarded a Race to the Top grant, a subgrant will be provided to the Participating LEA.

I. SCOPE OF WORK

In order to be eligible to participate in the State's Race to the Top grant project, an LEA must agree to implement all or significant portions of the State's proposed reform plan ("State Plan"). Exhibit I, the Preliminary Scope of Work, indicates which portions of the State Plan the Participating LEA is agreeing to implement.

As described below in "Section III: Assurances," the Participating LEA hereby agrees to provide a Final Scope of Work ("LEA Plan," which will be appended to this MOU as Exhibit II) no later than 90 days after a grant is awarded to the State. The LEA Plan will describe the Participating LEA's specific goals, activities, timelines, budgets, key personnel, and annual targets for key performance measures in a manner that is consistent with the Preliminary Scope of Work (Exhibit I) and with the State Plan. The LEA Plan shall be subject to the approval of the Commissioner of Education, including but not limited to the activity or activities to be implemented as part of "Element E – Turning Around the Lowest-Achieving Schools."

PROJECT ADMINISTRATION

A. PARTICIPATING LEA RESPONSIBILITIES

In assisting the State in implementing the tasks and activities described in the State's Race to the Top application, the Participating LEA subgrantee will:

- 1) Implement all or significant portions of the State Plan as set forth in Exhibits I and II of this agreement;
- 2) Actively participate in all relevant convenings, communities of practice, or other practice-sharing events that are organized or sponsored by the State or by the U.S. Department of Education ("ED");
- 3) Collaborate with other LEAs to share best practice and develop mentor relationships;
- 4) Post to any website specified by the State or ED, in a timely manner, all non-proprietary products and lessons learned developed using funds associated with the Race to the Top grant;
- 5) Participate, as requested, in any evaluations of this grant conducted by the State or ED;
- 6) Be responsive to State or ED requests for information including the status of the project, project implementation, outcomes, and any problems anticipated or encountered;
- 7) Participate in meetings and telephone conferences with the State to discuss (a) progress of the project, (b) potential dissemination of resulting non-proprietary products and lessons learned, (c) plans for subsequent years of the Race to the Top grant period, and (d) other matters related to the Race to the Top grant and associated plans.
- 8) With respect to the four assurance areas outlined in Exhibit I, the participating LEA subgrantee also agrees to engage in the following activities:

Standards and Assessments:

- Collaborate with the State regarding adoption and implementation of the common core standards;
- Participate in professional development regarding the common core standards and State curriculum frameworks;
- Participate in any growth model developed by the State and approved by USED.

Data Systems to Support Instruction:

- Implement the longitudinal data system developed by the State;
- Collect data as required by the State, including but not limited to, teacher and student absences and ACT/SAT scores;
- Implement or enhance a local instructional improvement system and make data from such system available to researchers, consistent with FERPA and other applicable confidentiality and privacy mandates;
- Use formative assessments, as developed and/or approved by the State, that are aligned to State standards and collect and use data from such formative assessments to inform instruction;
- Provide professional development for teachers and administrators on using data to improve instruction.

Great Teachers and Leaders:

- Develop teacher and principal evaluation and compensation systems, which will include annual evaluations using various measures including student achievement

- and/or growth data, consistent with any applicable collective bargaining requirements;
- Conduct the new APPRs for teachers and principals (as required);
 - Use the APPRs to report on the equitable distribution of effective teachers and principals;
 - Ensure the equitable distribution of effective teachers and principals, consistent with any applicable collective bargaining requirements;
 - Provide ongoing programs of professional development for teachers and principals aligned with the common core standards and State curriculum framework; and
 - Participate in any State and/or federal evaluations of such professional development programs.

Turning Around the Lowest-Achieving Schools:

- In schools that have been identified as persistently lowest-achieving, implement one of the four turnaround models outlined in the State Plan and approved by the Commissioner;
- Participate in any State and/or federal evaluations of the effectiveness of LEA turnaround efforts.

B. STATE RESPONSIBILITIES

In assisting Participating LEAs in implementing their tasks and activities described in the State's Race to the Top application, the State grantee will:

- 1) Work collaboratively with, and support the Participating LEA in carrying out the LEA Plan as identified in Exhibit II of this agreement;
- 2) Timely distribute the LEA's portion of Race to the Top grant funds during the course of the project period and in accordance with the LEA Plan identified in Exhibit II;
- 3) Provide feedback on the LEA's status updates, annual reports, any interim reports, and project plans and products; and
- 4) Identify sources of technical assistance for the project.

C. JOINT RESPONSIBILITIES

- 1) The State and the Participating LEA will each appoint a key contact person for the Race to the Top subgrant.
- 2) These key contacts from the State and the Participating LEA will maintain frequent communication to facilitate cooperation under this MOU.
- 3) The State and Participating LEA grant personnel will work together to determine appropriate timelines for project updates and status reports throughout the whole grant period.
- 4) The State and Participating LEA grant personnel will negotiate in good faith to continue to achieve the overall goals of the State's Race to the Top grant, even when the State Plan requires modifications that affect the Participating LEA, or when the LEA Plan requires modifications.

D. STATE RECOURSE FOR LEA NON-PERFORMANCE

If the State determines that the LEA is not meeting its goals, timelines, budget, or annual targets or is not fulfilling other applicable requirements, the State grantee will take appropriate

enforcement action, which could include a collaborative process between the State and the Participating LEA, or any of the enforcement measures that are detailed in 34 CFR section 80.43 including temporarily withholding funds or disallowing costs.

II. ASSURANCES

The Participating LEA hereby certifies and represents that it:

- 1) Has all requisite power and authority to execute this MOU;
- 2) Is familiar with the State’s Race to the Top grant application and is supportive of and committed to working on all or significant portions of the State Plan;
- 3) Agrees to be a Participating LEA and will implement those portions of the State Plan indicated in Exhibit I, if the State application is funded. Nothing in this MOU shall be construed to override any applicable State or local collective bargaining requirements. The LEA and local collective bargaining representative agree to negotiate in good faith over any terms and conditions necessary for full implementation of the State Plan (indicated in Exhibit I);
- 4) Will provide a Final Scope of Work to be attached to this MOU as Exhibit II only if the State’s application is funded; will do so in a timely fashion but no later than 90 days after a grant is awarded to the State; and will describe in Exhibit II the LEA’s specific goals, activities, timelines, budgets, key personnel, and annual targets for key performance measures (“LEA Plan”) in a manner that is consistent with the Preliminary Scope of Work (Exhibit I) and with the State Plan; and
- 5) Will comply with all of the terms of the Grant, the State’s subgrant, and all applicable Federal and State laws and regulations, including laws and regulations applicable to the Program, and the applicable provisions of EDGAR (34 CFR Parts 75, 77, 79, 80, 82, 84, 85, 86, 97, 98 and 99).

IV. MODIFICATIONS

This MOU may be amended only by written agreement signed by each of the parties involved, and in consultation with ED.

V. DURATION/TERMINATION

This MOU shall be effective, beginning with the date of the last signature hereon and, if a grant is received, ending upon the expiration of the grant project period, or upon mutual agreement of the parties, whichever occurs first.

VI. SIGNATURES

LEA Superintendent (or equivalent authorized signatory) - required:

Signature	/ / Date
-----------	-------------

Print Name	Print Title
------------	-------------

President of Local School Board (or equivalent, if applicable):

Signature _____
/ /
Date

Print Name _____
Print Title

Local Teachers' Union Leader (if applicable):

Signature

Date

Print Name

Print Title

Authorized State Official - required:

By its signature below, the State hereby accepts the LEA as a Participating LEA.

Signature

Date

Print Name

Print Title

Appendix A 1 ii 2: Preliminary Scope Of Work

I. EXHIBIT I – PRELIMINARY SCOPE OF WORK

The _____ School District/Charter School (“Participating LEA”) hereby agrees to participate in implementing all or significant portions of the State Plan as indicated in “Section II: Project Administration; A. Participating LEA Responsibilities” and as outlined below. As indicated in “Section I: Scope of Work,” the Final Scope of Work (“LEA Plan,” which will be appended to this Memorandum of Understanding as Exhibit II) must be consistent with the Preliminary Scope of Work and shall be subject to the approval of the Commissioner of Education, including but not limited to the activity or activities to be implemented as part of “Element E – Turning Around the Lowest-Achieving Schools.”

Elements of State Reform Plans	LEA Participation (Y/N)	Comments from LEA (optional)
B. Standards and Assessments		
(B)(3) Supporting the transition to enhanced standards and high-quality assessments	<input type="checkbox"/> Yes <input type="checkbox"/> No	
C. Data Systems to Support Instruction		
I(3) Using data to improve instruction:		
(i) Use of local instructional improvement systems	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(ii) Professional development on use of data	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(iii) Availability and accessibility of data to researchers	<input type="checkbox"/> Yes <input type="checkbox"/> No	
D. Great Teachers and Leaders		
(D)(2) Improving teacher and principal effectiveness based on performance:		
(i) Measure student growth	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(ii) Design and implement evaluation systems	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(iii) Conduct annual evaluations	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(iv)(a) Use evaluations to inform professional development	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(iv)(b) Use evaluations to inform compensation, promotion, and retention	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(iv)(c) Use evaluations to inform tenure and/or full certification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(iv)(d) Use evaluations to inform removal	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Elements of State Reform Plans	LEA Participation (Y/N)	Comments from LEA (optional)
(D)(3) Ensuring equitable distribution of effective teachers and principals:		
(i) High-poverty and/or high-minority schools	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(ii) Hard-to-staff subjects and specialty areas	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(D)(5) Providing effective support to teachers and principals:		
(i) Quality professional development	<input type="checkbox"/> Yes <input type="checkbox"/> No	
(ii) Measure effectiveness of professional development	<input type="checkbox"/> Yes <input type="checkbox"/> No	
E. Turning Around the Lowest-Achieving Schools		
(E)(2) Turning around the lowest-achieving schools	<input type="checkbox"/> Yes <input type="checkbox"/> No	

For the Participating LEA

For the State

_____/_____/_____
Authorized LEA Signature **Date**

_____/_____/_____
Authorized State Signature **Date**

Print Name

Print Name

Print Title

Print Title

The _____ School District/Charter School (“Participating LEA”) hereby agrees to participate in implementing all or significant portions of the State Plan as indicated below. As indicated in “Section I: Scope of Work,” the Final Scope of Work (“LEA Plan,” which will be appended to this Memorandum of Understanding as Exhibit II) must be consistent with the Preliminary Scope of Work and shall be subject to the approval of the Commissioner of Education, including but not limited to the activity or activities to be implemented as part of “Element E – Turning Around the Lowest-Achieving Schools.”

Elements of State Reform Plans	LEA Participation (Y/N)	Comments from LEA (optional)
B. Standards and Assessments		
(B)(3) Supporting the transition to enhanced standards and high-quality assessments		
C. Data Systems to Support Instruction		
(C)(3) Using data to improve instruction:		
(i) Use of local instructional improvement systems		
(ii) Professional development on use of data		
(iii) Availability and accessibility of data to researchers		
D. Great Teachers and Leaders		
(D)(2) Improving teacher and principal effectiveness based on performance:		
(i) Measure student growth		
(ii) Design and implement evaluation systems		
(iii) Conduct annual evaluations		
(iv) Use evaluations to inform professional development		
(v) Use evaluations to inform compensation, promotion, and		

Elements of State Reform Plans	LEA Participation (Y/N)	Comments from LEA (optional)
retention		
(vi) Use evaluations to inform tenure and/or full certification		
(vii) Use evaluations to inform removal		
(D)(3) Ensuring equitable distribution of effective teachers and principals:		
(i) High-poverty and/or high-minority schools		
(ii) Hard-to-staff subjects and specialty areas		
(D)(5) Providing effective support to teachers and principals:		
(i) Quality professional development		
(ii) Measure effectiveness of professional development		
E. Turning Around the Lowest-Achieving Schools		
(E)(2) Turning around the lowest-achieving schools		

For the Participating LEA

For the State

Authorized LEA Signature/Date

Authorized State Signature/Date

Print Name/Title

Print Name/Title

Appendix A 1 ii 3: Detailed Table on Participating LEAs

(Please refer to Sub-Appendix for complete Detailed Table on Participating LEAs)

Appendix A 1 iii 1: NAEP Exclusion and Accommodations Data

(1) For student subgroups with respect to the NAEP, the State must provide data for the NAEP subgroups described in section 303(b)(2)(G) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622) (*i.e.*, race, ethnicity, socioeconomic status, gender, disability, and limited English proficiency). The State must also include the NAEP exclusion rate for students with disabilities and the exclusion rate for English language learners, along with clear documentation of the State’s policies and practices for determining whether a student with a disability or an English language learner should participate in the NAEP and whether the student needs accommodation

Percentage of fourth- and eighth-grade public school students with disabilities (SD) and English language learners (ELL) identified, excluded, and accommodated in NAEP mathematics, as a percentage of all students, by state/jurisdiction: 2009

	Math (2009)						
	Overall excluded	SD			ELL		
		Identified	Excluded	Accommodated	Identified	Excluded	Accommodated
Grade 4	1	16	1	14	8	1	7
Grade 8	3	16	2	13	5	1	4

SOURCE: The Nation’s Report Card, U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP),

Percentage of all fourth-grade public school students identified as English language learners, and percentage excluded and assessed in NAEP reading, by jurisdiction: 2007

	Reading (2007)									
	SD					ELL				
	Identified	Excluded	Assessed	Assessed without accommodations	Assessed with accommodations	Identified	Excluded	Assessed	Assessed without accommodations	Assessed with accommodations
Grade 4	15	4	11	1	10	9	2	7	1	6
Grade 8	14	5	9	1	9	5	2	3	#	2

SOURCE: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), 2007 Reading Assessment.

Test Access & Accommodations For Students with Disabilities

From: Policy and Tools to Guide Decision-Making and Implementation (available online)

Chapter IV: TESTING ACCOMMODATIONS

THE DEFINITION OF TESTING ACCOMMODATIONS

Testing accommodations are changes in the standard administration of a test including testing procedures or formats that enable students with disabilities to participate in assessment programs on an equal basis with their non-disabled peers. Testing accommodations can change the way in which test items are presented to the student; the student’s method of responding; the setting in which the test is administered; and the timing and scheduling of the assessment. Testing accommodations do not alter the construct of the test being measured or invalidate the results.

The following tools have been provided in the attached appendices to assist CSE/CPSE/504 MDT in making appropriate decisions for testing accommodations:

- Appendix A: *Types of Testing Accommodations and Questions to Consider*
- Appendix B: *Example of Student Characteristics and Possible Accommodations*

Testing accommodations may be organized into five categories: flexibility in scheduling/timing; flexibility in setting; method of presentation; method of response; and “other.” This is not a finite or exhaustive list but is one which is most widely used. There may be a unique testing accommodation that is considered and/or provided to a student during instruction and classroom tests that is not included in this document. Staff are encouraged to contact the Department (email to vesidspe@mail.nysed.gov) well in advance of administration of State assessments in order to verify whether the provision of the accommodation is permitted for State assessments.

1. FLEXIBILITY IN SCHEDULING/TIMING

Timing accommodations are changes in the duration of the test. Such accommodations may include:

- Extending the time allowed for administration of a test on the scheduled day, by starting early and/or ending late on the same day (the IEP/504 Plan must specify the amount of time to be allotted, such as “double time”).
- Changing the way the time is organized by specifying the amount of time a student should work without a break (e.g., a ten-minute break for each 30-minutes of testing).
- Administering State assessments over multiple days. (Requires Department approval).

Timing accommodations may also be needed in conjunction with a variety of other testing accommodations. For example, a student using special equipment to record responses or dictating responses to a scribe may complete examinations more slowly. Some accommodations such as the use of magnification devices may induce fatigue. Setting accommodations are often needed in conjunction with scheduling accommodations because the test is being administered at a different time.

Examples of characteristics, which may indicate the need for flexible scheduling/timing accommodations, include:

- slow cognitive processing or work rate. These students may need extended time.
- limited attention span and low frustration levels. These students may need frequent breaks.
- limited physical stamina. Students with limited physical stamina may need extended time and frequent breaks.

Providing additional time may benefit some students but not others, depending on the individual needs of the student. For example, some students may use additional time to second-guess themselves and repeatedly revise their responses to test items. Long periods of test taking may diminish a student's optimal performance as the student tires and loses concentration. To help determine how much additional time a student may need for tests, the additional time that the student needs for instruction should be considered. In addition, students using Braille or large print to take an assessment may need additional time to complete the test.

ADMINISTRATION OF STATE ASSESSMENTS OVER MULTIPLE DAYS

This test accommodation is applicable to all assessments provided by the State Education Department for administration at the elementary, intermediate and secondary levels.

IMPLEMENTATION OF STATE ASSESSMENTS OVER MULTIPLE DAYS REQUIRES PRIOR WRITTEN APPROVAL FROM THE STATE EDUCATION DEPARTMENT.¹¹¹

Application materials must be submitted to the State Education Department, Office of Vocational and Educational Services for Individuals with Disabilities (VESID), One Commerce Plaza, Room 1624, Albany, New York 12234, at least three months prior to the scheduled administration. Application materials must include all of the following:

- a narrative statement from the CSE/CPSE/504 MDT or the principal requesting this accommodation and describing the student's need for this test accommodation;
- a copy of the student's current IEP/504 Plan which documents the CSE/CPSE/504 MDT recommendation for multiple day testing; and
- evaluation materials (CSE/CPSE or 504) which demonstrate the need for this test accommodation.

A determination regarding the authorization of multiple day administration of State assessments will be made by VESID, and the school district will be notified of its determination.

This test accommodation is designed to permit students with disabilities who are unable to complete one examination in a single day an equitable opportunity to demonstrate their abilities and competencies. It is appropriate to indicate the conditions or types of tests that require this accommodation. For example, the CSE/CPSE/504 MDT may recommend this accommodation in the event the student experiences a seizure on the day of the test.

2. FLEXIBILITY IN SETTING

For some students with disabilities, the standard location for test administration may not be appropriate. Setting accommodations are changes in the location in which an assessment is administered. This can include:

- changes in the conditions of the setting, such as special lighting or adaptive furniture, or
- changes in the *location itself*, accomplished by moving the student to a separate room.

Flexibility in setting may be needed in conjunction with other accommodations provided to the student. For example, changing the location of an examination may be needed to effectively provide extended time or use of a scribe.

Types of setting accommodations include the following:

- Separate location/room – administer test individually
- Separate location/room – administer test in small group (3-5 students)
- Provide adaptive or special equipment/furniture (specify type, e.g., study carrel)
- Special lighting (specify type, e.g., 75 Watt incandescent light on desk)
- Special acoustics (specify manner, e.g., minimal extraneous noises)
- Location with minimal distraction (specify type, e.g., minimal visual distraction)
- Preferential seating

Examples of student characteristics which may indicate the need for flexible setting accommodations include students who have difficulty maintaining attention in a group setting; students who use specialized equipment that may be distracting to others; and students with visual impairments who may need special lighting.

In all instances, the setting should be one that is comfortable and appropriate for test administration. The CSE/CPSE/504 MDT should note in the IEP/504 Plan the location and the conditions that will address noise and distraction issues.

3. METHOD OF PRESENTATION

Accommodations in method of presentation change the way in which an assessment is presented to a student. These include:

- Revised test format*
- Braille editions of tests
- Large type editions of tests
- Increased spacing between test items
- Increased size of answer blocks/bubbles
- Reduce number of test items per page
- Multiple-choice items in vertical format with answer bubble to right of response choices
- Presentation of reading passages with one complete sentence per line (this is not always possible with large type)
- Revised test directions
- Directions read to student
- Directions reread for each page of questions
- Language in directions simplified
- Verbs in directions underlined or highlighted

- Cues (e.g., arrows and stop signs) on answer form
- Additional examples provided

*** For State assessments, any reproduction and/or reformatting of a test booklet requires the advance written permission of the Office of State Assessment.**

Revision of test directions is an accommodation that is limited to oral or written instructions provided to all students that explain where and how responses must be recorded; how to proceed in taking the test upon completion of sections; and what steps are required upon completion of the examination. The term “test directions” never refers to any part of a question or passage that appears on a State assessment.

- Use of aids or assistive technology devices
- Audio tape
- Computer (including talking word processor)
- Listening section repeated more than the standard number of times
- Listening section signed
- Listening section signed more than the standard number of times
- Masks or markers to maintain place
- Papers secured to work area with tape/magnets
- Test passages, questions, items and multiple-choice responses read to student
- Test passages, questions, items and multiple-choice responses signed to student
- Visual magnification devices (specify type)
- Auditory amplification devices (specify type, e.g., FM system)

School officials must ensure that, for State assessments, all such assistance may be provided only in the mechanics of test taking, and must never be permitted to alter the content of the assessment. Interpreting or explaining test items/questions to students is never permitted in the administration of State assessments and will invalidate the student’s score. Any reading or signing of test material must be presented in a neutral manner, without intonation, emphasis, or otherwise drawing attention to key words and phrases. Except for directions, all test content must be read word-for-word, with no clarification or explanation provided.

Examples of student characteristics which may indicate the need for accommodations in the method of test presentation include students with visual impairments who may need tests in an alternative format such as Braille or large type; students with perceptual difficulties who may need to have fewer items per page or the use of markers to maintain place; students with hearing impairments who may need to have listening passages/directions signed; and, students with processing difficulties who may need to have test directions simplified or repeated.

Tests Read

Guidelines for Decision-Making

The accommodation of reading a test to a student with a disability is a CSE/504 MDT decision based upon the student’s individual needs, characteristics and abilities and on evaluative information including

school records, previous IEP/504 Plan, observation, parent information and experience on previous tests. **This testing accommodation is not permitted for use on certain sections of the State Grades 3-8 ELA tests because these sections measure a student's reading skills (decoding and comprehension).**

"Tests read" should be a low-incidence accommodation. In determining the appropriateness of this accommodation, the following should be considered:

- Evaluative material is available to support the determination that the student's disability precludes or severely limits the student's ability to gain meaning from written language (decoding/word recognition).
- Procedures for determining the existence of a learning disability in reading are followed and results indicate a disability in the area of reading. Reading achievement includes basic reading skills and reading comprehension.
- Consideration is given to whether the student's difficulty is a result of a lack of appropriate instruction in reading.
- There is documentation of remedial reading services.
- There is documentation of the student's current reading skills.
- There is documentation of IEP goals related to reading development.
- There is documentation of response to intervention model and outcomes.
- There is documentation of supplementary aids and/or services provided to the student to support reading instruction.
- Consideration is given to whether the student's difficulty in reading is a result of cultural and/or linguistic differences.

When determining the need for this accommodation it is important that the CSE/CPSE/504 MDT consider the purpose of the tests the student will be taking and the skills the test is intending to measure so that it can be determined how the accommodation might affect the results. For some tests intended to measure reading skills, reading the test to students becomes a modification resulting in invalid scores and affecting the student's identification for subsequent services.

Based upon information gathered, the CSE/CPSE/504 MDT may decide to indicate the conditions of the test requiring this accommodation. This may include one of the following:

- "test passages, questions, items and multiple choice responses read to the student for all tests, except as prohibited by Department policy on State assessments" is meant for students with severe reading disabilities. This testing accommodation would apply to all classrooms, local and, in accordance with Department policy, State assessments of student achievement. This accommodation reflects a determination that it is unlikely that this student will learn to gain meaning from written materials. Such a determination would generally be made only after consistent efforts to provide intensive reading instruction have been unsuccessful. Such a student would be likely to have instructional accommodations that include books on tape and/or text-to-voice assistive technology across all subject areas.
- "test passages, questions, items and multiple choice responses read to the student for all tests except those measuring reading skills" is meant for students with disabilities who have low/poor reading skills and the CSE/CPSE/504 MDT does not want those poor reading skills to interfere with the student's ability to show their knowledge in content areas such as science, math and social studies. This accommodation would not be provided for classroom,

local or State tests or sections of tests designed to measure a student's skills in decoding or reading comprehension.

Conditions may also include the need for tests read due to a student's physical fatigue caused by eyestrain for a student with visual impairments who is reading large type materials. In this case the IEP/504 Plan must indicate a description of the physical symptoms that necessitate this accommodation.

4. METHOD OF RESPONSE

Accommodations in method of response are changes in the way students respond to an assessment. Similar to methods of presentation, these include:

- Revised response format such as allowing marking of answers in booklet rather than answer sheet;
- Use of additional paper for math calculations;
- Use of Aids/Assistive Technology
 - Amanuensis (Scribe)
 - Tape Recorder
 - Word processor
 - Computer (School must ensure that students do not have access to any programs, dictionaries, thesaurus, internet etc. that may give them access to information or communication with others).

Examples of characteristics which may indicate the need for accommodations in the method of test response include:

- Physical disabilities that limit their ability to write in the standard manner. Students with physical disabilities may need to dictate their responses to a scribe.
- Difficulty tracking from the test booklet to the answer sheet. These students may need to write directly in the test booklet.
- Attention difficulties. Students with attention difficulties may need to write directly in the test booklet.

Use of Aids

Guidelines for Decision-Making:

Some students who have motor, visual or learning difficulties which affect their ability to write may be unable to record their responses to examination questions in the standard manner using pencil and paper. These students may require the use of aids to be able to participate in assessments on an equal basis with other students. Whenever appropriate, enabling students to be as independent as possible through the use of equipment and assistive technology such as computers, word processors, communication boards, adaptive writing instruments and tape recorders should be considered. Use of these aids allows students with disabilities more control over their environment; fosters independence; and is less labor-intensive and artificial than using a scribe. It is important that students have the necessary skills, instruction, and experience in the use of these aids or other equipment. When this is not appropriate for students, it may be determined that students need to dictate their answers to a scribe.

5. OTHER ACCOMMODATIONS

There may be other accommodations considered that are not included in the previous categories. Some students may have a disability which affects their ability to maintain attention on the test. These students need physical or verbal prompts to stay on task and remain focused. Some students may have a disability which affects their ability to spell and punctuate and may require the use of spell or grammar checking devices.

Some students have the reasoning capability to complete narrative mathematics problems and involved computations, but may have visual or motor impairments which make them unable to use paper and pencil to solve computations. Some students with disabilities are unable to memorize arithmetic facts but can solve difficult word problems. Except as specifically prohibited on the Grades 3-8 Mathematics tests, these students may be provided the use of computational aids, such as arithmetic tables or calculators. Only those students whose disability affects their ability to either memorize or compute basic mathematical facts should be allowed to use computational aids.

To meet the needs of these students, the following additional accommodations may be considered (except as specifically prohibited on the Grades 3-8 ELA/ Mathematics tests):

- On-task focusing prompts
- Waiving spelling requirements
- Waiving paragraphing requirements
- Waiving punctuation requirements
- Use of calculator
- Use of abacus
- Use of arithmetic tables
- Use of spell-check device*
- Use of grammar-check device

*Students who are provided a spell-check device as a test accommodation are responsible for spelling accuracy and therefore cannot also be excused from spelling requirements.

6. ACCOMMODATIONS FOR PHYSICAL EDUCATION ASSESSMENTS

The NYS learning standards for physical education apply to all students and students with disabilities must be included in these assessments. Due to the unique nature of physical education, the accommodations that may be provided to enable students with disabilities to participate in physical education assessments are also unique. Accommodations can include changes in equipment, environment and/or the basic rules. The following are suggestions for physical education instructional and assessment accommodations for students with disabilities:

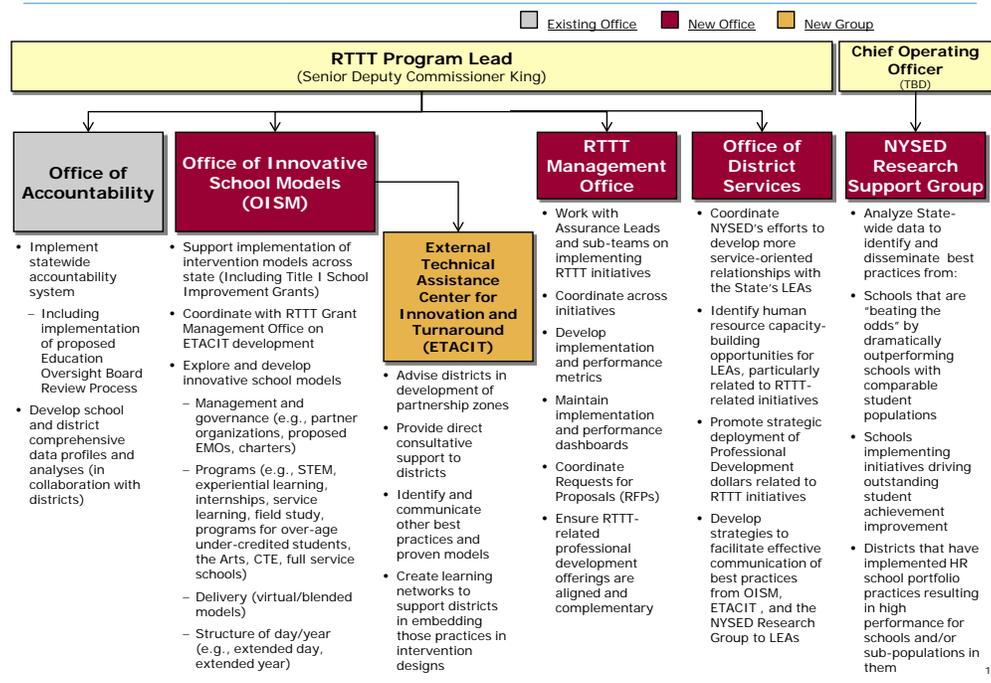
- Reduce the size of the playing area
- Reduce the number of participants
- Reduce the time of the task
- Varied size, weight, color of equipment
- Use of brightly colored paint to identify field markings
- Use of cones or markers to indicate field markings
- Field markings may be modified in width
- Use of a beeper ball and/or a localizer to identify bases
- Use of hand signals or teammate shoulder tap to start and stop play
- Allow use of alternative communication methods (e.g., interpreter, picture board, flash cards, etc.) by student

- Select the court environment with the least noise
- Increase the size of the playing area to allow the student more personal space and less likelihood of contact
- Provide verbal cues
- Provide pinch runner for games requiring running

Appendix A 2 i a 1: RTTT Organization Structure

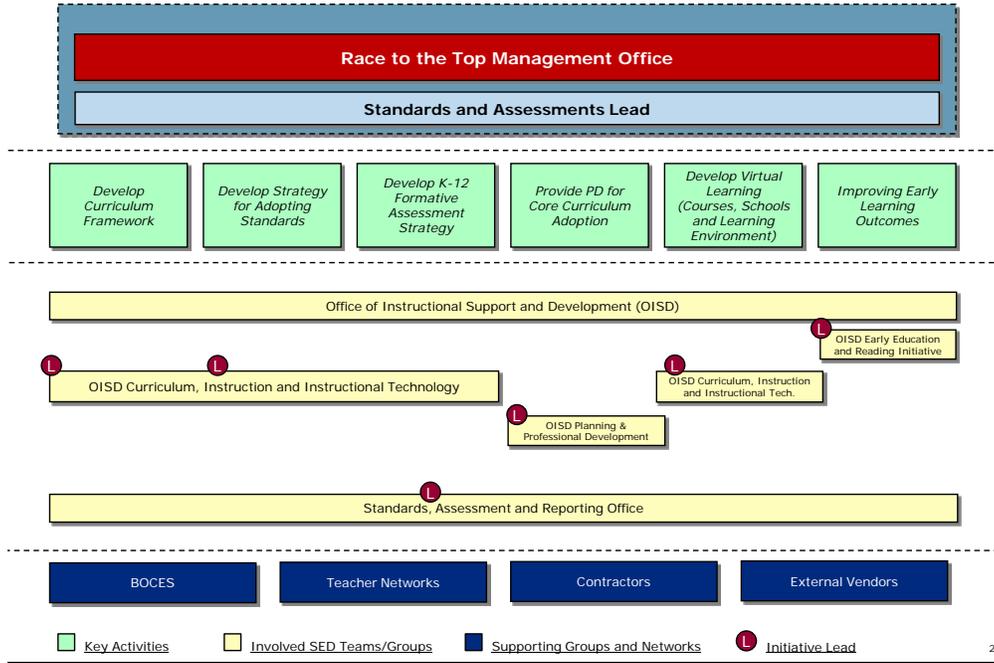
Overall:

RTTT Grant Management Structure



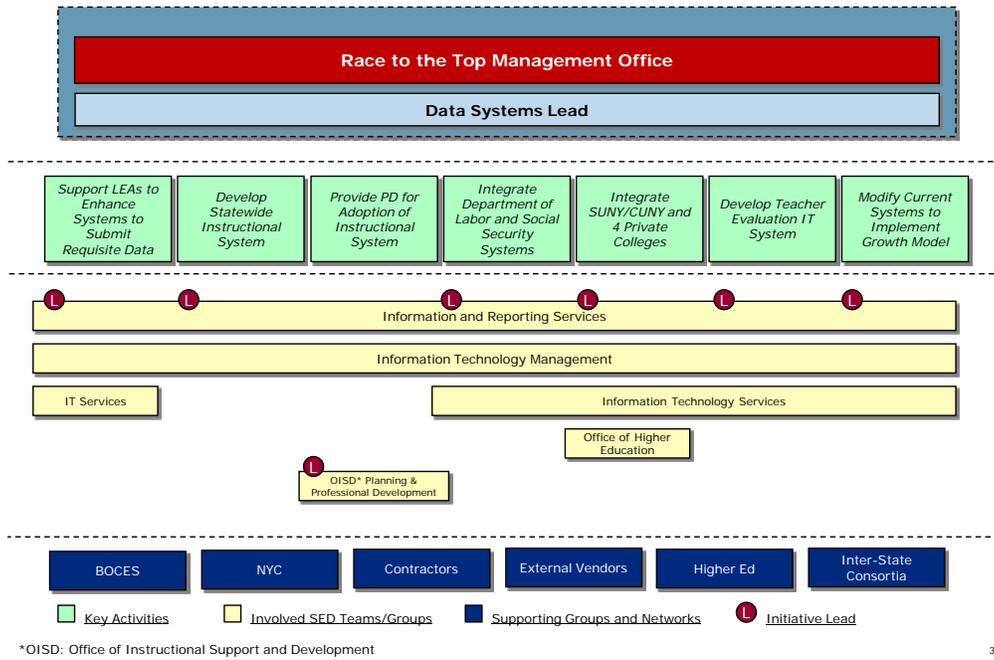
Standards and Assessments:

Standards and Assessments Implementation Structure



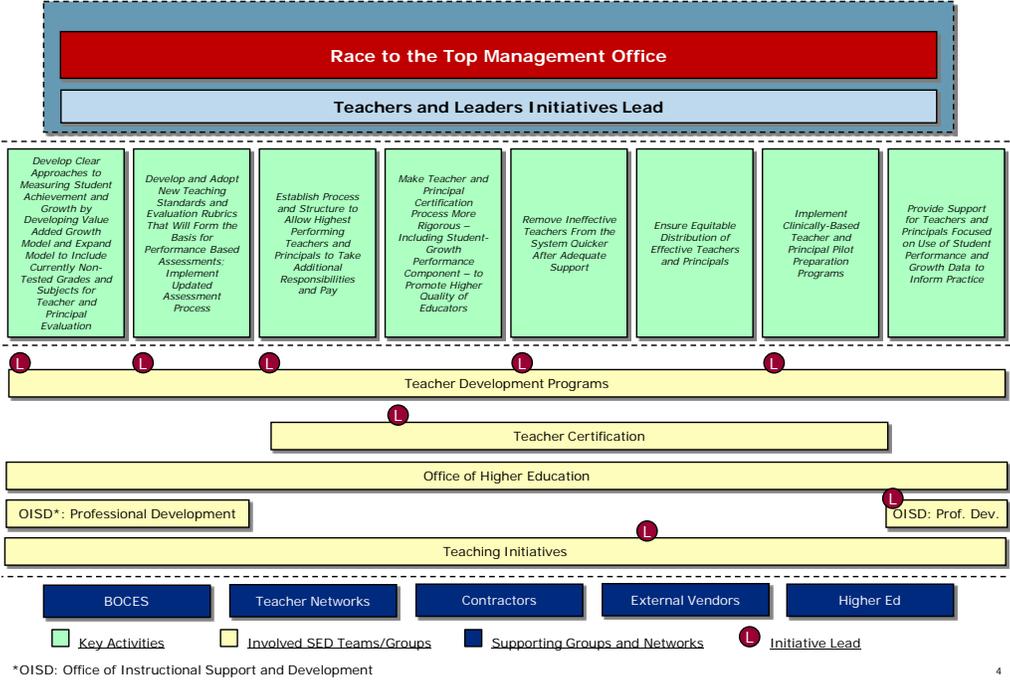
Data Systems:

Data Systems Implementation Structure



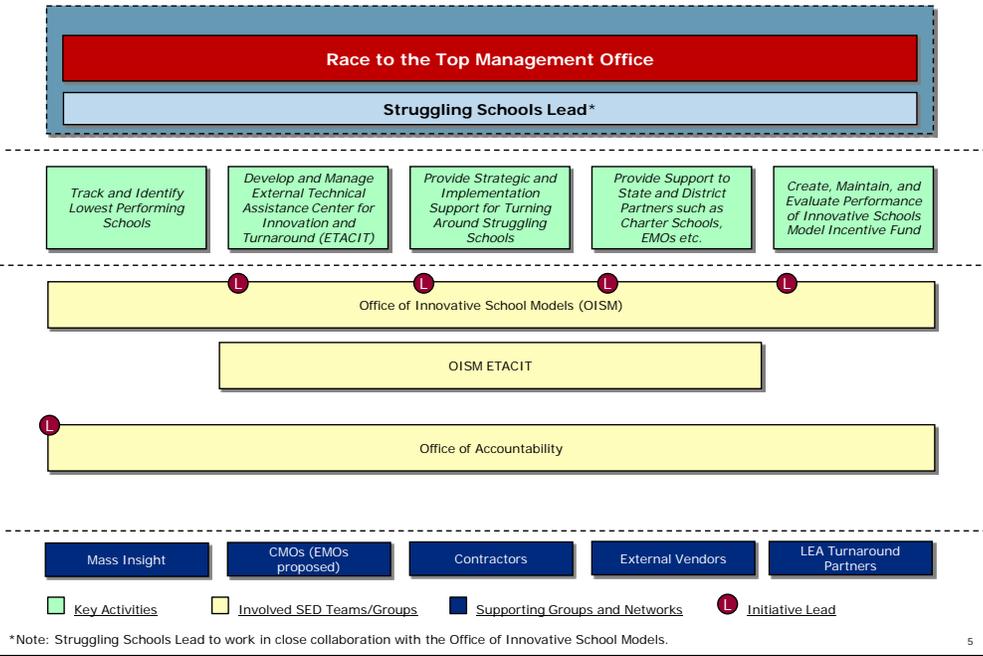
Teacher and Leader Initiatives:

Teachers and Leaders Implementation Structure



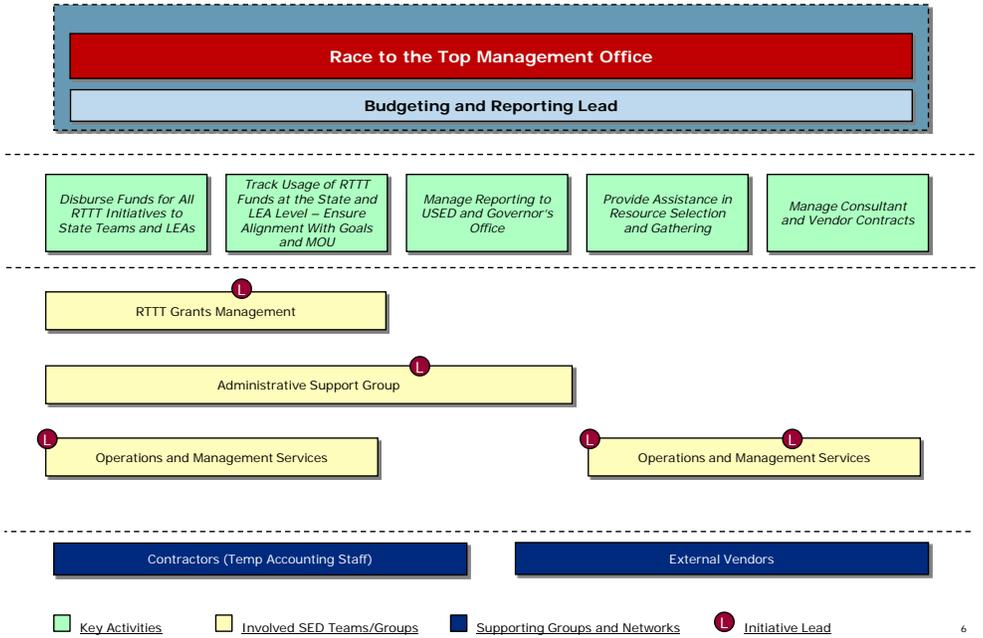
Struggling Schools:

Struggling Schools Implementation Structure



Budgeting and Reporting:

Budgeting and Reporting Implementation Structure



Appendix A 2 ii b 1: List of NYS RTTT Engagement Meetings Held and Attendees

New York State's Race to the Top objectives were developed through an open engagement and feedback process with key stakeholders. Over a three month period, the Chancellor, the Board of Regents Chair for the Race to the Top Committee, and the Commissioner of Education with his Senior Deputy, met with nearly 200 individuals and groups from around the State. Included were school district superintendents and boards of education, BOCES district superintendents, our union partners, English Language Learner coalitions, non-profit school providers and charter school organizations, deans and faculty of colleges and universities, early childhood groups, parent associations, advocacy groups for the arts and culture, representatives for individuals with disabilities, civil rights groups, and members of the philanthropic community.

Wednesday, July 22 – Big 5 School Districts

- Joel Klein, New York City Department of Education, Chancellor
- Jean-Claude Brizard, Rochester City Schools, Superintendent of Schools
- Dr. James Williams, Buffalo City Schools, Superintendent of Schools
- Daniel G. Lowengard, Syracuse City Schools, Superintendent of Schools
- Bernard Pierorazio, Yonkers Public Schools, Superintendent of Schools

Monday, August 10 – ELL

- Luis O. Reyes, Ph.D., Coordinator, Coalition for Educational Excellence for English Language Learners (CEEELL)
- Ron Woo, Director - Teaching Fellows Program at Hunter College, Director - Alternative Certification Programs at Hunter College School of Education, CUNY
- Estee Lopez, New Rochelle School District, Director of Bilingual/ESL--retired
- Elba Montovo, Executive Director, Committee for Hispanic Children and Families
- Vanessa Ramos, Committee for Hispanic Children and Families
- Deycy Avitia, Coordinator of Education Advocacy

Friday, August 14 – Small School Providers

- Phillips Banks, President, 100 Black Men
- Scott Hartl, President & CEO, Outward Bound Expeditionary Schools
- Gerry House, President and CEO, Institute for Student Achievement
- Robert L. Hughes, President, New Visions for Public Schools
- Richard Kahan, President, Urban Assembly
- Ann Morris, Chief Financial Officer, Outward Bound Expeditionary Learning
- Suzanne Tillman, Regional Director for NYC
- Outward Bound Expeditionary Learning

Monday, August 17- Full Service Providers

- Geoff Canada, CEO, Harlem Children's Zone

- Michelle Yanche, Director, Neighborhood Family Services Coalition
- Pedro Noguera, New York University Steinhardt School of Education
- Greg Greicius, Senior Educator, Turnaround for Children
- Stamler Ph.D., Metrics Expert, Turnaround for Children
- Lawson Shadburn, Turnaround for Children
- Jessica Urraca, Ronald Edmonds Learning Center
- Katherine Eckstein, Director of Government Relations, Children's Aid Society
- Moses Perez, President and CEO, Alianza Dominicana Benefit Office
- Michael Rebell, Executive Director, Teacher's College
- Mary Anne Schmitt, CEO/President, Say Yes to Education
- George Weiss, CFO, Say Yes to Education
- Pete Moses, Executive Director, Children's Aid Society
- Jane Quinn, Children's Aid Society
- Sister Paulette LoMonaco, Executive Director, Good Shepherd Services
- Colvin Grannum, President, Bedford Stuyvesant Restoration Corporation
- Richard Buery, Executive Director, Groundwork Inc.

