
INFORMATION BULLETIN

New York State Accountability System

In July of 2006, the Office of Elementary and Secondary Education of the United States Department of Education (USDOE) approved New York State's request to amend its State accountability plan under Title I of the Elementary and Secondary Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB). In September of 2006, the Board of Regents approved the New York State Education Department's proposed regulations to conform the Commissioner's Regulations to NCLB relating to school and local education agency accountability. This bulletin provides information on the components of New York State's accountability system. This Information Bulletin concludes with a section on "Advice to Local Leaders".

Highlights of the Changes

The amendments to Section 100.2 of the Regulations of the Commissioner of Education address the findings of the USDOE peer review and enable the State Education Department to:

- ❖ Modify the School Performance Index to incorporate the results from New York's grade 3-8 assessment program in English language arts and mathematics;
- ❖ Revise the Annual Measurable Objectives in English language arts and mathematics to reflect the use of grade 3-8 test results;
- ❖ Combine the elementary and secondary science criteria into a single combined elementary-middle level science criterion;
- ❖ Revise the definition of the graduation cohort beginning with the 2003 graduation cohort to make schools accountable for students after they received five months of instruction in a school or district;
- ❖ Incorporate the Limited English Proficient (LEP) subgroup students who had previously been considered LEP students during the prior one or two years in order to calculate Adequate Yearly Progress;
- ❖ Restrict the use of backmapping to schools serving exclusively students below grade three
- ❖ Restrict the use of the New York State English as a Second Language Achievement Test (NYSESLAT), for participation rate purposes, to limited English proficient students who have attended school in the United States (not including Puerto Rico) for less than one year; and
- ❖ Indicate that the NYSESLAT will no longer be administered, in lieu of the required State assessment in English language arts, for accountability purposes beyond the 2005-2006 school year.

NYSUT Research and Educational Services

800 Troy-Schenectady Road
Latham, New York 12110-2455
1-800-342-9810 • 518-213-6000 • FAX: 518-213-6450
www.nysut.org

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Definitions – Section 100.2(p)(1)

The following are definitions of key terms used in the State's accountability system.

Accountability Groups – For each public school, school district and charter school, those groups of students for each grade level or annual high school cohort shall be comprised of:

- All students;
- Students from major racial and ethnic groups;
- Students with disabilities;
- Students with limited English proficiency, including, beginning with the 2006-2007 school year, a student previously identified as a limited English proficient student during the preceding one or two school years; and
- Economically disadvantaged students.

The school district accountability groups for each grade level will include all students enrolled in a public school in the district or placed out of the district for educational services by the district committee on special education or a district official.

School District shall mean a common, union free, central, central high school or city school district, provided that, in the case of the city school district of the City of New York, such term shall mean a community school district or New York City superintendency to the extent that such entity is the local educational agency for the purpose of title I.

Board of Education shall mean the trustees or board of a school district; provided that in the case of the city school district of the City of New York, such term shall mean the Chancellor of the City school district acting in lieu of the board of education. With respect to community school districts and New York City superintendencies, such term shall mean the community superintendent or other superintendent of schools acting in lieu of the board of education.

Alternate assessment means a State alternate assessment based on alternate achievement standards recommended by the Committee on Special Education for use by students with disabilities who are unable to participate in the regular state assessment, even with appropriate accommodations.

Continuously enrolled means, for grades 3-8, students whose latest date of enrollment occurred after the date prescribed by the Commissioner on which BEDS forms are required to be completed, and for grades 9-12, students in the high school cohort.

Significant medical emergency means an excused absence from school during both the regular and makeup examination period for which a district has documentation from a medical practitioner that a student is so incapacitated as to be unable to participate in the State assessment given during that examination period.

Systems 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 and each performance indicator the Commissioner must determine whether each public school, charter school, and school district has achieved adequate yearly progress.

Adequate yearly progress (AYP) – A public school, charter school or school district shall be deemed to have made adequate yearly progress on an accountability performance criterion, if each accountability group within such school or district achieved adequate yearly progress on that criterion.

