

MONTHLY STAKEHOLDER TOPICS/QUESTIONS/RESPONSE

General Summary of Responses

OCTOBER 2022

FINGERPRINTING

Request for assistance: districts have been stymied in hiring by extremely slow responses to fingerprinting and then many denials for crimes committed 30 years ago. Can the system be streamlined for quicker response? Can there be a way to appeal individual applicants if appropriate?

- An individual's fingerprints are normally cleared by OSPRA within 24 to 48 hours provided there are no issues on the individual's criminal history record that need to be reviewed.
- If any individual has something on their record (e.g. open criminal charge, criminal convictions) then it will be referred to an investigator, supervisor and/or attorney for further review.
- Applicants for employment are reviewed under 8 NYCRR Part 87 (fingerprinting) and are entitled to due process including the ability to provide information in support of their clearance for employment during the review process.
- Applicants who are denied by OSPRA have the ability to appeal a denial decision and are provided with written instructions on how to appeal in the denial Notice.
- Applicants for certification are reviewed under 8 NYCRR Part 83 (moral character) and are entitled to due process including the right to a hearing and they have the right to appeal any adverse decision.

SCHOOL ACCOUNTABILITY

Future of School Accountability: During the Fall NYSCOSS Conference, the Commissioner and Jim Baldwin shared that they are vested in changing the accountability system so that no school is shamed. However, the department is moving forward with a public-facing Receivership Dashboard? It was however shared during a Webinar that the label of schools in good standing may be changing. What changes are planned for schools in need of receiving the most support ...those in TSI, CSI and Receivership? Small Cities requests an in-person meeting with representatives from Small Cities (And others who have had school in status for a number of years) to come together to talk about how the system can change in the future. We have a vested interest in supporting a system that can work for not only our students, but all students in NY.

- NYSED has made moves to remove the language around “Good Standing” under the accountability restart plan. Toward that end, the restart package outlines a differentiated continuum of support for schools and districts:
 - o Local Support and Improvement
 - o Targeted Support and Improvement
 - o Additional Targeted Support and Improvement
 - o Comprehensive Support and Improvement.
- NYSED recognizes the hard work of teachers, school staff, and school and district leaders across the state.
- It is understood that all schools and districts use various models of continuous improvement to review evidence of success and opportunities for growth to ensure meaningful, accessible, and relevant educational experiences for all students.
- The Department will recognize and honor this structure by adding the Local Support and Improvement dimension to the differentiated levels of support that are built into the accountability system.
- The Department is reconstituting and developing resources and processes to aid improvement planning across all levels of this support continuum.
- Schools identified for Local Support and Improvement (previously known to be in Good Standing) may continue to use the systems and processes they have established at the local level in efforts to identify and plan for enhancing the educational experiences of the students they serve.
- The Department will continue to be a partner for these schools through resources, tools, and professional development that support continuous improvement models. There is no change in regulatory requirements for this group of schools.

PLAN PILOT

Funding

- Carnegie Corporation of NY awarded NYSED a philanthropic grant of \$500,000 to support a pilot project that will complement research work related to the Department’s Graduation Measures initiative.
- With this funding, we launched the Performance-Based Learning and Assessment Networks (PLAN) Pilot.
- Recently, NYSED was awarded nearly \$3 million from the US Department of Education’s Competitive Grants for State Assessments Program to further support this work.

Purpose

- The purpose of the pilot is to explore the potential for New York’s educational assessment system to be reimaged in a way that purposefully fosters high-quality instructional opportunities, provides authentic measures of deeper learning, and better prepares students for college and the workplace.
- As part of an overall assessment strategy, performance-based assessments provide a learning opportunity for students and help to build a school culture of inquiry and deeper learning.
- Many educators are already doing this successfully in schools around the state.

Design

- The Board and Department envision that middle schools, high schools, and potentially BOCES will be selected to establish pilot sites in different geographic regions.
- Participating schools will work together in networks to learn from one another and from mentor schools that are already successfully implementing performance-based assessments to facilitate sustainable changes in school culture.

