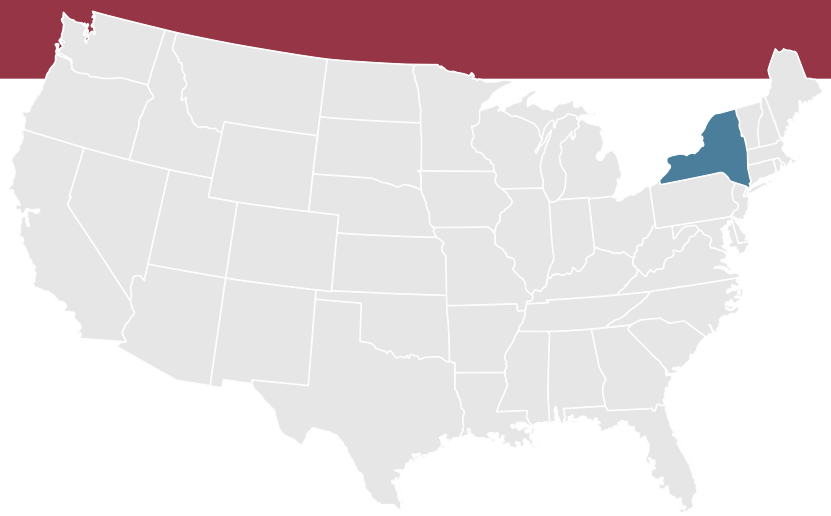# An Independent Review of ESSA State Plans

New York

Project Overview

Bellwether Education Partners, in partnership with the Collaborative for Student Success, convened an objective, independent panel of accountability experts to review ESSA state plans. We sought out a diverse group of peer reviewers with a range of political viewpoints and backgrounds, and we asked them to review each state's accountability plan with an eye toward capturing strengths and weaknesses.

We aimed to provide constructive feedback to the states, and to serve as a source of straightforward information to the public so that they are better able to engage policymakers if and how they see fit. Inherently, this independent process could not take into account the numerous political and situational challenges that occur in every state. We are in no way attempting to diminish those challenges, but the scope of this review was to compare the rigor and comprehensive nature of state accountability plans.

Peers worked in small teams to review the plans that states formally submitted to the U.S. Department of Education. After reviewing independently, the peers met for two days to discuss their individual reviews and work together on the collaborative draft you'll see below. The teams were asked to use their discretion and expertise to respond to and score each rubric item, and those scores were normed across states and peers.

Each state was given the opportunity to review the draft peer analysis and to provide substantive additions and corrections. Still, the reviews should be considered a snapshot of state plans as of September–November 2017, and we anticipate that states will continue to update their plans going forward.

To read more about the project, as well as a list of the expert peer reviewers, visit the Bellwether website here.

BELLWETHER
EDUCATION PARTNERS

Overall Strengths and Weaknesses

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

New York took a thoughtful and comprehensive approach in creating its ESSA plan, although the state's plan is quite complicated, particularly around its performance index and school identification. 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, such as 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 support section. For the last few years, New York has been implementing a system of differentiated school supports utilizing a high-quality observation rubric, which were 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 plan, including survey data and interviews with principals who have completed its school improvement process in the past. New York should continue to engage English learner and disability groups to solicit feedback on current accessibility efforts and on additional needs for these student populations.

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. The state's approach to its long-term goals and interim targets could run the risk of tolerating stagnation, and although New York has a relatively straightforward list of accountability indicators, the way it translates those data into school accountability determinations is complex. New York proposes combining its chosen indicators through complicated logic tables with several permutations. School leaders, parents, or other stakeholders may struggle to understand and respond to this system.

While New York has proposed a set of rules that appear to ensure schools pay attention to low-performing subgroups, it does not provide data modeling the effects of those decisions. Additionally, New York's proposed accountability system is primarily based on how schools compare to each other rather than to objective goals, and schools will have no front-end predictability about what they would need to accomplish to demonstrate sufficient progress.

The proposed waiver to allow schools to administer below-grade-level assessments will likely undermine efforts to ensure students with disabilities have access to grade-level instruction.

Plan Components

Each state's plan has been rated on a scale of 1 ("This practice should be avoided by other states") to 5 ("This could be a potential model for other states").

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 established an end goal for academics (all students are proficient), graduation rate (95 percent graduation rate), and English language proficiency (95 percent of English learners are making progress). The time frame for achieving these end goals is not specified. Instead, the state sets the goal of reducing achievement and graduation-rate gaps by 20 percent within five years. 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.

The state deserves credit for setting a high expectation for rapid English language acquisition among English learners of three to five years.

New York could provide a clearer connection between the goals articulated by its state Board of Regents and its proposed school accountability system. For example, the Board of Regents has established goals around students entering school ready to learn and 3rd-grade proficiency, but these do not appear to be reflected in the proposed accountability system.

Standards and Assessments: 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 3 through 8 and its high school Regents assessments into five languages.