A Performance Index (PI) is a value from 0 to 200 that is assigned to an accountability group, indicating how that group performed on a required State test (or approved alternative) in English language arts, mathematics, or science. PIs are determined using the following equations:

Elementary-Middle levels:

$$PI = [(number\ of\ continuously\ enrolled\ tested\ students\ scoring\ at\ Levels\ 2,\ 3,\ and\ 4 + the\ number\ scoring\ at\ Levels\ 3\ and\ 4) \div number\ of\ continuously\ enrolled\ tested\ students] \times 100$$

Secondary Level:

$$PI = [(number\ of\ cohort\ members\ scoring\ at\ Levels\ 2,\ 3,\ and\ 4 + the\ number\ scoring\ at\ Levels\ 3\ and\ 4) \div number\ of\ cohort\ members] \times 100$$

EXAMPLE
Calculating the Grades 3-8 Performance Index for Schools with Grades 3-5

Test Grade	Number of Students	Levels			
		1	2	3	4
3	52	9	14	18	11
4	65	6	10	35	14
5	47	8	11	16	12
TOTAL	164	23	35	69	37

Index = ((35+69+37+69+37)/164)*100 = 150

Measuring Performance

At the elementary and middle levels, student performance is measured using State assessments in English language arts, mathematics, and science.

At the secondary level, student performance is measured using State assessments in English language arts and mathematics and using graduation rate.

Assessment performance is defined at four levels and indicates the students' performance in relation to the Learning Standards:

- Level 1 = Basic (not meeting the standards)
- Level 2 = Basic Proficiency (partially meeting the standards)
- Level 3 = Proficient (meeting the standards)
- Level 4 = Advanced Proficiency (meeting with the standards with distinction)

Elementary and Middle Level Accountability Assessments

At the secondary level, the assessments that are used when determining performance indices for an accountability group are shown below.

Assessment	Eligible Students	Score Ranges	Performance Levels
New York State Testing Program in ELA, Mathematics and Science (Grade 4 Science, Grade 8 Science and Regents Science in lieu of Grade 8 Science)	All Students	0-54	1
		55-64	2
		65-84	3
		85-100	4
New York State Alternate Assessment	Students with Severe Cognitive Disabilities	Datafolio	1-4

Secondary Level Accountability Assessments

At the secondary level, the assessments that are used when determining performance indices for an accountability group are shown below.

Assessment	Eligible Students	Score Ranges	Performance Levels
Regents Examinations in English and Mathematics	All Students	0-54	1
		55-64	2
		65-84	3
		85-100	4
Component Retests in English and Mathematics	Seniors who previously failed the Regents Examination	0-54	1
		55-64	2
		65+	3
Regents Competency Tests in Reading, Writing and Mathematics (and approved alternatives)	Students with Disabilities	Fail	1
		Pass	2
Approved Alternatives to Regents Examinations	All Students	Fail	1
		Pass	3
New York State Alternate Assessment	Students with Severe Cognitive Disabilities	Datafolio	1-4

New York State Alternate Assessment (NYSAA)

Under federal law, students with disabilities must participate in the State assessment program. All students with disabilities must either participate in the general State assessments or the New York State Alternate (NYSSA), as appropriate. Eligibility for participation in NYSAA is determined by the Committee on Special Education (CSE) according to the following criteria:

- The student has a severe cognitive disability and significant deficits in communication/language and significant deficits in adaptive behavior;
- The student requires a highly specialized educational program that facilitates the acquisition, application, and transfer of skills across natural environments (home, school, community, and/or workplace); and
- The student requires educational support systems, such as assistive technology, personal care services, health/medical services, or behavioral intervention.

The New York State Alternate Assessment performance levels are counted the same as the New York State Testing Program assessments and Regents when determining Performance indices for English, mathematics and science. Under the NCLB regulations, when measuring AYP, states and school districts have flexibility to count the “proficient” scores for students with disabilities who take alternate assessments based on alternate achievement standards – as long as the number of those proficient scores does not exceed one percent of all students in the grades tested. See IB No. 200609, Alternate Assessment for Students with Significant Disabilities for additional information.

Testing Ungraded Students with Disabilities

Students with disabilities not assigned a grade level are designated as “ungraded”. Unless designated to take NYSSA, all students with disabilities must be assessed at the students’ designated grade or, for those students designated as “ungraded”, consistent with the student’s chronological age. Students’ earned performance levels will be used to calculate the PIs for the school and district in which they are enrolled.

Limited English Proficient (LEP) Students

From 2002-2006, accountability and participation for certain LEP students on the elementary-middle level ELA could be based on performance on New York State English as a Second Language Achievement Test (NYSESLAT). Students held accountable based on NYSESLAT tests were not required to take the regular ELA assessments. Beginning in 2006-07, only newly arrived English language learners with less than one year in the US may take the NYSESLAT in lieu of regular grade 3-8 ELA assessments to meet participation requirements. NYSESLAT scores will no longer be used in calculating the Performance Index. Districts receiving Title III funding must identify each participating student in the State Repository System. The performance of former LEP students may be included in the LEP subgroup for up to two years following their exit from LEP status.