Professional Learning Webinar Series

- NYSED launched a PLAN Pilot Webinar Series to provide information on performance-based learning and assessment.
- The first webinar featured distinguished guest speaker Dr. Linda Darling-Hammond of the Learning Policy Institute who discussed assessment for deeper learning.
- The second webinar will look at performance-based learning and assessment in practice later this year and may be of particular interest to teachers.

Objectives

- The result of the pilot will help guide the implementation of approaches to performance-based learning and assessments that could serve as models for reimagining statewide diploma requirements in a manner that may better prepare students—especially disadvantaged students and students with disabilities—for success in college, career, and the global economy.
- Both the Graduation Measures initiative and the PLAN Pilot will help us move away from a one-size-fits-all approach to one that custom tailors teaching and learning to the individual student. We will keep you updated as the initiatives move forward.

Timeline

- Fall 2022 – Summer 2024:
 - o State-led webinars to share information about performance-based learning and assessment.
 - o Launch advisory input process
 - o Application and selection process for pilot schools and mentor schools
 - o Pilot Networks created in various regions across the state
- SYs 2024-27: Implementation begins and expands within pilot schools

- o Educators in pilot schools begin engaging in extensive PD and mentoring
- o Pilot schools begin to see shifts in curriculum and school culture
- o Educators in pilot schools make progress toward implementing performance-based learning and assessment approaches with increasing autonomy
- o The number of courses culminating in a performance-based assessment increases in pilot schools
- Spring 2027: Evaluator publishes report and policy recommendations

SCHOOL SAFETY

Need for Interagency Cooperation; Supporting Challenging Students

- NYSED believes that the best option for children is to keep them in the classroom to maximize instruction time and the efficacy of supports to ensure positive developmental trajectories
- It is important for schools and districts to work collaboratively with their community partners to provide supports to meet student needs when school-based supports are not sufficient. This might be mental health clinics that provide avenues to access other needed services for families.
- NYSED is working closely with OMH, DCJS, and OCFS. SED is part of the School Safety Improvement team with the Governor’s Office, DHSES, and the State Police.

LABOR SHORTAGE – RECRUITMENT AND RETENTION

Possible Funding Streams

- Allocating Title IIA funds to support this critical need.
- SED will continue to encourage schools and districts to utilize Title IIA for this as well.

BUDGETING FOR MENTAL HEALTH AND DEI INITIATIVES/SUPPORTING SCHOOL LEADERS

Plans for DEI Incentive and Accountability Program?

- NYSED has been working to implement the \$100 million 2-year RECOVS grant from the last budget. This should be available soon.
- This grant is for mental health services in schools to address learning loss.
- NYSED is working on a \$10 million Alternative to Discipline grant that we are working on.
- There is also a \$2 million Safe Supportive Schools Grant.

General Summary of Responses

SEPTEMBER 2022

CYBER SECURITY

- Cybersecurity remains a high priority for the New York State Education Department; for our own agency as well as for all of the State's schools.
- The increased use by schools of technology since the pandemic have created more vulnerability to cyberattacks requiring schools to become and remain hypervigilant.
- Many of our schools suffered a substantial breach when Illuminate Education was subject to a ransomware attack which it reported in March 2022.
- The Department is continuing its investigation into that breach, as it is authorized to do under Education Law 2-d; the breach serves as a reminder of the importance of good cybersecurity protocols in all schools.
- Schools must be prepared to address malicious attacks and unsafe internal practices that can lead to a breach of confidential, personal, or private information.
- All school employees must understand how to prevent, recognize, and minimize threats.
- All school employees should also be familiar with both FERPA and Education Law 2-d; they must understand why personally identifiable information (PII) must always be protected and how to keep it protected.
- Schools should also adopt data minimization policies, so that the collection of PII is limited to what is relevant and needed to accomplish educational goals.
- Education Law 2-d requires all schools to report data incidents to the Department. These reports are reviewed throughout the year to identify trends. To date, there have been 113 reports submitted during 2022 to the Department.
- Similar to the Department's findings last year, the majority of these reports involve breaches caused by human error.
- These findings emphasize the importance of a robust training program, which has been the message the Department has been sharing with the field this past year.
- Finally, the Office of State Comptroller continues its information technology audits of school districts.
- There have been many findings pertaining to unnecessary network user accounts.
- The Department will work with the RICS on guidance to schools to address this finding.