Thursday, August 20- Hall of Science

- Margaret Honey, Director, Hall of Science

Wednesday, August 26 – Districts Superintendents

- Dr. James Baldwin, Chair of District Superintendents, Rensselaer-Columbia-Green BOCES
- Dr. Jessica Cohen, Vice Chair of District Superintendents, Onondaga-Cortland-Madison BOCES
- Donald Ogilvie, District Superintendent of Schools, Erie One BOCES
- Edward Zero, District Superintendent of Schools, Eastern Suffolk BOCES
- Anthony Micha, District Superintendent of Schools, Schuyler-Steuben-Chemung-Tioga-Allegany BOCES
- Robert Guiffreda, District Superintendent of Schools, Erie Two-Chautauqua-Cattaraugus BOCES

Monday, August 31, 12:30 – 2:30- Early Childhood

- Sherry Cleary, NYC Early Childhood Professional Development Institute, Office of Academic Affairs, The City University of New York
- Recy Dunn, Office of Early Childhood Education, NYC Department of Education
- Nancy Kolben, Child Care Inc.
- Peggy Miller, Freeport Union Free Schools
- Janice Molmar, Deputy Commissioner, Division of Child Care Services, NYS Office of Children and Family Services
- Peg Wozniack, Superintendent, Binghamton City School District
- Robert Frawley, Deputy Director & Director NYS Head Start Collaboration Project, Council on Children and Families
- Anne Mitchell, Early Childhood Policy Research

- Karen Schimke, Schuyler Center for Analysis and Advocacy
- Margaret Rodriguez , VP Child and Youth Development, YWCA – NYC
- Ifosu-Amaah
- Melanie Hartzog

Monday, August 31, 3:00-5:00 - Charter Schools

- James Merriman, CEO, NYC Charter School Center
- Bill Phillips, Executive Director, New York Charter Schools Association
- David Levin, KIPP
- Simona Tait, CEO, Bronx Preparatory Charter School
- Eva Moskowitz, CEO, Success Charter Network
- Evan Rudall, CEO, Uncommon Schools
- John Di Paolo, Beginning with Children Foundation
- Joshua Morales, Believe High Schools Network, Inc.
- Marilyn Calo, Family Life Charter School
- Spencer Roberston, DREAM Charter School
- Stacy Gauthier, Renaissance Charter School
- Deborah Kenny, CEO, Village Academies
- Bryan Lawrence, Chairman of PublicPREP
- Chris Bender, Executive Director, Brighter Choice Foundation, (partner to Albany charter schools)
- John Carmichael, Vice President, M&T Bank, (partner to Westminster Charter School)
- Amy Friedman, Tapestry Charter School
- Richard Berlin, PAVE Academy Charter School

Wednesday, September 2, 10:30-12:30 - Leadership

- Pamela Ferner, Executive VP of National Initiatives, NYC Leadership Academy
- Liz Gewirtzman, Distinguished Lecturer, CUNY Bernard M. Baruch College
- Suzanne Gilmore, Professor and Department Chair, Educational Administration, SUNY Oswego
- Margaret Kirwin, Dean, School of Education, College of Saint Rose
- John Lee, Clinical Professor, CUNY
- Joan Lucariello, Interim University Dean for Academic Affairs, CUNY
- Linda Rae Markert, Dean of Education, SUNY Oswego
- Robert Moraghan, Director, Professional Education Program, SUNY Stony Brook
- Kathleen Nadurak, Executive VP of Programs, NYC Leadership Academy
- Margaret Orr, Program Director, Future School Leaders Academy, Bank Street College of Education
- Pamela Sandoval, Assistant Provost , SUNY
- Robert Scheidet, Coordinator of Internships for Educational Leadership Program, SUNY Stony Brook
- Deborah Shanley, Dean, School of Education, CUNY

- Joseph Shedd, Associate Professor and Chair, Syracuse University
- Edward Sullivan, Chair/Assistant Professor, State University College at New Paltz
- Joan Thompson, Director of the Center for Educational Leadership, Bank Street College
- Arthur “Sam” Walton, Program Director, Ed.D. Executive Leadership, St. John Fisher College

Wednesday, September 2, 1:00-4:00 – Coalition of Parent Organizations

- Cesar Perales, Executive Director, Latino Justice PRLDEF
- Sonia M. Perez, NCLR – New York Office, Alliance for Quality Education
- NYC Coalition for Educational Justice
- The Committee for Hispanic Children & Families
- The Coalition for Asian American Children & Families

Wednesday, September 9 – Deans of Education

- Laura Anglin, President, Commission on Independent Colleges and Schools (CICU)
- Carol Batker, Associate Dean, Empire State College
- Mary Brabeck, Dean, New York University
- Margaret Buckley, Academic Dean, St. Joseph’s College
- Liz Ciabocchi, Assistant VP for Academic Planning & Instructional Development, Long Island University
- Colleen Clay, Chair – Teacher Education, CUNY York College
- Robert Cohen, Professor, Chairperson Teaching and Learning, New York University
- Debra Colley, Dean of Education, Niagara University
- John D’Agati, Director of Government Relations, Empire State College
- Deborah Eldridge, Division of Education, CUNY Lehman College
- Anthony Elia, Director of Field-Based Education & Accountability, Fordham University
- Harriet Feldman, Dean, Pace University
- David Foulk, Dean, School of Education, Health & Human Services, Hofstra University
- Christine Givner, Dean, College of Education, SUC Fredonia
- Lin Goodwin, Professor and Associate Dean, Teachers College, Columbia University
- James Hennessy, Dean, Fordham University
- David Hill, Dean of Education, Health & Human Services, SUNY Plattsburgh
- Elaine Hofstetter, Associate Professor – Secondary Education, SUNY New Paltz
- Michael P. Hogan, Associate Dean, School of Education, Long Island University, C.W. Post
- James Thomas, Provost and Dean, Teachers College
- Dorit Kaufman, Director of TESOL Certification Program, SUNY Stony Brook
- Donna Levinson, Assistant Dean for External Relations, Hofstra University
- Margaret Kirwin, Dean, School of Education, College of St. Rose
- Joan Lucariello, Interim University Dean for Academic Affairs, The City University of New York
- Linda Rae Markert, Dean of Education, SUNY Oswego
- Mary Rose McCarthy, Associate Professor, School of Education, Pace University

- Margaret McLane, Interim Associate Dean of Education, College of St. Rose
- Robert Michael, Dean, School of Education, SUNY New Paltz
- LaMar Miller, Dean, Graduate School of Education, Touro College
- Fritz Mosher, Senior Research Consultant, Teachers College, Columbia University
- Clyde Payne, Dean, School of Education, Dowling College
- Gerald Porter, Dean of Education, SUNY Cortland
- Cynthia Proctor, Executive Assistant to the Provost, State University of New York
- Ronald Rochon, Dean, School of Education, SUC Buffalo
- Deborah Shanley, Dean of Education, CUNY Brooklyn College
- Cecelia Traugh, Dean of the School of Education, Long Island University, Brooklyn
- Elizabeth VanNest, VP for Legal Affairs and General Counsel, Commission on Independent Colleges and Universities (CICU)

Friday, September 18 – Arts 12:00 pm

- Thelma Golden, Director, Studio Museum in Harlem
- Scott Noppe-Brandon, Director, Lincoln Center Institute
- Harold Holzer, VP for Public Relations, Metropolitan Museum
- Louis Grachos, Albright Knox Museum
- Christine Miles, Director, Albany Institute of History and Art
- Heather Hitchens, Executive Director, NYS Council on the Arts
- Barbara Stripling, NYC Department of Education
- Richard Kessler, Center for Arts Education
- Jane Remer, NYCT.net
- Paul King, NYC Department of Education
- Steve Tennen, Executive Director of Arts Connection
- Tom Cahill, Studio in a School

Friday, September 18 – Cultural Institutions 2:00 pm

- Ron Thorpe, VP for Education, WNET
- Steven Elliott, President, NY State Historical Association
- Georgia Ngozi, President, Brooklyn Children's Museum
- Margaret Honey, Director, New York Hall of Science
- Tom Galante, Director, Queensborough Public Library
- Julian Zugazagortia, Director, Museo del Barrio
- Barbara Stripling, NYCDOE
- Kerry Orlyk, Director Schenectady Museum and Planetarium
- Norm Silverstein, WXXI, Rochester
- Patty Dohrenwend, Director of Westchester County Archives

Monday, September 21 - Philanthropy

- Marilyn Gelber, Independence Community Foundation

- John Krieger, Achelis-Bodman Foundation
- Phoebe Boyer, Tiger Foundation
- Gail Nayowith, Laurie M. Tisch Illumination Fund
- Donna Lawrence, Atlantic Philanthropies
- Cassis Schwerner, Schott Foundation for Public Education
- Michele Cahill / Geri Manion, Carnegie Corporation
- Jeannie Oakes, Ford Foundation
- Kim Jasmin, JPMorgan Chase
- Robin Wilner, IBM
- Orlando Bagwell, Ford Foundation

Tuesday, September 22 - Disabilities

- Eddie Fergus, Principal Investigator, Technical Assistance Center on Disproportionality, New York University
- Gerald Mager, Associate Dean , Teaching and Leadership, Syracuse University
- Margaret Vogt, Robin Worobey, Developmental Disabilities Planning Council
- Theresa M. Janczak.Ph.D., Principal Investigator, Project Director; Western Consortium Member, Buffalo State College

Wednesday, September 23 – SUNY and CUNY Chancellors

- Chancellor Matthew Goldstein, City University of New York
- Chancellor Nancy Zimpher, State University of New York

Friday, September 25 – Civil Rights

- Cesar Perales, Executive director, Latino Justice PRLDEF
- Sonia M. Perez, NCLR-New York Office
- Jennifer Lesko, President, Broome County Urban League
- Brenda McDuffie, President, Buffalo Urban League
- Theresa Sanders, President, Urban League of Long Island
- Arva R. Rice, President, New York Urban League
- William Clark, President, Urban League of Rochester
- Ernest Prince, President, Urban league of Westchester County
- Elba Montalvo, Executive Director, Committee for Hispanic Children and Families (La Raza)
- Reverend Emma Jordan-Simpson, Ex. Director, Children’s Defense Fund
- Anne Pope, Northeastern Regional Director of NAACP, NYS Conference of NAACP Branches

November 15, 2010 – School Leadership

- Dave Levin, KIPP
- Jean Desrevaines, NLNS
- Shane Mulhern ED, NYC

- Leann Shimakuro, NYC
- Bob Huges, New Visions
- Jemina Bernard, TFA, NYC
- Tracy Breslin, ED of Principal Development, NYC DOE

Appendix A 2 ii b 2: Letters of Support

(Please refer to Sub-Appendix for complete Letters of Support)

Appendix A 3 i 1: Learning Standards of New York State

The Arts

Standard 1: Creating, Performing, and Participating in the Arts Students will actively engage in the processes that constitute creation and performance in the arts (dance, music, theatre, and visual arts) and participate in various roles in the arts.

Standard 2: Knowing and Using Arts Materials and Resources

Students will be knowledgeable about and make use of the materials and resources available for participation in the arts in various roles.

Standard 3: Responding to and Analyzing Works of Art

Students will respond critically to a variety of works in the arts, connecting the individual work to other works and to other aspects of human endeavor and thought.

Standard 4: Understanding the Cultural Contributions of the Arts

Students will develop an understanding of the personal and cultural forces that shape artistic communication and how the arts in turn shape the diverse cultures of past and present society.

Career Development and Occupational Studies

Standard 1: Career Development

Students will be knowledgeable about the world of work, explore career options, and relate personal skills, aptitudes, and abilities to future career decisions.

Standard 2: Integrated Learning

Students will demonstrate how academic knowledge and skills are applied in the workplace and other settings.

Standard 3a: Universal Foundation Skills

Students will demonstrate mastery of the foundation skills and competencies essential for success in the workplace.

Standard 3b: Career Majors

Students who choose a career major will acquire the career-specific technical knowledge/skills necessary to progress toward gainful employment, career advancement, and success in postsecondary programs.

English Language Arts

Standard 1: Language for Information and Understanding Students will listen, speak, read, and write for information and understanding. As listeners and readers, students will collect data, facts, and ideas; discover relationships, concepts, and generalizations; and use knowledge generated from oral, written, and electronically produced texts. As speakers and writers, they will use oral and written language that follows the accepted conventions of the English language to acquire, interpret, apply, and transmit information.

Standard 2: Language for Literary Response and Expression

Students will read and listen to oral, written, and electronically produced texts and performances from American and world literature; relate texts and performances to their own lives; and develop an understanding of the diverse social, historical, and cultural dimensions the texts and performances represent. As speakers and writers, students will use oral and written language that follows the accepted conventions of the English language for self-expression and artistic creation.

Standard 3: Language for Critical Analysis and Evaluation

Students will listen, speak, read, and write for critical analysis and evaluation. As listeners and readers, students will analyze experiences, ideas, information, and issues presented by others using a variety of established criteria. As speakers and writers, they will use oral and written language that follows the accepted conventions of the English language to present, from a variety of perspectives, their opinions and judgments on experiences, ideas, information and issues.

Standard 4: Language for Social Interaction

Students will listen, speak, read, and write for social interaction. Students will use oral and written language that follows the accepted conventions of the English language for effective social communication with a wide variety of people. As readers and listeners, they will use the social communications of others to enrich their understanding of people and their views.

Health, Physical Education, and Family and Consumer Science

Standard 1: Personal Health and Fitness

Students will have the necessary knowledge and skills to establish and maintain physical fitness,

participate in physical activity, and maintain personal health.

Standard 2: A Safe and Healthy Environment

Students will acquire the knowledge and ability necessary to create and maintain a safe and healthy environment.

Standard 3: Resource Management

Students will understand and be able to manage their personal and community resources.

Languages Other Than English

Standard 1: Communication Skills

Students will be able to use a language other than English for communication.

Standard 2: Cultural Understanding

Students will develop cross-cultural skills and understandings.

Mathematics, Science, and Technology Education

Standard 1: Analysis, Inquiry, and Design

Students will use mathematical analysis, scientific inquiry, and engineering design, as appropriate, to pose questions, seek answers, and develop solutions.

Standard 2: Information Systems

Students will access, generate, process, and transfer information using appropriate technologies.

Standard 3: Mathematics (Approved 1996)

Students will understand mathematics and become mathematically confident by communicating and reasoning mathematically, by applying mathematics in real-world settings, and by solving problems through the integrated study of number systems, geometry, algebra, data analysis, probability, and trigonometry.

Standard 3: Mathematics (Revised 2005)

Students will understand the concepts of and become proficient with the skills of mathematics; communicate and reason mathematically; become problem solvers by using appropriate tools and strategies; through the integrated study of number sense and operations, algebra, geometry, measurement, and statistics and probability.

Standard 4: Science

Students will understand and apply scientific concepts, principles, and theories pertaining to the physical setting and living environment and recognize the historical development of ideas in science.

Standard 5: Technology

Students will apply technological knowledge and skills to design, construct, use, and evaluate products and systems to satisfy human and environmental needs.

Standard 6: Interconnectedness: Common Themes

Students will understand the relationships and common themes that connect mathematics, science, and technology and apply the themes to these and other areas of learning.

Standard 7: Interdisciplinary Problem Solving

Students will apply the knowledge and thinking skills of mathematics, science, and technology to address real-life problems and make informed decisions.

Social Studies

Standard 1: History of the United States and New York

Students will use a variety of intellectual skills to demonstrate their understanding of major ideas, eras, themes, developments, and turning points in the history of the United States and New York.

Standard 2: World History

Students will use a variety of intellectual skills to demonstrate their understanding of major ideas, eras, themes, developments, and turning points in world history and examine the broad sweep of history from a variety of perspectives.

Standard 3: Geography

Students will use a variety of intellectual skills to demonstrate their understanding of the geography of the interdependent world in which we live—local, national, and global—including the distribution of people, places, and environments over the Earth’s surface.

Standard 4: Economics

Students will use a variety of intellectual skills to demonstrate their understanding of how the United States and other societies develop economic systems and associated institutions to allocate scarce resources, how major decision-making units function in the United States and other national economies,

and how an economy solves the scarcity problem through market and nonmarket mechanisms.

Standard 5: Civics, Citizenship, and Government

Students will use a variety of intellectual skills to demonstrate their understanding of the necessity for establishing governments; the governmental system of the United States and other nations; the United States Constitution; the basic civic values of American constitutional democracy; and the roles, rights, and responsibilities of citizenship, including avenues of participation.

Appendix A 3 ii 1: Diploma Requirements For Students

DIPLOMA REQUIREMENTS FOR STUDENTS ENTERING GRADE 9 IN:												
	SEPTEMBER 2002-04		SEPTEMBER 2005		SEPTEMBER 2006		SEPTEMBER 2007		SEPTEMBER 2008		SEPTEMBER 2009	
UNITS OF CREDIT:	REGENTS DIPLOMA	REGENTS DIPLOMA WITH ADVANCED DESIGNATION	REGENTS DIPLOMA	REGENTS DIPLOMA WITH ADVANCED DESIGNATION	REGENTS DIPLOMA	REGENTS DIPLOMA WITH ADVANCED DESIGNATION	REGENTS DIPLOMA	REGENTS DIPLOMA WITH ADVANCED DESIGNATION	REGENTS DIPLOMA	REGENTS DIPLOMA WITH ADVANCED DESIGNATION	REGENTS DIPLOMA	REGENTS DIPLOMA WITH ADVANCED DESIGNATION
English Language Arts	4	4	4	4	4	4	4	4	4	4	4	4
Social Studies	4(a)	4(a)	4(a)	4(a)	4(a)	4(a)	4(a)	4(a)	4(a)	4(a)	4(a)	4(a)
Mathematics	3(b)	3(b)	3(b)	3(b)	3(b)	3(b)	3(b)	3(b)	3(b)	3(b)	3(b)	3(b)
Science	3(b)	3(b)	3(b)	3(b)	3(b)	3(b)	3(b)	3(b)	3(b)	3(b)	3(b)	3(b)
Health	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
The Arts (c)	1	1	1	1	1	1	1	1	1	1	1	1
Languages Other Than English	1(d)	1(c)	1(d)	1(c)	1(d)	1(c)	1(d)	1(c)	1(d)	1(c)	1(d)	1(c)
Physical Education	2	2	2	2	2	2	2	2	2	2	2	2
Sequence Courses, Electives	3.5	3.5(f)	3.5	3.5(f)	3.5	3.5(f)	3.5	3.5(f)	3.5	3.5(f)	3.5	3.5(f)
TOTAL REQUIRED	22	22	22	22	22	22	22	22	22	22	22	22
EXAMINATIONS:	REGENTS DIPLOMA	REGENTS DIPLOMA WITH ADVANCED DESIGNATION	REGENTS DIPLOMA	REGENTS DIPLOMA WITH ADVANCED DESIGNATION	REGENTS DIPLOMA	REGENTS DIPLOMA WITH ADVANCED DESIGNATION	REGENTS DIPLOMA	REGENTS DIPLOMA WITH ADVANCED DESIGNATION	REGENTS DIPLOMA	REGENTS DIPLOMA WITH ADVANCED DESIGNATION	REGENTS DIPLOMA	REGENTS DIPLOMA WITH ADVANCED DESIGNATION
REGENTS DIPLOMA												
Comprehensive English	1	1	1	1	1	1	1	1	1	1	1	1
Global History & Geography	1	1	1	1	1	1	1	1	1	1	1	1
US History & Government	1	1	1	1	1	1	1	1	1	1	1	1
Mathematics	1	2(g)	1	2(g)	1	2(g)	1	2 or 3(h)	1	3 or 2(h)	1	3(i)
Science	1	2(j)	1	2(j)	1	2(j)	1	2(j)	1	2(j)	1	2(j)
Languages Other Than English	(k)	1(l)	(k)	1(l)	(k)	1(l)	(k)	1(l)	(k)	1(l)	(k)	1(l)
TOTAL REQUIRED	5	7 or 8	5	7 or 8	5	7 or 8	5	7, 8 or 9	5	7, 8 or 9	5	8 or 9
LOCAL DIPLOMA (m)	LOCAL DIPLOMA		LOCAL DIPLOMA		LOCAL DIPLOMA		LOCAL DIPLOMA		LOCAL DIPLOMA		LOCAL DIPLOMA	
Regents Examination score of 65+:	0		2		3		4		NA		NA	
& Regents Examination score of 55-64:	1-5		3		2		1		NA		NA	
OR												
For students with disabilities:												
Regents Examination score of 55-64 (n):	1-5		1-5		1-5		1-5		1-5		1-5	
Regents Competency Tests (o):	1-6		1-6		1-6		1-6		1-6		1-6	

<p>NOTES FOR DIPLOMA REQUIREMENTS CHART: (Section 100.5 of NYCRR)</p> <p><i>School districts may establish diploma requirements in addition to those outlined.</i></p> <p>(a) Four credits required, including 1 unit in American History and 1/2 unit each in Participation in Government and Economics.</p> <p>(b) Students may meet the learning standards in technology either in a course in technology education or through an integrated course combining technology with mathematics and/or science. A commencement-level course in technology education may be used as the third unit of credit in science or mathematics, but not both.</p> <p>(c) The Arts are defined as dance, music, theatre, and visual arts.</p> <p>(d) Students with a disability may be excused from the requirement for one unit of credit in LOTE if so indicated in the Individualized Education Program (IEP). Students must receive LOTE instruction no later than the beginning of Grade 8 and complete 2 units of study by the end of grade 9.</p> <p>(e) To earn the advanced designation, the student must complete one of the following: two additional units in a language other than English (3 LOTE credits total); career and technical education (1 credit CTE sequence); or the Arts (1 credit sequence). Students with disabilities who are exempt from the LOTE requirements as indicated on the IEP may earn the advanced designation as long as the required number of credits to graduate are met.</p> <p>(f) Sequence courses and/or electives may include LOTE, CTE and the Arts.</p> <p>(g) Students must pass two commencement level Regents Examinations in mathematics through one of the following combinations: Mathematics A and Mathematics B; <u>gg</u> Mathematics A and Algebra 2/Trigonometry.</p> <p>(h) Students must pass one of four combinations of commencement level Regents Examinations in mathematics. For the two examination combination, Mathematics A and Mathematics B, <u>gg</u> Mathematics A and Algebra 2/Trigonometry; For the three examination combination, Mathematics A, Geometry, and Algebra 2/Trigonometry, <u>gg</u> Integrated Algebra, Geometry, and Algebra 2/Trigonometry.</p> <p>(i) Students must pass three commencement level Regents Examinations in mathematics through one of the following combinations: Mathematics A, Geometry, and Algebra 2/Trigonometry as Integrated Algebra, Geometry, and Algebra 2/Trigonometry.</p> <p>(j) A total of two Regents Examinations in science, with at least one in life science and at least one in physical science.</p> <p>(k) Students who complete Checkpoint A of the syllabus and two units of study in a single language other than English no later than the end of Grade 8 must pass the second language proficiency examination in order to earn one unit of credit toward the high school diploma.</p> <p>(l) If so indicated in the IEP, students with a disability may be excused from completing the additional LOTE unit and the corresponding Regents Comprehensive Examination. Students completing a sequence of not less than 1 unit of credit in CTE or the Arts are not required to complete the additional two units of LOTE or to pass the Regents Comprehensive Examination in that language to earn a Regents Diploma with Advanced Designation.</p> <p>(m) Students who successfully appeal two Regents Examination scores within three points of the 65 passing score and who meet the other requirements of the appeals process specified in CR 100.5(b)(7) will earn a local diploma.</p> <p>(n) For students with disabilities who first enter grade 9 in September 2005 and thereafter, a score by the student of 55-64 may be considered as a passing score on any Regents Examination required for graduation with a local diploma.</p> <p>(o) Students with disabilities who fail one or more Regents Examinations and who pass the corresponding Regents Competency Test (RCT) will receive a local diploma.</p>	<p style="text-align: center;">Additional Resources</p> <p>Board of Regents http://www.regents.nysed.gov/</p> <p>Curriculum, Instruction and Instructional Technology Team http://www.emsc.nysed.gov/cia/</p> <p>New York State Education Department http://www.nysed.gov/</p> <p>Office of Bilingual Education and Foreign Language Studies http://www.emsc.nysed.gov/biling/</p> <p>Office of Curriculum and Instructional Support http://www.emsc.nysed.gov/cis/</p> <p>Office of Elementary, Middle, Secondary and Continuing Education http://www.emsc.nysed.gov/</p> <p>Office of Vocational and Educational Services for Individuals with Disabilities http://www.vesid.nysed.gov/</p> <p>Part 100 of the Regulations of the Commissioner of Education http://www.emsc.nysed.gov/part100-opener.html</p> <p>Virtual Learning System (VLS) http://www.nysvls.org</p> <hr/> <p>This document presents highlights of high school diploma requirements. Please see Section 100.5 of the Commissioner's Regulations for complete information including alternatives for fulfilling the diploma requirements: http://www.emsc.nysed.gov/part100-opener.html</p> <p>Questions on specific topics can be directed to the Curriculum, Instruction and Instructional Technology email address at: emscgrades@mail.nysed.gov or emsccurric@mail.nysed.gov.</p> <p>Please duplicate this pamphlet as needed.</p>	<div style="text-align: center;">  <p>General Education & Diploma Requirements</p> <p>Commencement Level (Grades 9 - 12)</p> <p>June 2007</p> <p>Office of Elementary, Middle, Secondary and Continuing Education New York State Education Department Albany, NY 12234 www.nysed.gov</p> </div>
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Appendix B 1 i 1: Common Core of Standards MOA

**The Council of Chief State School Officers and
The National Governors Association Center for Best Practices**

**Common Core Standards
Memorandum of Agreement**

Purpose. This document commits states to a state-led process that will draw on evidence and lead to development and adoption of a common core of state standards (common core) in English language arts and mathematics for grades K-12. These standards will be aligned with college and work expectations, include rigorous content and skills, and be internationally benchmarked. The intent is that these standards will be aligned to state assessment and classroom practice. The second phase of this initiative will be the development of common assessments aligned to the core standards developed through this process.

Background. Our state education leaders are committed to ensuring all students graduate from high school ready for college, work, and success in the global economy and society. State standards provide a key foundation to drive this reform. Today, however, state standards differ significantly in terms of the incremental content and skills expected of students.

Over the last several years, many individual states have made great strides in developing high-quality standards and assessments. These efforts provide a strong foundation for further action. For example, a majority of states (35) have joined the American Diploma Project (ADP) and have worked individually to align their state standards with college and work expectations. Of the 15 states that have completed this work, studies show significant similarities in core standards across the states. States also have made progress through initiatives to upgrade standards and assessments, for example, the New England Common Assessment Program.

Benefits to States. The time is right for a state-led, nation-wide effort to establish a common core of standards that raises the bar for all students. This initiative presents a significant opportunity to accelerate and drive education reform toward the goal of ensuring that all children graduate from high school ready for college, work, and competing in the global economy and society. With the adoption of this common core, participating states will be able to:

- Articulate to parents, teachers, and the general public expectations for students;
- Align textbooks, digital media, and curricula to the internationally benchmarked standards;
- Ensure professional development to educators is based on identified need and best practices;
- Develop and implement an assessment system to measure student performance against the common core; and
- Evaluate policy changes needed to help students and educators meet the common core standards and "end-of-high-school" expectations.

An important tenet of this work will be to increase the rigor and relevance of state standards across all participating states; therefore, no state will see a decrease in the level of student expectations that exist in their current state standards.

Process and Structure

- **Common Core State-Based Leadership.** The Council of Chief State School Officers (CCSSO) and the National Governors Association Center for Best Practices (NGA Center) shall assume responsibility for coordinating the process that will lead to state adoption of a common core set of standards. These organizations represent governors and state commissioners of education who are charged with defining K-12 expectations at the state level. As such, these organizations will

- **National Policy Forum.** CCSSO and the NGA Center will convene a National Policy Forum (Forum) comprised of signatory national organizations (e.g., the Alliance for Excellent Education, Business Roundtable, National School Boards Association, Council of Great City Schools, Hunt Institute, National Association of State Boards of Education, National Education Association; and others) to share ideas, gather input, and inform the common core initiative. The forum is intended as a place for refining our shared understanding of the scope and elements of a common core; sharing and coordinating the various forms of implementation of a common core; providing a means to develop common messaging between and among participating organizations; and building public will and support.

- **Federal Role.** The parties support a state-led effort and not a federal effort to develop a common core of state standards; there is, however, an appropriate federal role in supporting this state-led effort. In particular, the federal government can provide key financial support for this effort in developing a common core of state standards and in moving toward common assessments, such as through the Race to the Top Fund authorized in the American Recovery and Reinvestment Act of 2009. Further, the federal government can incentivize this effort through a range of tiered incentives, such as providing states with greater flexibility in the use of existing federal funds, supporting a revised state accountability structure, and offering financial support for states to effectively implement the standards. Additionally, the federal government can provide additional long-term financial support for the development of common assessments, teacher and principal professional development, other related common core standards supports, and a research agenda that can help continually improve the common core over time. Finally, the federal government can revise and align existing federal education laws with the lessons learned from states' international benchmarking efforts and from federal research.

Agreement. The undersigned state leaders agree to the process and structure as described above and attest accordingly by our signature(s) below.

Signatures	
Governor:	
Chief State School Officer:	

Appendix B 1 i 2: States Participating in the Standards Consortium



News Release

09/01/2009

Fifty-One States And Territories Join Common Core State Standards Initiative

NGA Center, CCSSO Convene State-led Process to Develop Common English-language arts and Mathematics Standards

[Excerpt]

Contact: Jodi Omeare, 202-624-5346

Office of Communications

WASHINGTON—The National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO) today released the names of the states and territories that have joined the Common Core State Standards Initiative: Alabama; Arizona; Arkansas; California; Colorado; Connecticut; Delaware; District of Columbia; Florida; Georgia; Hawaii; Idaho; Illinois; Indiana; Iowa; Kansas; Kentucky; Louisiana; Maine; Maryland; Massachusetts; Michigan; Minnesota; Mississippi; Missouri; Montana; Nebraska; Nevada; New Hampshire; New Jersey; New Mexico; New York; North Carolina; North Dakota; Ohio; Oklahoma; Oregon; Pennsylvania; Puerto Rico; Rhode Island; South Carolina; South Dakota; Tennessee; Utah; Vermont; Virgin Islands; Virginia; Washington; West Virginia; Wisconsin; Wyoming.

Appendix B 1 i 3: Introduction to Draft Standards and Evidence**Evidence Statement of New York State’s commitment to adopting evidence-based, internationally benchmarked ELA and Mathematics common core standards****Evidence for B(1)(i): A copy of the final standards, or if the standards are not final yet, a copy of the draft standards and anticipated date for completing the standards**

New York State is fully committed to adopting the common core state standards in English Language Arts and Mathematics and providing leadership in the process. The State Education Department has reviewed three previous drafts of the ELA and Mathematics common core standards and provided feedback to NGA/CCSSO.

The common core state K-12 draft standards for ELA and Mathematics are scheduled to be released in early January 2010. Since the previous draft of the College- and Career Readiness standards for ELA and Mathematics (released in September 2009) and the draft K-8 ELA and Mathematics standards (released in November 2009) are lengthy documents (including over a hundred pages), and this appendix is limited, we are including this statement as an assurance that we are committed to participating in this process and adopting these standards, which are scheduled to be finalized in early spring 2010.

Evidence for B(1)(i): Documentation that the Standards are or will be internationally benchmarked and that, when well-implemented, will help to ensure that students are prepared for college and careers.

The NGA/CCSSO have committed to ensuring that the common core state standards are internationally benchmarked, as evidenced in a statement made on the NGA/CCSSO website:

In their FAQ, it states,

“By what criteria will the standards be judged? Who or what entity sets such criteria?”

The standards will be judged based on research and evidence to ensure that they meet the following criteria:

Aligned with college and work expectations
Inclusive of rigorous content and application of knowledge through high-order skills
Internationally benchmarked

Criteria have been set by states, through their national organizations CCSSO and the NGA Center.

Evidence that the draft common core state standards are internationally benchmarked has been provided by NGA/CCSSO in the previous draft ELA and Mathematics documents that were sent to States for feedback. This information is also available on the NGA/CCSSO website. Since the evidence includes numerous pages, we are including this statement as an assurance that the standards being developed are internationally benchmarked, as evidenced by the FAQ statement

As an example, we have included the introductory statement at the beginning of the draft ELA and Mathematics evidence documents.

On page one of the *Evidence for Individual Math Standards*, provided by NGA/CCSSO, it states,

“What follows is a sample of sources consulted in the drafting of the core math standards. Citations are organized by the standard to which they pertain. For example, all sources with specific relevance to standard # 2 (Number) are listed below that standard. Each citation contains a link to the section of the source document that is relevant to the core math standard to which it corresponds. For more information on sources and how they were used in the drafting of the math standards, please refer to the “College and Career Readiness Standards for Mathematics.”

One page one of the *Evidence for Individual Reading, Writing, and Speaking and Listening Standards* provided by NGA/CCSSO, it states,

What follows is a sample of sources consulted in the drafting of the Core Standards for Reading, Writing, and Speaking and Listening. Citations are organized by the standard to which they pertain. For example, all sources with specific relevance to reading standard # 1 are listed below that standard. Each citation contains a link to the section of the source document that is relevant to the core reading, writing, or speaking and listening standard to which it corresponds. For more information on sources and how they were used in the drafting of the core standards, please refer

to the “College and Career Readiness Standards for Reading, Writing, and Speaking and Listening.”

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5. ELA evidence for College- and Career-Readiness Standards	157
6. Math evidence for College- and Career-Readiness Standards	214

(Please refer to Sub-Appendix for complete Draft Standards)

Appendix B 1 i 4: Board of Regents Standards Review Initiative**Standards Review Working Principles**

(Revised as of September 15, 2008)

Through this comprehensive standards review initiative, we will:

1. Include three levels of standards:

a) *Student learning standards (content)*

These standards will detail what students will be expected to learn.

b) *Teacher knowledge standards*

These standards will parallel the student standards. They will specify the knowledge that teachers should have to enable students to reach each learning standard.

c) *System infrastructure standards*

These standards will specify those elements that are beyond the control of students and teachers, for example, access to technology, books, and other materials. These standards would also specify professional development for teachers and administrators.

2. Develop a single set of standards for each content area:

Some students may need different levels of support or scaffolding to achieve the learning outcomes (e.g., struggling learners, English language learners, students with disabilities). A single set of standards will ensure that expectations for all students are the same. Although these standards will specify that all students should work to achieve the same levels of proficiency; they will also acknowledge the need to provide differential instruction for different populations. Different levels of resources may also be required for some students to achieve the specified levels. If all students are expected to become proficient in English Language Literacy, a set of standards to which all students should aspire must be created. Reaching those standards may require

different instructional techniques at different developmental levels. For English Language Learners who are literate in their first language, there is substantial transfer between that first literacy and a second literacy in English. Instruction should capitalize on the transfer rather than assuming that students have no knowledge of literacy skills. For ELLs who are not literate in their first language, it may be effective to conduct literacy instruction in the native language first, then capitalize on that cluster of skills. If literacy instruction is to be conducted solely in English, care must be taken to ensure that the students have sufficient English Language proficiency to benefit from that instruction. The nature of the instruction will vary as a function of the developmental level of students and the native language of those students. The instructional support needed to become skilled in literacy will focus on a single set of goals, but will change across contexts. These variations should be reflected in curricular documents, not in standards.

3. Infuse basic and academic literacy throughout all the content areas:

Currently the standards/performance indicators do not acknowledge differences in literacy across disciplines. It has become apparent in recent work that there are substantial differences in reading skills across disciplines. Content area assessments do not assess the ability to read in different content areas. These assessments minimize literacy demands, focusing instead on content knowledge. There is a need to assess the degree to which students are able to read content area materials in order to determine whether they are or can become independent learners in the disciplines. Assessments that focus on literacy need to include the full range of text genres.

The 2009 Reading Framework for the National Assessment of Educational Progress, for example, uses the following range of genres:

Literary text

Story

Literary nonfiction (such as narrative essays, speeches, and autobiographies or biographies)

Poetry

Information text
Exposition
Argumentation and persuasive text
Document and procedural materials

Source: Salinger, T., Kamil, M. L., Kapinus, B., & Afflerbach, P. (2005). Development of a new framework for the NAEP reading assessment. In B. Maloch, J. V., Hoffman, D. L. Schallert, C. M. Fairbanks, & J. Worthy (Eds.), *54th Yearbook of the National Reading Conference* (pp. 334-349). Oak Creek, WI: National Reading Conference.

4. Infuse cultural aspects of literacy throughout all the content areas as appropriate.

Literacy is heavily influenced by culture. The ability to recognize cultural influences and negotiate them is a critical literacy skill and should be recognized in the standards and on assessments of those standards. The responsibility of every learner is to seek and learn about diverse perspectives. Cultural aspects of literacy should be infused into curricula development and instruction.

5. Infuse real life application skills throughout all the content areas.

Infusing real life application skills throughout all the content areas will address the need for students to have the necessary skills to enter the workforce and/or pursue post secondary education. In addition, students will be gain viable citizenship skills. The value of enabling students to understand the connection between their studies in all content areas and real life application of skills and knowledge cannot be overstated. This infusion must also be reflected through curricula development and instruction.

6. Develop measurable standards.

Standards should be measurable, observable, or demonstrable, although this does not mean that paper and pencil forms of assessments are the only options. For every standard there should be some way of assessing it. If there are no ways to measure, observe, or have students demonstrate mastery of a standard, it

should not be included. This is related to the issue of whether all standards will be assessed. While there might not be a one-to-one alignment between assessments and standards, it is the case that all standards will be assessed, at least implicitly. For example, if a student can demonstrate comprehension of plot, it also means that that student is demonstrating the mastery of word identification, etc.

7. Review PreK-12 standards within the context of a seamless P-16 continuum.

The basic intent of this set of standards is to provide students with the necessary skills to succeed when they enter schools and to provide them with the ability to choose any path they wish to when they graduate high school. Thus, the standards have to account for the skills that students need before they enter school as well as the skills they will need when they enter the work force or pursue post secondary education.

8. Integrate technology throughout all the content areas.

The influence of technology has extended to the types of texts (multimedia) as well as the uses of those texts. While “new literacy” requires an even higher degree of “old literacy,” there are new skills that are required. To this end, one proposal is to add two new categories, PRESENTING and VIEWING. PRESENTING involves selecting, synthesizing, and organizing information to convey a message. Conversely, VIEWING is the obverse of presenting. VIEWING involves comprehending, critically examining, and making use of the information in a presentation. These are not limited to technology, but technology has changed the ways in which information has been presented and viewed. The most obvious variable is the inclusion of multimedia elements in documents. For other ways in which technology has affected literacy, one needs to look no further than search for information on the internet.

Board of Regents Standards Review Initiative Review Committee

Regent Saul B. Cohen
New York State Board of Regents
Chairperson, Standards Review Initiative

Provost and Vice President for Academic
Affairs
New York City College of Technology, CUNY

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Appendix B 1 ii 1: Dec 9 Regent Meeting: Common Core Standards Review and Adoption Process



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: EMSC Committee

FROM: John B. King, Jr.

SUBJECT: Common Core Standards Review and Adoption Process

DATE: December 7, 2009

STRATEGIC GOAL: Goal 1

AUTHORIZATION(S):

SUMMARY

Issue for Decision

Should the Board of Regents support the following process for review and adoption of the Common Core Standards?

- Review the Council of Chief State School Officers (CCSSO) and the National Governor’s Association (NGA) Center for Best Practices Common Core college- and career-readiness standards for “Mathematics” and for “Reading, Writing, and Speaking and Listening;”
- Align the New York State English language arts (ELA) and mathematics learning standards and performance indicators;
- Determine additional New York content (15% as judged necessary); and,
- Adopt a combined set of learning standards and grade by grade performance expectations for P-12 in mathematics and ELA.

Reason(s) for Consideration

Review of policy.

Background Information

Through its Standards Review Initiative (SRI) NYS has taken a proactive stance in the development of the Council of Chief State School Officers (CCSSO) and the National Governor's Association (NGA) Center for Best Practices Common Core State Standards (CCSS) for English Language Arts. Under the leadership of Regent Saul B. Cohen, the SRI Leadership Team provided input on the ELA CCSS prior to the development and release of the initial draft public comment. The SRI Leadership Team provides ongoing feedback to CCSSO/NGA on each iteration and has conducted several side-by-side comparisons of the proposed NYS draft ELA/ESL Learning Standards to the Common Core State Standards throughout their development. This ongoing analysis will continue to inform world class standards for all NYS students

The Council of Chief State School Officers (CCSSO) and the National Governor's Association (NGA) Center for Best Practices released an "incomplete draft of the ELA and mathematics standards" for public comment on November 13, 2009. In the Department's December 4, 2009 response, Commissioner Steiner noted:

- New York State is glad to take on a leadership role as part of the Common Core State Standards Initiative. The Department is ready to engage the field to gather input on how Common Core Standards for English language arts and mathematics will affect teaching and learning in New York State. New York strongly encourages the Common Core State Standards panel to broaden the standards to include prekindergarten expectations, to ensure the seamless transition to kindergarten.
- At this time, both the draft Common Core ELA and Mathematics documents are works-in-progress, and do not contain complete K-12 grade-specific expectations. Once the K-12 standards and supporting materials are released together, New York will be able to comment on whether there is a rigorous and reasonable continuum of K-12 expectations leading to college- and career-readiness.

The final draft of the Common Core Standards in ELA and mathematics is expected to be released in early January 2010. In anticipation of the release of the final draft document, the following plan for engaging the field in a review, alignment to existing NYS learning standards and adoption of a combination of standards and performance expectations (85% NGA/CCSSO Common Core Standards; 15% State developed as judged necessary) is attached.

Recommendation

Staff recommends that the Regents take the following action:

VOTED: That the Board of Regents direct staff to implement the review and adoption process for the Common Core State Standards and support the development of college- and career-readiness standards for ELA and mathematics learning standards and grade by grade performance expectations.

Timetable for Implementation

Upon approval by the Regents, Department staff will implement the plan outlined in the attachment entitled Common Core Standards Review and Adoption Process.

Attachment

Common Core Standards Review and Adoption Process

Phase I: Public Review and Comment NGA/CCSSO ELA/Mathematics Standards (December 2009 – February 2010)

December 16, 2009

- Expand the NYSED Common Core Standards Initiative website http://www.emsc.nysed.gov/ciai/common_core_standards.html to include a “toolkit for public comment” which contains:
 - A video of the Commissioner inviting public comment;
 - A Power point presentation describing the Common Core Standards Initiative, sequence of events and timeline, the internal structure of the proposed ELA and mathematics standards and next steps in developing the NYS learning standards process;
 - Two online survey instruments - one for public comment on the NGA/CCSSO proposed mathematics standards; the other for public comment on the NGA/CCSSO ELA standards;
 - NGA/CCSSO draft grade by grade Common Core Standards for public comment; and,
 - Links to related materials.

December 16, 2009

- Standards Review Initiative (SRI) Leadership Team will provide to the Regents a report on SRI activities with respect to NYS ELA/ESL learning standards and provide a basis for discussion of their relationship to the Common Core initiative; and,
- Board of Regents approval on the process for review and adoption of the NYS learning standards and performance expectations in relation to the Common Core Standards for ELA and Mathematics.

January 29, 2010

- Conduct 8-12 regional forums statewide through the NYS Teacher Center Technology Committee. Forums will combine virtual presentation and face-to-face facilitation using the toolkit materials described above. Multiple regional stakeholders will be invited - teachers, administrators, professional development providers, and others, including BOCES, district, and public, charter and non-public school staff.
- Host a statewide discussion with live audience to seek feedback on the Common Core Standards for ELA and mathematics and the supports needed for implementation in NYS schools.

- Submit formal response to the NGA/CCSSO informed by statewide public comment, the work of the Standards Review Initiative Committee, and the NYSED Mathematics Advisory Committee.

February 9, 2010

- Update Board of Regents on timeline and next steps in process for review and adoption of NGA/CCSSO Common Core Standards.

Phase II: Propose a revised set of NYS Learning Standards for ELA/ Mathematics (March 2010 – April 2010)

April 1, 2010

- Review the final set of NGA/CCSSO Common Core Standards against the draft ELA/ESL learning standards, 2005 Mathematics Core and the SRI Working Principles <http://www.emsc.nysed.gov/standardsreview/StandardReviewWorkingPrinciplesfinal7.17.08.mht> and other pertinent documents;
- Compile a proposed draft of the NYS Learning Standards for English Language Arts and Mathematics grades P-12, with input from cognitive psychologists, members of the Standards Review Initiative Committee and NYSED Mathematics Advisory Council;
- Develop recommendations to the Board of Regents on adoption of the NGA/CCSSO Common Core Standards on mathematics and English language arts (comprises 85% of Common Core standards) and additional NYS standards (15% as judged necessary) for statewide public comment.

Phase III: Public Review, Comment and Adoption of NYS Learning Standards for ELA and Mathematics (April 2010 – July 2010)

April 20, 2010

- Present and request Board of Regents approval to seek statewide public comment on the revised NYS ELA and mathematics learning standards, and
- NYSED expands the Common Core Standards Initiative website http://www.emsc.nysed.gov/ciai/common_core_standards.html to include a “toolkit for public comment” which contains:
 - A video of the Commissioner inviting public comment;
 - Online survey instruments for public comment;
 - Proposed revised NYS learning standards for ELA and Mathematics P-12.

May 18, 2010

- NYSED conducts 8-12 regional forums statewide through the NYS Teacher Center Technology Committee. Forums will combine virtual presentation and face-to-face facilitation, using the toolkit materials described above. Multiple regional stakeholders will be invited - teachers, administrators, professional development providers, and others, including BOCES, district, and public, charter and non-public school staff.
- Update Board of Regents on the status of statewide public comment on the proposed ELA and mathematics standards.

July 10, 2010

- Revise NYS Learning Standards for ELA and Mathematics based on public comment; and
- Produce a final set of standards and grade by grade performance expectations for P-12 in mathematics and ELA.

July 20, 2010

- The new standards and grade by grade performance indicators for P-12 (Common Core 85% + New York State 15% as judged necessary) will be presented to the Board of Regents for adoption.

