An Independent Review of New York's Draft ESSA Plan

Following the first ESSA plan submissions to the U.S. Department of Education in April 2017, Bellwether Education Partners — in partnership with the Collaborative for Student Success — convened a group of 30 education experts to independently review 17 state accountability plans. During the review, the experts, who represented national and state perspectives from both sides of the political aisle, identified best practices in each plan with promise of providing a high-quality education for all students. These practices were based on a set of criteria we developed based on the idea that mere compliance with ESSA was too low a bar for states given the importance of education to individual and collective opportunity today A summary of the first round of reviews can be viewed at www.checkstateplans.org.

Because the first round of reviews was designed to help provide important context for the remaining state plans being submitted in September 2017, we conducted an interim review of New York's draft plan dated July 31, 2017, using the same rubric and a process that closely mirrored our first set of reviews. We recognize that this represents a snapshot in time and that the state may make revisions prior to the plan's formal submission to the U.S. Department of Education. Still, given the size of New York's student population and its diversity, we felt that feedback on California's plan is important in not only strengthening the state's final submission but also providing information for other states still writing their plans.

We intend to conduct full reviews of all second-round states following their final submissions in September. This interim review of New York's plan is separate from that process.

This review was updated on August 30, 2017.

Overall Strengths and Weaknesses

<u>Strengths:</u> What are the most promising aspects of the state's plan? What parts are worth emulating by other states?

New York has built its accountability plan upon a foundation of solid standards, assessments, and indicators. The state's plan balances incentives for academic proficiency and annual student growth, and it includes incentives for schools to pay attention to other components of school quality, including science, social studies, college and career readiness, chronic absenteeism, and student suspensions. The state also deserves credit for building out a data dashboard to provide additional contextual information for parents.

A particular strength of the state's plan is its school improvement section. For the last few years, New York has been implementing a system of differentiated school supports utilizing a simple, high-quality observation rubric completed by a team of external reviewers trained to examine school quality and outline tangible steps forward. The state also provides compelling evidence of stakeholder engagement in the state's plan, in addition to survey data and interviews with principals who have completed its school

improvement process in the past, suggesting that this process is effectively supporting schools in need of additional help.

Weaknesses: What are the most pressing areas for the state to improve in its plan? What aspects should other states avoid?

While New York's system is built on a strong foundation, it has a number of structural weaknesses. Although New York has a relatively straightforward list of accountability indicators, the way it translates those data into school accountability determinations is far more complicated. New York is proposing to combine its chosen indicators through complicated logic tables with several permutations, and school leaders, parents, or other stakeholders may struggle to figure out and respond to this system. New York's proposed accountability system is also primarily based on normative rankings rather than objective goals, and schools would have no front-end predictability about what they would need to accomplish to demonstrate sufficient progress.

New York's draft plan also lacks evidence behind its achievement goals, and it would reset them annually so its goals would forever be five years in the future. It proposes a set of rules that appear to ensure schools pay attention to low-performing subgroups, but it has not provided data modeling the effects of those decisions.

Plan Components

Goals: Are the state's vision, goals, and interim targets aligned, ambitious, and attainable? Why or why not?
1 ☐   2 ☒   3 ☐   4 ☐   5 ☐

New York set the goal of reducing achievement and graduation rate gaps by 20 percent within five years. On a positive note, this asks for faster progress from lower-performing groups, but the state did not present any data showing whether its goals are ambitious or attainable. As a result, some of its targets for certain subgroups appear quite low. For example, in the year 2022, New York is aiming for just 56 percent of its English learners and 63 percent of students with disabilities to graduate in four years. Moreover, the state proposes to keep resetting its performance targets *every year*, which means the state's goals will always be five years off in the future.

New York could also provide a clearer connection between the goals articulated by its Board of Regents and its proposed accountability system. For example, the Board of Regents has goals around entering school ready to learn and third-grade proficiency, but these do not appear to be reflected in its proposed accountability system. New York

could provide greater clarity about which of its goals they plan to act upon, and which ones are merely designed to set a longer-term vision.

<u>Standards and Assessments:</u> Is the state's accountability system built on high-quality standards and assessments aligned to college and career readiness? Why or why not?