SCHOOL SAFETY TASK FORCE

The Safe Schools Task Force (Task Force or SSTF) was reconvened in August 2019 to provide input on addressing issues related to the School Safety and Educational Climate (SSEC) incident reporting categories, school safety, and the 2018 Office of the State Comptroller's audit of NYSED's implementation of the SAVE legislation.

The Task Force is comprised of NYSED staff and various stakeholders, including the New York City Department of Education (NYCDOE), school districts, BOCES, schools, LGBTQ and education advocates, Division of Criminal Justice Services, New York State Police, New York State United Teachers, New York Civil Liberties Union, the Department of Homeland Security, Office of Children and Family Services, and the Office of Mental Health.

The Task Force has met numerous times since August 2019, with some recommendations being implemented already and others in progress.

Recommendations that have been implemented include:

- Changes to reportable incident categories and definitions used in the annual incident data collected from schools including adding the category of threat (other than bomb threat or false alarm).
- Changes in the methodology for calculating the SVI used to identify persistently dangerous schools.
- At the request of Task Force Members, the department facilitated a series of discussions with members focusing on student discipline practices and the harmful effects of exclusionary discipline and disparate use of exclusionary discipline for students of color. The department sought the assistance of nationwide expert, Kristen Harper from Child Trends. Recommendations of the Task Force members are being finalized now and will be shared with the Board of Regents in winter of the 2022-23 school year.
- As a result of a comptroller's audit of compliance with an Ed Law 2801-a requirement that all staff receive annual training in emergency response plans including school violence prevention and mental health, the department developed a training resource that is available now at <https://www.nyscfss.org/annual-safety-login>. The Task force continues to focus efforts on how to best support schools and districts in providing necessary training to staff.

APPR

As you are aware, the legislature substantially amended APPR requirements in 2019 to decouple State assessments as a required measure for teacher and principal evaluations and to provide greater local flexibility to LEAs to determine appropriate measures for the student growth portion of evaluations.

In response to these legislative changes, the Board of Regents adopted regulations at their October 2019 meeting to implement the changes.

As you are also aware, evaluation requirements have been waived for the past three school years due to the COVID-19 pandemic, meaning many LEAs have yet to develop their new evaluation systems.

The Board's regulations were developed following significant stakeholder engagement, including with all key stakeholder organizations.

Two main ideas emerged from those conversations:

- Many districts and bargaining units are satisfied with most aspects of their existing plans and the Department should allow them to make small changes to those plans without having to develop completely new evaluation systems.
- Some stakeholders believe the existing regulations are too prescriptive and are requesting greater flexibility to explore alternate approaches to evaluating teachers and principals.

The approach we took to accommodate both requests was to take the existing regulatory language and carry it forward, only making edits to conform the current regulations to the statutory amendments.

This enables districts, by and large, to maintain their existing plans where they are satisfied with them. But that doesn't provide any additional flexibility. The way that we achieved greater flexibility is by adding a new section to the existing regulations, which we are calling a variance process.

The variance process will allow districts, on a case-by-case basis, to request a variance for one or more of our regulatory requirements to implement new and innovative approaches to evaluating teachers and principals.

While we cannot grant a variance for areas that are specifically required by the Education Law (e.g., you cannot have no student growth measures or eliminate the rating matrix), in many areas, the statute requires the commissioner to create a process for districts to use – it is these areas where variances can be granted.

The goals of these flexibilities are first to ensure that educators are evaluated in a way that supports their growth as professionals and second to ensure that evaluation systems can be implemented in a manner that makes sense given your local context.

Looking to the future, while we have done our best through the regulatory process to create flexibility for LEAs within the existing law, we also understand that there are challenges with the implementation of the law as written in many LEAs.