Phase IV: Design ELA and Math curriculum frameworks, align professional development and pre-service education, and integrate new standards into virtual high school. (Revise/create standards in other subjects, beginning with science and social studies.)

Implementation of the Board of Regents approved ELA and Mathematics Standards will include development of curriculum frameworks, alignment of professional development and pre-service education as well as opportunity for online coursework through the development of a virtual high school. As resources become available, the Department will engage the field in the revision of all NYS learning standards with priority given to science and social studies.

Appendix B 1 ii 2: Legal Process in New York State for Adopting Standards**Education Law §207. Legislative Power.**

See Appendix D 1 1 for the relevant text of this provision.

Education Law § 211. Review of regents learning standards.

1. The regents shall periodically review and evaluate the existing regents learning standards to determine if they should be strengthened, modified or combined so as to provide adequate opportunity for students to acquire the skills and knowledge they need to succeed in employment or postsecondary education and to function productively as civic participants upon graduation from high school. Such review and evaluation shall be conducted upon a schedule adopted by the regents, provided that a review and evaluation of the English language arts standards shall be completed as soon as possible, but no later than the end of the two thousand seven-two thousand eight school year.

2. In conducting such reviews, the regents shall seek the recommendations of teachers, school administrators, teacher educators and others with educational expertise on improvements to the standards so that they ensure that students are prepared, in appropriate progression, for postsecondary education or employment.

Appendix B 2 i 1: Jan 5 Regent Meeting: Developing And Implementing Common, High-Quality Assessments



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: EMSC Committee

FROM: John B. King, Jr.

SUBJECT: Developing and implementing common, high-quality assessments

DATE: January 5, 2010

STRATEGIC GOAL: Goal 1

AUTHORIZATION(S):

SUMMARY

Issue for Decision

Do the Regents endorse New York State's participation in a consortium of States that will work toward jointly developing and implementing common, high-quality assessments aligned with a common set of K-12 standards?

Reason(s) for Consideration

Review of Policy

Proposed Handling

This issue will be discussed by the Regents EMSC Committee at the January 2010 Regents meeting.

Background Information

The Council of Chief State School Officers (CCSSO) and the National Governor's Association (NGA) Center for Best Practices have convened a State-led process to develop common core standards in English language arts and in mathematics.

In June 2009, Governor David Paterson and former Commissioner Richard Mills signed a Memorandum of Agreement to participate in the national dialogue to develop these voluntary standards. The common core standards initiative is centered on creating common learning standards (what students should know and be able to do as a result of instruction) in mathematics and reading, writing and speaking and listening. Through its Standards Review Initiative (SRI) NYS has taken a proactive stance in the development of Common Core State Standards (CCSS) for English Language Arts. On behalf of the Regents, Commissioner Steiner has provided comments on the draft ELA and mathematics Common Core Standards.

In December 2009, the Regents approved a proposed process for review and adoption of the Common Core Standards. Also in December, the Regents approved recommendations to redesign the New York State Assessment Program to include the development of formative, interim and summative assessments in ELA and mathematics; make the grades 3-8 test more comprehensive and integrate computer-based assessments with the Science testing program; and make changes to the Regents Testing Program by adding English and Social Studies exams, and including curriculum frameworks and matched assessments in the Arts, Economics and Multi-media/computer technology.

By March 2010, the U.S. Secretary of Education intends to announce a competition for a program that would support one or more consortia of States that are working toward jointly developing and implementing common, high-quality assessments aligned with a consortium's common set of kindergarten-through-grade-12 (K-12) standards that are internationally benchmarked and that build toward college and career readiness by the time of high school completion. The Secretary of Education has set aside up to \$350 million of Race to the Top funds for the potential purpose of supporting States in the development of a next generation of assessments. Final guidelines for the competition have not been released yet. USED has conducted several regional informational/technical assistance meetings that included assessment experts to discuss the development of rules for this competition and state's participation. Representatives from the Department attended one of those meetings. Additional meetings are scheduled throughout January 2010.

Recommendation

Given the priority that the Board of Regents has placed on the development and implementation of high-quality assessments that are aligned to the learning standards and the fact that New York State is involved in the development of Common Core Standards, the Regents should endorse the participation of New York State in a consortium of states that will work toward jointly developing and implementing common, high-quality assessments aligned with a common set of K-12 standards. With the endorsement of the Regents, once the final guidelines for the Assessment Competition are released, staff will develop a proposed application.

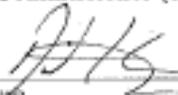
Appendix B 2 i 2: Common Assessment Consortium MOU

RESPONSIBILITIES OF ALL SEAs PARTICIPATING IN THE CONSORTIUM

- 1) Each participating SEA in the Consortium will appoint a key contact person.
- 2) These key contacts from each State will maintain frequent communication with the parties administering the Balanced Assessment Consortium to facilitate cooperation under this MOU.
- 3) Participating SEA grant personnel will work together to determine appropriate timelines for project updates and status reports throughout the whole grant period.

This Non-binding Memorandum of Understanding shall be effective beginning with the date of the last signature hereon:

SEA Superintendent/- Participating State
Chief/Commissioner (or equivalent authorized signatory)


Signature

January 14, 2010
Date

David M. Steiner
Print Name

Commissioner of Education
Title

Please email this signed page to

Tammy Morrill
Tammy.Morrill@maine.gov

****PLEASE email this signed page only by January 7, 2010****

**ASSESSMENT CONSORTIUM
MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement ("MOA") is entered into by and between the following States: Arkansas, Colorado, Florida, Illinois, Indiana, Louisiana, Massachusetts, Minnesota, North Carolina, Ohio, Pennsylvania, and Virginia (collectively the "Participating States" or "Assessment Consortium").

1. Purpose. The purpose of this MOA is to form a coalition of states with a shared vision for common assessments that are internationally-benchmarked; build toward college and career readiness by the time of high school graduation; measure a common core of standards for K-12 pursuant to the National Governors Association Center for Best Practices Memorandum of Understanding ("Common Core Standards"); utilize technology for efficiency of delivery and scoring; and are cost effective. An outcome of this shared vision will be a proposal for the federal Race to the Top Assessment Competition in 2010 to develop and implement common, high-quality assessments aligned with the Common Core Standards.

2. Lead State. The Participating States agree that Florida shall be designated as the Lead State, and Florida accepts the designation. The Lead State shall manage the work process under this MOA and competitively bid, when determined by the Assessment Consortium, for all services and commodities required to achieve the objectives of this MOA.. In particular, the Lead State shall:

a. Direct and oversee meetings of the Assessment Consortium and set the agendas.

b. Pursuant to the laws of the Lead State, procure any necessary goods and services needed to carry out the intent of this MOA, using the most reasonable form of competitive solicitation and by quotes if no competitive solicitation is required.

c. Although the Lead State shall manage and administer the primary contracts, each Participating State shall be a party to any multi-state agreement, by direct execution or by addendum,. However, each Participating State shall be responsible for enforcing their portion of the work on any multi-state contract. In addition, the Lead State shall not be responsible for any of the contractual obligations of a Participating State.

d. Coordinate, assist, and task the Management Entity as may be reasonably necessary.

e. Serve as liaison with the U.S. Department of Education, and all other third parties on behalf of the Assessment Consortium.

f. The Lead State may resign by notifying the Participating States at least 30 days in advance by written notice. A majority of the Participating States will then appoint a new Lead State.

g. The Participating States may remove the Lead State and appoint a new Lead State by vote of a majority of the Participating States. Upon the resignation or removal of the Lead State, all contracts and other rights and obligations of the Lead State shall be assigned to the new Lead State.

3. Management Entity. Services of a Management Entity will be procured and utilized to assist the Consortium in conducting its work. A majority vote of the Assessment Consortium is required to award a contract to the Management Entity.

The Management Entity shall perform the following services:

a. Assist the Lead State in coordinating and running the Assessment Consortium meetings, including acting as a facilitator at the meetings.

b. Perform research and draft reports necessary for developing Requests for Proposals for goods and services.

c. Assist the Lead State in procuring goods and services as agreed upon by Participating States.

d. Provide advice and grant-writing services to the Assessment Consortium to assist them in developing the proposal for the Race to the Top Assessment Competition.

e. Perform any other activities and services that are reasonably requested by the Lead State or any Participating State in order to achieve the purposes of this MOA.

4. Scope of Work and Responsibilities of the Participating States. Each Participating State in the Assessment Consortium shall adopt the Common Core Standards which were developed to be internationally benchmarked and to build toward college and career readiness by the time of high school graduation. The Assessment Consortium shall, if funded by Race to the Top Assessment Competition funds, develop common, high-quality assessments which are aligned with the Common Core Standards, utilize technology for efficiency of delivery and scoring, result in a common definition of proficiency, and are cost effective. In order to achieve these deliverables, the Assessment Consortium and the individual Participating States shall perform the following activities.

a. Each Participating State will adopt the Common Core Standards using their state-approved standards-adoption process.

b. The Assessment Consortium will meet to define the process for procuring the services of a Management Entity by April 30, 2010

c. The Assessment Consortium will develop and submit a proposal for funding through the Race to the Top Assessment Competition by June 2010 or the due date established by the U.S. Department of Education.

d. The Assessment Consortium will meet, with the assistance of a Management Entity, to review the status of each Participating State's Common Core Standards adoption by August 2, 2010.

e. The Assessment Consortium will develop a plan by December 10, 2010, for sharing of test items and tasks aligned with the Common Core Standards for use in Participating States' LEAs for formative and interim assessment purposes.

5. Meetings and Quorum. Meetings may be called by the Lead State or a majority of the Participating States. Meetings may either be in person or by conference call. Written notice of the meeting shall be sent to all Participating States at least 48 hours in advance, by email, facsimile, or certified mail.

a. A Quorum for any meeting shall consist of designated representatives from at least two-thirds of the Participating States. An individual state may appear by phone and be counted as part of the Quorum. Each Participating State shall have one vote.

b. All actions or decisions of the Assessment Consortium shall, unless otherwise designated elsewhere in this MOA, require a majority vote to pass.

c. Actions and decisions of the Assessment Consortium may also be taken by written directive executed by a majority of the Participating States without a formal meeting.

d. Notwithstanding the above, any amendment to this MOA shall require a unanimous vote of the Participating States.

6. Exam Results. Each Participating State shall own their respective assessment results and any other documentation which are developed as a result of any particular state assessment. All Participating States shall jointly own all deliverables produced as a result of this MOA, and shall have the right to utilize all deliverables and documents produced under this MOA for the benefit of their respective state, subject to all state and federal confidentiality laws and regulations.

7. Termination and Withdrawal of Parties.

a. This MOA may be terminated by agreement of all the Participating States.

b. Any Participating State may withdraw from this MOA upon thirty days written notice to all Participating States. In addition, any Participating State may immediately withdraw from this MOA upon notice of a loss of state funding to support the assessment work. A notice specifying the reasons for immediate termination shall be sent as soon as possible after the termination to the Participating States.

c. A withdrawn Participating State may only participate in a contract or agreement it executed prior to its withdrawal from the Assessment Consortium and this MOA.

d. A Participating State may have their rights hereunder terminated in the event it fails to perform or comply with any of its material covenants or obligations contained in this MOA, and such failure is not remedied and cured in all material respects within fifteen (15) days after the date written notice of such failure is delivered to the Participating State by the Lead State. A termination for default under this provision shall effectively terminate all contracts and agreements entered into by the terminated Participating State which have been procured through this MOA. Upon demand by the Lead State, the terminated Participating State shall provide written proof that such agreements have been terminated. However, the determination of default must be made by a majority of the Participating States before the Lead State is authorized to take any action against a defaulting Participating State.

8. Confidential Information. The Participating States warrant they shall not disclose to any third party any personally identifiable information about any student, without the written consent of the Participating State that owns the data. This applies to information which came from any record or report used by the Assessment Consortium or from any education record which is subject to the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g. The term "educational record" shall have the meaning prescribed in 20 U.S.C. Section 1232g(a)(4).

9. Expenses. It is the intent of the Participating States to seek funding from various third parties for the development of the common, high quality assessments and other shared deliverables under this MOA, and for the cost of a Management Entity. However, prior to obtaining such funds, the Participating States agree that they shall equally share these expenses. Decisions on whether to incur a shared expense and the amount to incur shall be decided by a majority vote of the Assessment Consortium. Notwithstanding the above, the Participating States also agree that they shall individually pay for any state specific expenses, including travel and the costs related to any state's use of an assessment.

10. Miscellaneous Provisions.

a. Rules of Interpretation. The Participating States waive application of the principle of contract construction that ambiguities are to be construed against a contract's drafter, and agree that this MOA is a joint product of all Participating States.

b. Assignment. No Participating State may assign any of its rights or obligations hereunder without the prior written consent of the Assessment Consortium.

c. Additional Documentation. Each Participating State agrees to take such action and to execute and deliver all documents necessary to carry out the terms and conditions of this MOA.

d. Invalidity and Severability. In the event that any provision of this Contract shall be held to be invalid, such provision shall be null and void. The validity of the remaining provisions of the MOA shall not in any way be affected thereby.

e. Counterparts. This Contract may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which shall constitute one contract, notwithstanding that all parties are not signatories to the original or the same counterpart, or that signature pages from different counterparts are combined, and the signature of any party to any counterpart shall be deemed to be a signature too and may be appended to any other counterpart.

f. Authority to Execute. Each Participating State warrants that it has the authority to enter into this MOA, and the party executing hereunder has the full authority to bind that state.

IN WITNESS WHEREOF, the Participating States have, through their duly authorized representative, executed this Memorandum of Agreement, which shall be effective, as of the last signature date below.

STATE OF ARKANSAS

By: _____
Name: _____
Title: _____
Date: _____

STATE OF COLORADO

By: _____
Name: _____
Title: _____
Date: _____

STATE OF FLORIDA

By: _____
Name: _____
Title: _____
Date: _____

STATE OF ILLINOIS

By: _____
Name: _____
Title: _____
Date: _____

STATE OF INDIANA

By: _____
Name: _____
Title: _____
Date: _____

STATE OF LOUISIANA

By: _____
Name: _____
Title: _____
Date: _____

COMMONWEALTH OF MASSACHUSETTS

By: _____

Name: _____

Title: _____

Date: _____

STATE OF MINNESOTA

By: _____

Name: _____

Title: _____

Date: _____

STATE OF NEW YORK

By:  _____

Name: David M. Steiner

Title: Commissioner of Education

Date: January 14, 2010

STATE OF NORTH CAROLINA

By: _____

Name: _____

Title: _____

Date: _____

STATE OF OHIO

By: _____

Name: _____

Title: _____

Date: _____

COMMONWEALTH OF PENNSYLVANIA

By: _____

Name: _____

Title: _____

Date: _____

COMMONWEALTH OF VIRGINIA

By: _____

Name: _____

Title: _____

Date: _____

Summative Multi-State Assessment Resources for Teachers and Educational Researchers

Summative Multi-State Assessment Resources for Teachers and Educational Researchers (SMARTER) Memorandum of Understanding

This non-binding Memorandum of Understanding (MOU) is entered into by and between the states of Delaware, Hawaii, Idaho, Nebraska, Oregon, Tennessee, Utah, Washington, Wisconsin and Wyoming to initiate a consortium of states (Consortium) to serve as a framework of collaboration as required to submit a proposal for a Multi-State Consortium Common Assessment Race to the Top grant. The working title for the proposal is the "Summative Multi-State Assessment Resources for Teachers and Educational Researchers" (SMARTER). In the event the proposal is approved and fully funded by the U.S. Department of Education, the final proposal will serve as the official agreement.

The signatory states shall be referred to as "Lead States" and hereby authorize Oregon to be the signatory for the Lead States in entering into MOUs with additional states that desire to participate under the same terms (Participating States). The terms of the MOU among the Lead States and between the Lead States and subsequent Participating States are set forth below.

1. States in the Consortium will assign a key contact to assist in the drafting of the proposal, and to the extent practicable will engage their teachers, school and district administrators and institutions of higher education in the development and review of the proposal to ensure the design of the assessment system meets the needs of a variety of stakeholders.
2. States may withdraw from the Consortium prior to the establishment of the draft budget for the proposal. The anticipated date for the draft budget is 30 days before the proposal is due to the U.S. Department of Education.
3. States in the Consortium agree in principle to the following elements to be included in a proposal to the U.S. Department of Education:
 - a. The purpose of the proposal is to develop a high quality summative assessment system that is aligned to the Common Core Standards, mutually adopted by Consortium states.
 - b. The assessment system will use online adaptive tests, innovative item design and open-ended items to assess the full breadth of cognitive demand described by the Common Core Standards.
 - c. Proposal writing will be governed by staff from the Lead States that have agreed to this MOU. Governance protocols for proposal development will be established by 2/15/2010.
 - d. If funded, the assessment system will be governed by staff from states that are members of the Consortium, and will be guided with the support of selected technical experts. Governance protocols for the assessment system will be a deliverable of the grant.
 - e. The assessment system will include teachers, school and district administrators, state departments of education and institutions of higher education in the design, administration, scoring and reporting of the assessments.
 - f. States in the Consortium will report student, school, district and state results based upon a single common set of rigorous achievement standards. Additionally, states in the consortium may choose to report student achievement benchmarked to a variety of achievement standards including NAEP, international assessments, and benchmarks predictive of student success in college and careers.
 - g. States in the Consortium will use the summative assessment system to measure school and district effectiveness to meet federal accountability requirements
 - h. The assessments will be designed based on principles of Universal Design and will be consistent with professional standards as described by the APA/AERA/NCME *Standards for Educational and Psychological Testing*.
 - i. The Consortium will coordinate with the MOSAIC consortium as appropriate and with other interested multi-state formative and benchmark assessment initiatives so that schools and districts will have access to a variety of high quality instructionally supportive assessment options that together yield a coherent balanced assessment system.
 - j. The assessment system will use open source software applications accessible to any vendor procured by states in the Consortium.

Summative Multi-State Assessment Resources for Teachers and Educational Researchers

- k. States in the Consortium will create and adhere to common administration guidelines including accommodations and allowable tools and assistive devices based on high quality research regarding student learning and assessment.
- l. Grant funds allocated to LEAs will in part be used to ensure participation opportunities for teachers. The estimated allocation and purpose of funds will be described in the budget section of the proposal.
- m. States in the Consortium will participate in common procurement practices and deliverables to the extent the procurements are directly related to Consortium-wide activities described in the proposal. Lead states will construct a procurement process taking into account minimum procurement standards used in all participating states.
- n. States in the Consortium will share a common reporting format consistent with a goal of aligning reporting systems.
- o. States in the Consortium will share common security protocols regarding test items.
- p. States in the Consortium will work with their institutions of higher education and teacher preparation institutions to ensure teachers are prepared to use and contribute to the summative assessment system.

This non-binding Memorandum of Understanding shall be effective beginning with the date of the last signature hereon:

Lead State SEA Superintendent/Chief/Commissioner
(or equivalent authorized signatory)



Signature

January 14, 2010

Date

David M. Steiner

Print Name

Commissioner of Education

Title

Please sign and date this agreement by no later than January 8th, 2010.
FAX signed copy to Tony Alpert at: (503) 378-5156 or email scanned copy to Tony.Alpert@state.or.us

Appendix B 2 i 3: EMSC Committee Assessment Policy

**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE
OF NEW YORK / ALBANY, NY 12234**

TO: EMSC Committee

FROM: John B. King, Jr.

SUBJECT: Assessment Policy

DATE: December 7, 2009

STRATEGIC GOAL: Goal 1

AUTHORIZATION(S):

SUMMARY

Issue for Decision

Should the Board of Regents approve the recommendations to redesign the NYS Assessment Program to incorporate formative and interim assessments, increase rigor, and expand to new 21st century “literacies?” (Note: The implementation timeline will depend on the availability of the requisite resources.)

Reason(s) for Consideration

To prepare all students for college, the global economy, 21st century citizenship, and lifelong learning, our P-20 educational system must undertake systemic change that requires revision of the current State Testing Program. An effective assessment system provides: (a) evidence of each student’s progress in mastering the fundamental skills and knowledge required at the appropriate grade level; (b) timely, accurate, and actionable information on the basis of which teachers can design and implement differentiated instructional strategies; and (c) performance-based opportunities for students to demonstrate metacognitive thinking skills, the capacity to conduct research, the ability to engage in effective teamwork, the ability to present work in multiple formats, and 21st century literacies (including the use of multimedia technology). In order to ensure the quality, rigor, and depth of the assessment system, greater

emphasis must be placed on performance (e.g., open ended questions, essays, research, hands-on experiments, and the effective use of multimedia platforms) with consistent evaluation criteria across the state. School districts need to implement a comprehensive assessment system comprised of formative, interim, and summative assessment strategies that are aligned with rigorous college and career-ready standards.

Background Information

The New York State Assessment Program (NYSAP) is designed to meet the policies and requirements of the Board of Regents and the United States Department of Education (USED). The NYSAP is comprised of the State's Regents High School Examinations (End of Course), the Grades 3-8 Testing Program in English Language Arts (ELA) and mathematics, elementary and intermediate assessments in science and social studies, an intermediate assessment in foreign language, the New York State Alternate Assessment (NYSAA) for severely disabled students, and the New York State English as a Second Language Achievement Test (NYSESLAT) for English Language Learners (required for Title III). All required elementary, intermediate, and secondary Title I Assessments (ELA, math, science, and the alternate assessment) have undergone a formal USED Title I Peer Review and the State is *Fully Approved*.

New York State is committed to enhancing its testing programs through a variety of measures. The State has a Technical Advisory Group (TAG) that is comprised of independent university measurement professionals who advise the Department on all matters pertaining to testing, including but not limited to: test development; test validation; psychometric architecture; accountability system design; standard-setting; and computer-based testing.

New York State requires all students with disabilities (SWD) and English Language Learners (ELLs) to participate in the State Testing Program with appropriate testing accommodations.

Proposals for the NYS Assessment Program

Common Core Standards Assessment Initiative: New York State will play a leadership role in the development of formative, interim, and summative assessments aligned with the Common Core Standards in English Language Arts and Math.

Formative and Interim Assessment Initiative: In collaboration with the field (teachers, principals, parents, higher education, industry, experts in ELL and Special Education) NYSED will develop a comprehensive set of formative, interim, and summative assessments in English Language Arts and Mathematics. These assessments will (1) reflect redesigned, sequenced, spiraled, content-rich curriculum frameworks that will clearly identify the knowledge and skills required at each grade level K-12 (including early literacy in grades K-2); and (2) provide teachers with timely, accurate, and actionable information they can use to design and implement differentiated instructional strategies.

Grades 3-8 Testing Program: Next Generation:

- The Department is committed to strengthening its Grades 3-8 English Language Arts and Mathematics testing program. To this end, NYSED will make the tests more comprehensive by incorporating a broader range of knowledge and skills, implement

vertical scaling to facilitate value-added analysis; and externally benchmark the system through periodic audits.

- New York State is committed to ensuring that our students are prepared for higher level mathematics and science work that will prepare more graduates to pursue STEM fields. Currently, the State administers four high school level Regents Exams in Living Environment (Biology), Earth Science, Chemistry, and Physics and evaluates elementary and intermediate science achievement in grades 4 and 8. The Department proposes to design and implement a blended Grades 3-8 science testing program integrating computer-based assessment. The tests will take advantage of advances in computer technology to stage lab simulations, do data analysis, and test scientific hypotheses.

Regents Testing Program: The Regents College & Career Readiness Working Group will make recommendations for improving the alignment of the Regents exams with college and career ready expectations. By convening experts from early childhood, K-12 education, higher education, and industry, the Working Group will ensure that the NYS assessment system is vertically aligned and that successful graduates of the NYS school system are truly prepared for success in college and/or meaningful employment in the 21st century global economy. As part of this effort, NYS will draw on international models of excellence in assessment that incorporate multiple measures of achievement incorporating performance (e.g., hands on science experiments, multimedia presentations, research projects, essays).

- English: The Department currently administers one High School English Examination that is designed to be administered at the end of Grade 11. To better inform instructional and programmatic decision-making and to facilitate value-added analysis, the Department proposes the addition of two English exams at the end of grades 9 and 10.
- Social Studies: The Department currently administers a single High School Global Studies Examination covering two years of content. To better inform instructional and programmatic decision-making and to facilitate value-added analysis, the Department proposes the creation of two Social Studies exams at the end of grades 9 and 10.
- 21st Century “Literacies” (Arts, Economics, Technology): 21st century citizenship and economic competitiveness requires not only foundational knowledge and skills in the traditional core subjects (English Language Arts, Mathematics, Science, Social Studies), but also the capacity for innovative and creating thinking, the ability to use the technologies of the age, and an understanding of the economic forces that shape modern life. Therefore, the Regents assessment regime will be expanded to include curriculum frameworks and matched assessments in the Arts, Economics (domestic and international), and Multimedia/Computer Technology.

Next Steps

Given the approval of the Regents of the proposed Assessment agenda, the Department will begin to craft work plans, budgets, and timelines for the design, development, and implementation of the formative, interim, and summative assessment strategies, as stated above.

Appendix C 1 1: Detailed Evidence of Data Elements

<u>Data Element</u>	<u>Evidence (Source and Excerpt)</u>
1	<ul style="list-style-type: none"> • New York State Student Identification System (NYSSIS) Users Guide <p>“The New York State Student Identification System (NYSSIS) is an electronic information system that assigns a Unique Statewide Identifier (ID) to students in New York State public schools, including charter schools. NYSSIS enables these local educational agencies (LEAs) to obtain new IDs for students who do not have an existing one and to retrieve IDs that have been previously assigned to students. The ID assigned by NYSSIS will be used by LEAs to report student-level data to the Student Information Repository System (SIRS). The ID can also be used by LEAs to obtain information from or provide information to other LEAs when a student transfers into or out of an LEA (p. 1).”</p>
2	<ul style="list-style-type: none"> • New York State Student Information Repository System (SIRS) Manual <p>“Local Educational Agencies (LEAs) are responsible for submitting a complete set of data elements to the SIRS in a predetermined format. The data elements fall into five general categories:</p> <ol style="list-style-type: none"> 1. Student Demographic 2. Enrollment 3. Programs 4. Assessment 5. Special Education <p>Student demographic data must be entered first, followed by enrollment data. Programs, assessment, and special education data can then be entered. Some data elements are required for all students; others are only required for certain students or specific circumstances (from Chapter 6, Data Reporting in the SIRS, p. 65).”</p>
3	<ul style="list-style-type: none"> • New York State Student Information Repository System (SIRS) Manual <p>“Each Enrollment Entry Date must also have a Reason for Beginning Enrollment Code. Each student must have at least one enrollment record. Enrollment information is used to determine district and school accountability cohort membership and the school/district to which annual assessment results, dropouts, and credentials are attributed (from Appendix 7: Reason for Beginning Enrollment Codes, p. 199).”</p> <p>“Each Enrollment Exit Date must also have a Reason for Ending Enrollment Code. Each student must have at least one enrollment record. If a student leaves during the school year or finishes the school year but is not expected to return for the next school year, the student’s enrollment record must have an ending date and an appropriate reason code that indicates the reason for leaving (from Appendix 8: Reason for Ending Enrollment Codes, p. 201).”</p>

	<ul style="list-style-type: none"> • Office of Research and Information Systems (ORIS) <p>“ORIS manages a comprehensive information system [Higher Education Data System] that collects and distributes a variety of information on the quality and status of higher education in New York State.</p> <p>Working with its college and university partners throughout New York State, the Office of Research and Information Systems (ORIS) manages a comprehensive Higher Education Data System that collects and distributes information on the quality and status of higher education in New York State.</p> <p>ORIS:</p> <ul style="list-style-type: none"> - Collects and analyzes data from all degree granting postsecondary institutions except federal units, and from 250 non-degree granting proprietary schools, on major indicators of the quality of higher education in New York State, including enrollment, degrees conferred, admissions, finances, financial aid, student charges, graduation rates, and other performance measures;” <ul style="list-style-type: none"> • The Parthenon Group has conducted analyses to understand predictors and drivers of success in higher education. To see sample analyses/slides please see “Sample Parthenon Analyses Section” below this table
<p>4</p>	<ul style="list-style-type: none"> • Request for Information – P-16 Longitudinal Data System <p>“The New York State Education Department (NYSED) is issuing this Request for Information to solicit data from vendors of educational data system implementation services. This vendor should be able to lead the design, development, implementation and post-implementation of a comprehensive longitudinal data warehouse and decision support system.</p> <p>Our goal is to develop a system that ties together existing Pre-Kindergarten through 12th Grade (P-12) and Higher Education (HED) systems.”</p> <ul style="list-style-type: none"> • NYC and CUNY data sharing agreement <p>“Chancellors Klein and Goldstein have jointly initiated programs to build on the momentum of rising college enrollments and by addressing the college-readiness of the city’s high school students. The NYC Department of Education and CUNY launched the College Readiness and Success Working Group which works to identify and to provide to schools the predictors of college success. Schools will then be held accountable for improving students’ college-readiness. Under a data-sharing agreement, the Department of Education sends course, grade, and exam data for its students to CUNY, which in turn shares detailed performance data with the high school principals. This allows the Department of Education to track the performance of high school graduates who enroll in CUNY schools, allowing post-secondary data to inform discussions about how well high schools are</p>

	preparing students for college.”
5	<ul style="list-style-type: none"> • Data Validation Rules <p>“Level 0 is a web-based application used to enter and validate data. Level 0 application contains edits to assist users in providing quality data to the Student Information Repository System (SIRS). The data validation rules for each extract may be accessed by clicking on the links below. The Department encourages student management system vendors to incorporate the data validation rules in their systems.”</p> <ul style="list-style-type: none"> • Reasonableness Reports <p>“A Reasonableness Report is a data density or “red flag” report. The purpose of the report is to identify significant changes in data from year to year. The report provides 2008–09 (column A) and 2009–10 counts (column B), the difference between those counts (column C), and the percent change between those counts (column D) of students by various category types (i.e., enrollment entry code) by district.</p> <p>Particular attention should be paid to percent changes equal to or greater than 10 and reporting issues known to have caused difficulties in previous years. For smaller districts, a 10 percent change may not be significant; for larger districts, a smaller percent change may be significant. Reporting issues known to cause difficulties include the failure to report students eligible to take the NYSESLAT in lieu of the NYSTP for accountability with an 0242 program service code, the failure to report both the correct reason for ending enrollment code and diploma code for graduates, and the failure to ensure that LEP students and students with disabilities are correctly coded.</p> <p>Reporting errors discovered as a result of a review of these reports should be corrected in the local student management system and reported to the repository (from report instructions).”</p>
6	<ul style="list-style-type: none"> • New York State Student Information Repository System (SIRS) Manual <p>“Student Assessment Data: This set contains data elements that pertain to assessments and the scores on those assessments. Each student must have one record for every State assessment taken, including assessments that were repeated. For assessments with State required scannable answer documents (NYSTP ELA, math, science, and social studies; NYSAA; and public school NYSESLAT), the scan center will provide the required item data to the SIRS. The scale score and performance level will be calculated and added to the Level 2 Repository. Districts must provide assessment scores for the Regents examinations, the RCTs, and approved alternative assessments taken to fulfill graduation requirements.</p> <p>One record for each assessment for each student must be provided (from Chapter 6, Data Reporting in the SIRS, p. 69).”</p>

7	<ul style="list-style-type: none"> • See Data Element 6
8	<ul style="list-style-type: none"> • TEACH Online System <p>“TEACH Resources for School Employers</p> <ul style="list-style-type: none"> • View an employee/prospective employee’s certification, fingerprint, and employment history • Enter Superintendent Statements for a Supplementary Certificate • Obtain application status updates on current or potential employees • Confirm the self-reported teaching experience of a prospective teacher • Submit a request for fingerprint clearance for a prospective employee • Report the termination of an employee • View a report of fingerprint clearances requested • View/update professional development hours completed by teachers they employ” <ul style="list-style-type: none"> • New York City’s Achievement Reporting and Innovation System (ARIS) <p>“The Achievement Reporting and Innovation System (ARIS) is a first of its kind innovation system that applies assessment, analytics and reporting tools with goals of:</p> <ul style="list-style-type: none"> • Empowering educators to improve student outcomes • Transforming information into improved classroom practice • Stimulating, capturing, validating, and disseminating innovation <p>ARIS provides educators with a consolidated view of student learning-related data and tools to collaborate and share knowledge about how to accelerate student learning. “</p>
9	<ul style="list-style-type: none"> • See Data Element 8
10	<ul style="list-style-type: none"> • New York State Student Information Repository System (SIRS) Manual <p>Test Group: Regents Alternatives (includes AP, IB, SAT scores) Test Group: RCT Alternatives (includes SAT and ACT scores) From Appendix 11: Assessment Measure Standard Descriptions and Codes (pp. 243-244)</p> <ul style="list-style-type: none"> • See “College Board Data Request” section below
11	<ul style="list-style-type: none"> • Office of Research and Information Systems (ORIS) <ul style="list-style-type: none"> - Data Collected From Degree-Granting Institutions (HEDS / IPEDS) - Student Data - Degrees Conferred

	<ol style="list-style-type: none"> 1. by registered program, gender, and race/ethnicity 2. to students in special subject areas (special education, rehabilitation counseling, related services and administrative pre-service programs) by degree level, disability and minority status <p>- Fall Degree-Credit Enrollment, by:</p> <ol style="list-style-type: none"> 1. student level, full/part-time attendance, gender, and race/ethnicity 2. student level, full/part-time attendance, gender, and age grouping 3. student level, full/part-time attendance, gender, and subject area 4. gender, race/ethnicity, and occupationally specific CIP (classification of instructional programs) subject area 5. student level, full/part-time attendance, and student residence (New York State county/out-of-State/foreign) 6. state of residence of new students 7. category of impairment and occupational/other major, for students with special needs 8. number and source of transfer students (in-state/out-of-state, public/nonpublic, two-year/four-year institution) and entering level (lower/upper division) 9. students in special subject areas (special education, rehabilitation counseling, related services and administrative pre-service programs) by enrollment level, disability and minority status 10. admissions status of full-time undergraduate applicants (applied, accepted, enrolled), degree level, race/ethnicity, and entry category (first-time, transfer, unclassified). <p>- Fall Non-Credit Enrollment</p> <ol style="list-style-type: none"> 1. (1) by gender <p>- Full-Year Enrollment</p> <ol style="list-style-type: none"> 1. Credit/contact hour activity and student counts for undergraduates by type of coursework (regular, developmental, and remedial) 2. full-time, first-time degree-credit students by term of entry. <p>- Graduation Rates</p> <ol style="list-style-type: none"> 1. full-time undergraduate students by program level (associate/baccalaureate, entry status (new/transfer), and race/ethnicity) 2. students in postsecondary opportunity programs by program level (associate/baccalaureate), entry status (new/transfer), and race/ethnicity
<p>12</p>	<ul style="list-style-type: none"> • The Parthenon Group has conducted analyses to understand predictors and drivers of success in higher education. To see sample analyses/slides please see “Sample Parthenon Analyses Section” below

Related Statutory Authority**Education Law §305(40). General Powers and Duties:**

The commissioner of education is hereby charged with the following powers and duties:

40. The board of regents shall explore the development of a prekindergarten through postsecondary (P-16) data system that tracks student performance from prekindergarten through attendance at public colleges in this state and links students to teachers or instructors. The commissioner shall consult with other relevant state departments, agencies and instrumentalities of the state about the feasibility of linking the system to other data collection systems containing information relevant to the education of children, including but not limited to social services information; and to identify barriers to the exchange of data between the P-16 system and social services and other systems under their control and collaborate to facilitate the free exchange of data. Such data system shall be maintained consistent with applicable confidentiality requirements, so as to prevent disclosures that would constitute an unwarranted invasion of personal privacy. The commissioner shall report to the board of regents on activities conducted pursuant to this subdivision.

College Board Data Request (see next page)

NOVEMBER 30, 2009



State Department of Education Data Request Form

Name: ALAN RAY
 Title: ASSISTANT COMMISSIONER
 Institution: N.Y.S. EDUCATION DEPARTMENT
 Street Address: 89 WASHINGTON AVENUE
 City: ALBANY State: N.Y. Zip Code: 12234
 Telephone: (518) 486-9321 Fax: (518) 473-6472
 E-Mail Address: ARAY@mail.nysed.gov

Are you requesting data that pertains only to students and/or schools over which you have jurisdiction?
 Yes No (Explain: _____)
 Third Party (If Applicable, when sharing with non-departmental entities please list names and contact information): _____

Data request rationale and purpose for which data being requested will be used:
DETERMINE STUDENT COLLEGE READINESS

Instructions for ordering: Please check the dataset(s) you want to order and fill in the years being requested, then select the desired format.

	Price Per Year	Academic Years Requested (i.e. 05-06)
<input type="checkbox"/> AP® School level <i>Mean scores and fee waiver data at the high school level, disaggregated by gender and ethnicity from the May Administration</i>	\$250.00	_____
<input type="checkbox"/> SAT® School level <i>Mean scores at the high school level, disaggregated by gender and ethnicity from the College-Bound Seniors cohort</i>	\$250.00	_____
<input checked="" type="checkbox"/> AP Student level <i>Individual student test scores and selected questionnaire data (i.e., gender, ethnicity) from the May Administration</i>	\$500.00	<u>2004-05, 05-06, 06-07, 07-08, 08-09</u>
<input checked="" type="checkbox"/> PSAT/NMSQT® Student level <i>Individual student test scores and selected questionnaire data (i.e., gender, ethnicity) from the October Administration</i>	\$500.00	<u>2004-05, 05-06, 06-07, 07-08, 08-09</u>
<input type="checkbox"/> SAT Student level <i>Individual student test scores and selected SAT Questionnaire data (i.e., gender, ethnicity) from the College-Bound Seniors cohort</i>	\$500.00	_____
<input checked="" type="checkbox"/> SAT Student level with SAT Questionnaire <i>Individual student test scores and SAT Questionnaire data (e.g., majors, coursework, college plans, etc) from the College-Bound Seniors cohort</i>	\$1,500.00	<u>2004-05, 05-06, 06-07, 07-08, 08-09</u>

Available Formats (please circle one)
 School level files: ASCII or MS-Excel
 Student level files: ASCII or SPSS

Files containing student identifying information will be provided via CD-ROM, unless otherwise requested and available.

Please send all requests to The College Board Research and Development Department, 45 Columbus Avenue, New York, NY, 10023 or fax this form to 646-390-8905. Please allow 7-10 business days for response regarding next steps for your data request. If you have not received a response within the time frame above please call 866-387-0936 ext 8271.

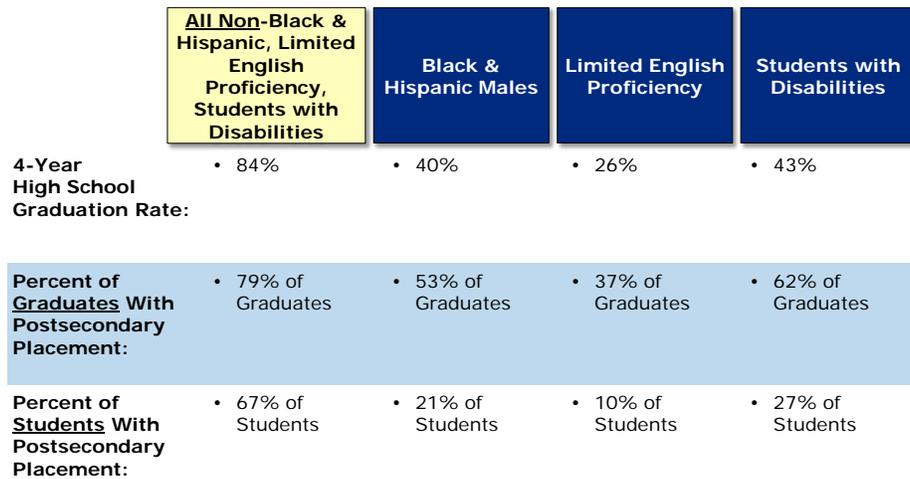
Note: For requests outside of the above parameters please read through the *Guidelines for the Release of Data* (available online at www.collegeboard.com/dataguidelines) and call 866-387-0936 ext 8271.

Sample Parthenon Analyses

IN PROCESS

P-16 Data System: Priority Regents Subgroups

Fewer At-Risk Students Graduate Than the System Average, and Fewer Graduates in These Subgroups Attend Postsecondary



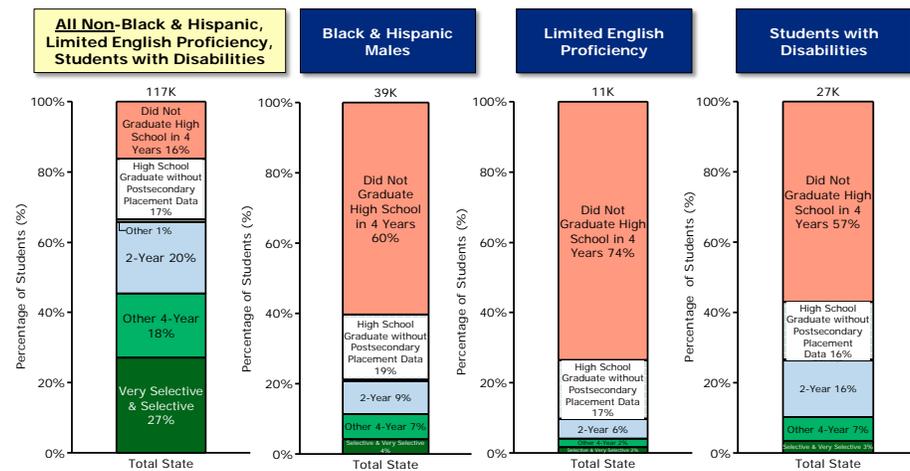
Note: Postsecondary placement excludes ~3% of graduates with undercount (the difference between NY's estimated number of college-goers and the number of records housed by the NSC), 1% with blocked records, and ~6% of additional graduates who enroll in CUNY
 Source: NYSED Data; National Student Clearinghouse

1

P-16 Data System: Student Subgroup Achievement

Even If Students Pursue Postsecondary, Wide Range of Rigor of Institution Attended Exists Among Priority Sub-Groups

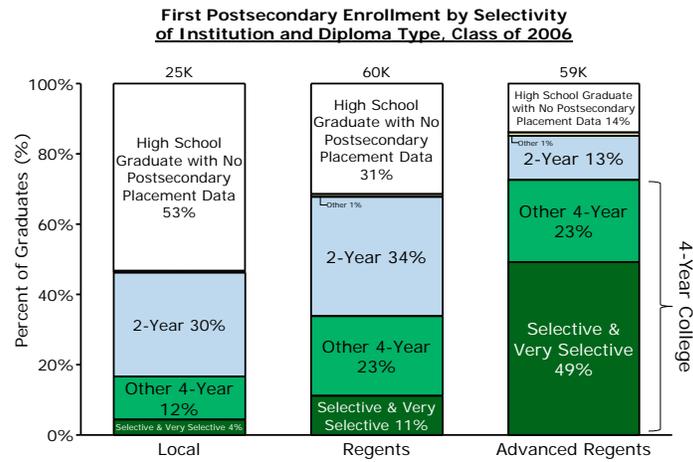
Percentage of Students Graduating and Enrolling in Postsecondary Institutions by Level of Selectivity, Class of 2006



Note: Depicts students' first postsecondary institution after graduating high school. Postsecondary attendance excludes ~3% undercount, 1% with blocked records, and ~6% of additional students who enroll in CUNY. "Other" postsecondary enrollment includes specialty schools, and schools less than 2 years
 Source: NYSED Data; National Student Clearinghouse

2

P-16 Data System: Secondary & Postsecondary Achievement
Students Earning Advanced Regents Diplomas Are Twice as Likely to Attend a 4-Year College Than Those with Regents Diplomas



Note: Postsecondary attendance excludes ~3% undercount, 1% with blocked records, and ~6% of additional students who enroll in CUNY.
 Other postsecondary enrollment includes specialty schools and schools less than 2 years
 Source: NYSED 2002 Total Cohort, National Student Clearinghouse

Appendix C 2 2: SUNY and CUNY Current State and Plan

CUNY's 23 institutions are tightly integrated through a strong central systems office and chancellor. Undergraduate applications to all CUNY colleges are processed in a central application processing center, which receives high school transcript data electronically from all New York City's public high schools, stores this information, and disseminates the data electronically to the colleges. SUNY, on the other hand, has begun a large initiative to integrate all of its 64 campuses. Currently, only a few campuses are connected to a central database, and SUNY has a plan in place to integrate all the 64. To accelerate this integration process and create a fully integrated P-20 system, NYSED will support SUNY to integrate data from its campuses quicker.

