

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 210, 215, 305, 309 and 3713

Subdivisions (f) and (g) of section 100.18 of the Regulations of the Commissioner are amended, effective July 13, 2015, as follows:

(f) Adequate yearly progress.

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(9) Effective with 2013-14 school year results and continuing with the results for each school year thereafter, the “all students” accountability group for a public school, charter school or school district shall be deemed to have made adequate yearly progress on a performance criterion specified in paragraph (1) and (2) of subdivision (j) of this section if all the accountability groups, except the “all students” group, for which a public school, charter school or school district is accountable on that performance criterion made adequate yearly progress.

(g) Differentiated accountability for schools and districts.

Prior to the commencement of the 2012-2013 school year, the commissioner, based on the 2010-2011 school year results, shall designate focus districts, priority

schools and focus charter schools. Prior to the commencement of the 2013-2014 school year, based on the 2011-2012 school year results, and each year thereafter based on the subsequent school year results, the commissioner shall designate public schools requiring a local assistance plan.

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(2) . . .

(3) . . .

(4) . . .

(5) . . .

(6) School requiring a local assistance plan.

(i) Beginning with the [2011-2012] 2013-14 school year results and annually thereafter, a school that has not been designated as a priority or focus school shall be designated as a local assistance plan school if the school:

(a) failed to make adequate yearly progress (AYP) for an accountability group for three consecutive years on the same performance criterion in subdivision (j) of this section; provided that such school shall not be designated as a local assistance plan school if the school has met other measures of progress as determined by the commissioner pursuant to subparagraph (ii) of this paragraph; or

(b) has gaps in achievement on a performance criterion in subdivision (j) of this section and the school has not shown sufficient progress toward reducing or closing those gaps or meeting other measures of progress as determined by the commissioner pursuant to subparagraph (ii) of this paragraph, between students who are members and students who are not members of that accountability group; or

(c) the school is located in a district that is not designated as Focus and the school meets the criteria for identification as a focus school pursuant to subparagraph (5)(ii) of this subdivision, and such other measures of progress as determined by the Commissioner pursuant to subparagraph (ii) of this paragraph.

(ii) Notwithstanding the provisions of clauses (a) through (c) of subparagraph (i) of this subdivision, the commissioner may consider other measures of progress in determining whether to identify a school as a local assistance plan school, including but not limited to:

(a) whether a subgroup has made two consecutive years of AYP;

(b) the subgroup's Student Growth Percentile (SGP) is above state average;

(c) the percentile rank of the Performance Index (PI)/graduation rate of a subgroup on an accountability measure as compared to the percentile rank of the PI/graduation rate of the subgroup in other schools in the state;

(d) whether the graduation rate of the subgroup is above state average; and/or

(e) if the subgroup's performance on an accountability measure has changed from year to year.

[(ii)] (iii) For transfer high schools for which a district has submitted alternative high school cohort data, the commissioner shall review such data to determine whether the school shall be designated as requiring a local assistance plan.

[(iii)] (iv) Districts will be informed of the preliminary status of its schools and will be provided the opportunity to appeal the identification of any preliminarily identified school.

(7) . . .