1 ☐   2 ☐   3 ☒   4 ☐   5 ☐

New York has adopted strong academic standards and assessments. The state has also produced extensive technical reports on the validity and reliability of its assessments, including its alternate assessments for students with disabilities and assessments for English language proficiency. New York also deserves credit for translating its math assessments for grades three through eight and its high school Regents assessments into five languages.

However, New York is asking for a waiver to administer below-grade-level assessments to certain students with disabilities (page 23). It's not clear how this fits within ESSA's requirement that states test all students on grade-level material. Nor does New York articulate a rationale for why it needs this waiver in addition to ESSA's flexibilities around excluding 1 percent of students with the most severe cognitive disabilities, not to mention ESSA's provision allowing states to assess student performance above and below a given grade level *after it first assesses* grade-level performance.

<u>Indicators:</u> Are the state's chosen accountability indicators aligned to ensure targets and goals are met and likely to lead to improved educational outcomes for students? Why or why not?

1 ☐   2 ☐   3 ☒   4 ☐   5 ☐

New York identified a relatively short list of high-quality indicators. Elementary and middle schools will be accountable for student achievement, student growth, English language proficiency, a progress measure designed to capture subgroup performance, and chronic absenteeism. At the high school level, New York will swap out growth and the subgroup progress measure for graduation rates and a measure of college and career readiness. New York also deserves credit for incorporating science and social studies into its accountability system, which will help broaden the accountability focus beyond reading and math.

While most of its measures are clearly defined, New York could improve its draft plan by further clarifying how it intends to define its "Progress" measure. It's not clear from the state's plan whether this is intended to capture subgroup performance, or whether it would represent a school-wide average. Similarly, the state says it will give different

amounts of points to schools that "meet" and "exceed" its goals, but it does not specify how it would distinguish between those two levels.

Although the state's chosen indicators are defined, how they will ultimately be used in the state's rating system is not. In fact, the state makes a number of curious decisions about how it will convert raw data into scores for individual indicators. For example, after converting student achievement scores into an index on a 250-point scale, the state then ranks each school. Schools in the bottom 10 percent are placed at Achievement Level 1, schools between the 10th and 50th percentile are placed and Level 2, and so on. This process has a number of drawbacks. For one, it imposes unnecessary cut points that oversimplify the data. Schools at the 9th and 11th percentile are likely fairly similar, but this system will categorize them differently. On the other hand, schools at the 11th and 49th percentiles are likely different, but this system would put them in the same category. Second, because this system relies entirely on relative rankings — how one school compares to another, as opposed to how the school compares to a predetermined standard — it fails to give schools any front-end transparency about what they need to shoot for in the coming year.

New York's articulation of its chronic absenteeism measure is strong; it includes both excused and unexcused absences, and it's based on a percentage calculation, which can adjust even if a student changes schools. While New York deserves credit for proposing to phase out-of-school suspensions into its accountability system as a way to combat disparities in disciplinary action, it should monitor its data to ensure that indicator accomplishes its goal and does not lead to schools artificially deflating their suspension rates. The state also has a smart plan to publish a range of "opportunity to learn" data points for diagnostic purposes.

At the high school level, New York is proposing to equally weight its four-, five-, and six-year graduation rates. While it's a worthwhile goal to give schools extra incentive to help all students graduate, New York's proposal may risk not giving a sufficient incentive for schools to help all students graduate on time. New York also is proposing to include a "College, Career, and Civic Readiness" measure that will award schools additional points if students complete more challenging high school diplomas and earn an endorsement in career and technical education, a "Seal of Biliteracy," a qualifying score higher on an Advanced Placement (AP) or International Baccalaureate (IB) test, or the receipt of an industry-recognized credential. While it's a positive for New York to reward students in several different career paths, it will be important for the state to monitor its data to ensure all these pathways are equally rigorous and predictive of future success, and whether certain groups of students are disproportionately placed into less rigorous pathways.

<u>Academic Progress</u>: Has the state created sufficient incentives for schools to care about both student proficiency and student growth over time? Why or why not?

1 ☐   2 ☐   3 ☐   4 ☒   5 ☐

New York plans to use a performance index for its achievement measure that gives schools credit for student performance across four levels, including advanced performance. Within that index, the state continues to place a strong incentive on students meeting the state's grade-level standards.