NYSED will work with SUNY and CUNY to:

1. Link data through the use of a statewide unique ID. Once a statewide unique ID is implemented in a P-20 longitudinal system, SUNY/CUNY will draw upon the new data resources for the following purposes: improve the linkage between high school and college transcript data to further curriculum alignment between the colleges and schools; develop accountability metrics both for the high schools and SUNY/CUNY colleges; refine indicators of college readiness; and improve the University's ability to track students who move between CUNY and SUNY as well as to independent colleges in New York State.
2. Integrate the data resources needed to evaluate teacher education programs. To allow SUNY/CUNY's teacher education programs to easily track the postgraduate outcomes of their students, including placement into schools, retention in the teaching profession, and student performance, SUNY/CUNY will integrate with the statewide longitudinal data system. When student and teacher data become linked in a statewide P-20 system, SUNY/CUNY will draw down this information for the graduates of its teacher education programs, integrate it into its own decision support warehouse, which already includes complete transcript information for teacher education, and use the new resources to enhance the assessment of its programs through the use of growth models.
3. Create early alert system. SUNY/CUNY proposes to design and build a data warehouse refreshed daily from its ERP system that can provide close to real-time data on student performance. These new data resources could be used to create an effective early alert system, which identifies students who begin to exhibit signs of academic difficulty and refers them to advisers and other resources for academic support.
4. Standardize Course Codes: Course curriculum is more diverse in higher education than K-12. Reporting course information to a P-20 system will require SUNY/CUNY to develop common data structures to characterize and describe the courses each system teaches.
5. Develop Standardized Electronic Transcripts: An electronic transcript containing the student's unique identifier is the most effective method for tracking students in a P-20 system. An electronic

transcript could be passed between K-12 and higher education at each point of transition, and between colleges at the point of transfer. Each sector would use the transcript to uniquely identify students to the next LEA that serves the student. This information would be reported to the P-20 system, eliminating the need for a matching process and minimizing the burden of resolving mismatches and near matches by the LEAs.

**Appendix D 1 i 1: Education Law §§3001 and 3004; §§207, 210, 214, 215, 216, 224, 3004[6].
Teacher Qualification and Certification**

- a) Education Law §3001
- b) Education Law §3004
- c) Education Law §§207, 210, 214, 215, 216, 224

Education Law § 3001. Qualifications of teachers.

This section provides, in pertinent part, as follows:

No person shall be employed or authorized to teach in the public schools of the state who is:

1. Under the age of eighteen years.
2. Not in possession of a teacher's certificate issued under the authority of this chapter or a diploma issued on the completion of a course in a state college for teachers or state teachers college of this state.

The provisions of this subdivision shall not prohibit a certified teacher from permitting a practice or cadet teacher enrolled in an approved teacher education program from teaching a class without the presence of the certified teacher in the classroom provided the classroom certified teacher is available at all times and retains supervision of the practice or cadet teacher. The number of certified teachers shall not be diminished by reason of the presence of cadet teachers.

3. [Eff. until Nov. 30, 2012, pursuant to L.2002, c. 658, § 2. See, also, subd. 3 below.] Not a citizen.
The provisions of this subdivision shall not apply, however, to an alien teacher now or hereafter employed, provided such teacher shall make due application to become a citizen and thereafter within the time prescribed by law shall become a citizen. The provisions of this subdivision shall not apply, after July first, nineteen hundred sixty-seven, to an alien teacher employed pursuant to regulations adopted by the commissioner of education permitting such employment. The citizenship requirements of this subdivision shall not apply to an alien teacher now or hereafter employed whose immigration status is that of a lawful permanent resident of the United States and who would otherwise be eligible to serve as a teacher, or to apply for or receive permanent certification as a teacher, but for the foregoing requirements of this subdivision.

Education Law §3004. Regulations governing certification of teachers

This section provides, in pertinent part, as follows:

1. The commissioner shall prescribe, subject to approval by the regents, regulations governing the examination and certification of teachers employed in all public schools of the state, except that no such regulation affecting the examination, certification, license, probationary periods, appointment, and tenure of position of persons employed in the teaching, and supervising service in a city having a population of four hundred thousand or more shall be prescribed which may cause the discontinuance of the service of such persons who have satisfactorily completed their probationary periods, or the removal of such persons from their positions in a manner other than that provided by section twenty-five hundred seventy-three of this chapter, but no such regulations established by the commissioner or by any school district, or pursuant to the provisions of section twenty-five hundred fifty-four, twenty-five hundred sixty-six, twenty-five hundred sixty-nine, twenty-five hundred seventy-three or three thousand eight of this chapter or otherwise, shall hereafter prohibit, prevent or disqualify any person, who is otherwise qualified, from competing, participating and registering for such examination or from obtaining a teacher's certificate or from qualifying for a position as a teacher solely by reason of a disability provided such disability does not interfere with such person's ability to perform teaching duties, nor shall any person who is otherwise qualified be denied enrollment in any teacher training, which provides for certification as a teacher in a school or facility which conducts classes for children with disabilities solely by reason of a disability....

6. The regents and the commissioner shall review the alternative teacher preparation programs available to candidates for teaching certificates under the regulations of the commissioner in the two thousand seven--two thousand eight school year and shall consider means of expanding the availability of such preparation in the future, while maintaining teacher quality. The regents and the commissioner shall develop programs to assist in the expansion of alternative teacher preparation programs.

Education Law §210. Registrations

The regents may register domestic and foreign institutions in terms of New York standards, and fix the value of degrees, diplomas and certificates issued by institutions of other states or countries and presented for entrance to schools, colleges and the professions in this state.

Education Law §214: Institutions in the university

The institutions of the university shall include all secondary and higher educational institutions which are now or may hereafter be incorporated in this state, and such other libraries, museums, institutions, schools, organizations and agencies for education as may be admitted to or incorporated by the university. The regents may exclude from such membership any institution failing to comply with law or with any rule of the university.

Education Law §215. Visitation and reports

The regents, or the commissioner of education, or their representatives, may visit, examine into and inspect, any institution in the university and any school or institution under the educational supervision of the state, and may require, as often as desired, duly verified reports therefrom giving such information and in such form as the regents or the commissioner of education shall prescribe. For refusal or continued neglect on the part of any institution in the university to make any report required, or for violation of any law or any rule of the university, the regents may suspend the charter or any of the rights and privileges of such institution.

Education Law §216. Charters

This section provides, in pertinent part, as follows:

Under such name, with such number of trustees or other managers, and with such powers, privileges and duties, and subject to such limitations and restrictions in all respects as the regents may prescribe in conformity to law, they may, by an instrument under their seal and recorded in their office, incorporate any university, college, academy, library, museum, or other institution or association for the promotion of science, literature, art, history or other department of knowledge, or of education in any way, associations of teachers, students, graduates of educational institutions, and other associations whose approved purposes are, in whole or in part, of educational or cultural value deemed worthy of recognition and encouragement by the university. No institution or association which might be incorporated by the regents under this chapter shall, without their consent, be incorporated under any other general law. An institution or association which might be incorporated by the regents under this chapter may, with the consent of the commissioner of education, be formed under the business corporation law or pursuant to the not-for-profit corporation law if such consent of the commissioner of education is attached to its certificate of incorporation....

Education Law §224 Prohibitions

This section provides, in pertinent part, as follows:

1a. No individual, association, partnership or corporation not holding university, college or other degree conferring powers by special charter from the legislature of this state or from the regents, shall confer any degree or use, advertise or transact business under the name university or college, or any name, title or descriptive material indicating or tending to imply that said individual, association, partnership or corporation conducts, carries on, or is a school of law, medicine, dentistry, pharmacy, veterinary medicine, nursing, optometry, podiatry, architecture or engineering, unless the right to do so shall have been granted by the regents in writing under their seal.

1b. Notwithstanding any other provision of law to the contrary, no individual, association, partnership or corporation operating an institution on a for-profit basis and holding degree-conferring powers granted by the regents pursuant to this subdivision shall, through a change of ownership or control, convey, assign or transfer such degree-conferring authority without the consent of the regents. For purposes of this subdivision, a change of ownership or control shall include, but shall not be limited to, merger or consolidation with any corporation; sale, lease, exchange or other disposition of all or substantially all of the assets of the institution; and the transfer of a controlling interest of the stock of a corporation.

2. No person shall buy, sell or fraudulently or illegally make or alter, give, issue or obtain or attempt to obtain by fraudulent means any diploma, certificate or other instrument purporting to confer any literary, scientific, professional or other degree, or to constitute any license, or a duplicate thereof, or any certificate of registration, or to certify to the completion in whole or in part of any course of study in any university, college, academy or other educational institution.

Appendix D 1 i 2: Alternative Certification Providers Data**TABLE 1: Alternative Certification Transitional B Programs Offered In New York State By Content Area And Grade Level³**

Name of Program	No. of Programs	Name of Program (continued)	No. of Programs	Name of Program (continued)	No. of Programs
ART K-12	9	LITERACY B-6, 5-12	10	SPED EARTH SCI 7-12	1
BILINGUAL EDUC.	6	MATH 7-12	16	SPED ENG 7-12	1
BIO 7-12	12	MULTI-SCIENCE 5-9	4	SPED FRENCH 7-12	1
BUS & MKTG	6	MULTI-SCIENCE 7-12	3	SPED GEN 5-9	11
CE 1-6	16	MULTI-SUBJ 5-9	11	SPED ITAL GERMAN LATIN 7-12	1
CHEM 7-12	11	MULTI-SUBJ 7-12	18	SPED MATH 7-12	1
DIS. ANNOT.	5	MUSIC K-12	5	SPED MULTI 5-9	5
DISABIL.	19	PE K-12	2	SPED MULTI 7-12	10
EARTH SCI 7-12	7	PHYSICS 7-12	12	SPED PHYSICS 7-12	1
ECE B-2	23	SOC ST 7-12	13	SPED SOC ST 7-12	1
ENG 7-12	14	SPAN. 7-12	6	SPED SPANISH 7-12	1
FRENCH 7-12	5	SPED 1-6	30	SPEECH & LANG	9
GEN 5-9	6	SPED B-2	41	SUBJ. SPECIFIC 5-9	4
GIFTED EDUC.	1	SPED BIO 7-12	1	TESOL	12
ITAL GERMAN LATIN 7-12	9	SPED CHEM 7-12	1	URBAN ED	6

3 Notes: In NYS, Early Childhood (ECE)= Birth –Grade 2, Childhood (CE)=Gr. 1-6, Middle= Grades 5-9, Adolescence=Grades 7=12, SPED= Special Education (SWD), Multi-Subject=Program leads to >1 certificate title in same grade level (e.g., math, social studies 7-12) Multi-science=Program leads to >1 science certificate (e.g., biology and chemistry), Italian, German, Latin are separate programs but are combined for reporting, Literacy programs lead to either Birth-6 or Grades 5-12 but are combined for reporting, Disability=Programs in Teaching the Blind, Deaf, Severely Disabled, etc., TESOL= Teaching English to Speakers of Other Languages, Urban Education programs are offered at multiple grade levels

**TABLE 2: Alternative Certification Transitional C Programs
Offered In New York State By Content Area And Grade Level⁴**

Name of Program	No. of Programs	Name of Program (continued)	No. of Programs
CHILD. ED 1-6	2	BUSINESS & MKTG	1
MULTI-SUBJECT 5-9	4	TECHNOLOGY EDUCATION	1
MULTI-SUBJECT 7-12	8	GIFTED EXT	11
MULTI-SUBJECT 5-9 AND 7-12	2	BILINGUAL EXT	11
VISUAL ARTS	2	AMSLAN EXT	7
VISUAL ARTS & MUSIC	1	LOTE EXT	5

⁴ Note: EXT refers to certificate Extension, which is added on to a base certificate and permits the holder to teach in that area. AMSLAN= American Sign Language. LOTE=Language other than English; Refers to a certificate issued to teach a language in the lower grades that is added on to a middle or adolescence level certificate. Refer to Notes to Table D(1)C. for additional information.

**Table 3: Employees With Transitional A, B, C,
And E Certificates By New York State School Districts**

School District	Year	
	2007	2008
Albany City SD	4	7
Buffalo	3	7
Rochester	17	38
Syracuse	3	6
Yonkers	0	1
NYC Districts 1-32	1205	2233
NYC Alternative HS	3	0
NYC Special Schools	83	172
NYC Chancellor's Office	0	3
BOCES Districts	41	99
Rest Of State	40	103
Total Employed	1399	2669

**Table 4: Employees with Transitional A, B, C, and E Certificates
in Persistently Low-Performing Schools (2007-2008)**

	2007	2008
Percent Employed In Schools In Need Of Improvement (SURR)	95.1%	94.0%
Percent Not Employed In Schools In Need Of Improvement (SINI)	4.9%	6.0%
Total Employed	1,399	2,669

Appendix D 1 iii 1: Tables From Teacher & Building Leader Annual Supply And Demand Analyses

Data from NYSED’s teacher personnel management file (PMF) and teacher and administrator certification file are combined annually, allowing NYSED to identify subject areas and geographic regions of New York State that have the greatest shortages of newly prepared teachers and qualified teachers (as defined by ESEA). Teaching assignments for each teacher are entered into the PMF and are maintained over time for each teacher and school building leader in every public school in the State. The certificates issued to all teachers and building leaders in the State are also maintained longitudinally by date, type and subject area. Maintaining these data allows NYSED to match certificates issued to teachers and principals with their assignments and employment history, allowing NYSED to calculate certain teacher and principal supply and demand indicators, including:

- 1) the percentage of teachers or building leaders lacking appropriate certification for their assignments;
- 2) the ratio of initial certificates issued to new hires or, conversely, the percentage of newly certified teachers or building leaders hired within the State; and
- 3) the number of new hires each year, which gives us an estimate of the turnover rate.

We can evaluate all indicators by subject area and State region. We can also examine the first two indicators at the district and school levels.

The Regents use a supply and demand analysis based on the data to set policy. Past policy actions include 1) eliminating transcript evaluation for first certificates in childhood education, 1-6; 2) extending transcript evaluation for subject areas still experiencing shortages (e.g., career and technical titles); and 3) allowing teaching candidates greater opportunities to waive coursework in preparation programs in shortage areas (e.g., teachers of other languages (LOTE)). The annual supply and demand analysis is posted on the NYSED website to provide institutions, school districts and the public valuable information about the regions of the State and/or subject areas experiencing teacher and principal shortages or oversupply. The indicators go into a variety of reports that inform policy.

A sample of reports in table format follows.

Table Name	Description
Table 1 NYS Full-time Equivalent Teacher	Shows teaching assignments by subject area for the entire State. For this report, we define a potential shortage area as fewer than 2.0 initial certificates issued for each projected new hire (the last four columns show certificates issued.) For

Assignments by Subject Area and Region	example, the table shows that in ESOL, all grades, between 1.3 and 1.4 new initial certificates were issued in 2007-2008 to meet each projected new hire, indicating a potential shortage. Conversely, NYSED issued between 8 and 10.7 certificates in reading and literacy per projected new hire, indicating an oversupply. This information is useful not only to school districts and institutions of higher education as they plan recruitment and curriculum, but also to individuals interested in teaching in NY
Table 2 NYS Full-time Equivalent Teacher Assignments by Region	Provides an overview of teacher indicators for each region of the State. It shows a similarity in the percentage of teachers certified and the ratio of initial certificates issued to new hires for most regions of the State. Nassau-Suffolk appears to have the least difficulty attracting teachers as it has the highest percentages certified in assignment (99%) and very robust ratios of new teachers certified relative to new teachers hired annually (3.7 to 5.4). Conversely, New York City's much less positive indicators than the other regions suggest a need for significant attention and probably problems that affect all teachers, not just those in specific subjects
Table 3 NYS Full-time Equivalent Teacher Assignments by Subject Area and Region	Using mathematics assignments in the State by region as an example, shows how the data allow us to focus on problems in specific subject areas. The final two columns identify areas of the state experiencing potential shortages in mathematics teachers. The table shows that statewide in 2007-08, 12,307 or 96% of 12,828 FTE math teachers were certified for their assignments. It shows 1.6 certificates issued for every potential new hire, indicating a potential shortage statewide. However, the data reveal that certain areas of the state do not have shortages, whereas NYC has the fewest certificates issued per projected hire at less than 1.0. This suggests an inequitable distribution of math teachers, requiring further analysis.
Table 4 NYS Full-time Equivalent Building Leader Assignments by Region	Provides similar information for building leaders Statewide. Overall, 99% of principals and vice-principals were certified in 2009 and there appears to be a good supply of new administrators certified relative to the number needed (the ratio of initial certificates to new administrators is 5.2). The number of new administrators needed each year is relatively low (5% of all administrators), but there is considerable annual movement of experienced administrators to new positions (9% of all administrators). There is little difference between New York City and the rest of the state (ROS), but drilling deeper might identify districts with significant problems. This data suggests that exploring the reasons for the high movement of experienced administrators may be desirable.
Table 5 NYS Full-time Equivalent Building Leader Assignments by Region	Looks at the administrators with specific building assignments to see if there are problems associated with any specific assignment. Turnover is much higher for elementary schools and senior high schools and the reasons for this need to be examined. Again, this is an example and the data available allow us to look at specific regions or school districts to decide where to focus our attention.

Table 1: NYS Full-time Equivalent Teacher Assignments by Subject Area and Region

2007-08 Assignment	FTE Teachers	Certified in Assignment		New Hires	Initial Certificates Issued			
		#	%		Est. FTE*	FTE*/New Hire		Lo
New York State	222,315	211,970	95%	11,253	25,657	25,657	2.3	
Arts (Visual, Music, Dance, Theatre)	13,918	13,400	96%	644	1,217	1,248	1.9	1.9
Career & Technical Education (CTE)	8,371	7,670	92%	306	487	528	1.6	1.7
Elementary & Early Childhood	71,763	70,141	98%	3,358	8,231	11,445	2.5	3.4
English (Mid./Sec.)	12,961	12,418	96%	839	1,604	1,794	1.9	2.1
ESOL (All Grades, Not Sp. Ed.)	4,628	4,235	92%	314	397	442	1.3	1.4
Languages Other Than English (LOTE)	7,320	6,755	92%	414	496	607	1.2	1.5
Library Media & Ed. Technology Specialists	3,065	2,802	91%	98	182	192	1.9	2.0
Mathematics (Mid./Sec.)	12,828	12,307	96%	864	1,279	1,469	1.5	1.7
Health Education	1,850	1,589	86%	88	199	266	2.3	3.0
Physical Education	9,685	9,523	98%	393	821	880	2.1	2.2
Reading & Literacy	4,198	3,929	94%	89	717	955	8.0	10.7
Science (Mid./Sec.)	12,733	11,832	93%	758	883	1,137	1.2	1.5
Social Studies (Mid./Sec.)	11,777	11,450	97%	695	1,499	1,707	2.2	2.5
Sp.Ed. Spec. Dis. & Corr. Speech (Not Sp.Ed.)	6,010	5,938	99%	175	889	920	5.1	5.2
Sp. Ed. Early Childhood & Elementary	16,708	16,186	97%	1,091	2,028	4,549	1.9	4.2
Sp. Ed. Middle/Secondary	16,820	15,520	92%	682	600	965	0.9	1.4
Sp. Ed. Bilingual FTE Assignments	266	215	81%	17				
Bilingual Education FTEs, (Not Sp.Ed.)	1,582	1,206	76%	110				
Other (Mid/Sec, Any Cert OK, except for AIS)	5,831	4,852	83%	317				
Generalist Middle Childhood Education		0		0	103	260		
Bilingual Ed. All		0		0	127	189		

Est. FTE: Full-time equivalent certificates/individuals --lo est. assumes that 1/4 of those receiving multiple certs are available to subject area, hi est. assumes 3/4.

Source: NYSED, Office of Research and Information Systems

18-Dec-09

Table 2: NYS Full-time Equivalent Teacher Assignments by Region

2007-08

Assignment	FTE Teachers	Certified		New Hires	Initial Certificates Issued			
		in Assignment			Est. FTE*		FTE*/New Hire	
		#	%		Lo	Hi	Lo	Hi
New York State	222,315	211,970	95%	11,253	25,670	25,670	2.3	
New York City	71,354	64,215	90%	5,920	6,286	8,312	1.1	1.4
Nassau-Suffolk	39,286	38,855	99%	1,254	4,658	6,793	3.7	5.4
Mid-Hudson	29,484	28,808	98%	812	2,870	3,840	3.5	4.7
Upper Hudson	13,551	13,222	98%	545	1,366	1,684	2.5	3.1
Lake Champlain-Lake George	3,955	3,835	97%	156	353	444	2.3	2.8
Black River-St Lawrence	4,284	4,158	97%	175	405	485	2.3	2.8
Upper Mohawk Valley	4,000	3,887	97%	177	348	458	2.0	2.6
Central	10,933	10,651	97%	399	1,041	1,389	2.6	3.5
Southern Tier - East	7,130	6,917	97%	327	614	721	1.9	2.2
Southern Tier - Central	2,909	2,827	97%	139	234	294	1.7	2.1
Southern Tier - West	4,220	4,133	98%	151	306	394	2.0	2.6
Genesee-Finger Lakes	16,743	16,293	97%	683	1,575	2,327	2.3	3.4
Western	14,464	14,170	98%	516	1,716	2,426	3.3	4.7

Est. FTE: Full-time equivalent certificates/individuals -- individuals receiving multiple certificates counted as 1/# received for each certificate received..

Source: NYSED, Office of Research and Information Systems

18-Dec-09

Table 3: NYS Full-time Equivalent Teacher Assignments by Subject Area and Region

2007-08 Assignment	FTE Teachers	Certified in Assignment		New Hires	Turnover Rate	Initial Certificates Issued			
		#	%			Est. FTE*		FTE*/New Hire	
						Lo	Hi	Lo	Hi
Mathematics (Mid./Sec)	12,828	12,307	96%	864	7%	1,374	1,374	1.6	
New York City	4,498	4,090	91%	477	11%	337	358	0.7	0.8
Nassau-Suffolk	2,162	2,153	100%	114	5%	351	375	3.1	3.3
Mid-Hudson	1,648	1,626	99%	54	3%	168	202	3.1	3.8
Upper Hudson	766	758	99%	42	5%	72	81	1.7	1.9
Lake Champlain-Lake George	219	215	98%	4	2%	15	17	4.2	4.6
Black River-St Lawrence	228	227	100%	12	5%	16	23	1.4	1.9
Upper Mohawk Valley	209	205	98%	6	3%	24	26	4.1	4.4
Central	606	589	97%	24	4%	49	59	2.0	2.4
Southern Tier - East	389	383	99%	21	5%	35	37	1.7	1.8
Southern Tier - Central	148	142	96%	13	9%	21	23	1.7	1.8
Southern Tier - West	224	222	99%	8	4%	23	27	2.8	3.2
Genesee-Finger Lakes	911	888	97%	43	5%	76	103	1.8	2.4
Western	820	808	98%	47	6%	92	138	2.0	2.9

Est. FTE: Full-time equivalent certificates/individuals --lo est. assumes that 1/4 of those receiving multiple certs are available to subject area, hi est. assumes 3/4.

Source: NYSED, Office of Research and Information Systems

18-Dec-09

Table 4: NYS Full-time Equivalent Building Leader Assignments by Region

Assignment	FTE	1st Time Assignments								Initial Certificates	
		Certified		New		Other		Total		Count/	
		#	%	#	%	#	%	#	%	Count	New Admin
2009	9,448	9,329	99%	453	5%	853	9%	1,306	14%	2,341	5.2
Principal	4,500	4,454	99%	116	3%	417	9%	533	12%		
NYC	1,469	1,461	99%	55	4%	111	8%	166	11%		
ROS	3,030	2,993	99%	61	2%	306	10%	368	12%		
Vice Principal	4,948	4,875	99%	337	7%	436	9%	772	16%		
NYC	2,724	2,699	99%	184	7%	165	6%	349	13%		
ROS	2,225	2,176	98%	152	7%	271	12%	424	19%		
2008	9,275	9,092	98%	385	4%	1,047	11%	1,432	15%		
Principal	4,462	4,394	98%	91	2%	440	10%	531	12%		
NYC	1,431	1,411	99%	52	4%	108	8%	160	11%		
ROS	3,031	2,983	98%	40	1%	332	11%	372	12%		
Vice Principal	4,813	4,697	98%	294	6%	607	13%	901	19%		
NYC	2,656	2,593	98%	202	8%	259	10%	461	17%		
ROS	2,158	2,104	98%	92	4%	348	16%	440	20%		

Administrators who did not respond to number of years in their assignment are missing from this analysis (1.4% of cases).

Source: NYSED, Office of Research and Information Systems 18-Dec-09

Table 5: NYS Full-time Equivalent Building Leader Assignments by Region

Assignment	FTE	1st Time Assignments								
		Certified		New Admin.		Other		Total Turnover		
		#	%	#	%	#	%	#	%	
NYC 2009										
Principal	1,469	1,461	99%	55	4%	111	8%	166	11%	
Elementary School	702	698	99%	18	3%	42	6%	60	9%	
Junior High School	22	22	100%	0	0%	1	5%	1	5%	
Junior-Senior High School	78	77	99%	6	8%	4	5%	10	13%	
K-12 School	32	32	100%	0	0%	4	13%	4	13%	
Middle School	255	254	100%	13	5%	15	6%	28	11%	
Senior High School	322	320	99%	18	6%	40	12%	58	18%	
Special School (Deaf, Blind, etc)	58	58	100%	0	0%	5	9%	5	9%	
Vice Principal	2,724	2,699	99%	184	7%	165	6%	349	13%	
Elementary School	1,143	1,136	99%	66	6%	82	7%	148	13%	
Junior High School	48	48	100%	4	8%	3	6%	7	15%	
Junior-Senior High School	119	117	98%	15	12%	8	6%	22	19%	
K-12 School	53	52	98%	4	7%	1	2%	5	9%	
Middle School	587	585	100%	42	7%	30	5%	72	12%	
Other School/Bldg Admin	25	18	72%	2	9%	2	9%	5	19%	
Senior High School	590	586	99%	41	7%	33	6%	75	13%	
Special School (Deaf, Blind, etc)	159	158	99%	10	6%	5	3%	15	9%	

Administrators who did not respond to number of years in their assignment are missing from this analysis (1.4% of cases.)

Source: NYSED, Office of Research and Information Systems

Appendix D 2 i 1: 8 NYCRR § 100.2(o) Annual Professional Performance Review

(o) Annual professional performance review.

(1) For school years commencing prior to July 1, 2000, each school district and board of cooperative educational services (BOCES) shall be subject to the requirements of this paragraph. For school years commencing on or after July 1, 2000, each school district and BOCES shall be subject to the requirements of paragraph (2) of this subdivision.

(i) The governing body of each school district and board of cooperative educational services shall ensure that the performance of all professional personnel, except evening school teachers of nonacademic, vocational subjects, will be reviewed annually.

(ii) Each superintendent, in consultation with teachers, administrators and other school service professionals, selected by the superintendent with the advice of their respective peers, shall develop formal procedures for the review of the performance of all such personnel in the district. Such procedures shall be approved by the governing body of the district, filed in the district office, and available for review by any individual no later than August 1st of each year. Formal procedures for the review of the performance of all such personnel shall include:

(a) criteria by which all such personnel shall be reviewed, and a description of the review procedures;

(b) a description of review activities, including:

(1) the minimum number of observations;

(2) the frequency of observation; and

(3) provisions for a follow-up meeting for the reviewer to commend strengths of performance and discuss the need for improvement, if necessary, with the staff person being reviewed;

(c) methods used to record review results; and

(d) procedures used to:

(1) ensure that all such personnel are acquainted with the performance review procedures; and

(2) ensure that each individual who is reviewed in accordance with the provisions of this subdivision has the opportunity to provide written comment on his or her performance review.

(iii) The board of education shall annually review the performance of the superintendent of schools according to procedures developed by such board in consultation with the superintendent. Such procedures shall be filed in the district office, and available for review by any individual no later than August 1st of each year.

(2) For school years commencing on or after July 1, 2000, each school district and BOCES shall be subject to the requirements of this paragraph.

(i) For purposes of this paragraph, the governing body of each school district shall mean the board of education of each school district, and in the case of the City School District of the City of New York it shall mean the Board of Education of the City School District of the City of New York.

(ii) Annual review. The governing body of each school district and BOCES shall ensure that the performance of all teachers providing instructional services or pupil personnel services, as defined in section 80.1(w) of this Title, is reviewed annually, except evening school teachers of adults enrolled in nonacademic, vocational subjects; and supplementary school personnel, as defined in section 80.33 of this Title.

(iii) Professional performance review plan.

(a) Development and adoption of the plan.

(1) By September 1, 2000, the governing body of each school district and BOCES shall adopt a plan, which may be an annual or multi-year plan, for the annual professional performance review of its teachers providing instructional services or pupil personnel services, as defined in section 80.1(w) of this Title, that meets the content requirements prescribed in clause (b) of this subparagraph.

(2) Each superintendent and in the case of the City School District of the City of New York, the chancellor, in collaboration with teachers, pupil personnel professionals, administrators and parents selected by the superintendent or in the case of the City School District of New York, the chancellor, with the advice of their respective peers, shall develop the professional performance review plan, which shall be approved by the governing body of each school district or BOCES, filed in the district or BOCES office, as applicable, and available for review by any individual no later than September 10th of each year. The governing body of each school district and BOCES shall provide organizations representing parents and the recognized representative of the teachers' bargaining unit with an opportunity to comment on such plan prior to its adoption.

(b) Content of the plan.

(1) Criteria for evaluation of teachers providing instructional services. The professional performance review plan shall describe the criteria that the school district or BOCES shall use to evaluate its teachers providing instructional services, which shall include but not be limited to an evaluation of the following:

(i) content knowledge, the teacher shall demonstrate a thorough knowledge of the subject matter area and curriculum;

(ii) preparation, the teacher shall demonstrate appropriate preparation employing the necessary pedagogical practices to support instruction;

(iii) instructional delivery, the teacher shall demonstrate that the delivery of instruction results in active student involvement, appropriate teacher/student interaction and meaningful lesson plans resulting in student learning;

(iv) classroom management, the teacher shall demonstrate classroom management skills supportive of diverse student learning needs which create an environment conducive to student learning;

(v) student development, the teacher shall demonstrate knowledge of student development, an understanding and appreciation of diversity and the regular application of developmentally appropriate instructional strategies for the benefit of all students;

(vi) student assessment, the teacher shall demonstrate that he or she implements assessment techniques based on appropriate learning standards designed to measure students' progress in learning and that he or she successfully utilizes analysis of available student performance data (such as State test results, student work, school-developed assessments, teacher-developed assessments, etc.) and other relevant information (such as documented health or nutrition needs, or other student characteristics affecting learning) when providing instruction;

(vii) collaboration, the teacher shall demonstrate that he or she develops effective collaborative relationships with students, parents or caregivers, as needed, and appropriate support personnel to meet the learning needs of students; and

(viii) reflective and responsive practice, the teacher shall demonstrate that practice is reviewed, effectively assessed and appropriate adjustments are made on a continuing basis.

(2) Criteria for the evaluation of teachers providing pupil personnel services. The plan shall describe the criteria that the school district or BOCES shall use to evaluate teachers providing pupil personnel services, as defined in section 80.1(w) of this Title.

(3) Assessment approaches. The plan shall describe the methods that the school districts or BOCES shall employ to assess teachers' performance, which may include but is not limited to the following: classroom observation, videotape assessment, self review, peer review and portfolio review. For teachers possessing a transitional or initial certificate, the plan shall require the teacher to be evaluated based on portfolio review, which may include but is not limited to: a video of teaching performance, a sample lesson plan, a sample of student work, student assessment instruments and the teacher's reflection on his or her classroom performance.

(4) Teacher improvement. The plan shall describe how the school district or BOCES addresses the performance of teachers whose performance is evaluated as unsatisfactory, and shall require the development of a teacher improvement plan for teachers so evaluated, which shall be developed by the district or BOCES in consultation with such teacher.

(5) Training in performance evaluation. The plan shall describe how the school district or BOCES provides training in good practice for the conducting of performance evaluations to staff who perform

such evaluations, or alternatively, shall state the fact that the school district or BOCES permits such personnel to participate in training in this subject offered by the department.

(iv) Reporting requirement. The department shall require school districts and BOCES to report on an annual basis information related to the school district's efforts to address the performance of teachers whose performance is evaluated as unsatisfactory, including information related to the implementation of teacher improvement plans for teachers so evaluated.

(v) Performance review of superintendent. The governing body of each school district shall annually review the performance of the superintendent of schools according to procedures developed by such body in consultation with the superintendent. Such procedures shall be filed in the district office and available for review by any individual no later than September 10th of each year.

(vi) Formal procedures for the review of the performance of teachers shall be determined by the school district or BOCES, consistent with the requirements of article 14 of the Civil Service Law.

(vii) Variance.

(a) A variance shall be granted from a requirement of this paragraph, upon a finding by the commissioner that a school district or BOCES has executed prior to September 3, 1999 an agreement negotiated pursuant to article 14 of the Civil Service Law whose terms continue in effect and are inconsistent with such requirement.

(b) A variance shall be granted from the criteria for the evaluation of teachers providing instructional services, prescribed in subclause (ii)(b)(1) of this paragraph, upon a finding by the commissioner that the school district or BOCES has demonstrated that a local model for the evaluation of such teachers has produced successful results.

Appendix D 2 i 2: Dec 8 Regent Meeting: Part II: Transforming Teaching and Learning and School Leadership in New York State



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: Higher Education Committee

FROM: Joseph P. Frey 

SUBJECT: Part II: Transforming Teaching and Learning and School Leadership in New York State

DATE: December 8, 2009

STRATEGIC GOAL: Goals 1, 2 and 3

AUTHORIZATION(S):

SUMMARY

Issue for Discussion

What actions can the Board of Regents and the Department take to transform teaching and learning and school leadership in New York State, and to recruit skilled teachers and leaders in New York's high need schools?

Proposed Handling

The item is being presented to the Board of Regents for discussion.

Background Information and Procedural History

Last month, the Board of Regents consented on the direction of five recommendations to transform teaching and learning and to support the recruitment of skilled teachers in high need subjects and schools across New York State. Those conceptual recommendations included:

On a pilot basis, authorizing colleges and universities, cultural institutions, research centers, non-profit organizations, and others with demonstrated results in raising the achievement of high need students, through the RFP process, to certify teachers for placement in high need schools through clinically based graduate programs. The Board of Regents would award master's degrees to those students who complete registered pilot programs offered by non-collegiate institutions.

New incentives to recruit and retain teachers in STEM (Science, Technology, Engineering and Math) areas in high need schools including:

An expedited pathway to encourage scientists, engineers, and mathematicians with doctoral degrees or master's degrees with higher education teaching experience to teach in our State's high need middle and high schools.

A new differential incentive to recruit and retain teachers to support the learning needs of students in STEM disciplines in the State's high need schools. Effective teachers in high need schools certified in a STEM discipline (or teachers of English language learners or students with disabilities supporting teachers in STEM disciplines) would be eligible to receive as much as a \$30,000 total bonus over the course of five years.

Creating transparent data profiles of teacher preparation institutions.

Putting in place performance-based assessments for initial certification and again for professional certification in the careers of new teachers. In addition, a more rigorous Content Specialty Test will be developed to assess new teachers' mastery of knowledge in the content area in which they will be teaching.

Allowing secondary-level certification applicants to use alternative means to demonstrate content-knowledge with work experience and acceptable rigorous examinations in combination with undergraduate/graduate level coursework.

Department leadership will now reach out to educators across P-12 and higher education including schools of education, as well as BOCES, Teacher Centers, the National Board for Professional Teaching Standards, the State Professional Standards and Practices Board, professional organizations, union leaders, and other partners for input into the development of a detailed implementation plan for each of the proposed strategies.

Recommendation

This month, the Board of Regents will continue their discussion and consider additional recommendations to advance their agenda to transform teaching and learning, as well as school leadership in New York State, and to recruit skilled teachers and leaders in New York’s high need schools. This report presents the following recommendations for the Regents consideration:

Transforming Teaching and Learning

Create a statewide teacher career leader for school districts to utilize to compensate teachers for improving their teaching practice throughout their careers.

Develop an enhanced Annual Professional Performance Review for teachers grounded in the newly developed teacher standards and designed to more clearly differentiate the performance of teacher effectiveness employing multiple measures, including student achievement and student growth data.

Create a model induction program for new teachers designed to create “teacher leaders.”

Create a rich clinically-based undergraduate teacher preparation model focused on serving the needs of students in the performance gap in high need schools.

Put in place a formative assessment model of professional development for improving teaching and learning in high need schools.

Incorporate the equitable distribution of effective teachers into district score cards and district accountability.

Streamline the §3020-a process to preserve the integrity of the teaching profession.

Strengthening the Preparation and Practice of School Leaders

Put in place a clinically rich approach to prepare school principals to directly strengthen teaching and learning in their schools. Include in New York's Race to the Top proposal a pilot program to prepare school leaders for high need schools, open to both collegiate and non-collegiate institutions with demonstrated results in raising the achievement of high need students.

Put in place performance assessments for initial certification of school principals.

Expand the leadership academies across New York State ensuring that all of the Big 5 cities and all regions of the State have access to professional development through these leadership academies.

Create a statewide principal career ladder for school districts to utilize to compensate principals for demonstrating progressive improvement throughout their careers.

Create an Annual Professional Performance Review for school leaders focused on strengthening student performance, feedback from multiple sources and aligning professional growth with areas that need improvement.

Create transparent data profiles for all institutions that prepare school leaders.

Transforming Teaching and Learning in New York State

Last month, the Board of Regents consented on the direction of five recommendations to transform teaching and learning and to support the recruitment of skilled teachers in high need subjects and schools across New York State. In follow-up to the discussion in November, the report that follows presents additional recommendations to advance the Regents agenda to transform the preparation and practice of teachers and school leaders in our State's schools. It is proposed that the Board of Regents consider approving the following additional recommendations to strengthen teaching and learning:

Create a statewide teacher career ladder for school districts to utilize to compensate teachers for improving their teaching practice throughout their careers

To strengthen teaching practice in New York State, it is proposed that the State teacher certification structure be enhanced to recognize teachers that have demonstrated value-added to student learning through a variety of methods, including student assessments.

Specifically, it is recommended that a career ladder be created that establishes a career development pathway for teachers to continue as teachers with progressively increasing performance requirements. Teachers could progress along a continuum from novice to master teacher. Each step along the pathway would require a deeper level of proficiency in practice and positive effect on student learning. The State would use the certification structure to recognize teachers' achievements (e.g., novice, practicing, advanced, master, and Board certified). There would not be any requirement for a teacher to move beyond the second level of the continuum. Districts could use the statewide certification structure to negotiate use of the career ladder to compensate teachers for improving their teaching practice throughout their careers.

Key dates for creating statewide career ladder for teachers	
Develop a career ladder model	April 2010 – September 2010
Enact career ladder model	January 2011
Adjust and revise model	Following implementation of P-20 data system

Develop an enhanced Annual Professional Performance Review (APPR) for teachers

In 2000, in collaboration with partners including teachers, principals, District Superintendents, BOCES, and other partners, the Board of Regents approved Annual Professional Performance Review regulations that identify the criteria upon which all teachers in New York State must be evaluated. The 2000 criteria include:

Subject matter knowledge;

Assessment of student progress including an analysis of available student performance data;

Knowledge and application of best pedagogical practice;

Instructional delivery for active student involvement and lesson planning for student learning;

Creation of learning environments supportive of diverse learning styles and needs;

Knowledge of student development;

Reflective and responsive practice, focusing on impact of teaching on the student; and,

Collaboration with colleagues, families and others to advance student performance.

These evaluation criteria are included in teachers’ Annual Professional Performance Reviews. The process for conducting the evaluations is a negotiable item between the employing school district and the teachers’ collective bargaining agent. Each superintendent, in consultation with teachers, administrators and other school service professionals, develops formal procedures for the evaluation systems at the district level.

As part of the reform agenda for strengthening teaching, it is proposed that the Board of Regents revisit the APPR so that it:

Aligns with the newly developed teacher standards. The Department is developing teacher standards in cooperation with all interested parties, including teachers, principals, other school leaders, and many others. These teacher standards will be used by the Board of Regents and the Department as a basis upon which to revisit the eight performance review criteria to ensure the revised criteria are aligned with these new teacher standards⁵.

Includes data on student growth as one of the multiple criteria in the evaluation of all teachers. Existing student achievement data from State and local assessments can be used to assess student growth until the P-20 student data system that is now under development provides timely data to feed the teacher performance review process. The Department is taking immediate steps to strengthen the New York State assessments and the use of student data for teacher evaluation will be grounded in those improvements (including making the assessments more comprehensive and implementing vertical scaling). As part of the RTTT application, New York State will further refine its assessment system and complete the development of a comprehensive P-20 data system including refined assessments, multiple measures of student performance (e.g., graduation rates), and data on the conditions of teaching and learning. This statewide data system will link individual student growth to the teacher responsible for instruction.

In addition, it is proposed that the Regents also include in statewide regulations that, as part of the APPR, each local educational agency implement uniform qualitative rating categories to evaluate teachers (e.g. Highly Effective, Effective, Developing and Ineffective). Any implications of these categories for evaluation systems embedded in existing contracts, teacher compensation, etc. would need to be collectively bargained.

Annual Professional Performance Review (APPR) for Teachers	
Solicit feedback from stakeholders statewide	July - September 2010
Final document and regulations developed	September - December 2010

⁵ Teachers' understanding of students' cultural and linguistic backgrounds will be reflected in new standards and in the enhancement of the APPR.

Appendix D: Great Teachers and Leaders

Approval by Board of Regents	March 2011
APPR goes into effect	May 2011
Recruit and train trainers	May - July 2011
Identify regional training sites/dates	July - August 2011
Conduct training	September 2011 - February 2012

Create a model induction program for teachers designed to create teacher leaders.

Teacher leaders are teachers who seek out opportunities to improve student achievement by collaborating with colleagues to analyze student performance data, put in place strategies for improving instruction, and to continuously improve their teaching practice throughout their careers. Putting in place high quality induction programs to create teacher leaders is a highly effective, evidence-based strategy for providing new teachers with the support needed to be successful and for improving teacher retention. Research indicates that 80 to 90 percent of teachers who engage in high-caliber induction programs stay in the field for five years or more.⁶ School improvement is most effective in environments where teachers are encouraged to become teacher leaders. Teacher leaders are fundamental to implementing instructional change, cultivating cultures of excellence, and to supporting and mentoring the next generation of new teachers.

To strengthen teaching across the State, it is proposed that a model induction program be created, through an RFP process, aimed at developing teachers so they are prepared to lead educational program improvements, support the development of new teachers, and engage families and community members in children’s education. It is recommended that New York’s application for Race to the Top include funding to support this initiative. Core criteria for the pilot model induction program are: a) provide effective support for new teachers to help them make more rapid progress along teaching skills continuum; b) retain and motivate new teachers; c) grow teacher leaders; and d) help transform schools into true teaching and learning communities. In the program, teachers will be provided with mentoring and support to help them to become instructional leaders and improve teaching and learning. In addition to helping participating teachers achieve expertise in curriculum planning, assessment, and using data and reflections on practice to inform instruction, the projects will also help to develop teachers’ knowledge, skills, and disposition for energizing partners and engaging them in school turnaround initiatives.

⁶ Sack, J. L. (2005). Commission urges comprehensive induction programs for teachers. *Education Week*, 25(1),18.

Model induction programs to prepare teachers to be teacher leaders	
Issue RFP	September 2010

Create a rich clinically-based undergraduate teacher preparation model focused on serving the needs of students in the performance gap in high need schools

It is proposed that New York will develop a clinically rich undergraduate program for preparing new teachers focused on serving the needs of students in the performance gap. Individuals would be recruited through a rigorous recruitment process that would use multiple indicators to identify promising teacher candidates. Successful candidates would be placed in year-long “residencies” in their fourth year of teacher preparation, where they would receive stipends, consistent with the local collective bargaining agreement. Over time, paid teaching assistant and paraprofessional positions could be used by participating LEAs to encourage and reward the best undergraduate candidates during their residencies. In addition, current teaching assistants and paraprofessionals could be included in this program as part of a career ladder into teaching.

Preparing teachers through an intensive clinical component that directly supports the application of theory into practice enables new teachers to understand first-hand the diversity of the student population and the culture of the learning environment in New York’s high need schools. This approach will help to attract the best candidates to high need schools and will give them sufficient time, support, and practice, to transition effectively into teaching, thus reducing attrition. These clinically rich programs will use cutting edge instruction informed by research on the best and most effective practices for teaching students in high need schools – instruction that will be tailored to the needs of the schools and their students. Trained mentors and supervising teachers will supervise the year-long teaching placements and will be given the time and resources needed to make the mentoring relationship meaningful and successful. After finishing the clinical component, candidates will commit to teach in high need schools for three years. Candidates hired as teachers of record, on completing their clinical component, will continue to be supported in their first years of teaching by trained mentors.

An important component of this clinically rich program will be collaboration between the faculties of the LEA and the teacher preparation programs. In the pilot, teacher preparation program faculty will work closely with teacher candidates directly in the schools. Participating colleges and universities will be expected to show how faculty working with the new programs – through the innovation of the development and delivery of a clinically rich program, heightened collaboration with LEAs, and implementation of action learning coupled with problem based research practices- should be comparable

to traditional publishing expectations and rewarded with tenure, promotions and/or expanded flexibility for their work in P-12 schools to prepare and support student teachers. Where appropriate, changes to tenure requirements and working conditions should be bargained with the appropriate collective bargaining unit.

The pilot, which is proposed to be included in New York’s Race to the Top application, will be carefully studied and assessed.