Annual Measurable Objectives (AMOs) and State Standards

The Annual Measurable Objective (AMO) is the PI value that signifies that an accountability group is making satisfactory progress toward the goal that 100% of students will be proficient in the State’s learning standards in ELA and math by 2013-14.

Annual Measurable Objectives (AMOs) are used as part of the process for determining whether schools and districts have made Adequate Yearly Progress (AYP).

The **State Standards** are the PI values that signify minimally satisfactory performance in science or graduation rate.

**Annual Measurable Objectives and State Standards
for the 2006-2007 and 2007-2008 School Years**

Criteria	2006-2007 School Year Annual Measurable Objective (AMO)	2007-2008 School Year Annual Measurable Objective (AMO)
Elementary and Middle Level ELA	122 Performance Index	133 Performance Index
Elementary and Middle Level Math	86 Performance Index	102 Performance Index
Elementary and Middle Level Science	100 State Standard	100 State Standard
HS ELA	159 Performance Index	165 Performance Index
HS Math	152 Performance Index	159 Performance Index
Graduation Rate	55% State Standard	55% State Standard

A **confidence interval** is a range of points around an AMO for an accountability group of a given size that is considered not to be significantly different than the AMO. A confidence interval recognizes the sampling error associated with an observed score and allows a determination whether the difference between the observed Performance Index (PI) and the AMO is within the margin of error attributable to random sampling error. The sampling error associated with the PI for each accountability group decreases as the group gets larger.

An **Effective Annual Measurable Objective (Effective AMO)** is the lowest PI that is not statistically different from the AMO for an accountability group of a given size. The Effective AMO applies to accountability decisions for English Language Arts and mathematics. They do not apply to accountability decisions about science or graduation rates. If an accountability group's PI is equal to or greater than the Effective AMO, the group's performance is not statistically different than the AMO and the group is considered to have made AYP.

Safe Harbor

Safe Harbor is an alternate means to demonstrate AYP for accountability groups whose PI is less than their effective AMO. The Safe Harbor Target calculation for ELA and math for 2006-07 using the 2005-06 PI is:

$$\text{Safe Harbor Target} = \{2005-06 \text{ PI}\} + [(200 - \{2005-06 \text{ PI}\}) \times 0.10]$$

For a group to make safe harbor in English or math, it must meet its Safe Harbor Target and also meet the science (at the elementary/middle level) or graduation rate (at the secondary level) qualification for safe harbor.

Participation Rate - Elementary-Middle Level

- For an accountability group with 40 or more students to make AYP in ELA and mathematics, 95% of students enrolled at the time of test administration must have valid scores on the appropriate assessment; or the weighted average of the current year and prior year participation rates equals or exceeds 95%.

Sample calculation for group below 95 percent participation in 2007-08:

Year	Enrollment	Tested	Rate
2007-08	50	47	94%
2006-07	50	49	98%
Average	100	96	96%

- To make AYP in science, a district or school with at least 40 students in the “all students” group (composed of grade 4 and/or grade 8 students), 80 percent of students enrolled at the time of the test administration received valid scores.
- For an accountability groups consisting of 30 or more students, the accountability group met or exceeded, the AMO for that criterion; or the accountability group met or exceeded an annual performance target established by the commissioner and the accountability group met or exceeded the science performance indicator at the elementary-middle level.

Example: An elementary/middle school has four accountability groups in ELA with 30 or more students: all students, students with disabilities, white students, and black students. Ninety-five percent of enrolled students in each group were tested. The performance index (PI) of each group exceeded its AMO; therefore each group made AYP.

- If an elementary or middle school does not test 30 continuously enrolled students in ELA or mathematics in 2007-08, the scores of continuously enrolled students in 2006-07 and 2007-08 will be combined to determine the PI. If the “all students” group includes at least 30 students in 2007-08, results for 2006-07 and 2007-08 will not be combined for the other accountability groups. This is true even if there are fewer than 30 tested students in the other accountability groups.
- Schools that serve only students below grade 3 and do not, therefore, participate in State assessments, are called “feeder” schools. Accountability decisions for feeder schools that serve grade 1 and/or grade 2 are based on the performance of schools with grade 3 in the same district, or on a procedure called “backmapping.” If all district elementary schools with grade 3 enrollment make AYP in ELA, math or science, the feeder schools in the district, including K-1 schools, are considered to have made AYP. Feeder schools that are required to do backmapping are those whose highest grade level is grade 1 or grade 2. These schools are required to submit data to the State Education Department. If they do not submit data, they are considered not to have made AYP.