We are committed to continuing to engage with stakeholders to determine what an ideal evaluation system for NYS educators could look like and to advocate for the changes that are needed to make this process one that supports the continued development and growth of our teachers and principals.

BLUE RIBBON COMMISSION ON GRADUATION MEASURES

We need to have a recommitment to public education. One of the keys to a successful future is access to a high-quality education. That is one of the reasons we have undertaken a review of the state's graduation requirements.

Stakeholder input has been a critical focus of our work to review Graduation Measures. More than 30 regional meetings, 19 in-person and 12 virtual, were hosted by Regents to gather input from parents, students, families, educators, administrators, school support staff, representatives of higher education, the business community, and the general public.

We must customize our teaching and learning to how students learn.

Similarly, we should allow students to show what they know in the manner that suits them best, offering them multiple ways to do this.

We are considering all the feedback from our meetings, the research, and best practices of other states to create a policy that allows all students to succeed in life after graduation. Recently named the members of the Blue Ribbon Commission.

The Graduation Measures Blue Ribbon Commission will be co-chaired by Vice Chancellor Josephine V. Finn and Regent Judith Chin. Regent Frances G. Wills and Regent Aramina V. Ferrer will also sit on the Commission.

Under the direction of the co-chairs, the 64 members of the Blue Ribbon Commission will undertake a thoughtful and inclusive process to explore what a state diploma should signify to ensure educational excellence and equity for every student in New York State. Thanks to the breadth of exceptional applicants and the nominees put forth by our stakeholders, we have a Commission with members that represent a diverse cross-section of stakeholders,

with a wide range of skills and expertise, including educators, administrators, researchers, school counselors, teachers of students with disabilities, educators that work with ELLs, professionals from business and higher education, parents, and students.

The Blue Ribbon Commission will develop recommendations to the Board of Regents on what measures of learning and achievement could better serve New York's diverse student population as indicators of what they know and their readiness for college, career, and civic life.

Recommendations from the Blue Ribbon Commission will be developed through a lens of diversity, equity, and inclusion, and consider those requirements that will drive improved instructional practice and curricular selections aligned to the Culturally Responsive-Sustaining Education Framework and the New York State Learning Standards in all areas for all student populations.

Public input remains critical to this endeavor. Over the next two years as the Commission meets, there will continue to be opportunities for members of the public to engage the Department and Commission via Thought Exchange.

BRC Timeline

- Fall 2022 – Winter 2023:
- Commission's first meeting will be in October – the BRC convenes and defines its scope of work.
- Blue Ribbon Commission second meeting to identify priority areas and a framework for moving forward.
- Establish sub-groups for priority areas.
- Winter 2023 – Spring 2023: Sub-groups meet.
- Spring 2023 – Summer 2023: Sub-groups develop proposed recommendations.
- Fall 2023 – Winter 2024: Sub-groups advance recommendations to the BRC.
- Winter 2024 – Spring 2024: The BRC finalizes recommendations, and a report is prepared.
- Spring / Summer 2024: The BRC's final report is presented to the Board of Regents for consideration.

STATE ACCOUNTABILITY / STATE TEST RESULTS TIMELINE

State Accountability Measures Going Forward & Timelines

In developing the proposed revisions to its accountability system using 2021-22 school year data, NYSED has continued to be guided by its values of reliability, transparency, and explainability so that the restart of New York State's accountability system will support school communities the best way possible.

New York's accountability system for the 2022-23 school year based upon 2021-22 school year results will:

- Use only 2021-22 school year data;
- Use modified scenario tables for identification criteria;
- Split Composite Performance into two indicators:
- Weighted Average Achievement and
- Core Subject Performance
- Core is a new indicator for HS;
- Include the ELP indicator using only those students that tested on NYSESLAT in 2021-22;

Use cut-points based on ranking to establish Performance levels for Weighted Average Achievement, Core Subject Performance, Graduation Rate, and Chronic Absenteeism;

Not use the following indicators:

- Growth
- Academic Progress
- College, Career, and Civic Readiness (CCCR);
- Not use Measures of Interim Progress (MIPs); and
- Use modified exit criteria using multiple pathways.