Key dates for proposed implementation of pilot teacher preparation programs	
RFP issued for pilot teacher preparation programs	June 2010
Pilot programs are developed by collegiate and non-collegiate institutions	September 2010 – June 2011
First cohort of students begin pilot programs	September 2011

Put in place a formative assessment model of professional development for improving teaching and learning in high need schools

Research on teacher enhancement and instructional improvement suggests that a change in teaching practice is evident in organizations that establish a supportive professional development culture, provide professional development experiences grounded in a combination of content and pedagogy and build institutional capacity and individual knowledge that is sustainable over time.

In 2007, the State Education Department, the New York Comprehensive Center and the Assessment and Accountability Content Center partnered with the Syracuse City School District (SCSD) in a professional development initiative to transform instruction. SCSD, using its Title II Part B Mathematics Science Partnership funds, implemented a systemic professional development model based on the work of Margaret Heritage, a national expert and Council of Chief State School Officers (CCSSO) consultant on formative assessment and data use. Ten elementary school principals and teachers engaged in a series of embedded professional development opportunities which have transformed instructional practices. Positive results from the initiative continue to be reported.

Using data from the Syracuse model, and other successful formative assessment projects from across the country, it is proposed that an RFP be issued to fund projects in high need LEAs to provide professional development designed to effect a systemic change in the interaction between the teacher, the content, and the learner. It is recommended that New York’s application for Race to the Top include funding to support this initiative. Using student achievement data and other assessment techniques to inform and improve instruction, teachers and principals will receive job-embedded professional development to strengthen their practice and positively affect student learning. Participating teachers will learn to analyze data to improve instructional practice, create a culture of data driven decision making, and design and differentiate instruction to address the needs of all students, particularly those in the performance gap (English language learners, students with disabilities and Black and Hispanic males). Through the programs, participating teachers will have opportunities to participate in professional learning communities of teachers, to receive technical assistance from national experts, and will also be provided with strategies for reflecting upon and improving practice. It is proposed that an independent evaluation of the programs be conducted to document successful practices and inform future models for statewide implementation.

Key dates for putting in place a formative assessment model of professional development for improving teaching and learning in high need schools	
Development of RFP	June 2010 – September 2010
Issue RFP	October 2010
Projects Funded Year 1	July 1, 2011
Projects Funded Year 2	July 1, 2012
Projects Funded Year 3	July 1, 2013

Incorporate the equitable distribution of effective teachers into district score cards and district accountability

For the last three years, the State Education Department has been providing extensive teacher supply and demand data to school leaders, the leadership of teacher education programs, and other partners, identifying teacher shortages both regionally and in specific subject areas. The data have been used

extensively by the field for planning purposes and for hiring decisions. The data are being used to help students make informed educational and career decisions so that the students will be employable and schools will have enough teachers to meet their hiring needs. It is proposed that the Board of Regents expand existing efforts to ensure that all students are taught by qualified, certified teachers by incorporating the equitable distribution of effective teachers into district report cards and district accountability measures.

Timeline to be developed in collaboration with district superintendents, superintendents of school districts, and other partners

Streamline the §3020-a process to preserve the integrity of the teaching profession

Section 3020-a of Education Law requires the State Education Department to pay the expense of the tenured teacher hearings. These costs include the costs of hearing officers, stenographers, and panel members participating in the hearing process. These hearings often tend to be expensive and lengthy. The Department is developing a legislative proposal to create financial incentives to expeditiously resolve these matters and reduce the State's financial burden. The legislative proposal will also address the issue of mutual disclosure to ensure that the process is efficient and fair. The proposal will also address, where appropriate, elimination of the need for a full 3020-a process to excess a teacher who is not appropriately certified.

Key dates for streamlining the §3020-a process	
Develop legislative proposal to amend Education Law §3020-a	December 2009
Presentation to Board of Regents	January 2010
Passage of amendments to Education Law §3020-a	Spring 2010
Development of regulations to implement change	Summer 2010
Effective date of new legislation	Fall 2010

Strengthening the Preparation and Practice of School Leaders

Put in place a clinically rich approach to prepare school principals to directly strengthen teaching and learning in their schools. Include in New York’s Race to the Top proposal a pilot program to prepare school leaders for high need schools, open to both collegiate and non-collegiate institutions with demonstrated results in raising the achievement of high need students.

Quality preparation programs are essential to ensuring that the next generation of school leaders are prepared to "turn around" our State's underperforming schools and to enhance teaching and learning. With the development of the Cohesive Leadership System, New York is already making significant progress toward strengthening school leadership in high need areas. Six of the 54 collegiate programs that prepare school leaders in the State are now under transformation.

A competitive RFP process is being proposed to provide colleges with resources to transform their school leadership programs and tailor the programs to prepare principals to serve in high need schools. In addition, through the RFP process, non-collegiate providers with expertise in principal preparation and demonstrated results in raising the achievement of high need students will also be invited to apply for funding. Pilot programs will be established that partner leadership preparation providers with schools in high need communities and put in place clinically rich, research-based program practices where students are engaged in "real world" issues and in solving problems routinely confronted by school leaders. It is recommended that New York’s application for Race to the Top include funding to support this initiative.

Priority will be given to those proposed partnerships where there is a commitment on the part of the high need schools to move new principals into leadership positions with the appropriate support and, to the greatest extent practical, in a phased approach. The goal is to create a long term pipeline for new school leaders for high need schools.

Key dates for transforming school leader preparation	
RFP issued for pilot school leader preparation programs	June 2010
Pilot programs are developed	September 2010 – June 2011

First cohort of students begin pilot programs	September 2011
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Put in place performance assessments for initial certification of school principals

Clinical experience required to become certified as a school building leader varies in the State. The nature of the work and means for assessing competency are decisions made by the program at each institution of higher education.

It is proposed that comprehensive, performance-based assessments be designed by the State Education Department and administered by school leader preparation programs to ensure that candidates have experienced authentic, problem-based clinical experiences requiring “real world” leadership responsibilities focused on school improvement initiatives, as part of a new “Clinical Services” model of school leader preparation.

Performance assessments would be conducted three times during a candidate’s pre-service program leading to certification. Candidates typically complete leadership preparation programs over the course of two years. Each performance assessment will be used to determine eligibility for continuation to the next phase of the program. Phase I of the Clinical Services model engages candidates in direct observation, shadowing and interviewing of school leaders engaged in school improvement efforts. Simultaneous coursework will emphasize research on school improvement strategies. Phase II requires an analysis of critical data and factors affecting student learning. A host school will provide data and access to information for analysis and recommendations by new principal candidates and faculty from the preparation institutions. The candidate presents findings, and stakeholders from the school provide feedback and determine whether the candidate has demonstrated the necessary knowledge and skills to enter the internship component of the program. On completion of the internship, the candidate outlines the school improvement issues addressed and evidence of actions taken and presents data on the effect of those actions. Collectively, the model’s phases provide a meaningful performance-based assessment that ensures preparation of candidates, through authentic experiences, to take leadership in persistently low-achieving schools.

Key dates for performance assessment for certification of school principals

<i>(Recommended timeframe to be confirmed with test development vendor)</i>	
Finalize draft clinical services model to serve as foundation	January 2010
Pilot ISLLC reflection tools and Phase I Performance Assessment criteria and instruments	January - May 2010
Pilot Phase II Performance Assessment	August - December 2010
Pilot Phase III Performance Assessment	January - May 2011
Develop regulations requiring implementation of clinical services model for participating institutions of higher education and non-collegiate providers	March - May 2011
Approval of regulations by Board of Regents	June 2011

Expand the leadership academies across New York State ensuring that all of the Big 5 cities and all regions of the State have access to professional development through these leadership academies

Through a Wallace Foundation Grant, New York State is developing regional Leadership Academies to provide school leaders with professional development based on research, best practice, and regional needs based on student performance data. The newly formed academies offer problem-based learning using the authentic, job-embedded challenges principals face in their schools. The focus of the academies is to assist and support principals in their role as instructional leaders and to positively influence their impact on improving instruction and student learning. Newly developed academies include a research-based coaching component, supporting principals and ensuring application of learned skills and improvement strategies.

Building on the success of the existing Leadership Academies, it is proposed that, as part of the Regents reform agenda and the State's Race to the Top initiative, 11 additional academies be developed geographically covering the State and in the remaining three large city districts (Buffalo, Yonkers and Syracuse). In addition, NCLB funds will be used, on an annual basis, to sustain the leadership academies over time. It is recommended that New York's application for Race to the Top include a request for funds

to develop Regional Quality Support Centers for high need schools through a competitive RFP process that will ensure that all leadership academies developed with NCLB funds are grounded in the research and in the successful experiences of those leadership academies already established. In addition, the RTTT funds will also allow New York to develop leadership academies for the rest of the State which can be sustained over time with state reimbursement (under current law) for professional activities delivered on a regional basis.

Key Dates for Expanding Leadership Academies for School Principals	
Issue RFP to establish new Leadership Academies in key regions	July 2010
First cohort begin new programs	September 2011

Create a statewide principal career ladder for school districts to utilize to compensate principals for demonstrating progressive improvement throughout their careers

It is recommended that a statewide principal career ladder be created which recognizes extraordinary commitment to the profession combined with improved results in student achievement over time. This career ladder can be utilized by school districts to compensate principals for demonstrating progressive growth and leadership throughout their careers. The career ladder will be based on a system to evaluate the school leader's:

ongoing participation in developing the profession directly through mentoring early career leaders;

offering high quality professional development to colleagues within the region and throughout the State;

demonstrating turnaround school leadership skills that translate to improvement in instruction and learning;

provide evidence of their actions over time linked to specific reform initiatives which impacted student achievement along with improved school culture; and

through their actions and deeds, actively encourage and inspire others to become school leaders and support them throughout the process.

Eligibility for career ladder compensation will be limited to those truly remarkable role models whose contributions to the field over time are recognized and highly valued by their peers and supported by feedback gathered from families, teachers, staff, administrators and students where appropriate. Thus feedback from peers will be among the data collected to assess a school leader’s qualification for movement on the career ladder. A structured and reliable means for collecting this feedback, along with a determination of appropriate time intervals for progression on the career ladder will need to be developed in consultation with the educational community.

Key dates for creating school leader career ladder	
Develop a career ladder model	April 2010 – September 2010
Enact career ladder model	January 2011
Adjust and revise model	Following implementation of P-20 data system

Create an Annual Professional Performance Review (APPR) for school leaders focused on strengthening student performance, feedback from multiple sources and aligning professional growth with areas that need improvement

Develop an APPR for school leaders based on research-based leadership standards and designed to differentiate principal effectiveness employing multiple measures. Ensure that professional development is aligned with this new accountability system. With support from the Wallace Foundation, the Department is now working collaboratively with organizations representing school superintendents, principals and assistant principals and will propose new regulations in the spring of 2010 to implement a Principal Performance Evaluation System (PPES). A key element in New York State's Cohesive Leadership System is the creation of this PPES. Principals and district-level leaders, working with national experts, have identified research-based design elements to serve as the foundation for PPES. The PPES will be aligned with The Educational Leadership Policy Standards: ISLLC 2008. Five clearly defined components of the system focus on the principal's role as an instructional leader. Collectively,

these components provide the information and data needed to accurately assess the principal's effectiveness in this role. Principals must develop specific and measurable performance goals which address substantive issues identified through analysis of student achievement data as well as data on other factors that influence the teaching and learning process. Goals must be specifically centered on improving student achievement and must be ambitious yet achievable. Action plans to ensure attainment of goals are likewise required and must be based on a thorough understanding and application of relevant research. Growth in student learning and achievement must be measured serving as evidence of the principal's effectiveness as an instructional leader. Feedback will be sought from multiple sources including various stakeholders in the educational process to reach conclusions regarding the principal's level of performance. Targeted areas for professional development of the principal will be identified and evidence of growth will be required. An essential component of the performance evaluation is to recognize the linkage that exists between strong and focused school leadership and student achievement. Thus the evaluation system will gauge the school leader's ability to demonstrate effective academic leadership directed toward reaching specific goals for improving student learning and improved achievement. Providing for feedback into the evaluation of school leaders from multiple sources is also a required component of the new performance evaluation system. Additionally, the evaluation will involve establishing expectations for professional growth of the school leader as demonstrated by actions that impact student learning. The PPES will become the basis for the APPR for principals.

Annual Professional Performance Review (APPR) for School Leaders	
Solicit feedback from stakeholders statewide	January - April 2010
Final document and regulations developed	June - July 2010
Approval by Board of Regents	July 2010
APPR goes into effect	September 2010

Create transparent data profiles for all institutions that prepare school leaders

It is proposed that the Board of Regents consider approving a recommendation to begin development of a NYSED profile for institutions that prepare school leaders. Data proposed to be part of the profile include:

The performance of their students on the performance-based assessment for professional certification;

The diversity of students enrolled in programs;

The percent of graduates employed in high need schools;

The retention rate of graduates, especially those in high need schools; and

The performance of their graduates on positively affecting student learning and achievement.

With the development of the P-20 data system, it will become possible to track program graduates in their employment as school leaders in the public schools of New York and connect the data on P-12 student performance to the institutions' graduates. These new data will further inform the Department and the public regarding effectiveness of programs and their graduates. The profile will also provide institutions with the necessary information and data to help strengthen their programs based upon the performance of their graduates in P-12 schools.

Key dates for creating data profiles for school leader preparation programs	
Accountability system enacted into regulations	December 2010 – to go into effect for the 2011-12 academic year
Adjust and revise system to include new data points	Following implementation of P-20 data system

Next Steps

The proposed strategies are being recommended to the Board of Regents to transform teaching and learning and strengthen school leadership in New York State. With the Regents endorsement, Department leadership will now reach out to educators across P-12 and higher education including schools of education, as well as BOCES, Teacher Centers, the National Board for Professional Teaching Standards, the State Professional Standards and Practices Board, professional organizations, union leaders, and other partners for input into the development of a detailed implementation plan for each of the proposed strategies. We will also engage exemplary PreK-12 schools and

educational leaders that have proven to be successful at improving student outcomes, particularly for those students who have traditionally been in the gap. This will enable us to benchmark best practices and bring successful practices to scale in high need schools in New York State. The recommendations and feedback from the field will be brought back before the Regents for additional consideration and discussion.

Appendix D 2 i 3: MOU for Teacher Growth & Accountability Incentive Fund

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is entered into between the _____ School District (“Participating LEA”), and the _____ (“Association”) which is the duly recognized or certified collective bargaining representative of the professional educators employed by the Participating LEA.

I. PURPOSE

This MOU is to establish a framework of understandings, which are to be acted upon by the Participating LEA and the Association if the State of New York’s RTTT grant is approved and if the State of New York establishes and funds the New York State Teacher Effectiveness Initiative (“Initiative”), thereby resulting in a subgrant being awarded to the Participating LEA (“Subgrant”).

II. CONDITIONS FOR FURTHER ACTION

Should a Subgrant be awarded to the Participating LEA, the Association and the Participating LEA shall agree to negotiate in good faith over terms and conditions necessary for implementation of the New York State Teacher Effectiveness Initiative.

III. ELEMENTS OF NEW YORK STATE TEACHER EFFECTIVENESS INITIATIVE

(A) In 2010-11, establish clear approaches to measuring student growth that meet accepted professional standards of educational testing, and measure it for each individual student.

- (1) Student growth is defined as the change in student achievement for an individual student between two or more points in time.

- (2) For tested grades and subjects, student achievement is defined by: (i) a student's score on the State's 3-8 assessments under the ESEA or on the Regents Exams; and, as appropriate, (ii) other measures of student learning, such as those described in paragraph (3) of this definition, provided they are rigorous and comparable across classrooms.
 - (3) For non-tested grades and subjects, student achievement is defined by: to the extent possible, alternative measures of student learning and performance such as student scores on pre-tests and end-of-course tests; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across classrooms.
- (B) In 2010-11, design and pilot rigorous, transparent, and fair evaluation systems for teachers that are designed and developed with teacher involvement and include the following components:
- (1) Create Professional Standards: Adopt/Adapt New York State Professional Teaching Standards (if adopted by the Board of Regents) as a common, comprehensive vision of the profession.
 - (a) differentiate effectiveness using four rating categories (i.e. ineffective, developing, effective, highly effective; or their substantial equivalents) with explicit scoring ranges for each category;
 - (b) utilize a single composite teacher effectiveness score, which incorporates multiple measures of effectiveness:
 - (i) Quantitative (Min. 30%; Max. 40%): Measure of student growth
 - (ii) Qualitative & Other Quantitative (Min. 60%; Max. 70%): e.g., rubrics-based (e.g., Charlotte Danielson) in-person and/or video observations by trained observers (both administrators and peers), stakeholder perceptions (i.e., surveys of students, parents, and colleagues)
 - (2) Create standards for Professional Contexts: Adopt/Adapt the New York State Standards for Professional Contexts (if adopted by the Board of Regents) e.g., time, resources, facilities, professional growth, school climate and safety.
 - (3) Create standards for System Support – Continuum of Support Ongoing: Adopt/Adapt New York State Standards for System Support (if adopted by the Board of Regents), e.g., continuum of teacher support (residency, internship, mentoring, professional development).
- (C) In 2011-12 (or earlier), 2012-13, and 2013-14, conduct annual evaluations of teachers (as described in (B) above) that include timely and constructive feedback; as part of such evaluations, provide teachers with data on student growth for their students, classes, and schools; and

(D) Use evaluations to improve instruction and at a minimum, to inform decisions regarding—

- (1) In 2011-12 (or earlier), 2012-13, and 2013-14, assisting developing teachers, including by providing relevant coaching, induction support, and/or differentiated professional development;
- (2) In 2011-12 (or earlier), 2012-13, and 2013-14, whether to grant tenure to teachers using rigorous standards and streamlined, transparent, and fair procedures;
- (3) In 2012-13 (or earlier) and 2013-14, supplementing compensation above/beyond the existing salary schedule (as collectively bargained), promoting, and retaining teachers;
- (4) In 2012-13 and 2013-14, compensating highly effective teachers for additional responsibilities such as career ladders; and
- (5) In 2012-13 (or earlier) and 2013-14, removing ineffective tenured and untenured teachers after they have been provided ample opportunities to improve as provided in (D)(1), and ensuring that such decisions are made using rigorous standards and streamlined, transparent, and fair due process procedures;

(E) Ensure that students in high-poverty and/or high minority schools have equitable access to highly effective teachers (as determined by the annual evaluations described in (B) above) and are served by effective teachers at the same rates as other students, by developing and implementing a plan by 2011-12, informed by reviews of prior actions and data, that will:

- (1) Assist developing teachers, including by providing relevant coaching, induction support, and/or differentiated professional development.
- (2) Provide additional compensation to highly effective teachers (as determined by the annual evaluations described in (B) above) to transfer to high-poverty and/or high minority schools.
- (3) Include the equitable distribution of effective teachers (as determined by the annual evaluations described in (B) above) as an explicit factor in decisions about teacher assignments.

(F) Increase the number and percentage of effective teachers (as determined by the annual evaluations described in (B) above) teaching hard-to-staff subjects and specialty areas including mathematics, science, and special education; teaching in language instruction educational programs (as defined under Title III of the ESEA); and teaching in other high-need areas as identified by the State or LEA by developing and implementing a plan by 2011-12, informed by reviews of prior actions and data, that will provide additional compensation to effective teachers (as determined by the annual evaluations described in (B) above) in hard-to-staff subjects and specialty areas with a potential focus on high-poverty and/or high minority schools.

IV. MODIFICATIONS OF MOU

This MOU may only be amended by written agreements signed by each party.

V. ASSURANCES

Nothing in this MOU shall be construed to override any Federal or State laws or regulations, or any applicable State or local collective bargaining requirements,

VI. DURATION

This MOU shall become effective, upon receipt of a Subgrant by the Participating LEA.

VII. SIGNATURES

A. Participating LEA:

Signature

Date

Print Name

LEA Superintendent of Schools

Print Title

Appendix D: Great Teachers and Leaders

President of Local School Board:

Signature

Date

Print Name

Participating LEA Board President

Print Title

B. _____ Teacher Association:

Signature

Date

Print Name

Association President

**Appendix D 2 i 3 a: MOU for Teacher Growth & Accountability Incentive Fund
Signed by NYC Chancellor Klein**

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is entered into between the City School District of the City of New York (“Participating LEA”), and the United Federation of Teachers, Local 2, American Federation of Teachers, AFL-CIO (“Association”) which is the duly recognized or certified collective bargaining representative of the professional educators employed by the Participating LEA.

I. PURPOSE

This MOU is to establish a framework of understandings, which are to be acted upon by the Participating LEA and the Association if the State of New York’s RTTT grant is approved and if the State of New York establishes and funds the New York State Teacher Effectiveness Initiative (“Initiative”), thereby resulting in a subgrant being awarded to the Participating LEA (“Subgrant”).

II. CONDITIONS FOR FURTHER ACTION

Should a Subgrant be awarded to the Participating LEA, the Association and the Participating LEA shall agree to negotiate in good faith over terms and conditions necessary for implementation of the New York State Teacher Effectiveness Initiative.

III. ELEMENTS OF NEW YORK STATE TEACHER EFFECTIVENESS INITIATIVE

(A) In 2010-11, establish clear approaches to measuring student growth that meet accepted professional standards of educational testing, and measure it for each individual student.

- (1) Student growth is defined as the change in student achievement for an individual student between two or more points in time.
- (2) For tested grades and subjects, student achievement is defined by: (i) a student’s score on the State’s 3-8 assessments under the ESEA or on the Regents Exams; and, as appropriate, (ii) other measures of student learning, such as those described in paragraph (3) of this definition, provided they are rigorous and comparable across classrooms.
- (3) For non-tested grades and subjects, student achievement is defined by: to the extent possible, alternative measures of student learning and performance such as student scores on pre-tests and end-of-course tests; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across classrooms.

- (B) In 2010-11, design and pilot rigorous, transparent, and fair evaluation systems for teachers that are designed and developed with teacher involvement and include the following components:
- (1) Create Professional Standards: Adopt/Adapt New York State Professional Teaching Standards (if adopted by the Board of Regents) as a common, comprehensive vision of the profession.
 - (a) differentiate effectiveness using four rating categories (i.e. ineffective, developing, effective, highly effective; or their substantial equivalents) with explicit scoring ranges for each category;
 - (b) utilize a single composite teacher effectiveness score, which incorporates multiple measures of effectiveness:
 - (i) Quantitative (Min. 30%; Max. 40%): Measure of student growth
 - (ii) Qualitative & Other Quantitative (Min. 60%; Max. 70%): e.g., rubrics-based (e.g., Charlotte Danielson) in-person and/or video observations by trained observers (both administrators and peers), stakeholder perceptions (i.e., surveys of students, parents, and colleagues)
 - (2) Create standards for Professional Contexts: Adopt/Adapt the New York State Standards for Professional Contexts (if adopted by the Board of Regents) e.g., time, resources, facilities, professional growth, school climate and safety.
 - (3) Create standards for System Support – Continuum of Support Ongoing: Adopt/Adapt New York State Standards for System Support (if adopted by the Board of Regents), e.g., continuum of teacher support (residency, internship, mentoring, professional development).
- (C) In 2011-12 (or earlier), 2012-13, and 2013-14, conduct annual evaluations of teachers (as described in (B) above) that include timely and constructive feedback; as part of such evaluations, provide teachers with data on student growth for their students, classes, and schools; and
- (D) Use evaluations to improve instruction and at a minimum, to inform decisions regarding—
- (1) In 2011-12 (or earlier), 2012-13, and 2013-14, assisting developing teachers, including by providing relevant coaching, induction support, and/or differentiated professional development;
 - (2) In 2011-12 (or earlier), 2012-13, and 2013-14, whether to grant tenure to teachers using rigorous standards and streamlined, transparent, and fair procedures;
 - (3) In 2012-13 (or earlier) and 2013-14, supplementing compensation above/beyond the existing salary schedule (as collectively bargained), promoting, and retaining teachers;
 - (4) In 2012-13 and 2013-14, compensating highly effective teachers for additional responsibilities such as career ladders; and
 - (5) In 2012-13 (or earlier) and 2013-14, removing ineffective tenured and untenured teachers after they have been provided ample opportunities to improve as provided in (D)(1), and ensuring that such decisions are made using rigorous standards and streamlined, transparent, and fair due process procedures;
- (E) Ensure that students in high-poverty and/or high minority schools have equitable access to highly effective teachers (as determined by the annual evaluations described in (B) above) and are

served by effective teachers at the same rates as other students, by developing and implementing a plan by 2011-12, informed by reviews of prior actions and data, that will:

- (1) Assist developing teachers, including by providing relevant coaching, induction support, and/or differentiated professional development.
 - (2) Provide additional compensation to highly effective teachers (as determined by the annual evaluations described in (B) above) to transfer to high-poverty and/or high minority schools.
 - (3) Include the equitable distribution of effective teachers (as determined by the annual evaluations described in (B) above) as an explicit factor in decisions about teacher assignments.
- (F) Increase the number and percentage of effective teachers (as determined by the annual evaluations described in (B) above) teaching hard-to-staff subjects and specialty areas including mathematics, science, and special education; teaching in language instruction educational programs (as defined under Title III of the ESEA); and teaching in other high-need areas as identified by the State or LEA by developing and implementing a plan by 2011-12, informed by reviews of prior actions and data, that will provide additional compensation to effective teachers (as determined by the annual evaluations described in (B) above) in hard-to-staff subjects and specialty areas with a potential focus on high-poverty and/or high minority schools.

IV. MODIFICATIONS OF MOU

This MOU may only be amended by written agreements signed by each party.

V. ASSURANCES

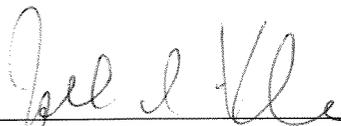
Nothing in this MOU shall be construed to override any Federal or State laws or regulations, or any applicable State or local collective bargaining requirements,

VI. DURATION

This MOU shall become effective, upon receipt of a Subgrant by the Participating LEA.

VII. SIGNATURES

Participating LEA:



JOEL I. KLEIN, Chancellor,
City School District of the City of New York

Date: 1/19/10

B. Teacher Association:

MICHAEL MULGREW, President
United Federation of Teachers,
Local 2, American Federation of Teachers, AFL-CIO

Date:

Appendix D 2 i 4: MOU for Principal Growth & Accountability Incentive Fund

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is entered into between the _____ School District (“Participating LEA”), and the _____ (“Association”) which is the duly recognized or certified collective bargaining representative of the professional school supervisors and administrators employed by the Participating LEA.

I. PURPOSE

This MOU is to establish a framework of understandings, which are to be acted upon by the Participating LEA and the Association if the State of New York’s RTTT grant is approved and if the State of New York establishes and funds the New York State Principal Incentive Fund, (the “Incentive Fund”), thereby resulting in a subgrant being awarded to the Participating LEA (“Subgrant”).

II. CONDITIONS FOR FURTHER ACTION

Should a Subgrant be awarded to the Participating LEA, the Association and the Participating LEA shall agree to negotiate in good faith over all terms and conditions necessary for implementation of the New York State Principal Incentive Fund.

III. ELEMENTS OF NEW YORK STATE PRINCIPAL INCENTIVE FUND

The New York State Education Department is committed to the establishment of a \$20 million Principal Incentive Fund as part of RTTT.

Participating districts would be eligible to apply for a portion of the Incentive Fund to engage in collaborative partnership with NYSED to develop and implement the following elements of the New York State Principal Effectiveness Initiative:

- (i) In 2010-11, establish clear approaches to measuring student growth that meet accepted professional standards of educational testing, and measure it for each individual student.
 - (a) Student growth is defined as the change in student achievement for an individual student between two or more points in time.
 - (b) For tested grades and subjects, student achievement is defined by: (1) a student's score on the State's 3-8 assessments under the ESEA or on the Regents Exams; and, as appropriate, (2) other measures of student learning, such as those described in paragraph (c) of this definition, provided they are rigorous and comparable across classrooms.
 - (c) For non-tested grades and subjects, student achievement is defined by: to the extent possible, alternative measures of student learning and performance such as student scores on pre-tests and end-of-course tests; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across classrooms.

- (ii) In 2010-11, design and pilot rigorous, transparent, and fair evaluation systems for principals that are designed and developed with principal involvement and include the following components:
 - (a) differentiate effectiveness using a minimum of four rating categories (i.e. ineffective, developing, effective, highly effective; or their substantial equivalents) with explicit scoring ranges for each category;
 - (b) utilize a single composite principal effectiveness score, which incorporates multiple measures of effectiveness:
 - Student Growth as defined above (Min. 30%; Max. 40%)

- Qualitative and Other Quantitative (Min. 60%; Max. 70%): to include multiple measures, possibly including:
 - Retention of effective teachers
 - Improving effectiveness of teachers
 - Removing ineffective teachers
 - Rubrics-based New York State Performance Standards (and Principal Performance Evaluation, PPES, under development for completion in spring, 2010)
 - School quality reviews (e.g., reviews by district administrators, peers, etc.),
 - Stakeholder perceptions (i.e., surveys of students, parents, and colleagues)

- (iii) In 2011-12 (or earlier), 2012-13, and 2013-14, conduct annual evaluations of principals (as described in (ii) above) that include timely and constructive feedback; as part of such evaluations, provide principals with data on growth for their students, teachers, classes, and schools; and

- (iv) In 2011-12, establish an Individual Principal Development Plan for each principal that is based, in part, on an analysis of student performance data and results of prior evaluations.

- (v) Use evaluations to improve instruction and at a minimum, to inform decisions regarding—
 - (a) In 2011-12 (or earlier), 2012-13, and 2013-14, assisting developing principals, including by providing relevant coaching, induction support, and/or differentiated professional development;

- (b) In 2012-13 (or earlier) and 2013-14, supplementing compensation above/beyond the existing salary schedule (via individual, team, or building level as collectively bargained) to reward most effective principals, and promoting and retaining principals; and
- (c) In 2012-13 (or earlier) and 2013-14, removing ineffective principals after they have had ample opportunities to improve, and ensuring that such decisions are made using rigorous standards and streamlined, transparent, and fair procedures;
- (vi) Ensure that students in high-poverty and/or high minority schools have equitable access to highly effective principals (as determined by the annual evaluations described in (ii) above) and are not served by ineffective principals at higher rates than other students, by developing and implementing a plan by 2011-12, informed by reviews of prior actions and data, that will:
 - (a) Assist developing principals, including by providing relevant coaching, induction support, and/or differentiated professional development;
 - (b) Provide additional compensation to highly effective principals (as determined by the annual evaluations described in (ii) above) to transfer to or serve in high-poverty and/or high minority schools.
 - (c) Include the equitable distribution of principals (as determined by the annual evaluations described in (ii) above) as an explicit factor in decisions about principal assignments and/or transfers.

Nothing in this MOU shall be deemed to override any federal or state laws or any collective bargaining agreements unless agreed to in subsequent negotiations pursuant to this MOU.

Appendix D 2 i 5: Letter of Support from SAANYS on Principal Growth and Accountability Incentive Fund



KEVIN S. CASEY
Executive Director

8 Airport Park Boulevard
Latham, New York 12110
Phone: (518) 782-0600
Fax: (518) 782-1729
www.saanys.org

January 16, 2010

New York State Education Department
89 Washington Ave.
Board of Regents – Room 110 EB
Albany, NY 12234

ATTN: Merryl H. Tisch, Chancellor
Dr. David Steiner, Commissioner of Education

*RE: Letter of Support
Principal Incentive Fund*

Dear Chancellor Tisch and Commissioner Steiner:

Yesterday I had the opportunity to have conversations with Commissioner Steiner, Senior Deputy Commissioner King, and Chief of Staff Armour-Garb regarding the proposed Principal Incentive Fund to be made part of the state's RTTT application.

We support the concept of creating a fund designed to incent principals to improve student achievement and to encourage effective principals to work in high needs schools and districts. We further support the idea that the utilization of funds will be negotiated between the local recognized or certified bargaining agent and the district, that a negotiated agreement will be a condition to participation in the incentive fund program, that the purpose of the fund is to attain a measurable increase in student achievement, and that all existing laws, regulations and collective bargaining agreements (unless modified pursuant to negotiations under the MOU) will be respected.

Having reviewed a draft Memorandum of Understanding that was provided to us today, which is proposed to be utilized between the participating LEA and the Association, we support that document. We believe there to be a far greater likelihood of success where both the teachers and the administrators in the same participating LEA are engaged in a similar incentive program at the same time. We believe we should strive for that result to maximize student success.

Att: via NYS e/RTTT

As with any large and complex undertaking, details are important. As stated at the outset of this letter, we believe the concept to have the potential to positively impact students and we will continue to seek to actively participate in finalizing the details for successful implementation of the incentive program. SAANYS looks forward to continued collaboration with SED on improving student achievement.

Very truly yours,

A handwritten signature in cursive script that reads "Kevin S. Casey".

Kevin S. Casey
Executive Director

Appendix D 2 i 6: Letter of Support from CSA on Principal Growth and Accountability Incentive Fund

JAN-19-2010 11:25 FROM-

T-024 P.002/002 F-917



Council of School Supervisors & Administrators, New York City
New York State Federation of School Administrators
Local 1 American Federation of School Administrators, AFL-CIO

January 19, 2010

Office of the President

President
Ernest A. Logan

Chancellor Merryl H. Tisch
Commissioner David Steiner
New York State Education Department
89 Washington Ave.
Board of Regents – Room 110 EB
Albany, NY 12234

Dear Chancellor Tisch and Commissioner Steiner:

On behalf of the Council of School Supervisors and Administrators, I am writing to express my support for the concept of creating a Principal Incentive Fund pilot program that the New York State Department of Education (NYSED) is including as part of its Race to the Top application. Confident that great schools begin with great leaders, we favor incentivizing principals to work in high need schools and districts, where their leadership would play a substantial role in improving student achievement. CSA is committed to working with NYSED and New York City to ensure successful implementation of this pilot project, with the understanding that funds be distributed through this project in a manner that is consistent with collective bargaining agreements. We understand that nothing in this initiative will override any federal or state laws or any collective bargaining agreements unless agreed to in subsequent negotiations.

If executed thoughtfully and appropriately, the proposed Principal Incentive Fund has the potential to provide districts with much needed funding and greatly benefit their students' education.

Sincerely,

A handwritten signature in cursive script that reads "Ernest A. Logan".

Ernest A. Logan

16 Court Street
Brooklyn, NY 11241-1003
718/852-3000 Tel.
718/403-0278 Fax
www.csa-nyc.org

Appendix D 2 iv 1: Education Law § 3012-b and Section 30-2.3. Tenure Determination

Education Law § 3012-b

1. The regents shall promulgate rules establishing minimum standards for tenure determinations for teachers of all school districts and boards of cooperative educational services whose probationary period commences on or after July first, two thousand eight. Such rules shall require a superintendent of schools or district superintendent of schools, prior to recommending tenure, to evaluate all relevant factors, including the candidate's effectiveness over the applicable probationary period, or over three years in the case of a regular substitute with a one-year probationary period, in contributing to the successful academic performance of his or her students, using a process that complies with subdivision two of this section.

2. The regents shall, prescribe rules for the manner in which the process for evaluation of a candidate for tenure is to be conducted. Such rules shall include a combination of the following minimum standards:

a. evaluation of the extent to which the teacher successfully utilized analysis of available student performance data and other relevant information when providing instruction but the teacher shall not be granted or denied tenure based on student performance data;

b. peer review by other teachers, as far as practicable; and

c. an assessment of the teacher's performance by the teacher's building principal or other building administrator in charge of the school or program.

3. The trustees and board of education of every school district and every board of cooperative educational services, and the chancellor of a city school district of a city with a population of one million or more shall, consistent with existing contractual provisions, make any changes in local rules, regulations and policies that are necessary to ensure that tenure determinations made for teachers whose probationary period commences on or after July first, two thousand eight shall be made in compliance with this section

Regulatory Authority found in the Rules of the Board of Regents and the Regulations of the Commissioner of Education:

Section 30-2.3. Minimum Standards for Tenure Determinations for Teachers

(a) A superintendent of schools or district superintendent of schools, prior to recommending tenure for a teacher, shall evaluate all relevant factors, including the teacher's effectiveness over the applicable probationary period, or over three years in the case of a regular substitute with a one-year probationary period, in contributing to the successful academic performance of his or her students. When

evaluating a teacher for tenure, each school district and board of cooperative educational services shall utilize a process that complies with subdivision (b) of this section.

(b) The process for evaluation of a teacher for tenure shall be consistent with article 14 of the Civil Service Law and shall include a combination of the following minimum standards:

(1) evaluation of the extent to which the teacher successfully utilized analysis of available student performance data (for example: State test results, student work, school-developed assessments, teacher-developed assessments, etc.) and other relevant information (for example: documented health or nutrition concerns, or other student characteristics affecting learning) when providing instruction but the teacher shall not be granted or denied tenure based on student performance data;

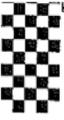
(2) peer review by other teachers, as far as practicable; and

(3) an assessment of the teacher's performance by the teacher's building principal or other building administrator in charge of the school or program, which shall consider all the annual professional performance review criteria set forth in section 100.2(o)(2)(iii)(b)(1) of the Regulations of the Commissioner.

(c) Nothing herein shall be construed to impose a mandatory collective bargaining obligation, over any locally developed standards, that is not required by article 14 of the Civil Service Law.

(d) The trustees and board of education of every school district and every board of cooperative educational services, and the chancellor of a city school district of a city with a population of one million or more shall, consistent with existing contractual provisions, make any changes in local rules, regulations and policies that are necessary to ensure that tenure determinations for teachers whose probationary periods commence on or after July 1, 2008 shall be made in compliance with section 3012-b of the Education Law and this section.

Appendix D 2 iv 2: Letter from Speaker of the State Assembly on Tenure Determination



01/15/2010 15:21

518-455-4445

DEAN FULEIHAN

PAGE 01/01



SHELDON SILVER
Speaker

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

Room 832
Legislative Office Building
Albany, New York 12248
(518) 465-3791

January 15, 2010

Dr. David M Steiner
Commissioner of Education
President, University of the State of New York
Education Building Rm. 111
89 Washington Avenue
Albany, New York 12234

Dear Commissioner Steiner:

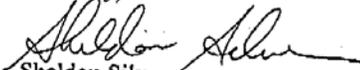
I write this letter in support of New York State's Race to the Top application and to clarify the intent of a provision of New York's Education Law on the issue of tenure determinations and the use of student data in making such determinations.

When New York State enacted into law §3012-b of the Education Law, it was our intent to simply require that student performance data not be used as the sole basis of making tenure determinations, but that it be a component of tenure determinations, to be used in conjunction with peer review and an assessment made by the building principal or administrator.

In further support of that, New York State has regulatory guidance for how student achievement data should be used for the purposes of teacher evaluations. For example, teachers are subject to an annual professional performance review pursuant to Commissioner's regulation 100.2(o)(2) which includes an evaluation of a teacher's instructional services based on student development and student assessment

Therefore, there are no "legal, statutory, or regulatory barriers at the State level to linking data on student achievement or student growth to teachers and principals for the purpose of teacher and principal evaluation" as prohibited by the Race to the Top requirements. Lastly, should there be any remaining concerns, the provision of law sunsets June 30 of this year and the Assembly intends to let the law expire.

Sincerely,


Sheldon Silver
Speaker

Appendix D 4 1: Education Law §208. General examinations, credentials and degrees

The regents may confer by diploma under their seal such honorary degrees as they may deem proper, and may establish examinations as to attainments in learning, and may award and confer suitable certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed.

Appendix E 1 1: Intervening in the Lowest Achieving Schools and LEAs

Education Law § 210. Registrations.

The regents may register domestic and foreign institutions in terms of New York standards, and fix the value of degrees, diplomas and certificates issued by institutions of other states or countries and presented for entrance to schools, colleges and the professions in this state.

Education Law § 211-b. Consequences for consistent lack of improvement in academic performance.

In addition to taking appropriate action pursuant to the regulations of the commissioner and the requirements of federal law, the following actions shall be taken to increase school and district accountability for academic performance:

1. The regents shall expand the scope and improve the effectiveness of the schools under registration review (SURR) process in the two thousand seven-two thousand eight school year and thereafter, so as to ensure that all schools that meet the criteria for identification as SURR shall be so identified. The goal of such expansion shall be to identify as SURR up to a total of five percent of the schools in the state within four years, and to reorganize or restructure schools so identified in cases where such action is appropriate.
2. The regents shall develop a plan for increased support and possible intervention in schools in improvement, corrective action, or restructuring status or in SURR status. Notwithstanding any provision of law to the contrary, the regents shall establish a two-step process as follows:
 - a. The appointment by the commissioner of a school quality review team to assist any school in school improvement, corrective action, restructuring status or SURR status in developing and implementing a school improvement, corrective action, restructuring, or comprehensive plan for the school. Such team may also conduct resource and program and planning audits and examine the quality of curriculum, instructional plans, and teaching in the schools, the learning opportunities and support services available to students, and the organization and operations of the school. After such review, the team shall provide diagnostic recommendations for school improvement, which may include administrative and operational improvements. The recommendation of such team shall be advisory. The reasonable and necessary

Appendix E: Turning Around the Lowest Achieving Schools

expenses incurred in the performance of the team's official duties shall be a charge upon the school district, or charter school, where applicable, that operates the school.

b. The appointment by the commissioner of a joint school intervention team, for schools in (i) restructuring status or (ii) SURR status that have failed to demonstrate progress as specified in their corrective action plan or comprehensive education plan. Administrators and educators from the district or charter school where applicable must be included on the team, as well as any distinguished educator appointed to the district pursuant to section two hundred eleven-c of this part. Such team shall assist the school district in developing, reviewing and recommending plans for reorganizing or reconfiguring of such schools. The recommendations of such team should be advisory. The reasonable and necessary expenses incurred in the performance of the school intervention team's official duties shall be a charge upon the school district, or charter school where applicable, that operates the school.

3. A school district that has been identified as requiring academic progress, as defined by 100.2(p)(7) of the commissioner's regulations, or includes one or more schools under registration review, in need of improvement, in corrective action or restructuring status shall be required to submit a district improvement plan to the commissioner for approval. In formulating the district improvement plan, the district shall consider redirecting resources to programs and activities included in the menu of options under subdivision three of section two hundred eleven-d of this part in the schools so identified. If such options are not adopted in the district improvement plan, the school district shall provide the commissioner with an explanation of such decision which shall be considered by the commissioner in determining whether to approve such plan. The trustees or board of education shall hold a public hearing before adoption of the district improvement plan and a transcript of the testimony at such hearing shall be submitted to the commissioner for review with the district improvement plan.

4. The commissioner shall develop a plan for intervention in schools under restructuring or SURR status that fail to demonstrate progress on established performance measures and may be targeted for closure. Such plan shall specify criteria for school closure and include processes to be followed, research based options, and alternatives and strategies to reorganizing, restructuring or reconfiguring schools. Such plan shall be developed with input from educators including, but not limited to, administrators, teachers and individuals identified as distinguished educators pursuant to section two hundred eleven-c of this part.

5. (a) The regents shall ensure that all school districts include in any contract of employment, entered into, amended, or extended with a superintendent of schools, community superintendent or deputy, assistant,

Appendix E: Turning Around the Lowest Achieving Schools

associate or other superintendent of schools who has been or will be appointed for a fixed term, a provision requiring that such contract specify that the superintendent shall be required to cooperate fully with any distinguished educator appointed by the commissioner pursuant to section two hundred eleven-c of this part.

(b) In the case of a superintendent of schools, community superintendent or deputy, assistant, associate or other superintendent of schools who is not appointed for a fixed term, the contract provisions contained in paragraph (a) of this subdivision shall be deemed to apply to such superintendent immediately.

(c) In the case of a charter school, the contract of employment of the principal or headmaster or other chief school officer of the charter school that is entered into, amended or extended shall also be required to include the provisions contained in paragraph (a) of this subdivision. In addition, such contract provisions shall be deemed to apply immediately to any such person not appointed for a fixed term.

Education Law §211-c. Distinguished educators.

The regents shall establish a distinguished educator program that recognizes educational leaders who have agreed to assist in improving the performance of low performing school districts.

1. Building principals, superintendents of schools and teachers including retirees and current employees of school districts, under whose leadership schools have demonstrated consistent growth in academic performance and other individuals who have demonstrated educational expertise, including superior performance in the classroom, shall be eligible for designation by the regents as distinguished educators. Provided, however, individuals employed by for-profit entities shall not be eligible for such recognition.

2. From the pool of distinguished educators designated by the regents pursuant to subdivision one of this section, the commissioner shall appoint distinguished educators who have expressed their willingness to assist low performing districts in improving their academic performance. To the extent practicable, the commissioner shall appoint distinguished educators to assist districts with comparable demographics to the schools or districts that are or were under such educator's leadership.

