

# **ACCOUNTABILITY PEER REVIEW**

**New York State**

**The University of the State of New York  
New York State Education Department  
Albany, New York 12234**

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**PRINCIPLE 1. A single statewide Accountability System applied to all public schools and LEAs.**

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>1.1 How does the State Accountability System include every public school and LEA in the State?</p>	<p>Every public school and LEA is required to make adequate yearly progress and is included in the State Accountability System.</p> <p>State has a definition of “public school” and “LEA” for AYP accountability purposes.</p> <ul style="list-style-type: none"> <li>• The State Accountability System produces AYP decisions for all public schools, including public schools with variant grade configurations (e.g., K-12), public schools that serve special populations (e.g., alternative public schools, juvenile institutions, state public schools for the blind) and public charter schools. It also holds accountable public schools with no grades assessed (e.g., K-2).</li> </ul>	<p>A public school or LEA is not required to make adequate yearly progress and is not included in the State Accountability System.</p> <p>State policy systematically excludes certain public schools and/or LEAs.</p>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

1.1 How does the State Accountability System include every public school and LEA in the State?

8 NYCRR §100.2(p)(4) states, “Each year, the commissioner shall review the performance of all public schools, charter schools and school districts in the State.” 8 NYCRR §100.2(p)(4) further states, “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.”

In 2003, the Regents adopted these regulations to explicitly require that the commissioner review the performance of all schools and LEAs in the State to determine whether they have made adequate yearly progress. The regulations also specify the use of back mapping for schools that cover only grades below grade 4. In the 2005-2006 school year, the Regents shall amend the regulations to reflect revisions in the use of back mapping for schools that cover only grades below grade 3.

Article 56 of Education Law requires charter schools to be subject to the State assessment requirements and student performance standards adopted by the Board of Regents.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>1.2 How are all public schools and LEAs held to the same criteria when making an AYP determination?</p>	<p>All public schools and LEAs are systematically judged on the basis of the same criteria when making an AYP determination.</p> <p>If applicable, the AYP definition is integrated into the State Accountability System.</p>	<p>Some public schools and LEAs are systematically judged on the basis of alternate criteria when making an AYP determination.</p>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

1.2 How are all public schools and LEAs held to the same criteria when making an AYP determination?

All public schools in New York State are subject to the accountability provisions of Section 100.2(p) of Commissioner’s Regulations. The same methodology and performance standard is applied to making an AYP determination for each group within each school and district that meets the State’s definition for minimum “n.” All schools and districts that have insufficient numbers of students participating in the State assessment program to make a reliable AYP determination using these assessments are subject to a determination of AYP based on the procedures stipulated in Section 100.2(p)(5)(vi) of Commissioner’s Regulations.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>1.3 Does the State have, at a minimum, a definition of <i>basic</i>, <i>proficient</i> and <i>advanced</i> student achievement levels in reading/language arts and mathematics?</p>	<p>State has defined three levels of student achievement: <i>basic</i>, <i>proficient</i> and <i>advanced</i>.<sup>1</sup></p> <p>Student achievement levels of <i>proficient</i> and <i>advanced</i> determine how well students are mastering the materials in the State's academic content standards; and the <i>basic</i> level of achievement provides complete information about the progress of lower-achieving students toward mastering the <i>proficient</i> and <i>advanced</i> levels.</p>	<p>Standards do not meet the legislated requirements.</p>

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<sup>1</sup> System of State achievement standards will be reviewed by the Standards and Assessments Peer Review. The Accountability Peer Review will determine that achievement levels are used in determining AYP.

## STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

1.3 Does the State have, at a minimum, a definition of *basic*, *proficient* and *advanced* student achievement levels in reading/language arts and mathematics?

New York State has defined basic, proficient and advanced student achievement levels in English language arts and mathematics. 8 NYCRR §100.2(p)(1)(v)(a-d) defines the four performance levels that are used to calculate performance index.

The State has defined basic as the performance of a student who scores Level 1 on State assessments in grades 3-8 English language arts, mathematics; or scores Level I on a State alternate assessment;; or scores less than a 55 on a Regents comprehensive examination in English or a Regents mathematics examination; or fails to take a Regents comprehensive examination in English or a Regents mathematics examination; or receives a failing score on an alternative examination for those Regents examinations, or less than a 65 on a Regents competency test.

The State has defined proficiency as the performance of a student who scores Level 3 on State assessments in grades 3-8 English language arts, mathematics; or scores Level 3 on a State alternative assessment;; or scores between 65 and 84 on a Regents examination; or passes a State approved alternative to the Regents examination.

The State has defined advanced as the performance of a student who scores Level 4 on required State assessments in grades 3-8 English language arts or mathematics, or scores Level 4 on a State alternate assessment; or scores 85 or higher on the Regents comprehensive examination in English or a Regents mathematics examination.

The State has also defined an additional level of achievement: basic proficiency. Basic proficiency is defined as the performance of a student who scores Level 2 on the State assessments in grades 3-8 English language arts, mathematics; or scores Level 2 on a State alternate assessment; or scores between 55 and 64 on the Regents comprehensive examination in English or a Regents mathematics examination; or 65 or greater on a Regents competency test.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>1.4 How does the State provide accountability and adequate yearly progress decisions and information in a timely manner?</p>	<p>State provides decisions about adequate yearly progress in time for LEAs to implement the required provisions before the beginning of the next academic year.</p> <p>State allows enough time to notify parents about public school choice or supplemental educational service options, time for parents to make an informed decision, and time to implement public school choice and supplemental educational services.</p>	<p>Timeline does not provide sufficient time for LEAs to fulfill their responsibilities before the beginning of the next academic year.</p>

## STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

1.4 How does the State provide accountability and adequate yearly progress decisions and information in a timely manner?

The New York State Education Department (NYSED) sends a report to schools and LEAs (districts) each year to indicate their accountability status. The accountability status report explains how a school's or LEAs status is determined. The Department also posts on its Web site a list of schools and LEAs in federal and/or State improvement status.

The NYSED is implementing its grade 3-8 assessments in the 2005-2006 school year. The NYSED and the test development contractor, CTB McGraw Hill, have established a timeline for test administration, scoring, scanning, standard setting, scaling, and score reporting. Score reporting is expected to take place in August for English language arts and September for mathematics. In addition, New York State (NYS) needs extra time to establish annual measurable objectives for grades 3-8 accountability and to make the necessary adjustments in safe harbor targets and accountability status to transition from separate grades 4 and 8 indicators to a single grade 3 through 8 indicator. Hence, New York State seeks approval to delay notification of accountability status until the fall of 2006 for those schools and districts whose status depends on the 2005-06 grades 3-8 assessment results. In such cases, upon identification, schools and districts will be required to send immediate notification to all eligible parents of their right to and options for public school choice (choice) and supplemental education services (SES). Implementation of choice and SES will happen in a way that is timely, as soon as is possible. Implementation of new/revised plans must occur within ninety days of notification.

