

REVISED REGULATORY IMPACT STATEMENT

Since publication of a Notice of Emergency Adoption and Proposed Rule Making in the State Register on October 3, 2018, the following substantial revisions were made to the proposed rule:

Principal Support Report and Principal Needs Assessment (§100.21(b)(4)(xii) and (xiii))

- The name of the report and the needs assessment has been changed to “Leadership Team Support Report” and “Leadership Team Needs Assessment” to reflect that the focus of these documents should be the district and school leadership teams, not just the principal.

Basis for Districts to petition the Commissioner to revise MIPs. (§100.21(b)(2)(vi))

- Revised to allow districts to be able to petition the Commissioner to revise MIPs if the district seeks to correct an error in the data used to establish a MIP for a school or district. Would allow the Commissioner to revise MIPs to reflect the administration of new assessments or changes in state standards.

Computation of Combined Composite Performance and Growth Level (§100.21(f)(1)(i)(c))

- In a small percentage of cases, the current methodology results in a Combined Composite Performance and Growth Level that is lower than the unweighted average (rounded down) of the Composite Performance Level and Student Growth Level. For example, in a small percentage of cases, a subgroup with a Composite Performance Level of 2 and a Student Growth Level of 4 would be assigned a Combined Composite Performance and Growth Level of 2. This revision would

result in the subgroup receiving a Combined Composite Performance and Growth Level of 3.

Computation of Academic Progress Level, ELP level and Student Growth Level
(§100.21(f)(1)(i)(b), §100.21(f)(1)(i)(d), §100.21(f)(1)(i)(e), §100.21(f)(2)(i)(d),
§100.21(f)(2)(i)(e))

- As the regulations currently allow the Commissioner to do for the graduation rate indicator; chronic absenteeism indicator; and college, career, and civic readiness indicator, the Commissioner would be able assign an Academic Progress Level 1 in ELA or math to a subgroup whose Performance Index is below a Performance Index established by the Commissioner and the Commissioner may assign an Academic Progress Level 2 in ELA or math to a subgroup whose Performance Index is at or above a Performance Index established by the Commissioner. Similar provisions would also be added for the ELP and Student Growth Indicators. These provisions would allow the Commissioner to take into account changes to the assessments and standards that have taken place.

Computation of Combined Composite Performance and Graduation Rate Level
(§100.21(f)(2)(i)(c))

- In a small percentage of cases, the current methodology results in a Combined Composite Performance and Graduation Rate Level that is lower than the unweighted average of the Composite Performance Level and Graduation Rate Level. For example, in a small percentage of cases, a subgroup with Composite Performance Level of 2 and a Graduation Rate Level of 4 would be assigned a

Combined Composite Performance and Graduation Rate Level of 2. This revision would result in the subgroup receiving a Combined Composite Performance and Graduation Rate Level of 3.

Identification of Target Districts (§100.21(f)(3)(iii))

- Clarifies that a school district must meet the criteria for identification for the all students group for two consecutive years in order to be identified as a Target District, except for Focus Districts, which may be identified based on 2017-18 school year data only.

Assignment of teachers to schools identified for Comprehensive Support and Improvement (§100.21(i)(1)(i)(c))

- When a school is identified for Comprehensive Support and Improvement, teacher transfers are limited to teachers rated effective or highly effective pursuant to Education Law §3012-d by a school district in the previous school year, to the extent possible and subject to collective bargaining as required under article 14 of the Civil Service Law, and may require that any successor collective bargaining agreement authorize such transfers to the extent possible and unless otherwise prohibited by law.

Identification and appointment of leadership and staff of a new school that a district seeks to register to replace a SURR or receivership school that is phasing out or closing (§100.21(l)(5)(iv))

- District must establish a process for identifying and appointing the leadership and staff of the new school, which must result in the selection of school leaders with a track record of success as school leaders and a staff that consists primarily of experienced teachers (i.e., at least three years of teaching experience) who are certified in the subject area(s) they will teach, have been rated Effective or Highly Effective pursuant to Education Law §3012-d in each of the past three years, and are not currently assigned to the school to be closed or phased out, unless approval has been granted by the Commissioner to waive any of these requirements, to the extent possible and subject to collective bargaining as required under article 14 of the Civil Service Law, and may require that any successor collective bargaining agreement authorize such appointments, to the extent possible, unless otherwise prohibited by law;

The above changes require that the NEEDS AND BENEFITS section of the previously published Regulatory Impact Statement be revised to read as follows:

3. NEEDS AND BENEFITS:

On December 10, 2015, ESSA was signed into law by President Obama. This bipartisan measure reauthorized the 50-year-old ESEA, which provides federal funds to improve elementary and secondary education in the nation's public schools and requires states and school districts, as a condition of funding, to take a variety of actions to ensure all children, regardless of race, income, background, or where they live, receive the education they need to prepare them for success in postsecondary education, careers,

and citizenship. New York State receives approximately \$1.6 billion annually in funding through ESSA.