3. The commissioner may appoint a distinguished educator to a school district;

Appendix E: Turning Around the Lowest Achieving Schools

- a. when such district or a school within such district has failed to achieve adequate yearly progress for four or more years;
 - b. as a member of a joint school intervention team pursuant to paragraph b of subdivision two of section two hundred eleven-b of this part.
4. The school district to which a distinguished educator is appointed shall cooperate fully with an appointed distinguished educator.
 5. An appointed distinguished educator shall assess the learning environment of schools in the district, review or provide assistance in the development and implementation of any district improvement plan and/or any corrective action, restructuring, or comprehensive plan of any school within the district to which the distinguished educator is assigned. Such distinguished educator shall either endorse without change or make recommendations for modifications to any such plan to the board of education, trustees, or chancellor, in a school district in a city of one million or more inhabitants, and the commissioner. Upon receipt of any recommendations for modification, the board of education, trustees, or chancellor shall either modify the plans accordingly or provide a written explanation to the commissioner of its reasons for not adopting such recommendations. The commissioner shall direct the district to modify the plans as recommended by the distinguished educator unless the commissioner finds that the written explanation provided by the district has compelling merit.
 6. Appointed distinguished educators shall be deemed ex-officio, non-voting members of the board of education or trustees. In a school district in a city of one million or more inhabitants, any such distinguished educator shall be deemed an ex-officio, non-voting member of the community district education council or the city board, as applicable.
 7. The reasonable and necessary expenses incurred by the appointed distinguished educators while performing their official duties shall be paid by the school district.
 8. If an appointed distinguished educator is employed by a school district or charter school, it shall be the duty of the board of education or trustees of such school district, the chancellor of a city school district in a city of one million or more inhabitants, or the board of trustees of such charter school to facilitate the efforts of any such appointed distinguished educators in their employ by granting reasonable leave requests and otherwise accommodating their efforts, to the extent such efforts do not substantially interfere with the educator's performance of his or her regular duties.

Education Law § 211-d(3)(a). Contract for Excellence.

The commissioner shall adopt regulations establishing allowable programs and activities intended to improve student achievement which shall be limited to: (i) class size reduction, (ii) programs that increase student time on task, including but not limited to, academic after-school programs, (iii) teacher and principal quality initiatives, (iv) middle school and high school re-structuring, (v) expansion or replication of effective model programs for students with limited English proficiency, and (vi) full-day kindergarten or prekindergarten. Provided, however, that districts may use up to fifteen percent of the additional funding they receive for experimental programs designed to demonstrate the efficacy of other strategies to improve student achievement consistent with the intent of this section and, in school year two thousand seven--two thousand eight, up to thirty million dollars or twenty-five percent of such additional funding, whichever is less, may be used to maintain investments in programs and activities listed in this subdivision. Any such district seeking to implement an experimental program shall first submit a plan to the commissioner setting forth the need for such experimental program and how such program will improve student performance.

8 NYCRR §100.2(p). Registration of schools and school/district accountability

This section provides, in pertinent part, as follows:

Nonpublic schools may be, and public elementary, intermediate, middle, junior high, and high schools shall be, registered by the Board of Regents pursuant to this subdivision upon recommendation by the commissioner, provided that charter schools shall not be subject to registration pursuant to this subdivision, but shall be held accountable for meeting or exceeding the student performance standards and student assessment requirements applicable to other public schools in accordance with the provisions of article 56 of the Education Law. No school district may operate a public school whose registration has been revoked by the Board of Regents pursuant to paragraph (10) of this subdivision or has lapsed pursuant to paragraph (3) of this subdivision. Only those public and nonpublic high schools which are registered by the Board of Regents upon recommendation of the commissioner, may issue diplomas and administer Regents examinations, except that charter schools may issue diplomas and administer Regents examinations as authorized by article 56 of the Education Law.

(1) Definitions.

...

(2) Procedure for registration of public schools.

(i) All public elementary, intermediate, middle, junior high schools, and high schools, other than charter schools, in existence on September 1, 2002 shall be deemed registered by the Board of Regents pursuant to this subdivision as of such date.

(ii) A school district that seeks to register a public elementary, intermediate, middle, junior high school or high school which is not registered pursuant to subparagraph (i) of this paragraph shall submit a petition for registration to the Board of Regents, in a form prescribed by the commissioner and containing such information as the commissioner may require, no later than June 15th for schools opening in September of the next successive school year or, for those schools opening during a current school year, at least 90 days prior the opening of such school, except that the commissioner may waive this timeline for good cause. The commissioner shall review the petition and shall recommend its approval to the Board of Regents if it is satisfactorily demonstrated that the district has provided an assurance that the school will be operated in an educationally sound manner; is in compliance with applicable statutes, rules and regulations relating to public schools; and will operate in accordance with applicable building codes and pursuant to a certificate of occupancy. No new public school will be recommended for registration by the commissioner if, in the commissioner's judgment, the establishment of such school would conflict with an approved plan for district reorganization, except where it can be established to the satisfaction of the commissioner that such school is essential to the education welfare of the students.

(a) Where a school registered pursuant to this paragraph is in a district in which one or more schools have been designated as a school in Improvement, Corrective Action or Restructuring, the commissioner shall determine the accountability status of the newly registered school based upon his review of the proposed educational program, including but not limited to such factors as: school mission, school administration and staff, grade configurations and groupings of students, zoning patterns, curricula and instruction and facilities.

(b) In the event that a school district merges two or more schools or transfers organizational responsibility for one or more grades from one school to another, the commissioner may adjust the accountability status of the affected schools to reflect such organizational changes.

Appendix E: Turning Around the Lowest Achieving Schools

(3) All registrations approved by the Board of Regents pursuant to this subdivision shall continue in effect unless revoked by the Board of Regents upon recommendation of the commissioner after review of the registration, or the school district closes the school.

(4) System of accountability for student success. Each year, commencing with 2002-2003 school year test administration results, the commissioner shall review the performance of all public schools, charter schools and school districts in the State. For each accountability performance criterion specified in paragraph (14) and each performance indicator specified in paragraph (15) of this subdivision, the commissioner, commencing with 2002-2003 school year test administration results, shall determine whether each public school, charter school and school district has achieved adequate yearly progress as set forth in paragraph (5) of this subdivision.

(5) Adequate yearly progress.

(i) A public school, charter school or school district shall be deemed to have made adequate yearly progress on an accountability performance criterion set forth in paragraph (14) of this subdivision if each accountability group within such school or district achieved adequate yearly progress on that criterion.

(ii) In public schools, charter schools or school districts with fewer than 30 students subject to an accountability performance criterion set forth in paragraphs (14) and (15) of this subdivision, the commissioner shall use the weighted average of the current and prior school year's performance data for that criterion in order to make a determination of adequate yearly progress. No public school, charter school or school district will be held accountable for any other accountability group consisting of fewer than 30 students as long as the "all student" accountability group includes at least 30 students for that school year.

(iii) For purposes of determining adequate yearly progress, only the performance of continuously enrolled students in grades 3-8 shall be included for consideration.

(iv) An accountability group shall be deemed to have made adequate yearly progress on an accountability performance criterion specified in paragraph (14) of this subdivision if:

(a) the superintendent of the school district or the principal of the charter school has submitted the required student data files to the commissioner pursuant to paragraph (bb)(2) of this section or

Appendix E: Turning Around the Lowest Achieving Schools

section 119.3(b) of this Title in the timeframe and format specified by the commissioner; and

(b) for accountability groups consisting of 40 or more students, either:

(1) the participation rate for the current year equals or exceeds 95 percent; or

(2) the weighted average of the current year and prior year participation rates equals or exceeds 95 percent;

(c) for accountability groups consisting of 30 or more students:

(1) the accountability group met or exceeded, or did not differ significantly as determined by the commissioner, from the annual measurable objective for that criterion; or

(2) the accountability group met or exceeded, or did not differ significantly as determined by the commissioner, from an annual performance target established by the commissioner and the accountability group met or exceeded the third performance indicator at that grade level, as defined in paragraph (15) of this subdivision.

(v) A public school, charter school or school district shall be deemed to have made adequate yearly progress on a performance indicator specified in paragraph (15) of this subdivision if:

(a) the superintendent of the school district or the principal of the charter school has submitted the required student data files to the commissioner pursuant to paragraph (bb)(2) of this section or section 119.3(b) of this Title in the timeframe and format specified by the commissioner; and

(b) the "all students" accountability group in the school or school district at the applicable grade levels or high school cohort met or exceeded the performance indicator and, for elementary and middle levels, and beginning in 2005-2006 for the elementary- middle level, 80 percent of students enrolled on all days of the science test administration, who did not have a significant medical emergency, received valid scores.

(vi) For each school year, public schools, school districts, and charter schools in which no students or, pursuant to subparagraph (ii) of this paragraph fewer than 30 students, participate in the required State assessments for English language arts or mathematics, or in which the majority of students are not continuously enrolled, shall conduct a self-assessment of their academic program and the school learning environment, in such format and using such criteria as may be prescribed by the

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commissioner. Such self-assessment shall not be required of those schools and school districts for which the commissioner shall conduct a review of the performance of the school or school district in accordance with subparagraph (viii) of this paragraph. The superintendent of the school district or principal of the charter school shall review the self-assessment(s) and make a recommendation to the commissioner, in such format and according to such timeframe as the commissioner may prescribe, as to whether the school or school district has made adequate yearly progress. The commissioner shall consider the self-assessment, board recommendation and any other relevant information in determining whether the school or school district made adequate yearly progress.

(vii) The school accountability status of public schools, school districts, and charter schools serving grades 1 and/or 2, but not grade 3 or higher, (hereafter referred to as "feeder schools") will be determined using backmapping. In school districts with such feeder schools and in school districts that accept grade 3 students from feeder schools by contract, the grade three State assessment results for each feeder school student will be attributed to the feeder school as well as to the school or charter school in which the student took the assessment. The student's results will be attributed to a feeder school only if the student was continuously enrolled in the feeder school from the date prescribed by the commissioner on which the BEDS forms are required to be completed until the end of the school year in the highest grade served by the feeder school. In a district, if all schools serving grade three make adequate yearly progress in a given year, all feeder schools served by the district will be deemed to have made adequate yearly progress. If one or more schools enrolling students from a feeder school fail to make adequate yearly progress on a criterion set forth at subparagraphs (14)(iii) and (vi) of this subdivision, the commissioner will aggregate the district's grade three results on that criterion by feeder school and determine whether each feeder school made adequate yearly progress on that criterion. If a feeder school fails to make adequate yearly progress on the same criterion for two consecutive years, the school will be designated as a school in Improvement (year 1).

(6) Differentiated Accountability for Schools.

(i) Except as provided in subparagraph (ii) of this paragraph, beginning with the 2009-2010 school year and thereafter, public schools, and charter schools that receive funds under title I, that failed to make adequate yearly progress (AYP) pursuant to this subparagraph shall be designated into accountability phases and phase categories as follows:

(a) Accountability phases.

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(1) Improvement phase.

(i) A school that fails to make AYP for two consecutive years on the same accountability performance criterion in paragraph (14) of this subdivision or the same accountability indicator in paragraph (15) of this subdivision shall be designated in the next school year as a school in Improvement (year 1) for that accountability performance criterion/accountability indicator.

(ii) A school that is designated as a school in Improvement (year 1) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified shall be designated in the next school year as a school in Improvement (year 2) for that accountability performance criterion/accountability indicator.

(2) Corrective Action phase.

(i) A school that is designated as a school in Improvement (year 2) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified as a school in Improvement (year 2) shall be designated in the next school year as a school in Corrective Action (year 1) for that accountability performance criterion/accountability indicator.

(ii) A school that is designated as a school in Corrective Action (year 1) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified shall be designated in the next school year as a school in Corrective Action (year 2) for that accountability performance criterion/accountability indicator.

(3) Restructuring phase.

(i) A school that is designated as a school in Corrective Action (year 2) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified shall be designated in the next school year as a school in Restructuring (year 1) for that accountability performance criterion/accountability indicator.

(ii) A school that is designated as a school in Restructuring (year 1) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified shall be designated in the next school year as a school in Restructuring (year 2) for that accountability performance criterion/accountability indicator.

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(iii) A school that is designated as a school in Restructuring (year 2) that fails to make AYP on the same accountability performance criterion or accountability indicator for which it has been identified shall be designated in the next school year as a school in Restructuring (advanced) for that accountability performance criterion/accountability indicator.

(b) Phase categories.

(1) Improvement phase. Schools designated in Improvement shall be assigned to a category upon entry into the phase as follows:

(i) Basic:

(a) schools that fail to make AYP for one accountability group within one accountability performance criterion, but not the all students group; or

(b) schools that fail to make AYP for one of the accountability indicators, but met the accountability performance criterion.

(ii) Focused:

(a) schools that fail to make AYP for more than one accountability performance criterion, but not the all students group; or

(b) schools that fail to make AYP for more than one accountability student group within an accountability performance criterion, but not the all students group;

(iii) Comprehensive:

(a) schools that fail to make AYP for the all students group on any accountability performance criterion; or

(b) schools that fail to make AYP for every accountability group, except the all students group, within an accountability criterion for which there are at least two accountability groups other than the all students group; or

(c) schools that fail to make AYP for an accountability performance criterion and for an indicator.

(2) Corrective Action or Restructuring phase. Schools designated in Corrective Action or

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Restructuring shall be assigned to a category upon entry into the phase as follows:

(i) Focused:

(a) schools that fail to make AYP for one of the accountability indicators, but met the accountability performance criterion; or

(b) schools that fail to make AYP for more than one accountability performance criterion, but not with the all students group; or

(c) Schools that fail to make AYP for one or more accountability groups within an accountability performance criterion, but not the all students group.

(ii) Comprehensive:

(a) schools that fail to make AYP for the all students group on any accountability performance criterion; or

(b) schools that fail to make AYP for every accountability group, except the all students group, within an accountability performance criterion for which there are at least two accountability groups other than the all students group; or

(c) schools that fail to make AYP for an accountability performance criterion and for an accountability indicator.

(c) The commissioner shall designate a school's overall accountability status as the most advanced phase for which it has been identified on an accountability performance criterion/accountability indicator and, within that designated phase, shall assign the highest category, provided that such category may not be reduced in a subsequent year of a phase.

(d) Upon a finding of exceptional or uncontrollable circumstances, the commissioner may delay for a period of one year the designation of a school under this paragraph.

(ii) Special transition provisions for schools in operation during the 2008- 2009 school year and for schools under registration review. Notwithstanding the provisions of subparagraph (i) of this paragraph:

(a) For each public school that was in operation during the 2008-2009 school year and for each

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charter school that was in operation and received funds under title I during the 2008-2009 school year, the commissioner shall designate the school's accountability phase and phase category for the 2009-2010 school year, based upon the school's accountability status for the 2008-2009 school year and the school's adequate yearly progress (AYP) status for the 2007-2008 and 2008-2009 school years;

(b) Notwithstanding the provisions of clause (a) of this subparagraph, a school that is identified for registration review pursuant to paragraph (9) of this subdivision during a school year in which it is designated as a school in Improvement or Corrective Action shall, in the next school year, be designated as a school in Restructuring (year 1)/Comprehensive and shall be subject to the requirements of subclause (iv)(c)(2) of this paragraph.

(iii) Removal from accountability designation. A school that makes adequate yearly progress for two consecutive years on the accountability performance criterion/accountability indicator for which it has been identified shall be removed from accountability designation for that accountability performance criterion and/or accountability indicator.

(iv) Interventions.

(a) Improvement phase schools.

(1) School quality review. Each school upon initial designation for the Improvement phase shall participate in a school quality review, to include at a minimum a self-assessment of the educational program, using quality indicators in a form and content prescribed by the commissioner. The school quality review shall focus on the accountability group(s) for each accountability performance criterion and/or accountability indicator for which the school has been identified.

(2) School improvement plan. A school improvement plan, in such format as may be prescribed by the commissioner, shall be developed based on the school quality review and cover a two year period. The plan shall:

(i) be formally approved by the board of education (in New York City, approved by the Chancellor or Chancellor's designee) no later than three months following the designation of the school in the Improvement phase and shall be subject to the approval of the commissioner, upon request;

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(ii) be implemented no later than the beginning of the next school year after the school year in which the school was identified or immediately upon approval of the board of education if such approval occurs after the first day of regular school attendance;

(iii) be updated annually and, as so updated, approved by the board of education and implemented no later than the first day of regular student attendance of each year that the school remains in improvement. If, in the second year of improvement, the school fails to make AYP with a different accountability group for which the school is subsequently designated for improvement or is subsequently designated for improvement for a different accountability performance criterion or indicator, the school shall modify the plan consistent with the highest accountability category and also address the additional group(s), criterion or indicator;

(iv) for a school designated as Improvement/Basic, the plan shall also include a description of activities and timeline for implementation. The district shall be responsible for oversight and support of the plan;

(v) for a school designated as Improvement/Focused, the plan shall, consistent with State law, also include one or more of the actions set forth in section 6316 (b)(3)(A)(i-x) of the NCLB, 20 U.S.C. section 6316(b)(3)(A)(i-x) (United States Code, 2006 Edition, Volume 13; Superintendent of Documents, U.S. Government Printing Office, Stop SSOP, Washington, DC 20402-0001; 2008; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234), in accordance with a written report by the school quality review team; and

(vi) for a school designated as Improvement/Comprehensive, the plan shall, consistent with State law, also include all of the actions set forth in section 6316 (b)(3)(A)(i-x) of the NCLB, 20 U.S.C. section 6316(b)(3)(A)(i-x) (United States Code, 2006 Edition, Volume 13; Superintendent of Documents, U.S. Government Printing Office, Stop SSOP, Washington, DC 20402- 0001; 2008; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234), in accordance with a written report by the school quality review team. Such report may include a recommendation that the school engage the services of a content area consultant.

(3) On-site review. Except as provided in paragraph (9) of this subdivision, in addition to the school quality review and prior to the development of the school improvement plan required under clause (a) of this subparagraph:

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(i) for a school designated as Improvement/Focused, the school shall be required to participate in an on-site review that shall be conducted by a school quality review team, with district representation, appointed by the commissioner. The review shall focus on the accountability group(s), accountability performance criterion and/or indicator for which the school was identified. The district shall be responsible for oversight and support of the plan;

(ii) for a school designated as Improvement/Comprehensive, the school shall be required to participate in an intensive on-site review that shall be conducted by a school quality review team, with district representation, appointed by the commissioner. The review shall focus on the systemic issues at the school that have caused the school to be designated for Improvement. The district shall be responsible for oversight and support of the plan.

(b) Corrective Action phase schools.

(1) Curriculum audit. Except as provided in paragraph (9) of this subdivision, each school, upon initial designation for the Corrective Action phase, shall participate in a curriculum audit to assess the school's educational program. The curriculum audit shall be in a form and content prescribed by the commissioner and shall focus on the accountability group(s) for each accountability performance criterion and/or accountability indicator for which the school was identified. The school shall be assisted by a school quality review team, with district representation, appointed by the commissioner.

(2) Corrective action plan. A corrective action plan, in such format as may be prescribed by the commissioner, shall be developed and cover a two-year period. The district and school quality review team shall provide oversight and support for implementation of a corrective action plan. The plan shall:

(i) be formally approved by the board of education (in New York City, approved by the Chancellor or Chancellor's designee) no later than three months following the designation of the school in the Corrective Action phase and shall be subject to the approval of the commissioner, upon request;

(ii) be implemented no later than the beginning of the next school year after the school year in which the school was identified or immediately upon approval of the board of education if such approval occurs after the first day of regular school attendance;

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(iii) be updated annually and incorporate the findings of the audit and any other action required to be taken by the district pursuant to this subclause and, as so updated, approved by the board of education and implemented no later than the first day of regular student attendance of each year that the school remains in corrective action. If, in the second year of corrective action, the school fails to make AYP with a different accountability group for which the school is subsequently designated for corrective action or is subsequently designated for corrective action on a different accountability performance criterion or indicator, the school shall modify the plan consistent with the highest accountability category and also address the additional group(s), criterion or indicator;

(iv) include, to the extent consistent with State law, at least one of the actions set forth at section 6316(b)(7)(C)(iv)(I-VI) of the NCLB, 20 U.S.C. section 6316(b)(7)(C)(iv)(I-VI) (United States Code, 2006 Edition, Volume 13; Superintendent of Documents, U.S. Government Printing Office, Stop SSOP, Washington, DC 20402-0001; 2008; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234). The district shall identify and provide the support(s) required to implement any new curriculum, including professional development;

(c) Restructuring phase schools.

(1) Assessment of educational program. Each school shall participate in an assessment of the educational program by a joint intervention team appointed by the commissioner which shall include district representation and may include a distinguished educator. The team shall assess the educational program and make recommendations.

(2) Restructuring plan. A two year restructuring plan shall be developed and implemented by the district, focusing on the subgroup(s) for the accountability performance criterion and/or accountability indicator for which the school was identified. The district shall provide oversight and support for the plan, with the assistance of the Department. Such restructuring plan shall require the school to make fundamental reforms, such as significant changes in the staff, governance, or organization and may include a plan to close or phase out the school, and shall:

(i) be formally approved by the board of education (in New York City, approved by the Chancellor or Chancellor's designee) no later than three months following the designation of the school in the Restructuring phase and also shall be subject to the approval of the commissioner; and

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(ii) be implemented no later than the beginning of the next school year after the school year in which the school was identified or, to the extent practicable, immediately upon approval of the board of education if such approval occurs after the first day of regular school attendance.

(3) Distinguished educator. In addition to, and notwithstanding the provisions of, subclauses (1) and (2) of this clause, a school designated as Restructuring/Comprehensive shall cooperate with a distinguished educator assigned by the commissioner. The distinguished educator shall also provide oversight of the restructuring plan and shall serve as an ex-officio member of the board of education. All plans are subject to review by the distinguished educator who shall make recommendations to the board of education. The board shall implement such recommendations unless it obtains the commissioner's approval otherwise.

(d) Each improvement, corrective action and restructuring plan, and each updated plan, shall be developed, to the extent appropriate, consistent with section 100.11 of this Title.

(e) The commissioner may require that any plan, or subsequent modification of a plan, be submitted for prior approval.

(v) Supplemental educational services. Each local educational agency that receives title I funds shall make supplemental educational services available to eligible students who attend a school designated in Improvement, Corrective Action or Restructuring pursuant to this paragraph, consistent with section 120.4 of this Title.

(vi) Title I public school choice. Each local educational agency that receives title I funds that has a school designated in Improvement (year 2); Corrective Action; or Restructuring pursuant to this paragraph, shall provide public school choice consistent with section 120.3 of this Title.

(7) Districts requiring academic progress.

(i) Commencing with 2003-2004 school year results, a district that failed to make adequate yearly progress on all applicable criteria in paragraph (14) of this subdivision in a subject area, or all applicable indicators in subparagraphs (15)(i) through (iii) of this subdivision, or the indicator in subparagraph (15)(iv) of this subdivision, for two consecutive years shall be designated as a "district requiring academic progress." A district improvement plan in such format as may be prescribed by the commissioner shall be developed by each district requiring academic progress. Such district

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improvement plan shall be formally approved by the board of education (in New York City, both the New York City Board of Education and the community school board for schools under the jurisdiction of the community school district) no later than three months following the identification of the district as requiring academic progress and submitted to the commissioner for approval. The plan shall be implemented no later than beginning of the next school year after the school year in which the school district was identified as requiring academic progress or immediately, to the extent practicable, upon approval of the board, if such identification occurs after the first day of regular student attendance. Such plan shall be developed in consultation with parents, school, staff, and others. The plan shall be revised annually and resubmitted to the commissioner for approval no later than July 31st of each school year in which the district remains identified as requiring academic progress. Any modification of the district's approved improvement plan shall require the prior approval of the commissioner.

(ii) Commencing with 2003-2004 school year results:

(a) a district identified as requiring academic progress for failing to make adequate yearly progress on all applicable criterion in paragraph (14) of this subdivision in a subject area shall be removed from such status if it makes adequate yearly progress for two consecutive years on any criterion in the subject area for which it is identified;

(b) a district identified as requiring academic progress for failing to make adequate yearly progress on every applicable indicator set forth at subparagraphs (15)(i) through (iii) of this subdivision shall be removed from such status if it makes adequate yearly progress for two consecutive years on any applicable indicators; and

(c) a district identified as requiring academic progress for failing to make adequate yearly progress on the indicator set forth at subparagraph (15)(iv) of this subdivision shall be removed from such status if it makes adequate yearly progress for two consecutive years on such indicator; provided that for a district requiring academic progress that is removed from such status based on 2002-2003 and 2003-2004 results, such district shall have made adequate yearly progress in 2002-2003 on each criterion or indicator for which it was identified.

(iii) Except as provided in subparagraph (vi) of this paragraph, a local educational agency (LEA) that received funds under title I for two consecutive years during which the LEA did not make adequate

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yearly progress on all applicable criteria in paragraph (14) of this subdivision in a subject area, or all applicable indicators in subparagraphs (15)(i) through (iii) of this subdivision, or the indicator in subparagraph (15)(iv) of this subdivision, shall be identified for improvement under section 1116(c) of the NCLB, 20 U.S.C. section 6316(c) and shall be subject to the requirements therein (Public Law, section 107-110, section 1116[c], 115 STAT. 1487-1491; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234).

(iv) Except as provided in subparagraph (vi) of this paragraph, at any time following the identification of an LEA for improvement, the commissioner may further identify the local educational agency for corrective action under section 1116(c)(10) of the NCLB, 20 U.S.C. section 6316(c)(10). The commissioner shall identify such LEA for corrective action if, by the end of the second full school year the LEA has failed to make adequate yearly progress. The commissioner may delay identification of an LEA for corrective action for a period of one year pursuant to section 1116(c)(10)(F) of the NCLB, 20 U.S.C. section 6316(c)(10)(F) (Public Law, section 107-110, section 1116[c][10], 115 STAT. 1489-1491; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234).

(v) Commencing with 2003-2004 school year results, an LEA identified for improvement or corrective action that is removed from status as a district requiring academic progress pursuant to subparagraph (ii) of this paragraph shall no longer be subject to the requirements of section 1116(c) of the NCLB, 20 U.S.C. section 6316(c) (Public Law, section 107-110, section 1116[c], 115 STAT. 1487-1491; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9328; 2002; available at the Office of Counsel, State Education Building, Room 148, Albany, NY 12234).

(vi) Notwithstanding any other provision of law, an LEA subject to the provisions of subparagraphs (iii) and (iv) of this paragraph which accountability status is dependent upon the 2005-2006 assessment results for grades 3-8 and which does not receive notice of such status until after the first day of regular attendance for the 2006-2007 school year, shall immediately commence implementation, to the extent practicable, of any plan required to be implemented pursuant to section 1116(c) of the NCLB.

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(8) High performing and rapidly improving schools and districts.

...

(9) Identification of schools for public school registration review. The commissioner shall place under registration review those schools that are determined to be farthest from meeting the benchmarks established by the commissioner pursuant to subparagraph (14)(ix) of this subdivision and most in need of improvement. In determining the number of schools to identify as farthest from meeting the benchmarks, the commissioner shall give primary consideration to the percentages of students meeting performance benchmarks. The commissioner may also consider the sufficiency of State and local resources to effectively implement and monitor school improvement efforts in schools under registration review. In addition, any school that does not meet or exceed each of the benchmarks and has conditions that threaten the health, safety and/or educational welfare of students or has been the subject of persistent complaints to the department by parents or persons in parental relation to the student may be identified by the commissioner as a poor learning environment based upon a combination of factors affecting student learning, including but not limited to: high rates of student absenteeism, high levels of school violence, excessive rates of student suspensions, violation of applicable building health and safety standards, high rates of teacher and administrator turnover, excessive rates of referral of students to or participation in special education or excessive rates of participation of students with disabilities in the alternate assessment, excessive transfers of students to alternative high school and high school equivalency programs and excessive use of uncertified teachers or teachers in subject areas other than those for which they possess certification. The commissioner may also place under registration review any school for which a district fails to provide in a timely manner the student performance data required by the commissioner to conduct the annual assessment of the school's performance or any school in which excessive percentages of students fail to fully participate in the State assessment program.

(i) For each school identified as farthest from meeting the benchmarks, the local school district shall be given the opportunity to present to the commissioner additional assessment data, which may include, but need not be limited to, valid and reliable measures of: the performance of students in grades other than those in which the State tests are administered; the performance of limited English proficient students and/or other students with special needs; and the progress that specific grades have made or that cohorts of students in the school have made towards meeting minimum and/or higher student performance standards. For each school identified as a poor learning environment, the district

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shall be given the opportunity to present evidence to the commissioner that the conditions in the school do not threaten the health or safety or educational welfare of students and do not adversely affect student performance. The district may also provide relevant information concerning extraordinary, temporary circumstances faced by the school that may have affected the performance of students in the school on the State tests.

(ii) The commissioner shall review the additional information provided by the district and determine which of the schools identified as farthest from meeting the benchmarks specified in subparagraph (14)(ix) of this subdivision or identified as poor learning environments are most in need of improvement and shall be placed under registration review.

(iii) For schools required to conduct a self-assessment pursuant to subparagraph (5)(vi) of this subdivision, the commissioner upon review of the self-assessment may make a determination that the school is most in need of improvement and place such school under registration review.

(10) Public school registration review.

(i) Upon placing the registration of a school under review, the commissioner shall warn the board of education (in New York City, the Chancellor) that the school has been identified for registration review, and that the school is at risk of having its registration revoked. The commissioner shall include in any warning issued pursuant to this subparagraph an explicit delineation of the progress that must be demonstrated in order for a school to be removed from consideration for revocation of registration, except that, if a school has also been designated as Restructuring (advanced) pursuant to item (6)(i)(a)(3)(iii) of this subdivision, the commissioner shall include in such warning that the school will be considered for revocation of registration unless an acceptable plan for closure or phase out of the school is submitted by the board of education to the commissioner. Upon receipt of such warning, the board of education (in New York City, the Chancellor or Chancellor's designee) shall take appropriate action to notify the general public of the issuance of such warning. Such action shall include, but need not be limited to, direct notification, within 30 days of receipt of the commissioner's warning, in English and translated, when appropriate, into the recipient's native language or mode of communication, to persons in parental relation of children attending the school that it has been placed under registration review and is at risk of having its registration revoked, and disclosure by the district at the next public meeting of the local board of education of such warning. Each school year during which a school remains under registration review, by June 30th or at the time of a student's initial

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application or admission to the school, whichever is earliest, the board of education shall provide direct notification to parents or other persons in parental relation to children attending the school that the school remains under registration review and is at risk of having its registration revoked. Such notification shall include a summary of the actions that the district and school are taking to improve student results and an explanation of any district programs of choice, magnet programs, transfer policies, or other options that a parent or a person in parental relation may have to place the child in a different public school within the district. Such notification shall include the timelines and process for parents exercising their rights to school choice. Following the identification of a school for registration review the commissioner shall appoint a team to undertake a resource, planning, and program audit of the district and the school. The commissioner shall provide to the school district a copy of the audit, which shall include, as appropriate, recommendations for improving instruction; curriculum; assessment; school management and leadership; qualifications and professional development of school staff; parent and community involvement; school discipline, safety, and security; instructional supplies and materials; physical facilities; and district support for the school improvement efforts. For schools also designated in Improvement (year 1) or Corrective Action (year 1) such audit shall be in lieu of the on-site review or curriculum audit required under subparagraph (iv) of paragraph (6) of this subdivision. Based upon the results of the audit, the commissioner shall require that the school modify the school's improvement plan or corrective action plan to meet the requirements of a restructuring plan pursuant to subclause (6)(iv)(c)(2) of this subdivision and implement the plan no later than the beginning of the next school year following the school's identification for registration review.

(ii) The department shall periodically monitor the implementation of the restructuring plan. The commissioner may require a school district to submit such reports and data as the commissioner deems necessary to monitor the implementation of the restructuring plan and to determine the degree to which the school has achieved the progress required by the commissioner. Such reports shall be in a format and in accordance with such timeframe as are prescribed by the commissioner. The commissioner may upon a finding of good cause extend the deadline for submission of a restructuring plan.

(iii) Unless it is determined by the commissioner that a school identified for registration review should be phased out or closed, or that a shorter period of time shall be granted, a school placed under registration review shall be given two full academic years to show progress. If, after two full

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academic years of implementing a restructuring plan, the school has not demonstrated progress as delineated by the commissioner in the warning pursuant to subparagraph (i) of this paragraph, the commissioner shall recommend to the Board of Regents that the registration be revoked and the school be declared an unsound educational environment, except that the commissioner may upon a finding of extenuating circumstances extend the period during which the school must demonstrate progress. The board of education of the school district which operates the school (in New York City, the Chancellor) shall be afforded notice of such recommendation and an opportunity to be heard in accordance with subparagraph (iv) of this paragraph. Upon approval of revocation of registration by the Board of Regents, the commissioner will develop a plan to ensure that the educational welfare of the pupils of the school is protected. Such plan shall specify the instructional program into which pupils who had attended the school will be placed, how their participation in the specified programs will be funded, and the measures that will be taken to ensure that the selected placements appropriately meet the educational needs of the pupils. The commissioner shall require the board of education to implement such plan.

(iv) Decisions to revoke the registration of a public school shall be made in accordance with the following procedures:

(a) The commissioner shall provide written notice of his recommendation and the reasons therefor to the board of education, which operates the school (in New York City, both the New York City Board of Education and any community school board having jurisdiction over the school). Such notice shall also set forth:

(1) the board of education's right to submit a response to the recommendation and request oral argument pursuant to clause (b) of this subparagraph;

(2) the place, date and time the matter will be reviewed and if requested, argument heard by a three-member panel of the Board of Regents for recommendation to the full Board of Regents; and

(3) notification that failure to submit a response will result in the commissioner's recommendation being submitted to the Board of Regents for determination.

(b) Within 15 days of receiving notice of the recommendation to revoke registration, the board of education may submit a written response to the commissioner's recommendation. The response

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shall be in the form of a written statement which presents the board of education's position, all evidence and information which the board of education believes is pertinent to the case, and legal argument. If the board of education desires, it may include in its response a request for oral argument. Such response must be filed with the Office of Counsel, New York State Education Department, State Education Building, Albany, NY 12234.

(c) Within 30 days of the date of notice of the commissioner's recommendation, a panel comprised of three members of the Board of Regents, appointed by the chancellor, shall convene to consider the commissioner's recommendation, review any written response submitted by the board of education and, if timely requested by the board of education, hear oral argument.

(11) Removal of schools from registration review, school phase-out or closure.

(i) In the event that a school has demonstrated the progress necessary to be removed from registration review, the superintendent may petition the commissioner to remove the school from registration review. If such petition is based upon results on student assessments, such petition shall be submitted to the commissioner no later than December 31st of the calendar year in which such assessments were administered, except that the commissioner may for good cause accept a petition submitted after such date. A school shall not be removed from registration review if, in the commissioner's judgment, conditions that may contribute to a poor learning environment, as identified in paragraph (9) of this subdivision, remain present in the school.

(ii) In the event that a board of education, seeks to phase out or close a school under registration review, the board of education (in New York City, the Chancellor or Chancellor's designee) shall submit a petition to the commissioner requesting that the phase out or closure plan be approved. The commissioner may grant such petition provided that:

(a) official resolutions or other approvals to phase out or close the existing school have been adopted by the local board of education (in New York City, the Chancellor or Chancellor's designee);

(b) a formal phase out or closure plan has been developed and approved in accordance with the requirements of clause (6)(iv)(c) of this subdivision; and

(c) parents, teachers, administrators, and community members have been provided an opportunity

Appendix E: Turning Around the Lowest Achieving Schools

to participate in the development of the phase out or closure plan.

(12) Registered nonpublic high school registration review.

...

(13) Nonpublic school accountability performance criteria.

...

(14) Public school, school district and charter school accountability performance criteria. Each district and school accountability group, as defined in subparagraph (1)(i) of this subdivision shall be subject to the performance criteria specified below:

(i) Elementary level English language arts. Annual measurable objectives, based on a performance index, set at 123 in 2002-03 and 2003-04 and 131 in 2004-2005.

(ii) Middle level English language arts. Annual measurable objectives, based on a performance index, set at 107 in 2002-03 and 2003-04 and 116 in 2004-2005.

(iii) Elementary-middle level English language arts. Annual measurable objectives, based on a performance index, set by the commissioner in 2005-2006 and, beginning in 2008-2009, increasing annually in equal increments so as to reach 200 in 2013-2014.

(iv) Elementary level mathematics. Annual measurable objectives, based on a performance index, set at 136 in 2002-03 and 2003-04 and 142 in 2004-2005.

(v) Middle level mathematics. Annual measurable objectives, based on a performance index, set at 81 in 2002-03 and 2003-04 and 93 in 2004-2005.

(vi) Elementary-middle level mathematics. Annual measurable objectives, based on a performance index, set by the commissioner in 2005-2006 and, beginning in 2008-2009, increasing annually in equal increments so as to reach 200 in 2013- 2014.

(vii) High school English language arts and mathematics requirements. Annual measurable objectives, based on the performance index of the high school cohort defined in paragraph (16) of this subdivision, set at 142 in English language arts and 132 in mathematics in 2002-03 and 2003-04, and incremented annually thereafter as necessary so that in 2013-2014 the index shall be 200.

Appendix E: Turning Around the Lowest Achieving Schools

(viii) For the 2002-2003 through the 2005-2006 school year test administrations, for purposes of the commissioner's annual evaluation of public schools, public school districts, and charter schools, the following limited English proficient students may be considered to be meeting performance criteria in elementary or middle-level English language arts if they demonstrate a specified increment of progress on the New York State English as a Second Language Achievement Test (NYSESLAT) for their grade level. For limited English proficient students who have attended school in the United States (not including Puerto Rico) for fewer than three consecutive years, districts and charter schools may administer the NYSESLAT to such students in lieu of the required State assessment in English language arts. Districts or charter schools may, on an individual basis, annually determine to administer the NYSESLAT in lieu of the required assessment in English language arts to limited English proficient students who have attended school in the United States (not including Puerto Rico) for four or five consecutive school years. No exemption is available beyond the student's fifth year and the student must take the required English language arts assessment.

(ix) For each criterion (subparagraphs [i] through [vii] of this paragraph), the commissioner shall also establish a benchmark against which the performance of the accountability group, *all students*, defined in subparagraph (1)(i) of this subdivision, will be measured. This benchmark will be used in recognizing high-performing schools and districts, determining which school districts are required to develop local assistance plans as described in paragraph (m)(6) of this section and for identifying those schools that are subject to registration review pursuant to paragraph (9) of this subdivision.

(15) Additional public school, school district, and charter school accountability indicators.

(i) Elementary science indicator: For the 2002-2003 through 2004-2005 school years:

(a) an index of 100 that may be incremented annually, as the commissioner deems appropriate, or progress in relation to performance in the previous school year; and

(b) beginning in 2004-05, 80 percent of students enrolled on all days of the test administration, who did not have a significant medical emergency, received valid scores.

(ii) Middle-level science indicator: For the 2002-2003 through 2004-2005 school years:

(a) an index of 100 that may be incremented annually, as the commissioner deems appropriate, or progress in relation to performance in the previous year; and

Appendix E: Turning Around the Lowest Achieving Schools

(b) beginning in 2004-05, 80 percent of students enrolled on all days of the test administration, who did not have a significant medical emergency, received valid scores.

(iii) Elementary-middle science combined indicator: For the 2005-2006 school year and thereafter:

(a) an index of 100 that may be incremented annually, as the commissioner deems appropriate, or progress in relation to performance in the previous year; and

(b) 80 percent of students enrolled on all days of the test administration, who did not have a significant medical emergency, received valid scores.

(iv) A high school graduation rate established annually by the commissioner, or progress in relation to the previous school year's graduation rate. The graduation rate is the percentage of the annual graduation rate cohort that earns a local or Regents diploma by August 31st following the third school year after the school year in which the cohort first entered grade 9, except that in a school in which the majority of students participate in a department-approved, five-year program that results in certification in a career or technology field in addition to a high school diploma, the graduation rate shall be the percentage of the annual graduation rate cohort that earns a local diploma by August 31st following the fourth school year after the school year in which the cohort first entered grade 9.

(16) Annual high school or high school alternative cohort.

(i) Beginning in the 2005-2006 school year, except as provided in clauses (a) and (b) of this subparagraph, the annual high school cohort for purposes of determining adequate yearly progress on the criteria set forth at subparagraph (14)(vii) of this subdivision and identifying schools for registration review pursuant to paragraph (9) of this subdivision for any given school year shall consist of those students who first enrolled in ninth grade three school years previously anywhere and who were enrolled in the school on the first Wednesday in October of the current school year. The annual district high school cohort for purposes of determining such adequate yearly progress for any given school year shall consist of those students who first enrolled in ninth grade three school years previously anywhere and who were enrolled in the district or placed by the district committee on special education or by district officials in educational programs outside the district on the first Wednesday in October of the current school year. Students with disabilities in ungraded programs shall be included in the annual district and high school cohort in the third school year following the one in which they attained the age of 17.

Appendix E: Turning Around the Lowest Achieving Schools

(a) The following students shall not be included in the annual high school cohort: students who transferred to another high school or approved alternative high school equivalency preparation program or high school equivalency preparation program approved pursuant to section 100.7 of this Part, or criminal justice facility, who left the United States or its territories, or who are deceased; except that, beginning with students who first entered grade 9 in the 2002-03 school year, the following students will be included in the high school cohort of the school they attended before transferring:

(1) students who transfer to an approved alternative high school equivalency preparation program or high school equivalency preparation program approved pursuant to section 100.7 of this Part, but leave that program before the end of the third school year after the school year in which they first entered grade 9 without having earned a high school equivalency diploma or without entering a program leading to a high school diploma; and

(2) students who transfer to any high school equivalency preparation program other than those approved pursuant to section 100.7 of this Part.

(b) The following students shall not be included in the annual district high school cohort: student who transferred to a high school that is not a component of the district or to an approved alternative high school equivalency preparation program or high school equivalency preparation program approved pursuant to section 100.7 of this Part, or criminal justice facility, who left the United States or its territories, or who are deceased; except that, beginning with students who first entered grade 9 in the 2002-03 school year, the following students will be included in the high school cohort of the district they attended before transferring:

(1) students who transfer to an approved alternative high school equivalency preparation program or high school equivalency preparation program approved pursuant to section 100.7 of this Part, but leave that program before the end of the third school year after the school year in which they first entered grade 9 without having earned a high school equivalency diploma or without entering a program leading to a high school diploma; and

(2) students who transfer to any high school equivalency preparation program other than those approved pursuant to section 100.7 of this Part.

(ii) (a) For purposes of determining adequate yearly progress on the indicator set forth at

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subparagraph (15)(iv) of this subdivision, the graduation rate cohort for each public school, school district, and charter school for each school year from 2002-03 through 2006-2007 shall consist of all members of the school or district high school cohort, as defined in subparagraph (i) of this paragraph, for the previous school year plus any students excluded from that cohort solely because they transferred to an approved alternative high school equivalency or high school equivalency preparation program.

(b) Commencing with the 2007-08 school year, for purposes of determining adequate yearly progress on the indicator set forth at subparagraph (15)(iv) of this subdivision:

(1) the graduation rate cohort for each public school and charter school shall consist of those students who first enrolled in grade 9 anywhere three school years previously or, if an ungraded student with a disability, first attained the age of 17 three school years previously, and who have spent at least five consecutive months, not including July and August, in the school since first entering grade 9 and whose last enrollment in the school did not end because of transfer to another school, death, court-ordered transfer, or leaving the United States.

(2) the graduation rate cohort for each public school district shall consist of those students who first enrolled in grade 9 anywhere three school years previously or, if an ungraded student with a disability, first attained the age of 17 three school years previously, and who have spent at least five consecutive months, not including July and August, in the district since first entering grade 9 and whose last enrollment in the district did not end because of transfer to another district, death, court-ordered transfer, or leaving the United States.

(iii) The high school alternative cohort in any given year shall consist of those students enrolled in the high school on the first Wednesday of October three years previously who were still enrolled in the school on the first Wednesday of October two years previously. Schools in which more than half the students enrolled have previously been enrolled in another high school or in which more than half the enrollment is receiving special education services may voluntarily submit to the commissioner information on the performance of an alternative high school cohort.

(17) Identification of programs for high school equivalency program review.

...

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(18) High school equivalency program approval review.

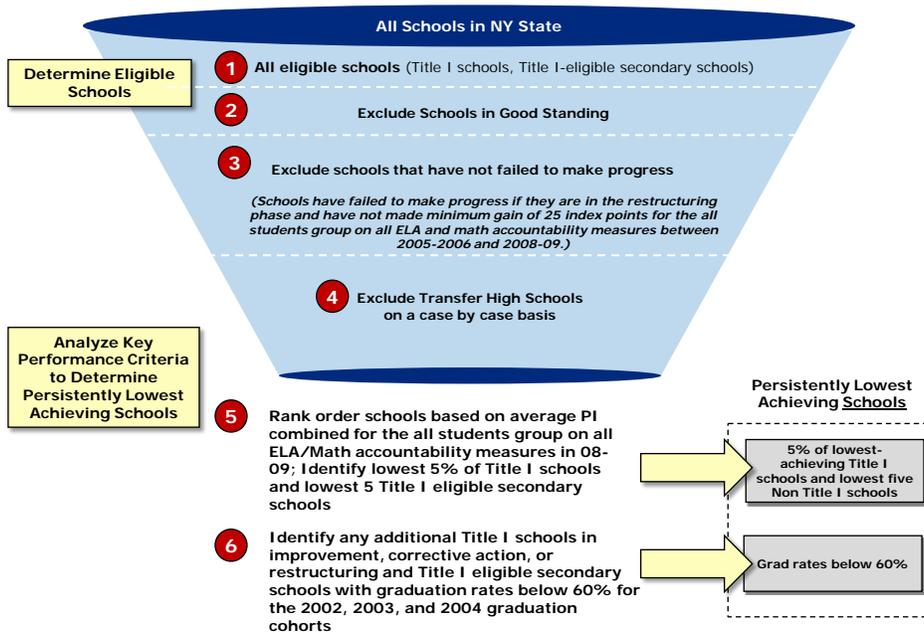
...