The secondary-level examination program has not changed. NYS secondary schools will be notified of their accountability status prior to the start of the school year and will be expected to implement requirements at the beginning of the school year.

In the spring, to assist school districts in identifying schools that might be placed in improvement status, the Department sends every public school and LEA a letter identifying their potential accountability status for the coming year. In Spring 2006, letters will be sent to identify the following:

- a. Schools that will be in need of improvement in 2006-07 regardless of their 2005-06 performance;
- b. Schools that will be removed from improvement status if they make adequate yearly progress in 2005-06;
- c. Schools that will be placed in improvement status if they did not made adequate yearly progress in 2005-06; and
- d. Schools that will not be identified as in improvement status, regardless of their 2005-06 performance; that is, schools that made AYP on every accountability measure in 2004-05.

Schools and LEAs that cannot be removed from improvement status based on 2005-06 performance (group a above) are expected to proceed with timely implementation of requirements.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>1.5 Does the State Accountability System produce an annual State Report Card?</p>	<p>The State Report Card includes all the required data elements [see Appendix A for the list of required data elements].</p> <p>The State Report Card is available to the public at the beginning of the academic year.</p> <p>The State Report Card is accessible in languages of major populations in the State, to the extent possible.</p> <p>Assessment results and other academic indicators (including graduation rates) are reported by student subgroups</p>	<p>The State Report Card does not include all the required data elements.</p> <p>The State Report Card is not available to the public.</p>

## STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

1.5 Does the State Accountability System produce an annual State Report Card?

Yes. Pursuant to NCLB Section 1111 (h)(2), New York State produces an annual State Report Card showing State performance on each accountability measure and participation rate on each accountability assessment. In addition, New York State produces a Report Card for every LEA (district) and every public school, in accordance 8 NYCRR §100.2(m), which satisfies the requirements of Section 1111(h)(2).

To satisfy the local report card requirements under section 1111(h)(2) of the No Child Left Behind Act, 20 U.S.C. section 6311 (h)(2), each public school principal and each principal of a charter school receiving Federal funding under Title 1 shall distribute these report cards, within 30 calendar days of the commissioner's release of such reports. In the New York City School District, the report card is sent to the parent of each student. The reports are translated into the five most prevalent languages other than English spoken by State students (NYCRR §100.2(m)(4)). Each board of education shall make its report card available by appending it to copies of the proposed budget made publicly available as required by law, making it available for distribution at the annual meeting, transmitting it to local newspapers of general circulation and making it available to parents (8 NYCRR §100.2(3)).

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>1.6 How does the State Accountability System include rewards and sanctions for public schools and LEAs?<sup>2</sup></p>	<p>State uses one or more types of rewards and sanctions, where the criteria are:</p> <p>Set by the State;</p> <p>Based on adequate yearly progress decisions; and,</p> <p>Applied uniformly across public schools and LEAs.</p>	<p>State does not implement rewards or sanctions for public schools and LEAs based on adequate yearly progress.</p>

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<sup>2</sup> The state must provide rewards and sanctions for all public schools and LEAs for making adequate yearly progress, except that the State is not required to hold schools and LEAs not receiving Title I funds to the requirements of section 1116 of NCLB [§200.12(b)(40)].

## STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

1.6 How does the State Accountability System include rewards and sanctions for public schools and LEAs?

New York State currently has a system of rewards and sanctions for all public schools, and a system of sanctions for Title I LEAs. As required by NCLB, NYS annually evaluates the performance of all Title I schools and LEAs receiving Title I funds. Schools and LEAs that fail to make adequate yearly progress are identified for improvement or corrective action. Schools and LEAs that meet, exceed or demonstrate consecutive growth may also be identified as “high performing” or “rapidly improving.”

8 NYCRR §100.2(p)(6)(vi) states, “A public school or charter school that received funds under Title I for two consecutive years during which the school did not make adequate yearly progress shall be identified for school improvement under section 11169(b) of the NCLB Act, 20 U.S.C section 6316(b)(1)-(3) and is subject to the requirements therein.”

8 NYCRR §100.2(p)(6) states, “A public school that fails to make adequate yearly progress for two consecutive years in the same accountability performance criterion in paragraph (14) of this subdivision or the same accountability indicator of paragraph (15) of this subdivision shall be designated in the next school year as a “School Requiring Academic Progress: Year 1.” A school improvement plan in such format as may be prescribed by the commissioner shall be developed by each school that fails to achieve its adequate yearly progress targets.”

8 NYCRR §100.2(p)(7) states, “Commencing with 2003-2004 school year results, a district that failed to make adequate yearly progress on all criteria in paragraph (14) of this subdivision in a subject area, or all indicators in subparagraphs (15)(iii) of this subdivision, for two consecutive year shall be designated as “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.”

8 NYCRR §100.2(p)(8)(i) states “Commencing with the 2003-2004 school year results, the commissioner shall annually identify “high performing” public schools, school districts and charter schools when a school or LEA meets or exceeds all State Standards in both ELA and math measures and makes AYP for the all student and two disaggregated groups for which it is accountable, the school or LEA (district).” 8 NYCRR §100.2(p)(8)(ii) states that “Commencing with 2004-2005 school year results, the commissioner shall annually identify “rapidly improving” public schools, school districts and charter schools when a school or LEA performs below one or more State Standards but makes AYP for all disaggregated groups for which it is accountable for three consecutive years in both ELA and math, the school or LEA (district).”

**PRINCIPLE 2. All students are included in the State Accountability System.**

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>2.1 How does the State Accountability System include all students in the State?</p>	<p>All students in the State are included in the State Accountability System.</p> <p>The definitions of “public school” and “LEA” account for all students enrolled in the public school district, regardless of program or type of public school.</p>	<p>Public school students exist in the State for whom the State Accountability System makes no provision.</p>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

2.1 How does the State Accountability System include all students in the State?

8 NYCRR §100.2(p)(4) requires that all public elementary, intermediate, middle, junior high, and high schools in the State be registered by the Board of Regents and that the commissioner annually evaluate the performance of all public schools, charter schools, and school districts in the State. 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 (§100.2(p)(1)(i)). Article 56 of Education Law requires charter schools to be subject to the State assessment requirements and student performance standards adopted by the Board of Regents.