Participation Rate - Secondary Level

- For an accountability group with 40 or more students to make AYP in English language arts and mathematics, 95 percent of seniors must take an assessment that meets the student’s graduation requirements in that subject. In 2007-08, if the participation rate of an accountability group falls below 95 percent, a weighted average will be calculated of the current year and prior year participation rates. If that equals or exceeds 95%, the group will meet the participation requirement.
- For an accountability groups consisting of 30 or more students, the accountability group met or exceeded, the AMO for that criterion; or the accountability group met or exceeded an annual performance target established by the commissioner and the accountability group met or exceeded a high school graduation rate established annually by the Commissioner, or progress in relation to the previous year’s graduation rate.

- If a high school does not have 30 students in its 2003 cohort, the 2002 and 2003 cohorts will be combined to determine the PI. If a school still does not have 30 students on which to base a decision, the school is subject to special procedures for determining AYP.
- For schools with enrollments only in grades 9, 10, and/or 11, judgments as to whether the school made AYP must be made using special procedures since assessment and graduation rate data for cohort members after four years of high school cannot be collected. If all schools in the district with grade 12 enrollment make AYP, the schools with grade 9, 10 and/or 11 are considered to have made AYP. If one or more schools in the district with grade 12 enrollment do not make AYP in ELA, mathematics or graduation rate, the schools with grades 9, 10 and/or 11 are subject to special evaluation procedures to determine AYP.

High schools are accountable in three areas with different groups of students measured in each of the areas indicated in the following chart:

2007-2008 High School Accountability

Purpose	Cohort Used
English and Math Performance	2004 Accountability Cohort (one year continuous enrollment)
English and Math Participation	All students reported in State Repository as enrolled in grade 12 on June 30, 2008 and students who graduated between July 1, 2007 and June 30, 2008
Graduation Rate	2003 Graduation Rate Cohort (five months enrollment) Including transfers to GED

2003 Graduation-Rate Cohort

The cohort used to measure graduation rate has been redefined with the 2003 cohort. The 2003 accountability cohort consists of all students, regardless of their current grade status, who were enrolled in the school on October 4, 2006 (BEDS day) and met one of the following conditions and did not subsequently transfer to another diploma granting program, become incarcerated, leave the country or die:

- First entered grade 9 (during the 2003-2004 school year (July 1, 2003 through June 30, 2004): or
- in the case of ungraded students with disabilities reached their 17 birthday during the 2003-2004 school year.

State Accountability

District-Level Accountability

The district results are collected for all students attending school in the district as well as those continuously enrolled students placed outside of the district such as BOCES and approved private placements. The four accountability areas are ELA, mathematics, science and graduation rate. To be identified for improvement status in an accountability area, a district must fail to make AYP for two consecutive years in ELA or mathematics at both the elementary/middle and secondary levels or in science or in graduation rate. The first year a district fails to make AYP at each applicable instructional level, it moves to the next status level. The first year an identified district makes AYP, it remains at the same status level. A district may be identified for improvement even if no school in the district is identified for improvement. In a district with only one school, the district and school can have different accountability status because the district accountability groups include students placed outside the district.

School Level Accountability

Schools that fail to make adequate yearly progress (AYP) for two consecutive years in the same accountability measure (ELA, math, science or graduation rate) shall be designated in the next school year as a “**school requiring academic progress: year 1.**” The school may fail to make AYP because of two different accountability groups. (For example, white students in one year and Asian students in the next year.)

Years of Failure to Make AYP In a Subject and Grade	State Accountability Status
1	Good standing
2*	School Requiring Academic Progress (SRAP) – Year 1 A local assistance plan (LAP) needs to be developed to specify the actions to be taken to improve student achievement on the State learning standards.
3	SRAP – Year 2 A school improvement plan needs to be developed and implemented and cover a two year period. The plan should be updated annually and 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.
4	SRAP – Year 3 A corrective action plan needs to be developed and approved by the board of education no later than three months following the identification of the school as “SRAP year 3” and implemented at the beginning of the next school year.
5	SRAP – Year 4 A restructuring plan in the format prescribed by the commissioner needs to be developed by the school superintendent. The restructuring plan should be approved by the board of education no later than June 30 th of the school year in which the school is designated “SRAP year 4”. The restructuring plan requires the school to make fundamental reforms such as changes in school staff, governance or organization. A restructuring plan may include a plan to phase out the school and open a new one.
6	SRAP – Year 5 The school district will be required to implement its restructuring plan no later than the first day of school following the administration of the assessments which caused the school to be identified as a “SRAP year 5.” If a school fails to make AYP during the three years following the implementation of the restructuring plan then a revised restructuring plan in a format prescribed by the commissioner will be developed by the superintendent and approved by the board of education.