(19) Removal of high school equivalency programs from high school equivalency program review.

...

Appendix E 2 i 1: Identification of Persistently Lowest Achieving Schools

How Are Schools Identified as Persistently Lowest Achieving?



Methodology for Identification of Persistently Lowest Achieving Schools

Step 1: The State determined that there are 433 Title I schools in improvement, corrective action, or restructuring and therefore the State must identify 22 as lowest achieving. The State further determined that since there are fewer than 100 schools that are among the lowest achieving secondary schools that are eligible for but do not receive Title I funds, the State must identify five of these schools as lowest achieving.

Step 2: The State determined its method for calculating combined English/language arts and mathematics proficiency rates for each school will be to sum the 2008-2009 All Students Performance Index for each ELA and math measure for which a school is accountable (i.e. elementary and middle level ELA, elementary and middle level math, high school ELA and high school math) and divide the sum by the number of measures for which the school is accountable.

Step 3: The State determined that its method for determining “lack of progress” by the “all students” group on the State’s assessments would be to define lack of progress as a school having been designated to be in the restructuring phase of New York’s differentiated accountability system and for a school to have failed to make at least a 25 point gain for the all students group between 05-06 and 08-09 for each ELA and math measure for which the school is accountable.

Step 4: Using the process identified in Step 2, the State ranked Title I schools from highest to lowest based on the academic achievement of the “all students” group.

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Step 5: Using the process identified in Step 3, the State removed from consideration those schools that were not designating as lacking progress.

Step 6: On a case by case basis, the State removed from consideration transfer high schools as permitted by USED guidance.

Step 7: Starting with the school at the bottom of the list and counting up to the 22nd school on the list, the State obtained the list of the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring.

Step 8: The State identified the Title I high schools in improvement, corrective action, or restructuring that have had a graduation rate of less than 60 percent on the 2002, 2003, and 2004 total cohort that were not captured in the list of schools identified in Step 7.

Step 9: The State added the high schools identified in Step 8 to the list of schools identified in Step 7.

Step 10: Using the process identified in Step 2, the State ranked the secondary schools that are eligible for, but do not receive, Title I funds from highest to lowest based on the academic achievement of the “all students” group.

Step 11: Using the process identified in Step 3, the State removed from consideration those schools that were not designating as lacking progress.

Step 12: On a case by case basis, the State removed from consideration transfer high schools as permitted by USED guidance.

Step 13: Starting with the school at the bottom of the list and counting up to the fifth school on the list, the State obtained the list of the lowest-achieving five secondary schools that are eligible for but do not receive Title I schools.

Step 14: The State identified the high schools that are eligible for but do not receive Title I funds that have had a graduation rate of less than 60 percent on the 2002, 2003, and 2004 total cohort that were not captured in the list of schools identified in Step 7.

Step 15: The State added the high schools identified in Step 14 to the list of schools identified in Step 13.

Appendix E 2 i 2: List of Persistently Lowest Achieving Schools

Provide, for the State, the number and identity of the schools that are Title I schools in improvement, corrective action, or restructuring, that are identified as persistently lowest-achieving schools.									
BEDS CODE	School Name	ID BASED ON ELA And Math	ID BASED On Grad Rate	District	School Configuration	Enrollment	Year	SURR	ELA And Math Combined PI
140600010039	DR MARTIN LUTHER KING, JR MULTICUL	1	0	BUFFALO CITY SD	Elementary	813	5		129
140600010045	INTERNATIONAL SCHOOL	1	0	BUFFALO CITY SD	Elementary	919	7		132.5
140600010101	BURGARD VOC HIGH SCHOOL	1	1	BUFFALO CITY SD	Senior High	551	7	SURR	139.5
261600010061	EAST HIGH SCHOOL	1	0	ROCHESTER CITY SD	Junior Senior School	1940	7	SURR	128.5
261600010065	JOHN MARSHALL HIGH SCHOOL	1	0	ROCHESTER CITY SD	Junior Senior School	1244	7		144.5
261600010076	BIOSCIENCE & HEALTH CAR HS-FRANKLIN	1	0	ROCHESTER CITY SD	Junior Senior School	483	5	SURR	139
261600010081	SCH-BUSINESS FIN & ENTRP AT EDISON	0	1	ROCHESTER CITY SD	Senior High	313	2		142



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261600010082	SCHOOL OF ENGNRG & MFG- EDISON	1	1	ROCHESTER CITY SD	Senior High	367	5	SURR	122
261600010083	SKILLED TRADES AT EDISON	0	1	ROCHESTER CITY SD	Senior High	390	2		123
261600010084	GLOBAL MEDIA ARTS HIGH SCH- FRANKLIN	1	0	ROCHESTER CITY SD	Junior Senior School	471	5	SURR	133.5
261600010086	INTERNATIONAL FINANCE & ECON DEV HS	1	1	ROCHESTER CITY SD	Junior Senior School	456	5	SURR	121
261600010094	SCH OF IMAGNG & INFO TECH- EDISON	0	1	ROCHESTER CITY SD	Senior High	393	3		150
280208030005	ROOSEVELT HIGH SCHOOL	1	0	ROOSEVELT UFSD	Senior High	779	7	SURR	143
310200011460	WASHINGTON IRVING HIGH SCHOOL	1	1	NYC GEOG DIST # 2	Senior High	1678	7		130
310200011500	UNITY CENTER FOR URBAN TECHNOLOGIES	0	1	NYC GEOG DIST # 2	Senior High	183	1		145
310200011615	CHELSEA CAREER AND TECH ED HS	0	1	NYC GEOG DIST # 2	Senior High	770	7		152.5
310200011620	NORMAN THOMAS HIGH SCHOOL	0	1	NYC GEOG DIST # 2	Senior High	2141	7		151
310200011625	HS OF GRAPHIC COMMUNICATION ARTS	0	1	NYC GEOG DIST # 2	Senior High	1790	7		147.5

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310500011685	BREAD & ROSES INTEGRATED ARTS HS	0	1	NYC GEOG DIST # 5	Senior High	529	1		163
320700010065	PS 65 MOTHER HALE ACADEMY	1	0	NYC GEOG DIST # 7	Elementary	397	5		144.5
320800011650	JANE ADDAMS HS FOR ACADEMIC CAREERS	0	1	NYC GEOG DIST # 8	Senior High	1488	4		151
321000011438	FORDHAM LEADERSHIP ACADEMY	0	1	NYC GEOG DIST #10	Senior High	523	1		150
321000011475	JOHN F KENNEDY HIGH SCHOOL	0	1	NYC GEOG DIST #10	Senior High	1623	7		155.5
321000011660	GRACE H DODGE CAREER AND TECH HS	1	1	NYC GEOG DIST #10	Senior High	1487	6		128
321100011415	CHRISTOPHER COLUMBUS HIGH SCHOOL	1	1	NYC GEOG DIST #11	Senior High	1466	7		132
321200011690	MONROE ACAD FOR BUSINESS & LAW	0	1	NYC GEOG DIST #12	Senior High	523	1		164
331400011610	AUTOMOTIVE HIGH SCHOOL	0	1	NYC GEOG DIST #14	Senior High	1010	7		151.5
331500011429	SCHOOL FOR GLOBAL STUDIES	0	1	NYC GEOG DIST #15	Junior Senior School	529	5		146
331500011519	COBBLE HILL SCHOOL OF AMERICAN STUD	0	1	NYC GEOG DIST #15	Senior High	773	3		157

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331500011530	METROPOLITAN CORPORATE ACADEMY	1	1	NYC GEOG DIST #15	Junior Senior School	384	6		135.5
331600011455	BOYS & GIRLS HIGH SCHOOL	1	1	NYC GEOG DIST #16	Senior High	2847	7	SURR	129.5
331700011625	PAUL ROBESON HIGH SCHOOL	1	0	NYC GEOG DIST #17	Senior High	1177	5		115.5
331900011660	W H MAXWELL CAREER AND TECH HS	1	1	NYC GEOG DIST #19	Senior High	988	7		132
332000011505	FRANKLIN D ROOSEVELT HIGH SCHOOL	0	1	NYC GEOG DIST #20	Senior High	3431	7		160.5
332100011540	JOHN DEWEY HIGH SCHOOL	0	1	NYC GEOG DIST #21	Senior High	2987	3		160
332100011620	WILLIAM E GRADY VOCATIONAL HIGH SCH	0	1	NYC GEOG DIST #21	Senior High	1446	7		157
342400011455	NEWTOWN HIGH SCHOOL	0	1	NYC GEOG DIST #24	Senior High	3161	7		145.5
342400011485	GROVER CLEVELAND HIGH SCHOOL	0	1	NYC GEOG DIST #24	Senior High	2774	7		150.5
342400011600	QUEENS VOCATIONAL-TECHNICAL HS	0	1	NYC GEOG DIST #24	Senior High	1218	6		173
342500011460	FLUSHING HIGH SCHOOL	0	1	NYC GEOG DIST #25	Senior High	2618	7		164

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342700011400	AUGUST MARTIN HIGH SCHOOL	1	1	NYC GEOG DIST #27	Senior High	1226	6		144
342700011410	BEACH CHANNEL HIGH SCHOOL	0	1	NYC GEOG DIST #27	Senior High	1553	7		149.5
342700011480	JOHN ADAMS HIGH SCHOOL	0	1	NYC GEOG DIST #27	Senior High	3370	7		160
342800011470	JAMAICA HIGH SCHOOL	0	1	NYC GEOG DIST #28	Senior High	1507	7		156
343000011450	LONG ISLAND CITY HIGH SCHOOL	0	1	NYC GEOG DIST #30	Senior High	3207	7		172
421800010025	HUGHES ELEMENTARY SCHOOL	1	0	SYRACUSE CITY SD	Elementary	453	5		139
421800010041	DELAWARE ELEMENTARY SCHOOL	1	0	SYRACUSE CITY SD	Elementary	460	5	SURR	119
662300010036	EMERSON MIDDLE SCHOOL	1	0	YONKERS CITY SD	Middle School	863	5		141
662300010043	ROOSEVELT HIGH SCHOOL	0	1	YONKERS CITY SD	Senior High	1133	7		156

Provide, for the State, of the persistently lowest-achieving schools that are secondary schools that are eligible for, but do not receive, Title I funds, the number and identity of those schools that have been turned around, restarted, closed, or transformed in the last year.									
BEDS CODE	School Name	ID BASED ON ELA And Math	ID BASED On Grad Rate	District	School Configuration	Enrollment	Year	SUR R	ELA And Math Combined PI
010100010034	ALBANY HIGH SCHOOL	1	0	ALBANY CITY SD	Senior High	2668	5		141
140600010099	BENNETT HIGH SCHOOL	1	1	BUFFALO CITY SD	Senior High	952	7		133.5
140600010107	LAFAYETTE HIGH SCHOOL	1	0	BUFFALO CITY SD	Senior High	773	6		142
140600010108	RIVERSIDE INSTITUTE OF TECHNOLOGY	0	1	BUFFALO CITY SD	Senior High	732	5		155.5
140600010110	SOUTH PARK HIGH SCHOOL	0	1	BUFFALO CITY SD	Senior High	777	7	SUR R	149
332200011495	SHEEPSHEAD BAY HIGH SCHOOL	0	1	NYC GEOG DIST #22	Senior High	2458	7		147.5
342700011475	RICHMOND HILL HIGH SCHOOL	1	1	NYC GEOG DIST #27	Senior High	3507	7		146.5



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4218000100 49	GEORGE FOWLER HIGH SCHOOL	1	1	SYRACUSE CITY SD	Senior High	1075	6		135
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Appendix E 2 ii 1: SEA Support For LEA Implementation Of School Intervention Models

TURNAROUND MODEL	
Description of Model	SEA actions to Support LEA Implementation of the Model
<p>(1) A turnaround model is one in which an LEA must--</p> <p style="padding-left: 20px;">(i) Replace the principal and grant the principal sufficient operational flexibility (including in staffing, calendars/time, and budgeting) to implement fully a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates;</p>	<p>See Section (E)(2)(ii):</p> <p>LEAs must provide identified schools with the <i>operational flexibility</i> (staffing, time, and budgeting) to implement a comprehensive plan for dramatic intervention. This can be accomplished by LEA adoption of a governance structure where schools are given operational autonomy with increased accountability.</p> <p>OISM, in conjunction with TACIT, will assist the LEA in designing new policies and structures including staffing, faculty incentives and rewards, governance, student enrollment practices and instructional programs.</p> <p>See Great Teachers and Leaders Section (D)(3) 3:</p> <p>The skill set required of leaders to transform high need schools into high functioning schools is chronicled in research which establishes the correlation between certain leadership responsibilities and gains in student achievement (Marzano and Waters, 2005)⁷. Therefore, we propose a \$5 million initiative to create and support teams of highly skilled veteran turnaround school leaders with the content and process skills needed to work along side principals and key stakeholders in the State's lowest performing schools. Funding is needed for the recruitment of a</p>

⁷ Marzano, Robert J., Waters, T. and McNulty, B. School Leadership that Works: From Research to Results. Association for Supervision and Curriculum Development, Alexandria Va (2005).

	<p>cadre of turnaround leaders based with demonstrated ability and commitment to develop leadership teams in high need schools.</p> <p>See Great Teachers and Leaders Section (D)(5) 1 Leadership Academies:</p> <p>RTTT monies will be used to initiate the development of 11 leadership academies geographically covering the State and in three large city districts (Buffalo, Yonkers and Syracuse). Leaders of the highly successful New York City Leadership Academy will share best practices and assist in the development of future academies. ESEA §1003(g) funds have already been set aside (\$10 million annually) to ensure support, quality, and sustainability for RTTT created academies for leaders in high need schools. This Race to the Top initiative of \$5 million is designed to develop Regional Quality Support Centers for high need schools through a competitive Request for Proposal process that will ensure that all leadership academies developed with ESEA §1003(g) funds are grounded in the research and in the successful experiences of those leadership academies already established.</p> <p>Educational Leadership Teams/ Partnerships</p> <p>Enacting leadership in education includes leaders learning through inquiry. Teaching and learning are reciprocal processes that can encompass and foster inquiry, imagination, exploration, and discovery between people (Fink, 2005; Donovan & Bransford, 2005; Elmore, 2004; Bransford, Brown & Cocking, 2000; Dewey, 1916). As educational and</p>
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Appendix E: Turning Around the Lowest Achieving Schools

	<p>organizational leaders, the capability and responsibility to cultivate the connections between the cultural and learning communities we serve is essential (Fink, 2005; Tischy, 2002; Morgan, 1998; Schein, 1992).</p> <p>Leadership team members consist of stakeholders in education that demonstrate collective skills, commitment, and credibility to lead and sustain a school/district-wide, regional, and community supported initiative for “renewal” of education (Fink, 2005; Schein, 1992). The criteria for selecting team members will focus on the potential, determination, expertise and leadership in education. Faculty team members consist of a combination of individuals with background and leadership in multiple facets of education, and include representation of stakeholders from the classroom (teachers) and administration levels, higher education institutions, and business and industry partners.</p> <p>The development and execution of this intentional leadership model provides insight into how "disciplined people, disciplined thought, and disciplined action" impact adult learners (leaders) in collaborative settings (Tischy, 2002; Collins, 2001; Preskill and Torres, 1999).</p>
<p>(ii) Use locally adopted competencies to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students, (A) Screen all existing staff and rehire no more than 50 percent; and</p>	<p>See Section (E)(2)(ii):</p> <p>TACIT will directly serve LEAs with persistently lowest-achieving schools by developing LEA capacity in the following areas: adopting a new LEA</p>

<p>(B) Select new staff;</p>	<p>governance structure; gathering and analysis of data for programmatic planning; human resource management, including developing locally adopted competencies to measure the effectiveness of staff.</p> <p>See Great Teachers Great Leaders Section (D) (2) Strengthening of the Annual Professional Performance Review: The Regents plan to amend section 100.2(o) of the Commissioner’s Regulations to ensure that each LEA’s annual professional performance review plan requires timely and constructive feedback and that the evaluation include performance data for that teacher’s students during the prior year and provide guidance to the teacher on how to utilize that data to inform future instruction. The Regents also plan to amend the regulation to ensure that teachers are assessed on the knowledge and skills that research demonstrates are linked to classroom effectiveness.</p> <p>With support from a multi-year Wallace Foundation grant?, SED is working collaboratively with organizations representing school superintendents, principals and assistant principals and plans to propose new regulations to implement a Principal Performance Evaluation System (PPES). A key element in New York State's Cohesive Leadership System is the creation of this PPES. Principals and district-level leaders, working with national experts, have identified research-based design elements that will serve as the foundation for PPES. Five clearly defined components of the system focus on the principal's performance as an instructional leader. Collectively, these components provide the</p>
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	<p>information and data needed to accurately assess the principal's effectiveness in this role. Principals must develop specific and measurable performance goals which address substantive issues identified through analysis of student performance/achievement data as well as data and other factors that influence the teaching/learning process. Goals must be specifically centered on improving student achievement and must be ambitious yet achievable. Action plans to ensure attainment of goals are likewise required and must be based on a thorough understanding and application of relevant research.</p> <p>For schools that are not making Adequate Yearly Progress, application of successful "turn around" strategies and specific actions informed by research on low performing schools now making significant gains in student achievement will be required.</p>
<p>(iii) Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in the turnaround school;</p>	<p>See Section (E)(2)(ii): OISM will assist the LEA in designing new policies and structures including staffing, faculty incentives and rewards, governance, student enrollment practices and instructional programs.</p> <p>See Great Teachers Great Leaders Section (D)(3) 1:A five year pay differential will be targeted to those teachers who support the learning needs of students in STEM disciplines in the State's high needs Middle and High schools. Eligible teachers would receive a \$30,000 total bonus over 5 years.</p>
<p>(iv) Provide staff with ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed with school staff to ensure that</p>	<p>See Section (E)(2)(ii): TACIT will directly serve LEAs with persistently lowest-achieving schools by coordinating the professional development services available through the network of regional SED</p>

<p>they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;</p>	<p>Leadership Academies.</p> <p>See Great Teachers Great Leaders Section (D)(5)2: SED will invest \$24 million to build LEA level leadership capacity to transform instruction for improved student achievement by focusing professional development on formative assessment. Research on teacher enhancement and instructional improvement suggests that a change in teaching practice is evident in organizations that establish a supportive professional development culture, provide professional development experiences grounded in a combination of content and pedagogy and build institutional capacity and individual knowledge that is sustainable over time (Banilower, Boyd, Pasley, Weiss, 2005; Harlan, 2004; Ingersoll, 2001; Loukes Horsley, Love, Stiles, Mundry, Hewson, 2003; Supovitz & Turner, 2000).</p> <p>STEM - Professional Learning Communities: Schools are expected to incorporate creative strategies that embrace and strengthen the content-pedagogy of teachers at all stages of the professional continuum in order to improve the depth of quality of education. In the recent article published in the Science Educator (2009), Opening the Door: Professional Learning Communities in the Math and Science Partnership Program, examples of operational approaches for professional development opportunities included teacher engagement in professional learning communities (PLC). The study revealed that well over 100 Mathematics and Science Partnership program projects, funded by the National Science Foundation, employed PLCs as a strategic intervention in a school-</p>
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	<p>based model to build the content-pedagogy of teachers(2009, p.16). In general, this intervention strategy uncovered promising practices that “disolated the teaching experience in the fields of science, technology, engineering and mathematics(STEM),” (J. Hamos, K.Gergin., D. Maki, L. Perz, J. Prival, D.Rainy, G. Rowell, and E. VanderPutten, 2009, pp. 14-18).</p> <p>Examples:</p> <p>In the North Cascades and Olympic Science partnership (2003-2006), the PLC focused on developing high quality teacher leaders, “teachers were very willing to explore new content and their own misconceptions in order to develop further their content knowledge in science.” Through this effort, a goal of this cadre of teachers focused on overcoming the limited amount of science taught at the school, (p.16).</p> <p>The Boston Science Partnership, led by the University of Massachusetts - Boston in partnership with the Boston Public Schools, employed a PLC model called Collaborative Coaching and Learning in Science. An external evaluation of this program found that teacher lead and “Apprentice Facilitator” supported PLCs changed teachers feelings about teaching science and expanded teachers’ knowledge of the science curriculum, advanced an atmosphere of professionalism, and raised awareness of teachers and administrators of the resources available district-wide, (pp.17-18).</p> <p>As explained in Section B3, NYSED will develop a network strategy for a system of professional</p>
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	<p>development that will support new standards, curriculum frameworks, and assessments. Activities include online and face-to-face PD, issuing an RFP for the development of PD, and creating a central PD Website surrounding the new standards and curriculum frameworks.</p>
<p>(v) Adopt a new governance structure, which may include, but is not limited to, requiring the school to report to a new “turnaround office” in the LEA or SEA, hire a “turnaround leader” who reports directly to the Superintendent or Chief Academic Officer, or enter into a multi-year contract with the LEA or SEA to obtain added flexibility in exchange for greater accountability;</p>	<p>See Section (E)(2)(ii): OISM will assist the LEA in designing new policies and structures including staffing, faculty incentives and rewards, governance, student enrollment practices and instructional programs.</p> <p>See Section (D)(3) 3 Great Teachers Great Leaders: The skill set required of leaders to transform high need schools into high functioning schools is chronicled in research which establishes the correlation between certain leadership responsibilities and gains in student achievement (Marzano and Waters, 2005)⁸. Therefore, we propose a \$5 million initiative to create and support teams of highly skilled veteran turnaround school leaders with the content and process skills needed to work along side principals and key stakeholders in the State's lowest performing schools. Funding is needed for the recruitment of a cadre of turnaround leaders based with demonstrated ability and commitment to develop leadership teams in high need schools</p>
<p>(vi) Use data to identify and implement an instructional program that is research-based and “vertically aligned” from one grade to the next as well</p>	<p>See Section (E)(2)(ii): TACIT will directly serve LEAs with persistently lowest-achieving schools by developing LEA capacity in gathering and analysis of</p>

⁸ Marzano, Robert J., Waters, T. and McNulty, B. School Leadership that Works: From Research to Results. Association for Supervision and Curriculum Development, Alexandria Va (2005).

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<p>as aligned with State academic standards;</p>	<p>data for programmatic planning.</p> <p>See Great Teachers Great Leaders Section (D)(5)2: SED will invest \$24 million to build LEA level leadership capacity to transform instruction for improved student achievement by focusing professional development on formative assessment. Research on teacher enhancement and instructional improvement suggests that a change in teaching practice is evident in organizations that establish a supportive professional development culture, provide professional development experiences grounded in a combination of content and pedagogy and build institutional capacity and individual knowledge that is sustainable over time (Banilower, Boyd, Pasley, Weiss, 2005; Harlan, 2004; Ingersoll, 2001; Loukes Horsley, Love, Stiles, Mundry, Hewson, 2003; Supovitz & Turner, 2000).</p>
<p>(vii) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students;</p>	<p>SED will use RTTT and other funds to create a proven, sustainable system to provide ongoing professional development for educators in how to use the instructional reporting system to analyze data and then, once student deficiencies are identified, to take the appropriate, research-driven actions to improve student achievement or school climate. Build LEA level leadership capacity to transform instruction for improved student achievement by focusing professional development on formative assessment. Research on teacher enhancement and instructional improvement suggests that a change in teaching practice is evident in organizations that establish a supportive professional development culture, provide professional development experiences grounded in a</p>

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	<p>combination of content and pedagogy and build institutional capacity and individual knowledge that is sustainable over time</p>
<p>(viii) Establish schedules and implement strategies that provide increased learning time (as defined in this notice); and</p>	<p>See Section (E)(2)(ii): Through OISM, lowest-achieving schools will have the opportunity to apply for competitive grants that fund community based organization (CBO) implementation of academic, social/emotional and health services; and to fund extended learning time.</p>
<p>(ix) Provide appropriate social-emotional and community-oriented services and supports for students.</p>	<p>See Section (E)(2)(ii): Through OISM, lowest-achieving schools will have the opportunity to apply for competitive grants that fund community based organization (CBO) implementation of academic, social/emotional and health services; and to fund extended learning time.</p> <p>The Department, in cooperation with the Commissioner of Mental Health, has developed a resource document entitled, “Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State.” This document will be the cornerstone of technical assistance efforts supported by the Department in the SEDL area. The Executive summary of the guide indicates that “The guidance aims to give the whole school community a rationale and the confidence to address child and adolescent affective as well as cognitive development.” Ideas have been crafted as how to partner with other organizations in reaching out to parents, teachers, students and other community members.</p>
<p>(2) A turnaround model may also implement other</p>	<p>See Section (E)(2)(ii): The OISM will also ensure</p>

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<p>strategies such as—</p> <p>(i) Any of the required and permissible activities under the transformation model; or</p>	<p>that LEAs use competitive grant opportunities such as the Secondary School Innovation Fund and Virtual High School to support their efforts.</p>
<p>(ii) A new school model (e.g., themed, dual language academy).</p>	<p>See Section (E)(2)(ii): The OISM will also ensure that LEAs use competitive grant opportunities such as the Secondary School Innovation Fund and Virtual High School to support their efforts.</p>

RESTART MODEL	
Description of Model	SEA Activities to Support LEA Implementation of the Model
<p>A restart model is one in which an LEA converts a school or closes and reopens a school under a charter school operator, a charter management organization (CMO), or an education management organization (EMO) that has been selected through a rigorous review process. (A CMO is a non-profit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools. An EMO is a for-profit or non-profit organization that provides “whole-school operation” services to an LEA.) A restart model must enroll, within the grades it serves, any former student who wishes to attend the school.</p>	<p>Plan to support LEAs (E)(2)(ii) :The Regents are pursuing a framework for dramatic school intervention, which includes direct management of schools by external lead partners and possible creation of Partnership Zones (For an example of how this framework might work, see the 2007 Mass Insight report, <i>The Turnaround Challenge</i>). This framework will be implemented statewide in selected schools.</p> <p>The State will pursue charter management organizations (CMOs), institutions of higher education (including State University of New York [SUNY] and City University of New York [CUNY], and internal district offices as possible lead partners. In particular, the Regents will include in their legislative agenda changes to statute to create incentives to encourage CMOs to convert persistently lowest-performing schools or create new charter schools to replace closing schools. These incentives may include authorizing single Board governance of multiple schools with a common management entity, expanding access to facilities financing, funding stabilization, and allowing charters to provide services to pre-kindergarten students. The Regents will also pursue legislative changes that allow the delegation of school management to educational management organizations (EMOs).</p>
CLOSURE MODEL	
Description of Model	SEA Activities to Support LEA Implementation of the Model
<p><u>School closure.</u> School closure occurs when an LEA closes a school and enrolls the students who attended that school in other schools in the LEA that</p>	

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<p>are higher achieving. These other schools should be within reasonable proximity to the closed school and may include, but are not limited to, charter schools or new schools for which achievement data are not yet available.</p>	
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TRANSFORMATION MODEL	
Description of Model	SEA Activities to Support LEA Implementation of the Model
<p>A transformation model is one in which an LEA implements each of the following strategies:</p> <p>(1) <u>Developing and increasing teacher and school leader effectiveness.</u></p> <p style="padding-left: 40px;">(i) <u>Required activities.</u> The LEA must--</p> <p style="padding-left: 80px;">(A) Replace the principal who led the school prior to commencement of the transformation model;</p> <p style="padding-left: 80px;">(B) Use rigorous, transparent, and equitable evaluation systems for teachers and principals that--</p> <p style="padding-left: 40px;">(1) Take into account data on student growth (as defined in this notice) as a significant factor as well as other factors such as multiple observation-based assessments of performance and ongoing collections of professional practice reflective of student achievement and increased high-school graduations rates; and</p> <p style="padding-left: 40px;">(2) Are designed and developed with teacher and principal involvement;</p> <p>Identify and reward school leaders, teachers, and other staff who, in implementing this model, have increased student achievement and high-school graduation rates and identify and remove</p>	<p>See Section (E)(2)(ii):</p> <p>LEAs must provide identified schools with the <i>operational flexibility</i> (staffing, time, and budgeting) to implement a comprehensive plan for dramatic intervention. This can be accomplished by LEA adoption of a governance structure where schools are given operational autonomy with increased accountability.</p> <p>OISM, in conjunction with TACIT, will assist the LEA in designing new policies and structures including staffing, faculty incentives and rewards, governance, student enrollment practices and instructional programs. Through OISM, lowest-achieving schools will have the opportunity to apply for competitive grants that fund community based organization (CBO) implementation of academic, social/emotional and health services; and to fund extended learning time. The OISM will also ensure that LEAs use competitive grant opportunities such as the Secondary School Innovation Fund and Virtual High School to support their efforts.</p> <p>TACIT will directly serve LEAs with persistently lowest-achieving schools by developing LEA capacity in the following areas: adopting a new LEA governance structure; gathering and analysis of data for programmatic planning; human resource management, including developing locally adopted competencies to measure the effectiveness of staff. TACIT will also coordinate the professional development services available through the network of regional SED Leadership Academies.</p> <p>See Great Teachers and Leaders Section (D)(3) 3: The skill set required of leaders to transform high need schools into high functioning schools is chronicled in research which establishes</p>

<p>implement school reform strategies; and</p>	<p>Bransford, 2005, Elmore, 2004; Bransford, Brown & Cocking, 2000; Dewey, 1916). As educational and organizational leaders, the capability and responsibility to cultivate the connections between the cultural and learning communities we serve is essential (Fink, 2005; Tischy, 2002; Morgan, 1998; Schein, 1992).</p> <p>Leadership team members consist of stakeholders in education that demonstrate collective skills, commitment, and credibility to lead and sustain a school/district-wide, regional, and community supported initiative for “renewal” of education (Fink, 2005; Schein, 1992). The criteria for selecting team members will focus on the potential, determination, expertise and leadership in education. Faculty team members consist of a combination of individuals with background and leadership in multiple facets of education, and include representation of stakeholders from the classroom (teachers) and administration levels, higher education institutions, and business and industry partners.</p> <p>The development and execution of this intentional leadership model provides insight into how "disciplined people, disciplined thought, and disciplined action" impact adult learners (leaders) in collaborative settings (Tischy, 2002; Collins, 2001; Preskill and Torres, 1999).</p> <p>See Great Teachers Great Leaders Section (D)(5)2 SED will invest \$24 million to build LEA level leadership capacity to transform instruction for improved student achievement by focusing professional development on formative assessment. Research on teacher enhancement and instructional improvement suggests that a change in teaching practice is evident in organizations that establish a supportive professional development culture, provide professional development experiences grounded in a combination of content and pedagogy and build institutional capacity and individual knowledge that is</p>
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<p>Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in a transformation school</p>	<p>sustainable over time (Banilower, Boyd, Pasley, Weiss, 2005; Harlan, 2004; Ingersoll, 2001; Loukes Horsley, Love, Stiles, Mundry, Hewson, 2003; Supovitz & Turner, 2000).</p> <p>STEM - Professional Learning Communities:</p> <p>Schools are expected to incorporate creative strategies that embrace and strengthen the content-pedagogy of teachers at all stages of the professional continuum in order to improve the depth of quality of education. In the recent article published in the Science Educator (2009), Opening the Door: Professional Learning Communities in the Math and Science Partnership program, examples of operational approaches for professional development opportunities included teacher engagement in professional learning communities (PLC). The study revealed that well over 100 Mathematics and Science Partnership program projects, funded by the National Science Foundation, employed PLCs as a strategic intervention in a school-based model to build the content-pedagogy of teachers(2009, p.16). In general, this intervention strategy uncovered promising practices that “disolated the teaching experience in the fields of science, technology, engineering and mathematics(STEM),” (J. Hamos, K.Gergin., D. Maki, L. Perz, J. Prival, D.Rainy, G. Rowell, and E. VanderPutten, 2009, pp. 14-18).</p> <p>Examples: In the North Cascades and Olympic Science partnership (2003-2006), the PLC focused on developing high quality teacher leaders, “teachers were very willing to explore new content and their own misconceptions in order to develop further their content knowledge in science.” Through this effort, a goal of this cadre of teachers focused on overcoming the limited amount of science taught at the school, (p.16).</p> <p>The Boston Science Partnership, led by the University of Massachusetts - Boston in partnership with the Boston Public Schools, employed a PLC model called Collaborative Coaching</p>
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	<p>and Learning in Science. An external evaluation of this program found that teacher lead and “Apprentice Facilitator” supported PLCs changed teachers feelings about teaching science and expanded teachers’ knowledge of the science curriculum, advanced an atmosphere of professionalism, and raised awareness of teachers and administrators of the resources available district-wide, (pp.17-18).</p> <p>As described in Section B3, NYSED will develop a network strategy for a system of professional development that will support new standards, curriculum frameworks, and assessments. Activities include online and face-to-face PD, issuing an RFP for the development of PD, and creating a central PD Website surrounding the new standards and curriculum frameworks.</p> <p>See Great Teachers Great Leaders Section (D)(3) 1</p> <p>A five year pay differential will be targeted to those teachers who support the learning needs of students in STEM disciplines in the State’s high needs Middle and High schools. Eligible teachers would receive a \$30,000 total bonus over 5 years.</p>
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<p>(ii) <u>Permissible activities</u>. An LEA may also implement other strategies to develop teachers’ and school leaders’ effectiveness, such as—</p> <p>(A) Providing additional compensation to attract and retain staff with the skills necessary to meet the needs of the students in a transformation school;</p> <p>(B) Instituting a system for measuring changes in instructional practices resulting from professional development; or</p> <p>(C) Ensuring that the school is not required to accept a teacher without the mutual consent of the teacher and principal, regardless of the teacher’s seniority.</p> <p>(2) <u>Comprehensive instructional reform strategies</u>.</p>	<p>See Great Teachers Great Leaders Section (D)(3) 1 A five year pay differential will be targeted to those teachers who support the learning needs of students in STEM disciplines in the State’s high needs Middle and High schools. Eligible teachers would receive a \$30,000 total bonus over 5 years.</p>
<p>(i) <u>Required activities</u>. The LEA must—</p> <p>(A) Use data to identify and implement an instructional program that is research-based and “vertically aligned” from one grade to the next as well as aligned with State academic standards; and</p> <p>Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students.</p>	<p>SED will use RTTT and other funds to create a proven, sustainable system to provide ongoing professional development for educators in how to use the instructional reporting system to analyze data and then, once student deficiencies are identified, to take the appropriate, research-driven actions to improve student achievement or school climate. SED will build LEA level leadership capacity to transform instruction for improved student achievement by focusing professional development on formative assessment. Research on teacher enhancement and instructional improvement suggests that a change in teaching practice is evident in organizations that establish a supportive professional development culture, provide professional development experiences grounded in a combination of content and pedagogy and build institutional capacity and individual knowledge that is</p>

	<p>sustainable over time.</p> <p>NYS School Improvement Specialists: NYSED’s special education system of school improvement provides School Improvement Specialists (SE-SIS) to each school district identified with poor results for the subgroup of students with disabilities. SE-SIS use research-based tools to guide the district's improvement of instruction relating to literacy, behavior and specially designed instruction. Each SE-SIS works with the identified district to use formative assessments and progress monitoring to identify and implement an instructional program that is research-based and "vertically aligned" from one grade to the next as well as aligned with State academic standards.</p> <p>Positive Behavioral Supports and Interventions (PBIS): NYSED has a strong statewide system to provide technical assistance to school districts to implement PBIS. NYSED has 15 Behavior Specialists located throughout the State to provide direct assistance to school districts most needing improvement. In addition, the State is funding a State Technical Assistance Center on PBIS to make information on PBIS available statewide and to ensure the State's Behavior Specialists are well-trained and directly connected to national efforts in this area. SW-PBS is a broad range of systemic and individualized strategies for achieving important social and learning outcomes while preventing problem behavior. PBIS emphasizes the use of assessment information to guide intervention and management decisions and uses formative evaluation of progress (multiple data points).</p>
<p>(ii) <u>Permissible activities</u>. An LEA may also implement comprehensive instructional</p>	

<p>reform strategies, such as--</p> <p>(A) Conducting periodic reviews to ensure that the curriculum is being implemented with fidelity, is having the intended impact on student achievement, and is modified if ineffective;</p> <p>(B) Implementing a schoolwide “response-to-intervention” model;</p> <p>Providing additional supports and professional development to teachers and principals in order to implement effective strategies to support students with disabilities in the least restrictive environment and to ensure that limited English proficient students acquire language skills to master academic content;</p> <p>(D) Using and integrating technology-based supports and interventions as part of the instructional program; and</p> <p>(E) In secondary schools--</p> <p>(1) Increasing rigor by offering opportunities for students to enroll in advanced coursework (such as Advanced Placement or International Baccalaureate; or science, technology, engineering, and mathematics courses, especially those that incorporate rigorous and relevant project-, inquiry-, or design-based contextual learning opportunities), early-college high schools, dual enrollment</p>	
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<p>programs, or thematic learning academies that prepare students for college and careers, including by providing appropriate supports designed to ensure that low-achieving students can take advantage of these programs and coursework;</p> <p>(2) Improving student transition from middle to high school through summer transition programs or freshman academies;</p> <p>(3) Increasing graduation rates through, for example, credit-recovery programs, re-engagement strategies, smaller learning communities, competency-based instruction and performance-based assessments, and acceleration of basic reading and mathematics skills; or</p> <p>(4) Establishing early-warning systems to identify students who may be at risk of failing to achieve to high standards or graduate.</p> <p>(3) <u>Increasing learning time and creating community-oriented schools.</u></p>	
<p>(i) <u>Required activities.</u> The LEA must--</p> <p>(A) Establish schedules and implement strategies that provide increased learning time (as defined in this notice); and</p> <p>(B) Provide ongoing mechanisms for family and community engagement.</p>	
<p>(ii) <u>Permissible activities.</u> An LEA may also implement other strategies that extend learning time and create community-oriented schools, such as--</p> <p>(A) Partnering with parents and parent</p>	

<p>organizations, faith- and community-based organizations, health clinics, other State or local agencies, and others to create safe school environments that meet students’ social, emotional, and health needs;</p> <p>(B) Extending or restructuring the school day so as to add time for such strategies as advisory periods that build relationships between students, faculty, and other school staff;</p> <p>(C) Implementing approaches to improve school climate and discipline, such as implementing a system of positive behavioral supports or taking steps to eliminate bullying and student harassment; or</p> <p>(D) Expanding the school program to offer full-day kindergarten or pre-kindergarten.</p> <p>(4) <u>Providing operational flexibility and sustained support.</u></p>	
<p>(i) <u>Required activities.</u> The LEA must--</p> <p>(A) Give the school sufficient operational flexibility (such as staffing, calendars/time, and budgeting) to implement fully a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates; and</p> <p>(B) Ensure that the school receives ongoing, intensive technical assistance and related support from the LEA, the SEA, or a designated external lead partner organization (such as a school turnaround organization or an EMO).</p>	
<p>(ii) <u>Permissible activities.</u> The LEA may also implement other strategies for providing</p>	

<p>operational flexibility and intensive support, such as--</p> <ul style="list-style-type: none">(A) Allowing the school to be run under a new governance arrangement, such as a turnaround division within the LEA or SEA; or(B) Implementing a per-pupil school-based budget formula that is weighted based on student needs. <p>If a school identified as a persistently lowest-achieving school has implemented, in whole or in part within the last two years, an intervention that meets the requirements of the turnaround, restart, or transformation models, the school may continue or complete the intervention being implemented.</p>	
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Appendix F 2 i 1: New York's Charter School Law: Increasing the Number of High-Performing Charter Schools

Education Law §2851(3):

3. An applicant shall submit the application to a charter entity for approval. For purposes of this article, a charter entity shall be:

(a) The board of education of a school district eligible for an apportionment of aid under subdivision four of section thirty-six hundred two of this chapter, provided that a board of education shall not approve an application for a school to be operated outside the school district's geographic boundaries and further provided that in a city having a population of one million or more, the chancellor of any such city school district shall be the charter entity established by this paragraph;

(b) The board of trustees of the state university of New York; or

(c) The board of regents.

The board of regents shall be the only entity authorized to issue a charter pursuant to this article. Notwithstanding any provision of this subdivision to the contrary, an application for the conversion of an existing public school to a charter school shall be submitted to, and may only be approved by, the charter entity set forth in paragraph (a) of this subdivision. Any such application for conversion shall be consistent with this section, and the charter entity shall require that the parents or guardians of a majority of the students then enrolled in the existing public school vote in favor of converting the school to a charter school.

Education Law §2854(2)(b) (in relevant part):

(b) Any child who is qualified under the laws of this state for admission to a public school is qualified for admission to a charter school....

Education Law §2852(9):

9. The total number of charters issued pursuant to this article shall not exceed two hundred. One hundred of such charters shall be issued on the recommendation of the charter entity described in paragraph (b) of subdivision three of section twenty-eight hundred fifty-one of this article, and one hundred of such charters shall be issued on the recommendation of the other charter entities set forth in subdivision three of section twenty-eight hundred fifty-one of this article, provided that up to fifty of the

additional charters authorized to be issued by the chapter of the laws of two thousand seven which amended this subdivision effective July first, two thousand seven shall be reserved for a city school district of a city having a population of one million or more. The failure of anybody to issue the regulations authorized pursuant to this article shall not effect the authority of a charter entity to propose a charter to the board of regents or the board of regents' authority to grant such charter. A conversion of an existing public school to a charter school or the renewal or extension of a charter shall not be counted toward the numerical limits established by this subdivision.

Evidence that New York has been increasing the number of charter schools and charter school enrollment with a limited charter school cap in place:

In terms of the comparative number of charter schools formed, according to the National Center for Educational Statistics, Table NCES 2009-304, in 2006-2007 New York was tied for 11th among states in the number of charter schools formed at 93 (see: http://nces.ed.gov/pubs2009/pesschools07/tables/table_02.asp). That number has increased substantially since to 140 non-conversion charter schools currently operating and another 14 scheduled to open , and New York's student enrollment in charter schools has swelled from 2,000 in the 1999-2000 school year to more than 36,000 in 2008-2009, even though this limited cap was in place. In addition, the National Alliance for public charter schools has identified the New York City School District as number 8 among the top ten communities with the greatest number of charter school students.

Number and Types of Approved Charter Schools operating for the 2009-2010 School Year

Table 1

<u>Definition of Types</u>	<u>Approved Number</u>
Elementary Schools (EM) are defined as having grades lower than 6	59
Middles Schools (MS) are defined as having a combination of grades 5-7, 5-8, 6-8	14
High Schools (HS) are defined as having grades 9 thru 12	10
EM & MS grades combined	37
MS & HS grades combined	10
EM, MS, HS grades combined	9
Ungraded schools	1

<u>Total Charter Schools</u>	140
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Table 2**Definition of Types**

New - Charter schools that were not considered conversions from the public schools	134
Conversions - Charter schools converted from Public Schools	6
<u>Total Charter Schools</u>	140

Appendix F 2 ii 1: Authority to Intervene

Education Law §2851(2):

2. The information provided on the application shall be consistent with the provisions of this article and other applicable laws, rules and regulations. Such information shall include:

(a) A mission statement for the school and a description of an educational program that implements one or more of the purposes described in subdivision two of section twenty-eight hundred fifty of this article.

(b) A description of student achievement goals for the school's educational program and the chosen methods of evaluating that students have attained the skills and knowledge specified for those goals. Such educational program shall meet or exceed the student performance standards adopted by the board of regents for other public schools.

(c) The proposed governance structure of the school....

(d) Admission policies and procedures for the school....

(e) A proposed budget and fiscal plan for the school, including supporting evidence that the fiscal plan is sound and that sufficient start-up funds will be available to the charter school.

(f) Requirements and procedures for programmatic and independent fiscal audits at least once annually, with such audits being comparable in scope to those required of other public schools.

(g) The hiring and personnel policies and procedures of the school, including the qualifications to be used in the hiring of teachers, school administrators and other school employees, and a description of staff responsibilities.

(h) The rules and procedures by which students may be disciplined, including but not limited to expulsion or suspension from the school, which shall be consistent with the requirements of due process and with federal laws and regulations governing the placement of students with disabilities.

(i) The number of students to be served by the school, which number shall be at least fifty at a single site and the minimum number of teachers to be employed at the school, which shall be at least three....

(j) Information regarding the facilities to be used by the school, including the location of the school, if known, and the means by which pupils will be transported to and from the school. If the facilities to be used by the proposed school are not known at the time the application is submitted, the applicant shall notify the charter entity and, if applicable, the board of regents within ten business days of

acquiring facilities for such school; provided, however, that the charter school must obtain a certificate of occupancy for such facilities prior to the date on which instruction is to commence at the school.

(k) The name of the proposed charter school, which shall include the words “charter school” and which shall not include the name or identification of a for-profit business or corporate entity.

(l) A description of the ages and grade levels to be served by the school.