By policy, New York State holds each LEA (district) responsible for students attending schools in the LEA (district) and for students residing in the LEA (district) who by LEA (district) decision are receiving educational services outside the LEA (district) and students with disabilities placed by the LEA (district) Committee on Special Education (CSE), IEP Team in New York State, in a Board of Cooperative Educational Services program or in a State approved-private placement. The LEA (district) is responsible for ensuring that these students participate in all appropriate State assessments and for reporting their results to the State. These students will be included in calculating LEA (district) performance on the accountability indicators.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>2.2 How does the State define “full academic year” for identifying students in AYP decisions?</p>	<p>The State has a definition of “full academic year” for determining which students are to be included in decisions about AYP.</p> <p>The definition of full academic year is consistent and applied statewide.</p>	<p>LEAs have varying definitions of “full academic year.”</p> <p>The State’s definition excludes students who must transfer from one district to another as they advance to the next grade.</p> <p>The definition of full academic year is not applied consistently.</p>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

2.2 How does the State define “full academic year” for identifying students in AYP decisions?

For the purposes of identifying students in AYP decisions, New York State counts those grades 3-8 students who are continuously enrolled in the same school or LEA from the first Wednesday in October until the dates of test administration in English language arts and mathematics.

Beginning with the cohort used to make secondary level AYP decisions in 2005-06, the State will define “full academic year” as being continuously enrolled in the school or district from the first Wednesday in October of the final cohort year until the end of that year or having graduated from or dropped out of the school during that period, where year 1 is the year the student first entered the cohort.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>2.3 How does the State Accountability System determine which students have attended the same public school and/or LEA for a full academic year?</p>	<p>State holds public schools accountable for students who were enrolled at the same public school for a full academic year.</p> <p>State holds LEAs accountable for students who transfer during the full academic year from one public school within the district to another public school within the district.</p>	<p>State definition requires students to attend the same public school for more than a full academic year to be included in public school accountability.</p> <p>State definition requires students to attend school in the same district for more than a full academic year to be included in district accountability.</p> <p>State holds public schools accountable for students who have not attended the same public school for a full academic year.</p>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

2.3 How does the State Accountability System determine which students have attended the same public school and/or LEA for a full academic year?

New York State requires that schools and LEAs identify whether each student who is their reporting responsibility has been continuously enrolled when reporting student performance. See 8 NYCRR §100.2(p)(1)(ix) for the definition of continuously enrolled.

The Board of Regents shall amend Regulation 8 NYCRR §100.2(p)(16), the definition of the annual high school cohort or the annual high school alternative cohort as follows: the annual high school cohort for purposes of determining adequate yearly progress on the criteria set forth at subparagraph (14)(vi) of this subdivision and identifying schools for registration review pursuant to paragraph (9) of this subdivision for any given year shall consist of those students who first enrolled in ninth grade three years previously anywhere and who were enrolled in the school on the first Wednesday in October of the current school year. 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.

**PRINCIPLE 3. State definition of AYP is based on expectations for growth in student achievement that is continuous and substantial, such that all students are proficient in reading/language arts and mathematics no later than 2013-2014.**

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>3.1 How does the State's definition of adequate yearly progress require all students to be proficient in reading/language arts and mathematics by the 2013–14 academic year?</p>	<p>The State has a timeline for ensuring that all students will meet or exceed the State's proficient level of academic achievement in reading/language arts<sup>3</sup> and mathematics, not later than 2013–14.</p>	<p>State definition does not require all students to achieve proficiency by 2013–14.</p> <p>State extends the timeline past the 2013–14 academic year.</p>

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<sup>3</sup> If the state has separate assessments to cover its language arts standards (e.g., reading and writing), the State must create a method to include scores from all the relevant assessments.

## STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

3.1 How does the State's definition of adequate yearly progress require all students to be proficient in reading/language arts and mathematics by the 2013–14 academic year?

Pursuant to 8 NYCRR § 100.2(p)(14), New York State will use a performance index to determine adequate yearly progress in reading/English language arts and mathematics. The annual measurable objective for the 2013-2014 academic year requires that 100 percent of students reach, at a minimum, proficiency standards (as defined below).

8 NYCRR § 100.2(p)(1)(v)(c) defines proficiency as the performance of a student who scores Level 3 on State assessments in grades 3-8 English language arts, mathematics; or scores Level 3 on a State alternative assessment; or scores between 65 and 84 on a Regents examination; or passes a State approved alternative to the Regents examination.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>3.2 How does the State Accountability System determine whether each student subgroup, public school and LEA makes AYP?</p>	<p>For a public school and LEA to make adequate yearly progress, each student subgroup must meet or exceed the State annual measurable objectives, each student subgroup must have at least a 95% participation rate in the statewide assessments, and the school must meet the State's requirement for other academic indicators.</p> <p>However, if in any particular year the student subgroup does not meet those annual measurable objectives, the public school or LEA may be considered to have made AYP, if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the State assessments for that year decreased by 10% of that percentage from the preceding public school year; that group made progress on one or more of the State's academic indicators; and that group had at least 95% participation rate on the statewide assessment.</p>	<p>State uses different method for calculating how public schools and LEAs make AYP.</p>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

3.2 How does the State Accountability System determine whether each student subgroup, public school and LEA makes AYP?

New York State will determine whether each student subgroup, public school and LEA makes AYP in accordance with 8 NYCRR §100.2(p)(5). The State will identify for school improvement any school that fails to make AYP for two consecutive years on the same measure (English language arts, mathematics, science, or graduation rate) at the same level. The State will identify for improvement any LEA that fails to make AYP for two consecutive years on the same measure at all applicable levels.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>3.2a What is the State's starting point for calculating Adequate Yearly Progress?</p>	<p>Using data from the 2001–02 school year, the State established separate starting points in reading/language arts and mathematics for measuring the percentage of students meeting or exceeding the State's proficient level of academic achievement.</p> <p>Each starting point is based, at a minimum, on the higher of the following percentages of students at the proficient level: (1) the percentage in the State of proficient students in the lowest-achieving student subgroup; or, (2) the percentage of proficient students in a public school at the 20<sup>th</sup> percentile of the State's total enrollment among all schools ranked by the percentage of students at the proficient level.</p> <p>A State may use these procedures to establish separate starting points by grade span; however, the starting point must be the same for all like schools.</p>	<p>The State Accountability System uses a different method for calculating the starting point (or baseline data).</p>

## STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

3.2a What is the State's starting point for calculating Adequate Yearly Progress?

The State's starting point for calculating Adequate Yearly Progress for grades 3-8 in English language arts and math beginning in 2005-06 will be calculated as follows:

- Step 1: Determine the percentage of public school students in the State who are enrolled in buildings in which the PI on a measure is below the Grade 4 and 8 2004-2005 AMOs.
- Step 2: Using 2005-06 Grade 3-8 Performance Index, determine the AMO which would result in the same percentage of students being enrolled in 2005-06 in schools below that AMO as were enrolled in schools below the AMO in 2004-2005.
- Step 3: Maintain same AMO for 2006-07 and then increment annually in equal amounts beginning in 2007-2008 to reach 200 in 2013-14.

