



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

September 26, 2022

The Honorable Betty A. Rosa
Commissioner
New York State Education Department
89 Washington Avenue, Room 111
Albany, New York 12234

Dear Commissioner Rosa:

I am writing in response to New York's request on August 29, 2022, and updated on September 1, 2022, and September 16, 2022, to the U.S. Department of Education (Department) to amend its approved consolidated State plan under the Elementary and Secondary Education Act of 1965 (ESEA), using the COVID-19 State Plan Addendum (Addendum). New York requested these amendments to account for short-term changes to its system of annual meaningful differentiation for the 2021-2022 school year due to extraordinary circumstances related to the COVID-19 pandemic and in response to the waivers the Department granted New York from the ESEA's accountability requirements for the 2019-2020 and 2020-2021 school years and assessment requirements for the 2019-2020 school year.

Specifically, New York requested amendments to:

- Revise its methodology for assigning school performance levels for its Academic Achievement indicator, Other Academic indicator for Elementary and Secondary Schools that Are Not High Schools (Other Academic), Graduation Rate indicator, and School Quality or Student Success indicators. For each indicator, the State will use a modified rank-based system to assign each school a performance level between one and four points.
- Revise its Other Academic indicator to include only its Core Subject Performance Index, which includes its Science Performance Index, and to exclude its Academic Progress Index and individual student growth measure.
- Revise its Progress in Achieving English Language Proficiency (ELP) indicator to consider English learners' progress on the ELP assessment in the current year compared to previous year and initial year results.
- Revise its School Quality or Student Success indicators for high schools to use a Core Subject Performance Index that includes Science and Social Studies Performance indices, as well as student performance on reading/language arts and mathematics assessments and not use its College, Career, and Civic Readiness indicator.
- For the identification of schools, make a one-time change in the frequency with which New York identifies schools for Comprehensive Support and Improvement (CSI) due to low performance and low graduation rates and Additional Targeted Support and Improvement (ATSI) to identify schools in fall 2022 and again in fall 2023.
- Revise its business rules for identifying schools for CSI - Lowest Performing, Targeted Support and Improvement due to consistently underperforming subgroups (TSI), and ATSI to use a revised table of business rules based on numbered scenarios that include school performance on all available indicators. New York will first identify schools in the lowest numbered scenario (i.e., elementary and middle schools falling in the first scenario will have performed at the lowest ranking level (Level 1) on the Core Subject

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Performance Index and Weighted Average Achievement Index indicators, and at any level on the Progress in Achieving ELP and Chronic Absenteeism indicators) then continue to identify schools in scenario order from lowest to highest until five percent of Title I schools are identified.

- Not count the 2019-2020 or 2020-2021 school years toward the number of years in which a CSI school must meet New York’s criteria for a school to exit CSI status before it must take more rigorous State-determined action and in which an ATSI school must meet the exit criteria before it becomes a CSI school.
- Revise its CSI exit criteria for schools eligible to exit status in fall 2022 based on data from the 2021-2022 school year if the school is not identified for CSI for the 2022-2023 school year and the school’s performance on either the achievement or graduation rate indicators has increased.
- Revise its CSI exit criteria for schools identified in fall 2022 to require that the school not meet CSI identification criteria and the school’s performance on the achievement or graduation rate indicators has increased.
- Revise its ATSI exit criteria for schools identified for ATSI in fall 2022 to require that the school not meet identification criteria for TSI for the 2022-2023 school year and the school’s performance on the achievement or graduation rate indicators be higher than at the time of identification.

I am approving New York’s short-term changes to its ESEA consolidated State plan. This letter and New York’s approved Addendum for the 2021-2022 school year will be posted on the Department’s website along with the currently approved version of New York’s ESEA consolidated State plan (available at: <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/essa-consolidated-state-plans/>). Because I am approving changes through the Addendum that are not limited to the 2021-2022 school year (e.g., school identification timeline), the State must submit an updated ESEA consolidated State plan that incorporates those approved changes at a later date.

Please be aware that approval of this amendment to New York’s consolidated State plan is not a determination that all the information and data included in the amended State plan comply with Federal civil rights requirements, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and requirements under the Individuals with Disabilities Education Act. It is New York’s responsibility to comply with these civil rights requirements.

I know that you are doing all in your power to support your districts and schools to ensure the health and well-being of students and educators. Thank you for your dedication to this effort. If you have any questions, please contact my staff at OESE.TitleI-a@ed.gov.

Sincerely,

/s/

James F. Lane, Ed.D.
Senior Advisor, Office of the Secretary
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Jason Harmon, Jason Harmon, Deputy Commissioner, Office of P-12 Operational Support
Theresa Billington, Assistant Commissioner for the Office of Accountability