(m) Identification and background information on all applicants and proposed members of the board of trustees.

(n) The school calendar and school day schedule, which shall provide at least as much instruction time during a school year as required of other public schools.

(o) Types and amounts of insurance coverage to be obtained by the school....

(p) The term of the proposed charter, which shall not exceed five years.

(q) Evidence of adequate community support for and interest in the charter school sufficient to allow the school to reach its anticipated enrollment, and an assessment of the projected programmatic and fiscal impact of the school on other public and nonpublic schools in the area.

(r) A description of the health and food services to be provided to students attending the school.

(s) Methods and strategies for serving students with disabilities in compliance with all federal laws and regulations relating thereto.

(t) Procedures to be followed in the case of the closure or dissolution of the charter school....

(u) Requirements for the grant of a diploma, if the school serves the twelfth grade.

(v) A code of ethics for the charter school, setting forth for the guidance of its trustees, officers and employees the standards of conduct expected of them.

(w) A description of the residential facilities, if any, provided by the charter school.

(x) Any other information relevant to the issuance of a charter required by the charter entity.

Education Law §2852(2):

2. An application for a charter school shall not be approved unless the charter entity finds that:

(a) the charter school described in the application meets the requirements set out in this article and all other applicable laws, rules and regulations;

(b) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner;

(c) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and

(d) in a school district where the total enrollment of resident students attending charter schools in the base year is greater than five percent of the total public school enrollment of the school district in the base year (i) granting the application would have a significant educational benefit to the students expected to attend the proposed charter school or (ii) the school district in which the charter school will be located consents to such application.

In reviewing applications, the charter entity is encouraged to give preference to applications that demonstrate the capability to provide comprehensive learning experiences to students identified by the applicants as at risk of academic failure

For each of the last five years list the number of applications made, approved, denied and closed. List the reasons for denial.

<i>Years</i>	<i>Number of Applications Made to the State</i>	<i>Number of Applications Approved by the State</i>	<i>Number of Applications Denied or Withdrawn by the State (note 1)</i>	<i>Closed</i>
2004/2005	30	9	21	3
2005/2006	33	21	12	1
2006/2007	0	0	0	2
2007/2008	46	24	22	
2008/2009	44	27	17	2
Total	153	81	72	8

Note 1: Charter school applications received that were not approved were either withdrawn from consideration by the applicants or denied by the authorizers. The reasons for rejection vary. Some applications did not meet the academic standards. Others were denied because the proposed school boards did not demonstrate

the capacity to govern effectively and/or the applications were determined to be fiscally unsound.

CHARTER SCHOOL CLOSURE CHART

CHARTER SCHOOL CLOSURES

	Charter School	Charter Entity[1]	Type of School[2]	District of Location	Opened for Instruction?	Date Charter Terminated & Reason	Method of Termination
1	Middle College Charter HS	NYC Chancellor	Conversion	NYC	Yes	Sep-01 They wanted to revert to a public school.	Surrender
2	International Charter HS at LaGuardia Community College	NYC Chancellor	Conversion	NYC	Yes	Sep-01 They wanted to revert to a public school.	Surrender
3	Austin L. Carr CS	BOR	New	Hudson	No	Jun-02 Fiscal mismanagement	Revocation
4	REACH CS	NYC Chancellor	Conversion	NYC	Yes	Jul-02 Poor academics & fiscal mismanagement	Revocation
5	Sullivan CS	BOR	New	Wyandanch	No	Jun-03	Surrender

						Unable to find a site. Poor management. Non-compliance with charter.	
6	John A. Reisenbach CS	SUNY	New	NYC	Yes	Jun-04 Poor academics.	Non-renewal
7	Central NY CS for Math & Science	SUNY	New	Syracuse	Yes	Jun-05 Poor academics	Non-Renewal
8	Rochester Leadership Academy CS	SUNY	New	Rochester	Yes	Jun-05 Poor academics	Non-Renewal
9	CS of Science & Technology	SUNY	New	Rochester	Yes	Jun-05 Poor academics	Non-Renewal
10	ReadNet Bronx CS	BOR	New	NYC	Yes	Jun-06 Poor academics, fiscal mismanagement	Non-Renewal
11	Stepping Stone Academy CS	SUNY	New	Buffalo	Yes	Jul-06 Poor academics	Non-Renewal
12	International CS of Schenectady	SUNY	New	Rotterdam-Mohonasen	Yes	Jul-08 Poor academics	Non-Renewal
13	Sankofa CS	SUNY	New	Buffalo	Yes	Jul-08 Poor academics	Non-Renewal

14	Family Academy Charter School of NYC	SUNY	New	NYC	No	<i>11/25 Getting confirmation of charter termination and reason from SUNY (BM)</i>	Never Opened
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Education Law §2852(5), (5-a) and (5-b):

5. Upon approval of an application by a charter entity, the applicant and charter entity shall enter into a proposed agreement allowing the applicants to organize and operate a charter school. Such written agreement, known as the charter, shall include (a) the information required by subdivision two of section twenty-eight hundred fifty-one of this article, as modified or supplemented during the approval process, (b) any other terms or conditions required by applicable laws, rules and regulations, and (c) any other terms or conditions, not inconsistent with law, agreed upon by the applicant and the charter entity. In addition, the charter shall include the specific commitments of the charter entity relating to its obligations to oversee and supervise the charter school. Within five days after entering into a proposed charter, the charter entity other than the board of regents shall submit to the board of regents a copy of the charter, the application and supporting documentation for final approval and issuance by the board of regents in accordance with subdivisions five-a and five-b of this section.

5-a. Upon receipt of a proposed charter submitted by a charter entity, the board of regents shall review such proposed charter in accordance with the standards set forth in subdivision two of this section. The board of regents shall either (a) approve and issue the charter as proposed by the charter entity or (b) return the proposed charter to the charter entity for reconsideration with the written comments and recommendations of the board of regents. If the board of regents fails to act on such proposed charter within ninety days of its submission to the board of regents in accordance with the previous sentence, the proposed charter shall be deemed to have been approved and issued by the board of regents at the expiration of such period.

5-b. If the board of regents returns a proposed charter to the charter entity pursuant to the provisions of subdivision five-a of this section, such charter entity shall reconsider the proposed charter, taking into consideration the comments and recommendation of the board of regents. Thereafter, the charter entity shall resubmit the proposed charter to the board of regents with modifications, provided that the applicant consents in writing to such modifications, resubmit the proposed charter to the board of regents without modifications, or abandon the proposed charter. The board of regents shall review each

such resubmitted proposed charter in accordance with the provisions of subdivision five-a of this section; provided, however, that it shall be the duty of the board of regents to approve and issue a proposed charter resubmitted by the charter entity described in paragraph (b) of subdivision three of section twenty-eight hundred fifty-one of this article within thirty days of the resubmission of such proposed charter or such proposed charter shall be deemed approved and issued at the expiration of such period.

Education Law §2853(1)(a) (in relevant part):

(a) Upon the approval of a charter by the board of regents, the board of regents shall incorporate the charter school as an education corporation for a term not to exceed five years. Such certificate of incorporation shall not modify or limit any terms of the charter approved by the board of regents. Upon approval of an application to renew a charter, the board of regents shall extend the certificate of incorporation for a term not to exceed five years. Upon termination or nonrenewal of the charter of a charter school pursuant to section twenty-eight hundred fifty-five of this article, the certificate of incorporation of the charter school shall be revoked by the board of regents pursuant to section two hundred nineteen of this chapter, provided that compliance with the notice and hearing requirements of such section twenty-eight hundred fifty-five of this article shall be deemed to satisfy the notice and hearing requirements of such section two hundred nineteen....

Education Law §2851(4) (in relevant part):

4. Charters may be renewed, upon application, for a term of up to five years in accordance with the provisions of this article for the issuance of such charters pursuant to section twenty-eight hundred fifty-two of this article; provided, however, that a renewal application shall include:

(a) A report of the progress of the charter school in achieving the educational objectives set forth in the charter.

(b) A detailed financial statement that discloses the cost of administration, instruction and other spending categories for the charter school that will allow a comparison of such costs to other schools, both public and private. Such statement shall be in a form prescribed by the board of regents.

(c) Copies of each of the annual reports of the charter school required by subdivision two of section twenty-eight hundred fifty-seven of this article, including the charter school report cards and the certified financial statements.

(d) Indications of parent and student satisfaction....

Education Law §2853(2) and (2-a):

2. The board of regents and charter entity shall oversee each school approved by such entity, and may visit, examine into and inspect any charter school, including the records of such school, under its oversight. Oversight by a charter entity and the board of regents shall be sufficient to ensure that the charter school is in compliance with all applicable laws, regulations and charter provisions.

2-a. For schools approved by an entity described in paragraph (b) or (c) of subdivision three of section twenty-eight hundred fifty-one of this article, the school district in which the charter school is located shall have the right to visit, examine into, and inspect the charter school for the purpose of ensuring that the school is in compliance with all applicable laws, regulations and charter provisions. Any evidence of non-compliance may be forwarded by such school district to the board of regents and the charter entity for action pursuant to section twenty-eight hundred fifty-five of this article.

Education Law §2857(2):

2. Each charter school shall submit to the charter entity and to the board of regents an annual report. Such report shall be issued no later than the first day of August of each year for the preceding school year. The annual report shall be in such form as shall be prescribed by the commissioner and shall include at least the following components:

(a) a charter school report card, which shall include measures of the comparative academic and fiscal performance of the school, as prescribed by the commissioner in regulations adopted for such purpose. Such measures shall include, but not be limited to, graduation rates, dropout rates, performance of students on standardized tests, college entry rates, total spending per pupil and administrative spending per pupil. Such measures shall be presented in a format that is easily comparable to similar public schools. In addition, the charter school shall ensure that such information is easily accessible to the community.

(b) discussion of the progress made towards achievement of the goals set forth in the charter.

(c) a certified financial statement setting forth, by appropriate categories, the revenues and expenditures for the preceding school year, including a copy of the most recent independent fiscal audit of the school.

Education Law §2855(1):

1. The charter entity, or the board of regents, may terminate a charter upon any of the following grounds:

(a) When a charter school's outcome on student assessment measures adopted by the board of regents falls below the level that would allow the commissioner to revoke the registration of another public school, and student achievement on such measures has not shown improvement over the preceding three school years:

(b) Serious violations of law;

(c) Material and substantial violation of the charter, including fiscal mismanagement; or

(d) When the public employment relations board makes a determination that the charter school demonstrates a practice and pattern of egregious and intentional violations of subdivision one of section two hundred nine-a of the civil service law involving interference with or discrimination against employee rights under article fourteen of the civil service law.

Education Law §2855(3):

3. In addition to the provisions of subdivision two of this section, the charter entity or the board of regents may place a charter school falling within the provisions of subdivision one of this section on probationary status to allow the implementation of a remedial action plan. The failure of a charter school to comply with the terms and conditions of a remedial action plan may result in summary revocation of the school's charter.

Education Law §2854(2)(a):

(a) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations and shall not charge tuition or fees; provided that a charter school may require the payment of fees on the same basis and to the same extent as other public schools. A charter school shall not discriminate against any student, employee or any other person on the basis of ethnicity, national origin, gender, or disability or any other ground that would be unlawful if done by a school. Admission of students shall not be limited on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry; **provided, however, that nothing in this article shall be construed to prevent the establishment of a single-sex charter school or a charter school designed to provide expanded learning opportunities for students at-risk of academic failure**; and provided, further, that the charter school shall demonstrate good faith efforts to attract and retain a comparable or greater enrollment of students with disabilities and limited English proficient students when compared to the enrollment figures for such students in the school district in which the charter school is located. A charter shall not be issued to any school that would be wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine would be taught. {emphasis added}

Appendix F 2 iii 1: Equitable Funding to Charter Schools**Charter School Funding:**

New York State provides a per pupil dollar amount for each student that attends a charter school. This amount is based on the per pupil operating expense of the students districts of residence and the amount is calculated specific to each school district every year. The computation of charter school basic tuition requires payment of 100% of the school district's expense per pupil pursuant to Education Law §3602(1) (f) from two years prior to the tuition year, adjusted by the percentage increase in state total approved operating expense (AOE) for all districts calculated pursuant to Education Law §3602(1) (t) from three years prior to the prior year, or base year. Thus, as school districts raise their local taxes to support additional expenditures or State aid payable to the school district increases, as a general rule the result will be an increase in charter school basic tuition, though on a lagged basis. However, for 2009-2010, with State aid to school districts being frozen or reduced, the statute, at this time, freezes charter school tuition to the amount the charter school received in 2008-2009. This formula ensures that charter schools are funded on an equal basis as public schools.

Services school districts are required to provide charter schools in addition to charter school basic tuition:

Also, pursuant to Education Law §2853 (4) (a) and (b), pupils enrolled in charter schools are treated in the same manner as nonpublic school students and thus are eligible to receive a variety of other services at the school district expense—textbooks (Education Law §701), software (Education Law §751), library materials (Education Law §711), school health services (Education Law §912) and transportation services (Education Law §3635). In addition, Education Law §2853(4) affords each charter school the option to have special education services provided by the school district of residence or by the charter school directly or by contract with another provider. To the extent the charter school opts to deliver special education services to its students, Education Law §2856(1)(b) (*see above*) requires the school district of residence to pay to the charter school any State or Federal aid it receives that is attributable to that student with a disability. In other words, aid generated by a student with a disability follows

the student to the charter school unless the charter school elects to have the school district provide and pay for the special education services.

Education Law §2856(1):

1. (a) The enrollment of students attending charter schools shall be included in the enrollment, attendance, membership and, if applicable, count of students with disabilities of the school district in which the pupil resides. The charter school shall report all such data to the school districts of residence in a timely manner. Each school district shall report such enrollment, attendance and count of students with disabilities to the department. The school district of residence shall pay directly to the charter school for each student enrolled in the charter school who resides in the school district the charter school basic tuition, which shall be an amount equal to one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of section thirty-six hundred two of this chapter for the school district for the year prior to the base year increased by the percentage change in the state total approved operating expense calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter from two years prior to the base year to the base year; provided, however, that for the two thousand nine--two thousand ten school year, the charter school basic tuition shall be the amount payable by such district as charter school basic tuition for the two thousand eight--two thousand nine school year.

(b) The school district shall also pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly. Notwithstanding anything in this section to the contrary, amounts payable pursuant to this subdivision from state or local funds may be reduced pursuant to an agreement between the school and the charter entity set forth in the charter. Payments made pursuant to this subdivision shall be made by the school district in six substantially equal installments each year beginning on the first business day of July and every two months thereafter. Amounts payable under this subdivision shall be determined by the commissioner. Amounts payable to a charter school in its first year of operation shall be based on the projections of initial-year enrollment set forth in the charter until actual enrollment data is reported to the school district by the charter school. Such projections shall be reconciled with the actual enrollment as actual enrollment data is so reported and at the end of the school's first year of operation and each subsequent year based on a final report of actual enrollment by the charter school, and any necessary adjustments resulting from such final report shall be made to payments during the school's following year of operation.

(c) Notwithstanding any other provision of this subdivision to the contrary, payment of the federal aid attributable to a student with a disability attending a charter school shall be made in accordance with the requirements of section 8065-a of title twenty of the United States code and sections 76.785-76.799 and 300.209 of title thirty-four of the code of federal regulations.

Education Law §3602(1)(f):

f. “Expense per pupil” shall mean approved operating expense for the year prior to the base year divided by the sum, computed using year prior to the base year pupil counts, of the total aidable pupil units plus weighted pupils with disabilities, provided that for the two thousand six--two thousand seven school year and prior school years, total aidable pupil units plus weighted pupils with handicapping conditions shall be used in such computation. Expense per pupil for each borough in the city school district of the city of New York shall be the expense per pupil of the entire city school district.

Education Law §3602(1)(t) (in relevant part):

t. The “approved operating expense” for the apportionments to any school district hereunder shall mean the amount computed as follows: The apportionment to any school district for operating expense shall be based upon the total expenditures from its general fund and from its capital fund and from its risk retention fund for purposes of employee benefit claims related to salaries paid from the general fund..... For the purpose of this paragraph operating expense shall be defined as total cash expenditures during the applicable year, but shall exclude: (1) any balances and transfers; (2) any payments for transportation of pupils to and from school during the regular school year inclusive of capital outlays and debt service therefor; (2a) a portion of any payments for transportation of pupils to and from district operated summer school programs.....; (3) any payments for capital outlay and debt service for school building purposes.....; (4) any payments for cafeteria or school lunch programs; (5) any proceeds of short term borrowings in the general fund and any payments from the proceeds of the sale of obligations in the capital fund; (6) any cash receipts which reduce the cost of an item when applied against the expenditure therefor, except gifts, donations and earned interest and any refunds made; (7) any payments made to boards of cooperative educational services for purposes or programs for which an apportionment is paid pursuant to other sections of this chapter, except that payments attributable to eligible pupils with disabilities and ineligible pupils residing in noncomponent districts shall be included in operating expense; (8) any tuition payments made to other school districts inclusive of payments made to a central high school district by one of its

component school districts; (9) any apportionment or payment received from the state for experimental or special programs paid under provisions other than those found in this section and other than any apportionments or payments received from the state by the city school district of the city of Yonkers for the purpose of funding an educational improvement program pursuant to a court order and other than any other state grants in aid identified by the commissioner for general use as specified by the board of education pursuant to subdivision two of section seventeen hundred eighteen of this chapter; (10) any funds received from the federal government except the federal share of medicaid subject to the provisions of section thirty-six hundred nine-a of this part and except Impact Aid funds received pursuant to sections two and six of Public Law eighty-one-eight hundred seventy-four (PL 81-874) or any law superseding such law in any such district which received aid pursuant to both such sections; provided further, however, that there shall be excluded from such federal funds or other apportionments any payments from such funds already deducted pursuant to this paragraph; (11) any payments made for which an apportionment is disallowed pursuant to regulations of the commissioner; (12) any expenditures made for accounting, tabulation, or computer equipment, in excess of ten thousand dollars unless such expenditures shall have been specifically approved by the commissioner; (13) any rentals received pursuant to the provisions of section four hundred three-a of this chapter; (14) any rentals or other annual payments received pursuant to the provisions of section four hundred three-b of this chapter; (15) any expenditures made for persons twenty-one years of age or over attending employment preparation education programs pursuant to subdivision eleven of this section; (16) any tuition payments made pursuant to a contract under the provisions of paragraphs e, f, g, h, i and l of subdivision two of section forty-four hundred one of this chapter or any tuition payments on behalf of pupils attending a state school under paragraph d of such subdivision; (17) in any year in which expenditures are made to the New York state teachers' retirement system or the New York state and local employees' retirement system for both the prior school year and the current school year, any expenditures made to such retirement systems and recorded in the school year prior to the school year in which such obligations are paid; and (18) any payments to the commissioner of taxation and finance pursuant to article twenty-three of the tax law.

Education Law §2853(4)(a) and (b):

4. Public and private assistance to charter schools. (a) For purposes of sections seven hundred one, seven hundred eleven, seven hundred fifty-one and nine hundred twelve of this chapter, a charter school shall be deemed a nonpublic school in the school district within which the charter school is located. Special education programs and services shall be provided to students with a disability attending a charter school in accordance with the individualized education program recommended by the committee or subcommittee on special education of the student's school district of residence. The charter school may

arrange to have such services provided by such school district of residence or by the charter school directly or by contract with another provider. Where the charter school arranges to have the school district of residence provide such special education programs or services, such school district shall provide services in the same manner as it serves students with disabilities in other public schools in the school district, including the provision of supplementary and related services on site to the same extent to which it has a policy or practice of providing such services on the site of such other public schools.

(b) For purposes of section thirty-six hundred thirty-five of this chapter, a charter school shall be deemed a nonpublic school. The charter and application therefor shall set forth the manner in which students ineligible for transportation pursuant to section thirty-six hundred thirty-five of this chapter shall be transported to and from school.... A school district may enter into a contract for the provision of supplemental transportation services to a charter school, and any such services shall be provided by the school district at cost.

Appendix F 2 iv 1: Funding for Charter School Facilities**Education Law §2853 (1)(d), (3) and 4(c):**

1. Organization and legal status....

(d) The powers granted to a charter school under this article constitute the performance of essential public purposes and governmental purposes of this state. A charter school shall be exempt to the same extent as other public schools from all taxation, fees, assessments or special ad valorem levies on its earnings and its property, including property leased by the charter school. Instruments of conveyance to or from a charter school and any bonds or notes issued by a charter school, together with the income therefrom, shall at all times be exempt from taxation.

3. Facilities. (a) A charter school may be located in part of an existing public school building, in space provided on a private work site, in a public building or in any other suitable location. Provided, however, before a charter school may be located in part of an existing public school building, the charter entity shall provide notice to the parents or guardians of the students then enrolled in the existing school building and shall hold a public hearing for purposes of discussing the location of the charter school. A charter school may own, lease or rent its space. For purposes of local zoning, land use regulation and building code compliance, a charter school shall be deemed a nonpublic school.

(b) A charter school may pledge, assign or encumber its assets to be used as collateral for loans or extensions of credit; provided, however, that a charter school shall not pledge or assign monies provided, or to be provided, pursuant to subdivision one of section twenty-eight hundred fifty-six of this article in connection with the purchase or construction, acquisition, reconstruction, rehabilitation or improvement of a school facility.

(c) The office of general services shall annually publish a list of vacant and unused buildings and vacant and unused portions of buildings that are owned by the state and that may be suitable for the operation of a charter school. Such list shall be provided to applicants for charter schools and to existing charter schools. At the request of a charter school or a prospective applicant, a school district shall make available a list of vacant and unused school buildings and vacant and unused portions of school buildings, including private school buildings, within the school district that may be suitable for the operation of a charter school.

4. Public and private assistance to charter schools....

(c) A charter school may contract with a school district or the governing body of a public college or university for the use of a school building and grounds, the operation and maintenance thereof. Any such contract shall provide such services or facilities at cost.

Education Law §2854(1)(b):

(b) A charter school shall meet the same health and safety, civil rights, and student assessment requirements applicable to other public schools, except as otherwise specifically provided in this article. A charter school shall be exempt from all other state and local laws, rules, regulations or policies governing public or private schools, boards of education and school districts, including those relating to school personnel and students, except as specifically provided in the school's charter or in this article. Nothing in this subdivision shall affect the requirements of compulsory education of minors established by part one of article sixty-five of this chapter.

Description of the New York State Charter Schools Stimulus Fund:

The 2008-2009 appropriation for the New York State Charter Schools Stimulus Fund was \$3,547,000, of which \$636,014 was distributed to charter schools by the State Education Department (SED) and \$2,910,986 by the SUNY trustees. In 2009-2010, the SUNY trustees awarded 15 facility grants totaling \$2,658,094 from this Fund and six start-up/implementation grants totaling \$300,000, and SED is making 7 awards \$640,431.

Assistance with charter school facilities in New York City:

The New York City Department of Education assists charter schools with acquisition of buildings and space by providing access to its Office of Portfolio Planning to assess and plan for facilities for charter schools requesting public space and help school leaders manage within a campus if they are granted public space. Out of the 99 existing charter schools in New York City, 62 are currently located within DOE facilities.

Indirect benefit to charter schools of school district facilities bonds:

There is no provision in Article 56 of the Education Law for charter schools to share in school district bonds or in mill levies specifically for the purpose of funding charter school facilities. However, any public school can convert to a charter school and public schools are authorized to lease space in public

school buildings at cost. Any bonds issued by the school district for school construction projects in the school prior to conversion or prior to lease of space to the charter school continue in effect and continue to generate State building aid for a period of assumed amortization of up to 30 years. Thus, in such situations, charter schools may indirectly benefit from the school district bonds and the State aid they generate. In addition, charter school basic tuition is based on the public school district’s AOE per pupil. Thus, when a local district raises its mill levy, and therefore its operating expenses, the charter schools see the same proportional benefit.

Requirement: The number of charter schools currently in public facilities

Total number of Charter Schools in Public Facilities	65
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By Location:

New York City	62
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Buffalo	3
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Appendix F 2 iv 2: Bill and Melinda Gates Foundation Letter Re: Charter Facilities Financing

BILL & MELINDA
GATES foundation

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January 7, 2010

Dr. John B. King, Jr.
Senior Deputy Commissioner for P-12 Education
New York State Department of Education
89 Washington Avenue, Room 125 EB
Albany, NY 12234

Dear Senior Deputy Commissioner King:

Thank you for our on-going conversations regarding a potential public/private partnership to support facilities financing for high-performing charter schools across New York State.

We appreciate your interest in the innovative public/private partnership recently developed in Texas. As you know, Texas Governor Perry and Education Commissioner Scott established, and the state legislature approved, the Texas Charter School Facilities Credit Enhancement Program. Signed into law last June, the bill provides for the use of 1% of the \$20 billion Texas School Performance Fund for credit enhancement for high quality charter school facilities. The law provides \$200 million for credit enhancement to support high quality charter schools across Texas, to be matched by other funders. In the short term, this credit enhancement program will enable high-performing charter operators in Texas to reduce interest payments on facilities debt, provide students in those schools with adequate facilities, and enable the strongest networks to expand to more sites. In the long term, this program creates a public mechanism for financing other types of next-generation models.

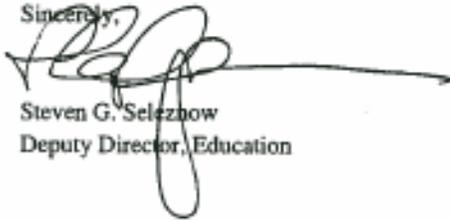
New York State is well positioned to create a program of similar significance to advance the financial sustainability and programmatic expansion of high-performing charters and new school models. We look forward to continuing to work with you, Commissioner Steiner, Regents Chancellor Tisch, and others across the state to share with you our work in other states, and to inform you about potential innovative facilities credit enhancement programs.

Senior Deputy Commissioner King, Page 2

The Bill & Melinda Gates Foundation is highly supportive of your efforts to create an innovative and highly leveraged public/private partnership to generate step change results for far more students. Should New York State develop such an initiative, we would be most interested in exploring how we might work with the state and other funders to advance our common strategic priorities.

Please do not hesitate to contact me or others from the foundation if there is any way we can be helpful to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Seleznow', with a long horizontal line extending to the right.

Steven G. Seleznow
Deputy Director, Education

cc: Adam Porsch
Adam Tucker
Joe Scantlebury

Appendix F 2 v 1: Innovative, Autonomous Public schools Other Than Charter Schools

Education Law §1709(3), (16), (20) and (33)

§ 1709. Powers and duties of boards of education. The said board of education of every union free school district shall have power, and it shall be its duty . . .:

3. To prescribe the course of study by which the pupils of the schools shall be graded and classified, and to regulate the admission of pupils and their transfer from one class or department to another, as their scholarship shall warrant.

16. To contract with and employ such persons as by the provisions of this chapter are qualified teachers, to determine the number of teachers to be employed in the several departments of instruction in said school, and at the time of such employment, to make and deliver to each teacher a written contract as required by section three thousand eleven of this chapter, except as otherwise provided by sections three thousand twelve and three thousand thirteen; and employ such persons as may be necessary to supervise, organize, conduct and maintain athletic, playground and social center activities, or for any one or more of such purposes....

20. To raise by tax upon the property of the district any moneys required to pay the salary of teachers employed.

33. To have in all respects the superintendence, management and control of the educational affairs of the district, and, therefore, shall have all the powers reasonably necessary to exercise powers granted expressly or by implication and to discharge duties imposed expressly or by implication by this chapter or other statutes.

Tech Valley Regional Technology Institute—Chapter 757 of the Laws of 2005 as amended by Section 1 of Part F2 of Chapter 109 of the Laws of 2006 (in relevant part)

Section 1. Legislative intent. The purpose of this act is to establish the Tech Valley **regional technology institute**. The Tech Valley **regional technology institute** shall provide a high school course of instruction for grades nine through twelve, dedicated to providing expanded learning opportunities to students residing in the Capital Region BOCES and Questar III BOCES, in the areas of technology as well as the core academic areas required for the issuance of high school diplomas in accordance with the rules and regulations promulgated by the Board of Regents.

The legislature hereby finds and declares that the establishment of the Tech Valley **regional technology institute** is a necessary component to the development of the greater capital region of New York state and a necessary link to fostering the development and advancement of emerging technologies. This school will advance the interests of the capital region and New York state by

engaging students in rigorous and enriching educational experiences focused on emerging technologies, project-based learning and collaboration and by providing that experience within the context of a business and learning community for the purpose of directly connecting student learning with real world experience in advanced technical facilities. It is expressly found that the establishment and operation of said school pursuant to this act is a public purpose. The legislature further finds that the establishment of a School Business Leaders Alliance that shall serve as a forum in which regional businesses can work together with the board and school to create opportunities for students consistent with this act shall be deemed as a necessary feature to the successful operation of the Tech Valley **regional technology institute**. The board is directed to establish and facilitate the ongoing operation of a School Business Leaders Alliance for the specific benefit of the students attending the Tech Valley **regional technology institute**.

§ 2. Definitions. 1. "Capital Region BOCES" shall mean the Schenectady-Albany-Schoharie-Saratoga Board of Cooperative Educational Services, and any successor entity.

2. "Questar III" shall mean the Board of Cooperative Educational Services for the counties of Rensselaer, Columbia and Greene counties, and any successor entity.

3. "Tech Valley **regional technology institute**" or "**institute**" shall mean a **new regional educational program operated jointly by the Questar III and Capital Region BOCES, but not a part or subsidiary of either corporation** which may be located at more than one location within the corporate boundaries of Questar III or Capital Region BOCES as established by this act.

4. "The Board" shall mean, except where the context indicates otherwise, the **governing board established pursuant to section three of this act**.

§ 3. Organization and governance. 1.... **Notwithstanding any other provision of law to the contrary, the Capital Region BOCES and Questar III shall be authorized to jointly operate an educational program in accordance with this act, to be known as the "Tech Valley regional technology institute." Such institute is not a part of either corporation and is a new corporate entity that will provide a high school course of instruction for grades nine through twelve designed to afford expanded learning opportunities to students residing in the areas served by the Capital Region BOCES and the Questar III BOCES in the areas of technology as well as the core academic areas required for issuance of a high school diploma.**

2. The institute shall be subject to all laws, rules and regulations which are applicable to a **program of a board of cooperative educational services** unless otherwise provided for in this act. **The institute shall comply with the rules and regulations of the board of regents and the commissioner of education applicable to a high school program leading to a diploma, including but not limited to course of study, academic content and achievement standards.**

3. The **institute** shall be subject to the oversight of the board of regents and shall obtain financial audits in a manner consistent with provisions of law and regulations that are applicable to other **programs of a board of educational services**.

4.... **The Tech Valley regional technology institute shall be jointly operated by the Capital Region BOCES and Questar III pursuant to an inter- municipal sharing agreement entered**

into pursuant to section 119-o of the general municipal law. The governing boards of the Capital Region BOCES and Questar III shall be combined to form a joint board that will operate the institute in accordance with the provisions of such sharing agreement and this act. Persons newly hired to provide services in the institute shall be deemed joint employees of such joint board, and not employees of either corporation or board.

Provided however, that the Capital Region BOCES and Questar III may establish as part of the inter-municipal sharing agreement an operational board to operate the Tech Valley regional technology institute on behalf of the two BOCES in accordance with this act and such sharing agreement. This operational board shall be provided powers and duties consistent with the governing board provided for in this act and in such inter-municipal sharing agreement. Provided that if an operational governing board is established it shall be organized as follows. The operational board shall consist of ten members appointed on the following basis: five members shall be members of the governing board of the Capital Region BOCES and shall be appointed by the governing board of the Capital Region BOCES; five members shall be members of the governing board of Questar III and shall be appointed by the governing board of Questar III; all appointments to the governing board of the Tech Valley regional technology institute shall be for three years with a term which shall commence on July first next succeeding the appointment, provided that vacancies on the board shall be filled by an appointment made by the original appointing authority, and such appointment shall be deemed effective immediately and shall be for a period of the remaining unexpired term.

5. The board shall appoint an advisory council consisting of representatives of the greater capital district business community who have expertise in the training needs of high-tech and emerging industries and representatives of institutions of higher education located within the area served by Questar III and the Capital Region BOCES who have a working knowledge of the science and technology curricula offerings in the region. The advisory council shall advise the board on the course of study of the institute; means of providing students with educational experiences focused on emerging technologies, project-based learning and collaboration within the context of the business and learning community that directly connect student learning with real world experience in advanced technical facilities; and other matters relating to operation of the institute.

§ 4. Powers and duties of the board. The board shall have the following powers and duties:

1. To prescribe and operate a full-time course of study by which students attending the institute shall become eligible to receive a high school diploma to be awarded by their school district of residence. This course of study shall be supplemented by such innovative technological and related programs as may be deemed suitable by the board to implement the purposes of this act;

2.... Based upon a joint recommendation of the district superintendents of Questar III and Capital Region BOCES and upon a majority vote of the board, to contract with and employ such joint administrative officers and joint employees as the board may deem prudent;....

3. To contract with and enter into cooperative arrangements with private for profit and not-for-profit entities as the board may deem prudent in furtherance of the institute's supplemental

innovative technological activities and related educational programs to implement the purposes of this act, provided that all components of the curriculum shall be taught or supervised by a certified teacher **or certified teaching assistant under the supervision of a certified teacher**....

4. To determine the school calendar and school day schedule, which at a minimum, shall be equal to the instruction time required to be provided by public high schools.

§ 5. General requirements. The annual budget of the institute shall be subject to the approval of the governing boards of the Capital Region BOCES and Questar III. The proposed budget shall be submitted to the boards of education of Capital Region BOCES and Questar III by May first of the year preceding the year for which the budget shall apply. The proposed budget shall not take effect unless a majority of members of each BOCES board shall approve the annual budget of the **institute**. If a majority of either BOCES board fail to adopt resolutions approving such tentative budget, the **administrators of the institute** shall prepare and adopt a contingency budget which shall not exceed the amount of the budget of the Tech Valley **regional technology institute** for the previous school year except to accommodate expenditure increases attributable to supplemental retirement allowances payable pursuant to section 532 of the education law and section 78 of the retirement and social security law. The BOCES boards shall vote on approval of the proposed budget by a date determined by the commissioner of education....

§ 6. Employees of the institute. 1. The **joint** instructional employees shall be subject to Part 30 of the Rules of the Board of Regents.

2. **Persons** employed in connection with the educational program of the **institute** shall be certified in accordance with the requirements applicable to other **programs of a board of cooperative educational services**.

3. Any teacher employed in the public schools of New York may make written application for a leave of absence to teach at the institute. Approval of such request for a leave of absence of two years or less shall not be unreasonably withheld. If such approval is granted, the teacher may return to teach in the school district during such period of leave without the loss of any right, seniority, salary status or any other benefit provided by law or by collective bargaining agreement.

4. All persons employed by the institute shall be considered public employees and shall receive all rights and privileges accorded thereto.

5. Section 3014 of the education law shall be applicable to all employees who would be governed by said section in a public school building.

§ 7. Admission to the **institute**. 1. Any student eligible for enrollment in grades nine through twelve of the public schools, residing within a component school district of the Capital Region BOCES or Questar III **that elects to participate in the institute** or a non-component BOCES school district located within the **area served by** the Capital Region BOCES, or Questar III which **enters** into a memorandum of understanding with the board to enroll students in the Tech Valley **regional technology institute** shall be eligible to apply for admission to the **institute**.

2. The criteria for admission shall not be limited based on intellectual ability, measures of academic achievement or aptitude, athletic aptitude, disability, race, creed, gender, national origin, religion, ancestry, or location of residence.

3. To the extent that the number of qualified applicants may exceed the number of available spaces, the **institute** shall grant admission on a random selection basis, provided that an enrollment preference shall be provided to pupils returning to the **institute** in the second or any subsequent year. The **institute** shall determine the tentative enrollment roster, notify the parents, or those in parental relation to those students, and the resident school district by April first of the school year preceding the school year for which the admission is granted. To determine the enrollment roster for the first year of operation, the **institute** shall notify the parents, or those in parental relation to those students, and the resident school district by June thirtieth of the school year preceding the school year for which the admission is granted.

4. Students attending the institute shall continue to be enrolled in their school district of residence, and each school district of residence shall be responsible for issuance of a high school diploma to their resident students who attended the institute based on such students' successful completion of the institute's educational program, as certified by the institute, provided that such diploma shall contain an annotation indicating the student's successful completion of the institute's program. The commissioner of education may establish special procedures for program review and accountability of the institute.

§ 8. Financing of the **institute**. 1.... **The provisions of section 1950 of the education law relating to the participation of component school districts in a board of cooperative educational services program and the allocation of program and administrative costs within a board of cooperative educational services shall apply, provided, however, that the institute may request approval from the commissioner of education for the use of an alternative allocation methodology**

2.... **Notwithstanding any other provision of law, rule or regulation to the contrary, the commissioner of education shall be authorized to approve the educational services and programs deemed necessary to carry out the institute as aidable shared services pursuant to section 1950 of the education law, and to approve cooperative services agreements ("CO-SERS") limited in scope to the institute. Program and administrative costs, including capital costs, allocated to component school districts in accordance with this act and section 1950 of the education law shall be eligible for BOCES aid as an aidable shared service pursuant to section 1950 of the education law and costs allocated to a participating non-component school district pursuant to a memorandum of understanding shall be aidable pursuant to subdivision 5 of section 1950 of the education law to the same extent and on the same basis as costs allocated to a component school district. The institute shall repay within thirty days after notice by the resident school district, any and all funds paid to the institute for a student who is granted admission, but does not attend the institute.**

3....

4. If educational programs operated by the **institute** result in the creation of revenue for the **institute** the receipt and expenditure of such funds shall be deemed lawful, subject only to the

requirement that any revenues so created shall be used for the educational betterment of the students through the advancement of the **institution's** educational and career development activities. The board is authorized to accept gifts, donations or grants of any kind made to the **institute** and to expend or use such gifts, donations or grants in accordance with the conditions prescribed by the donor; provided, however, that no gift, donation or grant may be accepted if subject to a condition that is contrary to any provision of law or the educational charter....

§ 9. Notwithstanding any inconsistent provisions of paragraph p of subdivision 4 of section 1950 of the education law or any other provision of law to the contrary, the board of the Tech Valley regional technology institute may enter into a lease under the conditions specified in this act with respect to suitable land, classrooms, offices or building upon or in which to maintain and conduct such regional educational program and administrative offices for a period not to exceed thirty years.

§ 10. ...

§ 11. This act shall take effect immediately.

New York City DOE's Children First Initiative:

Now that New York City's school system is stable and City students at all levels have started to make significant academic progress, Mayor Bloomberg and Chancellor Klein have intensified their efforts to turn all of the City's 1,600+ schools into successful schools.

The principles underlying the second step of the reforms are the same as the principles driving the earliest reforms: Leadership, Empowerment, and Accountability.

Leadership: An organization needs great leaders at all levels to be successful. But while its crucial to have strong leaders at all levels of an organization, in education, principals have the most critical leadership position. They are the key school-based decision makers and they must be empowered to make informed decisions and take smart risks. The Chancellor recognizes the importance of principals and is striving to create a system that fosters and supports leadership.

Empowerment: Beginning in the 2007-08 school year, the DOE is empowering all public schools, so that educational decisions are happening in schools, where the people closest to students are deciding what will help students succeed.

Public School Empowerment builds on the Empowerment Schools initiative. Last year, in the 2006-07 school year, 332 New York City public schools took on greater decision-making power and resources in exchange for accepting accountability for results. These Empowerment Schools worked under

performance agreements, committing to high levels of student achievement with clear consequences for failure. In exchange for this commitment, principals and their teams had the freedom to design educational strategies tailored to their students. These schools have hand-picked their support teams, hired additional teachers, implemented creative schedules, designed tailored assessments, invested in professional development, and purchased both internal and external services that meet their needs and their students' needs. Initial results were promising, and principals expressed high levels of satisfaction with this new model.

Beginning in the 2007-08 school year, all public schools are empowered, as their principals and their teams gain broader discretion over allocating resources, choosing their staffs, and creating programming for their students. Schools also have increased resources, because of the Department's new Fair Student Funding formula, which allocates funds based on student need

Beginning in 2007-08, principals chose the type of support that is best for them, their staff, and their students. Principals, in consultation with their school communities, selected from among three types of School Support Organizations, all designed to support schools as they work to meet the high standards that the New York City Department of Education has set for them. Schools could choose from three main types of School Support Organizations: Empowerment Support Organization, Learning Support Organizations Partnership Support Organizations.

These organizations provide many of the same services and supports that were, until now, provided as a matter of course by the Department of Education. Through the regional offices, the Department of Education invested resources and made decisions on behalf of schools. Central and regional decision-making led to uniform solutions, even though each of our schools has unique needs and challenges. While effective at capacity building and bringing coherence to a large system, the one-size-fits-all approach does not maximize the investment in children's futures.

While all schools are empowered to choose their own supports, they are still public schools, subject to the policies of the Department of Education and other applicable rules and regulations. Schools will continue to adhere to DOE student placement policies, fiscal reporting regulations, special education requirements, labor contracts, Chancellor Regulations, and accountability standards, among other things, as determined by the Department of Education. In addition, principal rating officers will be the community and high school superintendents.

Accountability: Empowerment and accountability are mutually reinforcing principles. Principals need decision-making power but they also need to set the bar high and they need to be held accountable for results.

In April 2006, the Chancellor launched a comprehensive accountability initiative. (Read the press release [here](#).) This year, all schools will receive progress reports, with grades of A-F, measuring "School Environment," "Performance," and "Progress." Beginning last year, all schools received thorough on-site quality reviews. A school's "Quality Score" will appear on its progress report alongside the school's grade.

Beginning in the 2007-08 school year, all schools are being held accountable for meeting the statement of performance terms that they signed. In these documents, they pledge to meet specific targets that will help students make quantifiable progress.

Schools that are not providing their students with the educations they need and deserve will face consequences, while schools that are meeting and exceeding standards will receive rewards.

Description of how the provisions of Article 52-A of the Education Law support the NYCDOE Children First Initiative:

There are several provisions of Article 52-A of the Education Law that allow greater autonomy for schools and support the NYC DOE's Children First Initiative. Education Law §§2590-h(19) and 2590-f (1)(b) authorize the Chancellor of the City School District and Community Superintendents, respectively, to delegate their powers and duties to subordinate officers and employees; Education Law §2590-i(1) gives the building principal authority over the day to day operation of the school, including, among other things, making recommendations on staff selection and development of school-based curricula and syllabi for instruction; and Education Law §2590-r (a)-(e) establish a process for school-based budgeting, with the principal proposing a school-based budget in consultation with a school based management team.

Provisions of Article 52-A of the Education Law that support the New York City Children First Initiative:

Education Law §2590-h(19):

19. Delegate any of his or her powers and duties to such subordinate officers or employees as he or she deems appropriate and to modify or rescind any power and duty so delegated.

Education Law §2590-f (1)(b):

(b) to delegate any of her or his powers and duties to such subordinate officers or employees of her or his community district as she or he deems appropriate, at his or her sole discretion, and to modify or rescind any power and duty so delegated.

Education Law §2590-i(1):

1. The principal shall be the administrative and instructional leader of the school. Subject to the regulations of the chancellor and applicable collective bargaining agreements and obligations, the principal shall be responsible for the day to day operation of the school and shall carry out these duties in consultation with parents, teachers and other staff, and the school based management team pursuant to section twenty-five hundred ninety-h of this article....

Education Law §2590-r (a)-(e):

a. the allocation of projected revenues among community districts and their schools on the basis of objective formulae developed by the chancellor, after consultation with the community councils, community superintendents and the mayor, and approved by the city board, such formulae shall reflect the relative educational needs of the community districts and their schools to the maximum extent feasible;

b. (i) following release of the executive budget of the city of New York by the mayor of the city of New York, the chancellor to inform the principal of each school of that school's preliminary budget allocation, and the principal to propose a school-based budget, after consulting with members of the school based management team and soliciting input pursuant to sections twenty-five hundred ninety-h, and twenty-five hundred ninety-i of this article on budget priorities from all members of the school community;

(ii) for schools under the jurisdiction of a community superintendent, the principal shall be required to provide written justification, in a form and manner prescribed by the community superintendent pursuant to paragraph (h) of subdivision one of section twenty-five hundred ninety-f of this article, to demonstrate that the school-based budget proposal is aligned with the school's comprehensive educational plan;

c. the review, modification, approval and certification of the proposed school budget for schools under the jurisdiction of a community superintendent pursuant to paragraph (h) of subdivision one of section twenty-five hundred ninety-f of this article;

d. within amounts estimated by the chancellor, the aggregation of the proposed school-based budgets, as modified and approved by the community superintendent, with a proposed budget for the

administrative and operational expenses of the community superintendent and community council, as developed by the community superintendent, for submission to the chancellor;

e. the chancellor to develop a school-based budgeting process for schools under his or her jurisdiction consistent with this section which shall require that: (i) each principal provide written justification demonstrating that the school-based budget is aligned with such school's comprehensive educational plan; (ii) the school based management team submit comments regarding such justification; and (iii) the chancellor certify that the school-based budget is sufficiently aligned with such school's comprehensive educational plan after reviewing the principal's justification and the school based management team's comments;