New York's growth model, called the Student Growth Percentiles (SGP), compares the progress students make against their similarly performing peers and converts those scores into percentiles. While this approach is relatively simple to calculate and interpret, it does not ensure students learn the content they need to stay on track to achieve mastery at graduation. New York does deserve credit for pairing this type of growth model with a relatively clean measure of achievement to balance the incentives for students to reach proficiency benchmarks and make annual progress over time. However, both these indicators suffer from the issues mentioned above regarding the state's plans to convert raw data into school ratings.

<u>All Students</u>: Does the state system mask the performance of some subgroups of students, or does it have adequate checks in place to ensure all students (including all subgroups of students) receive a high-quality education? Why or why not?

1 ☐   2 ☒   3 ☐   4 ☐   5 ☐

It is unclear how, and to what degree, subgroups are included in New York's accountability index. Specifically, it is not clear whether the performance of each subgroup is included separately in the calculation of its "PI-1" and "PI-2" achievement indices. Similarly, the inclusion of subgroup performance in the state's identification of the lowest-performing 5 percent of schools for comprehensive support and improvement is unclear. The state's accountability system appears to be based on school-wide averages, but New York will also rerun the same system for each subgroup of students and identify the bottom 5 percent of schools for each subgroup. However, it's not entirely clear whether New York will identify the bottom 5 percent for each subgroup or rank all schools by subgroup performance and identify the bottom 5 percent of that list. New York does not provide data on how many schools this rule would capture or the types of schools that are not identified.

In addition, some technical features of New York's plan will limit its reach. It plans to use a minimum group size of 40 students for determining participation rates and 30 students for measuring performance. Both are high and likely to exclude many students from the state's system. New York deserves credit, however, for including two years of

data when the n-size for a group is less than 30. Still, it's not clear why New York would need a separate, larger n-size for participation rate, and the accuracy of the system could be undermined by having such a high number. Moreover, by not reporting participation rates when a subgroup has less than 40 students or accountability scores when a group has less than 30 students, New York is unnecessarily limiting information that could be shared with the public.

A similar issue shows up in one of the state's achievement measures. Rather than having one clean measure of achievement, New York is proposing to calculate two performance indicators with different denominators. One of those calculations, what the state calls "PI-2," uses a lower denominator of how many students take a test rather than one of how many students were enrolled in the school. If certain student populations are systematically underrepresented among test takers, the PI-2 index could give a false impression of a school's true performance for all students.

<u>Identifying Schools:</u> Is the state's plan to identify schools for comprehensive and targeted support likely to identify the schools and student groups most in need? Why or why not?

1 ☐   2 ☒   3 ☐   4 ☐   5 ☐

Although New York has a relatively simple list of accountability indicators, the way it plans to translate those data into school accountability determinations is far more complicated. For example, as mentioned above, the state will take raw student test scores, convert them into a numeric performance index, and then use a matrix to give each school and subgroup a 1-4 numeric score. Although these conversions align to the state's performance goals, they also include undefined "lower" and "higher" measures of interim progress.

After converting its indicators to 1-4 ratings, New York plans to combine them using a logic table showing whether a school would be identified for comprehensive support and improvement based on its combination of indicator rankings. For example, the plan presents five different combinations of indicators that would result in an elementary or middle school being identified as in need of comprehensive support. High schools have five additional combinations. Although New York says these rules will result in the identification of at least 5 percent of schools, it does not provide data about how many schools would fall into these categories or which types of schools are omitted from them. For example, a school that did not score at a level 1 on either achievement or growth could potentially score very low when the two measures are combined. This type of school would not be identified under New York's rules, but it's not clear if this hypothetical exists or not.

Finally, New York's plan is so focused on identifying its very low-performing schools that it neglects to mention what will happen to other schools. At a few points in the plan, it mentions additional categories of "Schools in Good Standing" and "Recognition Schools," but it does not articulate any rules for how those schools would be identified or, for the latter group, how they would be recognized.

Supporting Schools: Are the state's planned interventions in comprehensive- and targeted-support schools evidence-based and sufficiently rigorous to match the challenges those schools face? Why or why not?