The ESEA requires that a minimum of five percent of schools be identified every three years as in need of Comprehensive Support and Improvement, or CSI. New York has chosen to meet this requirement by identifying five percent of elementary/middle schools and five percent of high schools. There is no requirement in ESSA that a particular number or percentage of schools be identified for TSI.

In order to meet federal requirements, NYSED has extensively modeled ways to minimize utilizing school year data most affected by the COVID-19 pandemic and to choose a method that would yield results that are most similar to those that NYSED predicts would have occurred had New York been able to apply its pre-pandemic system to 2021-22 school year results.

Based on NYSED's modeling, the modified scenario tables that have been developed for the elementary and middle level and the high school level have a significant amount of consistency with identification determination patterns that were made prior to the pandemic and a wide distribution of likely identifications across regions and need/resource categories of districts.

These modified scenario tables align with our proposed indicator modifications, including dropping the growth, academic progress, and CCCR accountability indicators, breaking up the Composite Performance indicator into Weighted Average Achievement and Core Subject Performance, and using cut-points for Graduation Rate and Chronic Absenteeism. In the ESSA Accountability State Plan Addendum, NYSED proposed multiple new pathways for exiting CSI, TSI, and ATSI status.

In addition, there are a few Target Districts that do not have any schools identified for CSI or TSI and are identified only for performance at the district level. Those districts be reclassified as in Good Standing as long as no schools are identified for CSI or TSI. Low participation rates on State assessments will not prevent a school identified for CSI or TSI from exiting their identification status.

Upon USDE's approval, NYSED staff will ask the Board of Regents to amend Commissioner's Regulations so that the modified system can be implemented.

60 day comment period will ensue around the regulation proposals.

Formal adoption of the Regulations by the BOR planned for February meeting.

Identification status for Comprehensive Support and Improvement, Additional Targeted Support and Improvement and Targeted Support and Improvement is earmarked for communication to the field in February.

NYSED will continue to keep stakeholders informed regarding implementation of the accountability system based on 2021–22 school year results. We will also continue to engage around the long-term approach to accountability moving forward beyond the one-year restart model that is currently being implemented.

State test results timeline

As we forecast in our June 30 memo regarding changes to the data process this year, the Department provided the preliminary Grades 3-8 English Language Arts (ELA) and mathematics (math) assessment data to districts and schools the week of August 15, 2022. The preliminary data was considered such because it has not yet gone through the allowed summer assessment clean up window which closed on August 31.

The goal of that initial release was to ensure parents had access to individual student results before the start of the school year.

We also wanted to be sure that principals and teachers had that information so that student programming/placements that are informed by those assessment results could be used for scheduling in advance of the start of the school year.

Now that SIRS reporting window has closed for 2021-22 (due date was August 19), the assessment clean up window has closed (due date was August 31) and districts and charter schools have certified their data (due date on that was Friday, September 2), the team in IRS is working to roll up the individual district data into the statewide tables.

We anticipate that the statewide data will be posted on the New York State Report Card on the Department's public data site this fall.

We absolutely appreciate and share the interest in reviewing the statewide data following two years of pandemic disruption and will be making the aggregate data available as soon as possible.

To that end, we are exploring all available avenues to make the final assessment data available as soon as possible.

PLAN PILOT

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FOUNDATION AID FORMULA

Foundation Aid formula recalculation – what are SED’s plans to 1) recalculate the Foundation Amount, 2) update data within the FA formula and 3) consider including developing population demographic stressors into the formula?

The Foundation Amount is the determination of what a successful school must spend to provide a sound basic education. This needs updating, it is our understanding SED is tasked to update this with reasonable regularity, and this has not been done for over 12 (we understand what has stopped this from occurring, and would like to talk about going forward).

There are student populations small city districts are tasked with educating that are not recognized/weighted in the formula, i.e. undocumented youth that come with interrupted education v. undocumented youth that come with uninterrupted education, both have distinct needs that result in differentiated costs associated with their programs.