The State's starting point for high school ELA and math was established for the 2002-03 based on the performance index in the public school at the 20<sup>th</sup> percentile of the State's total enrollment among all schools ranked by the performance index. This method yielded higher starting points than the method using the lowest achieving student group.

Prior to the beginning of the 2006-2007 school year, the Board of Regents amended Part 100.2(p)(14) of Commissioner's regulations to give the Commissioner the authority to establish the starting point for calculating AYP for the Grade 3-8 ELA and Grade 3-8 math measures.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
<p>3.2b What are the State's annual measurable objectives for determining adequate yearly progress?</p>	<p>State has annual measurable objectives that are consistent with a state's intermediate goals and that identify for each year a minimum percentage of students who must meet or exceed the proficient level of academic achievement on the State's academic assessments.</p> <p>The State's annual measurable objectives ensure that all students meet or exceed the State's proficient level of academic achievement within the timeline.</p> <p>The State's annual measurable objectives are the same throughout the State for each public school, each LEA, and each subgroup of students.</p>	<p>The State Accountability System uses another method for calculating annual measurable objectives.</p> <p>The State Accountability System does not include annual measurable objectives.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
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3.2b What are the State's annual measurable objectives for determining adequate yearly progress?

The annual measurable objectives for grade 3-8 English language arts and mathematics assessments that will be applied throughout New York State for each public school, each LEA, and each group of students will be calculated based on the following formula:

- Establish 2005-2006 AMO as specified in 3.2a.
- Increment the AMOs annually, beginning in 2007-2008, in equal increments resulting in a PI of 200 in 2013-2014.

Pursuant to this methodology, the grade 3-8 ELA AMO for 2005-2006 and 2006-2007 shall be 122 and the math 3-8 AMO shall be 86. These shall be incremented as follows:

Assessment	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Grade 3-8 ELA	133	144	155	167	178	189	200
Grade 3-8 Math	102	119	135	151	167	183	200

Pursuant to methodology approved in January 2003, the annual increments for high school ELA and math shall be:

Assessment	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
HS ELA	165	171	177	183	188	194	200
HS Math	159	166	173	180	186	193	200

Prior to the beginning of the 2006-2007 school year, the Board of Regents amended Section 100.2(p)(14) of Commissioner's regulations to give the Commissioner the authority to establish the AMOs, as listed above, for determining adequate yearly progress for Grade 3-8 ELA and Grade 3-8 math.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
3.2c What are the State's intermediate goals for determining adequate yearly progress?	<p>State has established intermediate goals that increase in equal increments over the period covered by the State timeline.</p> <ul style="list-style-type: none"> <li>The first incremental increase takes effect not later than the 2004-2005 academic year.</li> <li>Each following incremental increase occurs within three years.</li> </ul>	<p>The State uses another method for calculating intermediate goals.</p> <p>The State does not include intermediate goals in its definition of adequate yearly progress.</p>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

3.2c What are the State's intermediate goals for determining adequate yearly progress?

As provided in 1111(b)(2)(H), New York State reestablished its baseline for grade 3-8 English language arts (ELA) and math in 2005-2006 and then established intermediate goals that increase in increments until 2013-2014. The grade 3-8 ELA AMO for 2005-2006 and 2006-2007 shall be 122 and the math 3-8 AMO shall be 86. These shall be incremented as follows:

Assessment	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Grade 3-8 ELA	133	144	155	167	178	189	200
Grade 3-8 Math	102	119	135	151	167	183	200

For high school ELA and math the annual increments shall be:

Assessment	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
HS ELA	165	171	177	183	188	194	200
HS Math	159	166	173	180	186	193	200

**PRINCIPLE 4. State makes annual decisions about the achievement of all public schools and LEAs.**

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
4.1 How does the State Accountability System make an annual determination of whether each public school and LEA in the State made AYP?	AYP decisions for each public school and LEA are made annually. <sup>4</sup>	AYP decisions for public schools and LEAs are not made annually.

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

<p>4.1 How does the State Accountability System make an annual determination of whether each public school and LEA in the State made AYP?</p> <p>Each public school and LEA in New York State is required to report to the New York State Education Department the student performance for all students who are its responsibility. The State collects and aggregates the data and compares school performance with the standards. A public school or LEA shall be deemed to have made adequate yearly progress on an accountability performance criterion set forth in 8 NYCRR §100.2(p)(14) if each accountability group within such school or LEA achieved adequate yearly progress on that criterion.</p> <p>Further, as provided in section 100.2(p)(2)(ii) of Commissioner’s Regulations, a school district that seeks to register a new public elementary, intermediate, middle, junior high school or high school must submit a petition and addendum for registration to the Board of Regents. The regulations provide that when a newly registered school is in a district in which one or more schools have been identified as a school requiring academic progress, 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. The regulations also specify that 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. The information in the addendum to the petition is used to determine the new public school’s accountability status under No Child Left Behind and the New York State’s System of Accountability for Student Success (SASS).</p>
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<sup>4</sup> Decisions may be based upon several years of data and data may be averaged across grades within a public school [§1111(b)(2)(J)].

**PRINCIPLE 5. All public schools and LEAs are held accountable for the achievement of individual subgroups.**

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
<p>5.1 How does the definition of adequate yearly progress include all the required student subgroups?</p>	<p>Identifies subgroups for defining adequate yearly progress: economically disadvantaged, major racial and ethnic groups, students with disabilities, and students with limited English proficiency.</p> <p>Provides definition and data source of subgroups for adequate yearly progress.</p>	<p>State does not disaggregate data by each required student subgroup.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		
<p>5.1 How does the definition of adequate yearly progress include all the required student subgroups?</p> <p>New York State requires that schools and LEAs (districts) report student race, ethnicity, gender, disability status, migrant status, English proficiency, and economic status along with student assessment results. The State aggregates these data and produces LEA (district) and school report cards with results disaggregated by these groups. The State makes an AYP determination for each of the following groups in a school or district that meet or exceed the State’s minimum “n”: All students, American Indian/Alaskan Native, Asian or Pacific Islander, Black, Hispanic, White, Limited English Proficient, Economically Disadvantaged, and Students with Disabilities.</p>		

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
5.2 <b>How</b> are public schools and LEAs held accountable for the progress of student subgroups in the determination of adequate yearly progress?	Public schools and LEAs are held accountable for student subgroup achievement: economically disadvantaged, major ethnic and racial groups, students with disabilities, and limited English proficient students.	State does not include student subgroups in its State Accountability System.

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

5. 2 How are public schools and LEAs held accountable for the progress of student subgroups in the determination of adequate yearly progress?

New York State requires that schools and LEAs (districts) report student race, ethnicity, gender, disability status, migrant status, English proficiency, and economic status along with student assessment results. The State aggregates these data and produces LEA (district) and school report cards with results disaggregated by these groups to determine adequate yearly progress for the groups.