1 ☐   2 ☐   3 ☐   4 ☒   5 ☐

New York plans to offer a differentiated system of supports to schools based on their identified needs. Although many states make statements to this effect, New York has put in place a comprehensive process to ensure schools and districts are equipped to navigate the school improvement process.

All schools identified for comprehensive and targeted support must complete a Comprehensive Diagnostic Needs Assessment process that includes a two- to three-day on-site visit from a team of external reviewers trained to look for the school's "evidence of impact." The reviews are focused on six tenets of school quality: school leader practices and decisions, curriculum development and support, teacher practices and decisions, student social and emotional developmental health, family and community engagement, and district leadership and capacity. After their on-site visit, the external reviewers write up a relatively short (less than 10-page) report using a standardized rubric, complete with a short list of concrete action steps, and then all the reports are posted publicly on the state's website. Approximately six to eight weeks after the initial visit, the review team returns to check on progress, and they add those observations as an addendum to the public reports. As one testament to the impact of the reviews, New York's plan includes positive survey results and quotations from principals who participated in past reviews.

Going forward, New York plans to require all comprehensive-support schools to select at least one school-level intervention from a list of pre-approved, evidence-based strategies. Additionally, the state will prohibit teachers rated below "Effective" from transferring into schools identified for comprehensive support. The state also has interesting plans to implement a "participatory budgeting process" that will allow parents to help determine how additional funds allocated to comprehensive-support schools should be allocated, to conduct "resource allocation reviews" of districts with significant numbers of schools identified for support, and to identify "Target Districts," where entire districts are in need of additional support.

New York has also articulated a smart strategy to allocate the 7 percent of its federal funds dedicated to school improvement activities. All Title I targeted- and comprehensive-support schools will receive additional funds, with comprehensive-support schools receiving larger shares. If schools make progress, they can qualify for additional funding designed to help them sustain and consolidate their gains. For schools that fail to make progress, the state will provide extra support and technical assistance before providing additional funding.

If a school identified as a comprehensive-support school fails to exit status within three years, the school will automatically be placed in the state's Receivership program. Similarly, schools that had previously been identified as "priority" schools under the state's prior accountability system and that are identified as comprehensive-support schools in the initial year will also be placed in the Receivership program, which can eventually trigger a school for conversion to a charter school, placed under the control of the State University of New York or the City University of New York, or they may be closed down.

Finally, while New York has presented a comprehensive school improvement plan touching on many essential elements, it could stand to improve the clarity of the plan. As currently presented, many components are buried in the narrative text or behind jargon and acronyms. The state could polish its plan with an eye toward communicating with parents, educators, and other stakeholders in the state.

Exiting Improvement Status: Are the state's criteria for schools to exit comprehensive and targeted support status sufficient to demonstrate sustained improvements? Why or why not?
1 ☐   2 ☒   3 ☐   4 ☐   5 ☐

New York's proposed accountability system is based on a normative ranking system, and its exit criteria for low-performing schools also follow a similar approach. The state has proposed two sets of exit criteria for comprehensive-support schools. If, for two consecutive years, the school scores at a Level 2 on achievement, growth, and (for high schools) graduation rates, it may exit status. Or, if after three years, when New York reruns its lists and the school is no longer identified, it also exits status. The first is stronger than the second and would require a school to improve rather than just improve its relative ranking. However, because several of New York's accountability indicators are normative rankings and not tied to objective goals, schools would have no front-end predictability about what they would need to accomplish to show sufficient progress.

New York's exit criteria for targeted-support schools are also normative. Schools may exit status if they are no longer identified for two consecutive years.

Continuous Improvement: Has the state outlined a clear plan to learn from its implementation efforts and modify its actions accordingly, including through continued consultation and engagement of key stakeholders? If not, what steps could the state take to do so?

1 ☐   2 ☐   3 ☒   4 ☐   5 ☐

New York should be commended for its extensive and well-documented evidence of stakeholder engagement up to this point in the development of its ESSA plan. It should also be applauded for establishing a review committee and for planning to add new indicators and review its accountability system and potentially revise goals after five to seven years. That said, the plan is less clear about what the state plans to do going forward, and it lacks specificity about its continued engagement with key stakeholders once it begins implementing its ESSA plan. The state would improve its proposal by clearly describing in more detail its process for continual engagement with stakeholders and for modifying its system as necessary.