The state's approach to looking at language presence and concentration across the state is excellent. The use of data to specifically identify need, the number of language translations, and the use of oral-language

accommodations are all examples of practices other states should take note of and look to replicate in their own unique circumstances.

The state's descriptions of accommodations for students with special needs is also strong. However, New York indicates it is preparing a waiver request to allow schools to administer below-grade-level assessments to a small group of students with disabilities. While the waiver request will be dealt with separately from the state's ESSA plan, there's a concern that the proposed approach runs contrary to the letter, spirit, and intent of ESSA and could allow students with disabilities to be excluded from the general classroom and instruction.

Indicators: 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 measure graduation rates and college and career readiness. New York also deserves credit for incorporating science (and, in high school, social studies) into its accountability system, which will help broaden the accountability focus beyond reading and math.

Rather than proposing 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.

New York could improve its plan by further clarifying how it intends to define its "Progress" measure—whether this is intended to capture subgroup performance or 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 may be difficult for parents and educators to distinguish between those two levels.

The state also makes a number of unexplained decisions about how it will convert raw data into scores for its achievement indicator. 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 at 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 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 relies entirely on relative rankings of achievement—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 the 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 is also 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.

Academic Progress: 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 plan says that instead of specific weights, the state will apply a series of decision rules. These rules are only explained in instances where a school scores a 1 in either category. The state could strengthen its plan by building out these decision tables to address other combinations.

New York's growth model, Student Growth Percentiles (SGP), compares the progress students make against their similarly performing peers and converts those scores into percentiles. This approach 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.

All Students: 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

Although New York says that it will include disaggregated performance in its Achievement Index, the plan does not explain how subgroup performance is included.

In addition, some technical features of New York's plan will limit its reach. It plans to use a minimum group size of 30 students for measuring performance and 40 students for determining participation rates. Both are high and likely to exclude many students from the state's system. In fact, less than half the schools with African-American students will have to report this subgroup's performance, although New York's plan to include two years of data when the group size is less than 30 should help mitigate this concern somewhat.

Still, it's not clear why New York would need a separate, larger group 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 fewer than 40 students or accountability scores when a group has fewer than 30 students, New York is unnecessarily limiting information that could be shared with the public. The plan could be further strengthened if the state provided greater detail on how it will ensure schools and each individual subgroup reach 95 percent participation in the state assessment. Further, the state's approach to reporting by combining groups below the five-student threshold for reporting with the next largest group until they collectively exceed the threshold will mask or confuse the performance of all the consolidated subgroups. The state could rethink this approach and just mask the performance of groups that fall below the threshold.

New York is planning to take up flexibility to include former English learners in the English learner subgroup, but the plan doesn't specify how long it would do so. The state is also seeking a waiver to test, but not include for accountability purposes, recently arrived English learners in their second year of attending school in New York.

Identifying Schools: Is the state's plan to identify schools for comprehensive and targeted support likely to identify the schools and student groups most in need?

| 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 give each school and subgroup a 1 to 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 to 4 ratings, New York plans to combine them using a logic table showing whether a school would be identified for comprehensive support based on its combination of indicator rankings. The state's use of a logic table instead of weighting indicators could be cumbersome and confusing. 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 more data are needed to understand if this hypothetical situation exists or not. Similarly, the state plans to identify high schools with graduation rates below 67 percent, but it will use the four-, five-, and six-year graduation rates to make this determination. This could potentially set a low bar and allow some high schools with very low on-time completion rates to avoid identification.

New York will identify schools for targeted support using the same methodology as above, but applied to subgroup data and performance levels over two consecutive years.

New York deserves credit for identifying "Target Districts" that include one or more schools identified for comprehensive or targeted support or in which district-wide performance would have resulted in identification for support if the district were a school. The plan also alludes to future consideration of additional criteria for identifying Target Districts based on additional data such as class sizes, incidence of violence, and teacher engagement.

Finally, at a few points in the plan, New York 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. Although not required to be included in ESSA plans, this seems like a missed opportunity for the state to explain the effects of its system beyond the lowest-performing schools in the state.

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's documentation of its state support system is the strongest part of the state's plan. It is detailed, thorough, and has the potential to succeed. New York plans to offer a differentiated system of supports to schools based on their identified needs and includes a well-thought-out plan for use of evidence-based interventions. 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, 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 (save for some special situations). 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 cause it to be closed down.

Finally, New York state should indicate if and how it intends to provide direct student services using the optional 3 percent set-aside, which provides an additional opportunity for the state to align school improvement activities with its statewide goals.

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, 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. The state should clarify whether the performance of the school or subgroups must be higher for two consecutive years for the targets in those years, or the year in which the school/subgroup was first identified. The state does not appear to have addressed any type of sustainability planning either.

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. However, the state does not specifically call out a plan to learn from its implementation, modify actions, and have continued consultation with key stakeholders. Further, given the complexity of the state's proposed accountability system, providing for consistent and in-depth reviews of the performance—and clarity—of the system would be a valuable addition to the plan.

The state 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.