New York State will disaggregate and hold schools and LEAs accountable for the performance of each of the following student groups that meet the minimum size requirements for accountability purposes:

- All Students
- Asian
- Black or African-American
- Hispanic
- Native American
- White
- Low-Income
- Limited English Proficient
- Students with Disabilities

For each school and LEA, the State will determine for each group of sufficient size whether the group achieved the annual measurable objective or met the “Safe Harbor” provision of NCLB and met the 95% participation rate criteria. For a school or LEA to make AYP, every group for which a school or LEA is accountable must make AYP.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
<p>5.3 How are students with disabilities included in the State's definition of adequate yearly progress?</p>	<p>All students with disabilities participate in statewide assessments: general assessments with or without accommodations or an alternate assessment based on grade level standards for the grade in which students are enrolled.</p> <p>State demonstrates that students with disabilities are fully included in the State Accountability System.</p>	<p>The State Accountability System or State policy excludes students with disabilities from participating in the statewide assessments.</p> <p>State cannot demonstrate that alternate assessments measure grade-level standards for the grade in which students are enrolled.</p>

## STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

### 5.3 How are students with disabilities included in the State's definition of adequate yearly progress?

All students with disabilities (SWDs) in New York State must participate in statewide assessments, either general assessments or a State alternate assessment, with or without testing accommodations. The Individualized Education Program (IEP) Team, which is called a Committee on Special Education (CSE) in New York State, makes the determination as to what assessment the student with a disability will participate in and identifies the testing accommodations that are needed in order for the student to participate in the assessment in accordance with Section 300.347 of the Code of Federal Regulations.

All SWDs are included in the accountability system. No distinction is made according to whether SWDs taking the general assessments used or did not use accommodations. The determination of adequate yearly progress is based on the performance of all students as well as the performance of each required disaggregated group.

In determining how to include the scores of all students with disabilities, including those with the most significant cognitive disabilities into the calculation of Adequate Yearly progress for schools and LEAs, New York State shall implement the provisions of 34 CFR Part 200.13. On the New York State District/School Report Card, the performance of SWDs is included in each applicable group and as a separate group.

New York State, with the Secretary's approval, will continue during the 2008-09 school year to apply a statistical adjustment to SWD disaggregated group as appropriate in order to make an Adequate Yearly Progress determination. We have determined that 12 percent of enrolled students are classified as disabled (as defined in the Individuals with Disabilities Education Act).

Following the methodology proposed by the United States Department of Education (USED), New York State will perform these steps:

1. Calculate what 2.0 percent of the total number of students assessed within the State equates to (solely within the SWD group) by dividing 2.0 by the percentage of students who have disabilities:  $2.0 \div 12.0 = 16.67$  or 17%.
2. Convert the 17% to the equivalent measure on the Performance Index used to determine AYP. New York State's English language arts and mathematics assessments assign each student to one of four performance levels: Basic (Level 1), Basic Proficiency (Level 2), Proficiency (Level 3), or Advanced (Level 4). The PI is calculated by counting scores at Level 3 or 4 at 200; Level 2 scores at 100; and Level 1 scores at 0. Students' scores are summed and the total is divided by the number of students. Because proficient scores are counted at 200, we will add 34 points to the PI of each SWD group that meets the required conditions.
3. Identify all schools that did not make AYP solely on the basis of the SWD group and the Performance Index of those students in each school.
4. Calculate the adjusted PI for each school's SWD group. This adjustment is equal to the PI based on actual scores of this group plus 34 additional index points as calculated in Step 2.
5. Compare this adjusted PI for each school identified in Step 2 to the State's annual measurable objective (AMO). This comparison must be conducted without the use of confidence intervals or other statistical treatments.
  - a. If the adjusted PI for the school's SWD group meets or exceeds the State's AMO, the school will be considered to have made AYP for the 2008-09 school year.
  - b. If the adjusted PI for the school's SWD group does not meet or exceed the State's AMO, the school did not make AYP for the 2008-09 school year.
6. This process will be followed for English language arts and mathematics separately and also repeated at the district level, as needed.
7. The actual PI will be reported to parents and the public; the State will also report the adjusted PI.

New York meets the 95% participation requirement for 3-8 testing; in 2007-2008 participation rates were the following:

Grade/Subject	Enrollment	Percent of Enrollment Tested
ELA	228,725	96.7%
Math	228,346	96.7%

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.4 How are students with limited English proficiency included in the State's definition of adequate yearly progress?	<p>All LEP students participate in statewide assessments: general assessments with or without accommodations or a native language version of the general assessment based on grade level standards for the grades in which students are enrolled.</p> <p>State demonstrates that LEP students are fully included in the State Accountability System.</p>	LEP students are not fully included in the State Accountability System.

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

5.4 How are students with limited English proficiency included in the State's definition of adequate yearly progress?

Translations of State tests (except in English language arts) in mathematics, science, and social studies are made available in several different languages, such as Spanish, Haitian-Creole, Russian, Chinese and Korean. New York State also provides glossaries in some additional languages and permits oral translations for those languages not available from the New York State Education Department. Oral translations are permitted for State assessments in math, science, and social studies only.

New York State requires that schools and LEAs (districts) identify limited English proficient students when reporting student assessment results. Beginning with the 2006-07 school year:

- 1) A LEP student in grades 3-8 who has been enrolled in school in the United States (excluding Puerto Rico) for less than one year and who receives a valid score on the New York State English as a Second Language Test (NYSESLAT)\* will be counted as participating in the elementary or middle level English Language Arts assessment. Student performance would not be included in the calculation of the performance index for a school or district;
- 2) LEP students enrolled in school in the United States (excluding Puerto Rico) for at least one year shall take the Grades 3-8 ELA assessments for participation and their performance will be included in calculating the performance index for a school or district.

Beginning with the 2006-07 school year, former LEP students will continue to be included in the LEP group for purposes of calculating the Performance Index, for the two years following the student's attainment of English proficiency, as set forth in Section 100.2(p)(1)(i) of Commissioner's Regulations.