*A school that makes AYP for two consecutive years on the measure it was identified is removed from the improvement status. The school may remain or be placed in improvement status on a different measure for which it has not made AYP.

Federal Accountability

- Only schools receiving Title I funds have a federal status.
- To become a School in Need of Improvement, a school must fail to make AYP for two consecutive years it receives Title I funding.
- If a school in federal improvement status stops receiving Title I funding, its status remains until it receives Title I funding again. When funding resumes, the school assumes the status it would have had. The state status would continue regardless of the federal status.
- If a school without funding makes AYP for two consecutive years, it will be in good standing when funding resumes.

Years of Failure Under Title I To Make AYP in a Subject and Grade	Federal Accountability Status
1	Good Standing
2*	School in Need of Improvement (SINI) – Year 1
3	School in Need of Improvement (SINI) – Year 2
4	Corrective Action
5	Planning for Restructuring
6	Restructuring

* A school must fail to make AYP for two consecutive years to be placed in improvement status. A school that makes AYP for two consecutive years is removed from improvement status for the subject and grade in which it was identified.

Public School Choice

Some schools receiving Title I funds and identified as a School in Need of Improvement, year 2, must provide public school choice. The school must explain to parents that they have the option of transferring their child to another public school with transportation provided by the school district.

Supplemental Educational Services

Title I schools that are in the second year of School Improvement (failed to make AYP for three consecutive years) or in Corrective Action, are required to offer students supplemental educational services (SES). Under NCLB, local districts are responsible for notifying parents of students in schools receiving Title I funds that their children are eligible for supplemental educational services, including tutoring, from a provider on the State Education Department's list of approved providers. An approved supplemental educational services provider must meet specified criteria for providing services in English language arts (including reading), and/or mathematics in order to help students achieve New York's learning standards. For more information, see NYSUT NCLB Fact Sheet 3: Supplemental Educational Services.

Contract for Excellence

The 2007-2008 State Budget and Education law 211-d, requires school districts in need of improvement, or school districts with schools in need of improvement, requiring academic progress, in corrective action or restructuring to prepare a Contract for Excellence. School districts with the contracts are those that have received either an increase in state aid greater than \$15 million, or greater than 10%, and also that contain at least one School in Need of Improvement or one Requiring Academic Progress. Districts that must complete Contracts for Excellence are required to dedicate increased Foundation Aid to implement or expand allowable programs and activities. Under the regulations, school districts must identify specific problems to be solve and set targets for improvement. The contracts will allow spending that is targeted at class size reduction, longer school day measures, improved teacher and principal quality, middle and high school

restructuring, and full-day pre-kindergarten and kindergarten. Contracts for Excellence must be submitted to the State Education Department by July for approval.

Advice to Local Leaders

1. Local leaders should be aware of federal, state and local resources that could be targeted to improve student performance and to work with school administrators to ensure Professional Development Plans include appropriate activities and programs to improve student performance. The Professional development Plan (PDP) should address funding sources for professional development.
2. Local leaders should seek to address accountability requirements within the context of AIS descriptions to assist students in meeting the state learning standards. This may avoid duplication of efforts and may give leaders the opportunity to bring these AIS requirements into the realm of collective bargaining.
3. Single Grade 3-8 Performance Index makes schools and districts responsible for more disaggregated groups. Local leaders should designate someone in their local to monitor assessment results as a whole as well as results for defined subgroups.
4. Test results for every school district are released to the public in the media. Comprehensive school report cards are mailed home to parents. Local leaders should be prepared to develop responses with regard to school report card results.
5. For those schools not meeting state standards, work with the school administration to designate teachers to be involved in developing local assistance plans or school improvement plans. Such plans should be developed in a manner consistent with Section 100.11 of the Regulations (school based planning and shared decision making).
6. Urge local administrators to actively promote the school district as a supplemental educational service provider. If the district chooses an approved provider, urge the district to develop clearly defined agreements between the school district and the approved provider, especially in relation to how the student's teacher(s) will be regularly informed on the student's progress.
7. The local president should work with school administrators to ensure that teachers are meaningfully involved in the planning and implementation of a school improvement plan and/or a corrective action plan.
8. Continually check the NYSUT web site for additional information and updates: www.nysut.org

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