\* The NYSESLAT is the only test that may be used to annually assess a LEP student's proficiency in English and to exit such student from LEP status.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
<p>5.5 What is the State's definition of the minimum number of students in a subgroup required for reporting purposes? For accountability purposes?</p>	<p>State defines the number of students required in a subgroup for reporting and accountability purposes, and applies this definition consistently across the State.<sup>5</sup></p> <p>Definition of subgroup is statistically reliable.</p>	<p>State does not define the required number of students in a subgroup for reporting and accountability purposes.</p> <p>Definition is not applied consistently across the State.</p> <p>Definition is not statistically reliable.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		
<p>5.5 What is the State's definition of the minimum number of students in a subgroup required for reporting purposes? For accountability purposes?</p> <p>In New York State, the minimum number of students required in a group for reporting purposes is 5.</p> <p>The minimum number of students required in a group for determining adequate yearly progress is 30. The State uses a confidence interval as described under Critical Element 9.1 to increase the reliability of decisions made about groups with small <i>n</i>'s.</p> <p>The minimum number of students required in a group for determining participation rate is 40. We use 40, because two students in a group of 40 can be absent and the group will still achieve a participation rate of 95 percent.</p>		

<sup>5</sup> The minimum number is not required to be the same for reporting and accountability.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>5.6 How does the State Accountability System protect the privacy of students when reporting results and when determining AYP?</p>	<p>Definition does not reveal personally identifiable information.<sup>6</sup></p>	<p>Definition reveals personally identifiable information.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		
<p>5.6 How does the State Accountability System protect the privacy of students when reporting results and when determining AYP?</p> <p>New York State incorporates safeguards to protect the privacy of the individuals to whom data pertains. To ensure student confidentiality, New York State does not publish data for groups with fewer than five students or data that would allow readers to easily determine the performance of a group with fewer than five students. Data for these students is suppressed.</p>		

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<sup>6</sup> The Family Education Rights and Privacy Act (FERPA) prohibits an LEA that receives Federal funds from releasing, without the prior written consent of a student’s parents, any personally identifiable information contained in a student’s education record.

**PRINCIPLE 6. State definition of AYP is based primarily on the State’s academic assessments.**

<b>CRITICAL ELEMENT</b>	<b>EXAMPLES FOR MEETING REQUIREMENTS</b>	<b>EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS</b>
6.1 How is the State’s definition of adequate yearly progress based primarily on academic assessments?	<p>Formula for AYP shows that decisions are based primarily on assessments.<sup>7</sup></p> <p>Plan clearly identifies which assessments are included in accountability.</p>	<p>Formula for AYP shows that decisions are based primarily on non-academic indicators or indicators other than the State assessments.</p>

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<sup>7</sup> State Assessment System will be reviewed by the Standards and Assessments Peer Review Team.

## STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

### 6.1 How is the State's definition of adequate yearly progress based primarily on academic assessments?

The State's definition of adequate yearly progress is based upon academic assessments and graduation rate. Annual measurable objectives for grades 3-8 English language arts and mathematics are based on the school accountability performance index. Similarly, annual measurable objectives at the secondary level are based on performance of the high school cohort in English and mathematics.

To comply with the NCLB requirement for a third performance indicator at each grade level, performance standards will be set for science (through 2008) and/or attendance (beginning in 2008-2009), and for high school graduation rate. To make adequate yearly progress on the third indicator, schools must meet or exceed the performance standard or decrease the difference between the previous year's performance and the standard by a set amount. The following tests shall be used to make other determinations about AYP:

#### **English Language Arts and Mathematics Measures and Assessments**

##### *Mathematics*

Grade 3-8 Mathematics Assessment, including translated versions of test; a State alternate assessment (for specified students with disabilities).

##### *Language Arts*

Grade 3-8 English Language Arts Assessment; a State alternate assessment (for specified students with disabilities); and for purposes of meeting participation requirements New York State English as a Second Language Achievement Test (for certain limited English proficient students).

##### *High School Mathematics*

Regents Examinations in Mathematics, including translated versions; a State alternate assessment (for specified students with disabilities); Approved Alternatives to Regents; and Regents Competency Test in Mathematics.

##### *High School Language Arts*

Regents Comprehensive Examination in English; a State alternate assessment (for specified students with disabilities); Approved Alternatives to Regents; and Regents Competency Tests in Reading and Writing.

Upon adoption and approval of proposed rulemaking by the United States Department of Education (indicated in Secretary Spelling's letter dated December 14, 2005), New York State will use each high school student's highest test score in determining AYP.

**PRINCIPLE 7. State definition of AYP includes graduation rates for public High schools and an additional indicator selected by the State for public Middle and public Elementary schools (such as attendance rates).**

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
<p>7.1 What is the State definition for the public high school graduation rate?</p>	<p>State definition of graduation rate:</p> <ul style="list-style-type: none"> <li>• Calculates the percentage of students, measured from the beginning of the school year, who graduate from public high school with a regular diploma (not including a GED or any other diploma not fully aligned with the state's academic standards) in the standard number of years; or,</li> <li>• Uses another more accurate definition that has been approved by the Secretary; and</li> <li>• Must avoid counting a dropout as a transfer.</li> </ul> <p>Graduation rate is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause to make AYP.</p>	<p>State definition of public high school graduation rate does not meet these criteria.</p>

## STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

### 7.1 What is the State definition for the public high school graduation rate?

New York State's graduation rate adheres to the requirements of 8 NYCRR §100.2(p)(15)(iii). "The graduation rate is the percentage of the annual graduation rate cohort that earns a local diploma (with or without a Regents endorsement) by August 31<sup>st</sup> of the fourth calendar year after first entering 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 31<sup>st</sup> of the fifth calendar year after first entering grade 9."

Upon approval by the Board of Regents, to determine the percentage of students in a school or LEA who have graduated with a regular diploma in the standard number of years, we will use as the denominator (beginning with the students who first entered ninth grade in the 2003–04 school year, July 31–June 30) the count of students who meet Condition 1 and either Condition 2 or Condition 3 below ():

1. First enrolled in ninth grade three 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 or for students with disabilities in ungraded programs who are in the fourth school year following the one in which they attained the age of 16; AND
2. were enrolled in the school or LEA on the first Wednesday of October of the previous year and did not transfer to another program leading to a high school diploma or approved alternative high school equivalency preparation program approved pursuant to section 100.7, or criminal justice facility, who left the United States or its territories, or who are deceased; OR
3. transferred into the school or LEA after the first Wednesday of October\* in year 1 and were continuously enrolled in the school or district for a period of five months (excluding July and August), except that students who first enrolled in the school after the first Wednesday in October of year 4 will not be included in the denominator.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>7.2 What is the State's additional academic indicator for public elementary schools for the definition of AYP? For public middle schools for the definition of AYP?</p>	<p>State defines the additional academic indicators, e.g., additional State or locally administered assessments not included in the State assessment system, grade-to-grade retention rates or attendance rates.<sup>8</sup></p> <p>An additional academic indicator is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause to make AYP.</p>	<p>State has not defined an additional academic indicator for elementary and middle schools.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		
<p>7.2 What is the State's additional academic indicator for public elementary schools for the definition of AYP? For public middle schools for the definition of AYP?</p> <p>8 NYCRR §100.2(p)(15)(i) and (ii) indicates that performance of schools and LEAs on both State grade 4 and grade 8 science tests shall be used as the additional academic indicator.</p>		

<sup>8</sup> NCLB only lists these indicators as examples.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>7.3 Are the State's academic indicators valid and reliable?</p>	<p>State has defined academic indicators that are valid and reliable.</p> <p>State has defined academic indicators that are consistent with nationally recognized standards, if any.</p>	<p>State does not have an academic indicator that is valid and reliable.</p> <p>State does not have an academic indicator that is consistent with nationally recognized standards.</p> <p>State does not have an academic indicator that is consistent within grade levels.</p>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

7.3 Are the State's academic indicators valid and reliable?

New York State produces academic assessments consistent with the Standards for Educational and Psychological Testing (AERA, NCME, APA, 1999). The State produces a large number of studies attesting to the reliability and validity of State assessment instruments. These studies are available on the New York State Education Department Web site or upon request from the Office of State Assessment.

**PRINCIPLE 8. AYP is based on reading/language arts and mathematics achievement objectives.**

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
<p>8.1 Does the state measure achievement in reading/language arts and mathematics separately for determining AYP?</p>	<p>State AYP determination for student subgroups, public schools and LEAs separately measures reading/language arts and mathematics.<sup>9</sup></p> <p>AYP is a separate calculation for reading/language arts and mathematics for each group, public school, and LEA.</p>	<p>State AYP determination for student subgroups, public schools and LEAs averages or combines achievement across reading/language arts and mathematics.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>8.1 Does the state measure achievement in reading/language arts and mathematics separately for determining AYP?</p> <p>The State measures the performance of English language arts and mathematics and makes AYP determinations separately for grades 3-8 and at the high school level. A School Accountability Performance Index is calculated separately for each of the following: grade 3-8 language arts, grade 3-8 mathematics, high school language arts, and high school mathematics.</p>

<sup>9</sup> If the state has more than one assessment to cover its language arts standards, the State must create a method for including scores from all the relevant assessments.

**PRINCIPLE 9. State Accountability System is statistically valid and reliable.**

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>9.1 How do AYP determinations meet the State's standard for acceptable reliability?</p>	<p>State has defined a method for determining an acceptable level of reliability (decision consistency) for AYP decisions.</p> <p>State provides evidence that decision consistency is (1) within the range deemed acceptable to the State, and (2) meets professional standards and practice.</p> <p>State publicly reports the estimate of decision consistency, and incorporates it appropriately into accountability decisions.</p> <p>State updates analysis and reporting of decision consistency at appropriate intervals.</p>	<p>State does not have an acceptable method for determining reliability (decision consistency) of accountability decisions, e.g., it reports only reliability coefficients for its assessments.</p> <p>State has parameters for acceptable reliability; however, the actual reliability (decision consistency) falls outside those parameters.</p> <p>State's evidence regarding accountability reliability (decision consistency) is not updated.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>9.1 How do AYP determinations meet the State's standard for acceptable reliability?  An underlying assumption of a school accountability system that analyzes students' longitudinal performance measures change from grade cohort to grade cohort (that is, compares this year's fourth grade, for example, with last year's) is that the performance differences from cohort to cohort are caused by changes under the school's control: revisions in curriculum, instruction, and/or support systems.</p> <p>However, a performance measure is subject to error from three sources that are not under a school's or district's control:</p> <ul style="list-style-type: none"> <li>• measurement error — related to such fluctuating factors such as health, motivation, attention and fatigue — around each student's hypothetical true score, which averages zero when the sample is sufficiently large;</li> <li>• sampling error (that is, the error caused by random variations in student ability, early preparedness, and motivation from grade to grade in the same school); and</li> <li>• external environment changes, for example, shifts in student demographics or the events of September 11.</li> </ul> <p>These sources of error, not controllable by a school or district, may cause the observed performance of districts, schools, or groups to be different than its "true" performance. To minimize the chance that a district or school erroneously will be deemed to have not made adequate yearly progress, New York State's accountability system uses a "confidence interval" to determine whether a group has met its Annual Measurable Objective (AMO). A confidence interval recognizes the sampling error associated with an observed score and permits the analyst to determine whether the difference between the observed Performance Index (PI) and the AMO falls within certain bounds (that is, within the margin of error attributable to random sampling error) or whether that difference falls outside of the margin of error and is, therefore, not attributable to chance alone. New York State concluded that a 90 percent confidence interval represents the best balance between false negative and false positive decisions about groups. The following paragraphs describe our implementation of this reliability standard.</p> <p>On average, the sampling error associated with the observed score (performance index or PI) for each accountability group decreases, as the group gets larger. Through empirical analyses, we have determined the distribution of probable observed PIs around the "true score" for groups of varying sizes.</p> <p>To operationalize the confidence interval in a way that makes it relatively easy to determine whether an accountability group has achieved the AMO, we have developed a table of Effective AMOs (Table 1). The Effective AMO indicates, for an accountability group of size <math>n</math>, the smallest observed PI that is not statistically different from the AMO.</p> <p>Because it is impossible to make statistical statements about the performance of a school with total accuracy, there will always be a degree of error when deciding whether a group met the AMO. New York's system minimizes the chance that we will erroneously conclude that a group did not make the AMO. The Effective AMOs have been set so that there is at most a 25 percent chance that we will falsely conclude that the group did not meet the AMO when its true performance was, in fact, equal to or greater than the AMO. This twenty-five percent band is shown in the area of the graph below the Effective AMO. On the other hand, when the observed PI is exactly equal to the Effective AMO, there is a 90 percent chance that the group's true score is below the AMO. Even when the observed PI is exactly equal to the AMO, there is a 50 percent chance that the group's true score is below the AMO. Because most schools are accountable for more than one of the nine required groups, the chance that we will falsely conclude that a district or school did not make AYP may be higher than 10 percent. Two factors affect the probability of an incorrect decision: The number of groups for which a district or school is accountable and the difference between the observed PI for each group and its Effective AMO. The probability of an incorrect decision increases with the number of groups and decreases as the distance between the group PI and the group's Effective AMO increases. In New York State in 2002-03, the average district was accountable for 3.4 groups and the average school for 3.0 groups. The empirical evidence for the 2002-03 school year shows that on every measure the majority of schools that failed to make AYP had more than one accountability group that failed.</p> <p>Table 2 shows the percentages of New York State schools that were identified as not making AYP based</p>		

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>on the “All Students” group and the percentage identified based on at least two accountability groups not making AYP.</p> <p><b>Use of the Effective AMO Table</b></p> <p>Table 1 provides an Effective AMO for each accountability grade and subject and each group size. The Effective AMO applies to accountability decisions for English language arts and mathematics. They do not apply to decisions about science or graduation rate. In those areas, the school must meet the State standard to make adequate yearly progress. To use the table, the observed PI must be compared with the Effective AMO <i>for the appropriate group size</i>. If the observed PI is equal to or greater than the Effective AMO, we conclude that the group's performance is not statistically different than the AMO. If the observed PI is smaller than the Effective AMO, we conclude that the group's performance was <i>not</i> equal to the AMO.</p>		
<p>9.2 What is the State's process for making valid AYP determinations?</p>	<p>State has established a process for public schools and LEAs to appeal an accountability decision.</p>	<p>State does not have a system for handling appeals of accountability decisions.</p>

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		
<p>9.2 What is the State’s process for making valid AYP determinations?</p> <p>In 2005-06, New York State is implementing a system of data repositories, holding individual student records linked over time using a state-assigned unique identifier. The system includes the demographic, programmatic, and assessment data required for school report cards and to make accountability decisions. The system generates Web-based reports for use by school districts to review and ensure the accuracy of data. Before the data files are submitted to the State-level repository, school superintendents are required to review the reports and certify that the data are accurate. The system will also generate a preliminary report showing each district’s and school’s accountability status. Schools and LEAs (districts) have the opportunity to submit corrected data until a deadline established by the State.</p>		

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>9.3 How has the State planned for incorporating into its definition of AYP anticipated changes in standards or assessments?</p>	<p>State has a plan to maintain continuity in AYP decisions necessary for validity through planned assessment changes, and other changes necessary to comply fully with NCLB.<sup>10</sup></p> <p>State has a plan for including new public schools in the State Accountability System.</p> <p>State has a plan for periodically reviewing its State Accountability System, so that unforeseen changes can be quickly addressed.</p>	<p>State's transition plan interrupts annual determination of AYP.</p> <p>State does not have a plan for handling changes: i.e., to its assessment system, or the addition of new public schools.</p>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

9.3 How has the State planned for incorporating into its definition of AYP anticipated changes in standards or assessments?

New York State has established learning standards in grades 3-8 for English language arts and math. Achievement on these grade by grade standards will be first assessed in 2005-2006. Based on the test results, the State will adjust AMOs and Safe Harbor targets. Upon the implementation of the grades 3 through 8 testing requirements in 2005-06, the State will combine results across grades and use a single School Accountability Performance Index for English language arts in grades 3 through 8 and mathematics in grades 3 through 8 to determine AYP, and a single grade 4 and 8 Performance Index for science.

<sup>10</sup> Several events may occur which necessitate such a plan. For example, (1) the State may need to include additional assessments in grades 3-8 by 2005-2006; (2) the State may revise content and/or academic achievement standards; (3) the State may need to recalculate the starting point with the addition of new assessments; or (4) the State may need to incorporate the graduation rate or other indicators into its State Accountability System. These events may require new calculations of validity and reliability.

**PRINCIPLE 10. In order for a public school or LEA to make AYP, the State ensures that it assessed at least 95% of the students enrolled in each subgroup.**

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>10.1 What is the State's method for calculating participation rates in the State assessments for use in AYP determinations?</p>	<p>State has a procedure to determine the number of absent or untested students (by subgroup and aggregate).</p> <p>State has a procedure to determine the denominator (total enrollment) for the 95% calculation (by subgroup and aggregate).</p> <p>Public schools and LEAs are held accountable for reaching the 95% assessed goal.</p>	<p>The state does not have a procedure for determining the rate of students participating in statewide assessments.</p> <p>Public schools and LEAs are not held accountable for testing at least 95% of their students.</p>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

10.1 What is the State's method for calculating participation rates in the State assessments for use in AYP determinations?

The State calculates participation rates, for elementary-middle and secondary students, in accordance with 8 NYCRR §100.2(p)(1)(xi) and (xii).

To calculate participation rates for English language arts and mathematics at each grade level, New York State will count students as tested who take the appropriate assessment from the following list:

- New York State Regents Examinations or State-approved alternatives,
- New York State Testing Program for Grades 3-8,
- A State alternate assessment,
- New York State English as a Second Language Achievement Test (NYSESLAT), to meet the grade 3-8 language arts assessment participation requirements for limited English proficient students who have been enrolled in school in the United States (excluding Puerto Rico) for less than one year and received a valid score on the NYSESLAT or
- Regents Competency Test or State-approved alternatives.

For elementary-middle levels, the denominator will be the number of grade 3-8 students enrolled in the school or LEA at the time of testing. For the secondary level, the denominator is the count of all students whose most recent recorded grade level is grade 12 and who were either enrolled on June 30 or graduated during the school year.

In accordance with Undersecretary Simon's May 20, 2004 letter, New York beginning with the 2003-2004 school year, will consider districts, schools, and accountability groups to have met the 95% participation in English Language Arts (ELA) or mathematics if either (a) the current year participation rate equals or exceeds 95%; or (b) the weighted average of the current year and prior year participation rate equals or exceeds 95%.

<b>CRITICAL ELEMENT</b>	<b>EXAMPLES FOR MEETING REQUIREMENTS</b>	<b>EXAMPLES OF NOT MEETING REQUIREMENTS</b>
<p>10.2 What is the State's policy for determining when the 95% assessed requirement should be applied?</p>	<p>State has a policy that implements the regulation regarding the use of 95% allowance when the group is statistically significant according to State rules.</p>	<p>State does not have a procedure for making this determination.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		
<p>10.2 What is the State's policy for determining when the 95% assessed requirement should be applied?</p> <p style="padding-left: 40px;">In New York State, the 95% assessed requirement is applied in accordance with 100.2p(1)(xi) and (xii) as set forth in element 5.2 of this workbook when any group consists of 40 or more students.</p>		

**Table 1 (Element 9.1)**

**Effective Annual Measurable Objectives (AMOs)**

The table below shows Effective AMOs for the 90 percent confidence interval by the number of continuously enrolled students (at the elementary and middle levels) and the number of students in the cohort (at the secondary level).

Subject	AMO	Number of Students Participating																	Effective AMOs
		30-34	35-39	40-44	45-49	50-59	60-69	70-89	90-119	120-149	150-219	220-279	280-399	400-589	590-979	980-1899	1900-5299	5300 +	
ELA 4	123	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	121	
Math 4	136	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	
ELA 8	107	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	
Math 8	81	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	
HS ELA	142	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	
HS Math	132	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	

**Table 2 (Element 9.1)**

Accountability Measure	Number of Schools with Accountability	Number that did not make AYP	Percentage in which “All Students” group did not make AYP	Percentage in which at least two groups did not make AYP
Elementary-Level ELA	2,311	259	56.0%	61.8%
Elementary-Level Math	2,308	199	48.2%	55.8%
Middle-Level ELA	1,129	407	40.8%	52.3%
Middle-Level Math	1,127	318	40.9%	58.2%
Secondary-Level ELA	898	202	63.4%	61.9%
Secondary-Level Math	898	205	66.3%	63.9%