After an extensive, 18-month long public engagement process, the Department, with Board approval, submitted New York State's ESSA plan to the USDE for review on September 17, 2018. On January 17, 2018, the USDE approved the State's plan. In April 2018, the Department provided the Board of Regents with a description of the draft regulatory terms and the Board directed the Department to finalize the draft regulatory terms for publication in the State Register.

The rule will ensure a seamless transition to the revised accountability plan as authorized under the approved ESSA plan, and provide school districts with the opportunity to demonstrate improvements by creating improvement plans that address the needs and resource issues found in identified schools.

Summary of New or Revised Key Concepts within Draft Regulations

New Categories of School and District Identification

- Comprehensive Support and Improvement schools (CSI)
 - Beginning with 2017-2018 school year results, the Commissioner will identify a minimum of five percent of the lowest performing Title I elementary and middle schools and five percent of the lowest performing Title I high schools as CSI as measured by the performance of a school's "all students" group. The Commissioner will also identify as CSI any high school with a four-year graduation rate for the "all students" group below 67% and a five-year or six-year graduation rate that is not at or above 67% that do not successfully appeal such designation. CSI schools will first be identified for the performance of the "all students" group in the 2018-19 school year, based on 2017-18 school year results, and every three years thereafter. Schools that have been identified for targeted support and improvement (TSI) based on the performance of one or more accountability subgroups and that after having been further identified for additional targeted support remain identified as TSI after three years for one or more of accountability subgroup(s) for which the school was provided additional targeted support also will be identified as CSI, if such schools do not successfully appeal their designation.

- Targeted Support and Improvement schools (TSI) – Schools with one or more consistently underperforming accountability subgroups will be identified annually beginning with the 2019-2020 school year, except that a school identified as a Priority or Focus school during the 2017-2018 school year may be identified (using 2017-2018 school year data only), if such school meets the criteria for identification as a TSI school, based on 2017-18 school year results. A “consistently underperforming” accountability subgroup is one that meets the criteria for identification for two consecutive years.
 - In addition, in the year that the Commissioner identifies schools as CSI for the performance of the “all students” group, the Commissioner will determine if any TSI school should be identified for “additional targeted support.” A TSI school will be identified for additional targeted support if the school has been identified as TSI in both the current and prior school year and one or more subgroups in the school for which the school has been identified are performing at a level that would have caused the school to be identified as CSI if such performance had been attributed to the “all students” group.
- Target Districts – The Department will identify any school district with one or more CSI or TSI schools as a Target District, if the district does not successfully appeal such designation. A district can also be identified as Target District if the district-wide performance levels are the same or lower than those that would cause a school to be identified as CSI or TSI.
- Schools Performing at Level 1 - In addition to the above categories, any school that is not identified as CSI or TSI but has an accountability subgroup that performed at Level 1 on an indicator must participate in a needs assessment, in a format as may be prescribed by the Commissioner, to determine the additional support that the school needs to improve performance. Such needs assessment must identify the academic achievement gaps between accountability subgroups within the school, identify the root causes for the gaps, and delineate the resources and strategies that the district will use to support the school to address such gaps.

New Indicators used for Identification of Schools and Districts beginning with 2017-2018 school year results, for the purposes of ranking schools and identifying CSI and TSI schools, and Target Districts

Note: For each indicator listed below, each subgroup for which a school or district is accountable will be assigned a Level 1-4, if the subgroup has a minimum of 30 student results for which the school or district is accountable.

Indicator	Description
Composite	For all schools , based on the Composite Performance Level,

Indicator	Description
Performance	which measures achievement on State assessments in English language arts (ELA), mathematics and science. For high schools , also measures achievement on State assessments in social studies. For elementary and middle schools, the Composite Performance Level combines the results from the Core Subject Performance Level, which are ELA, mathematics and science results computed using only the results from continuously enrolled students with valid test scores, and the Weighted Average Achievement Level, which are ELA, mathematics and science results computed using as the denominator the greater of the percentage of continuously enrolled students with valid test scores or 95% of continuously enrolled students. The Weighted Average Achievement and Core Subject Performance Levels are derived from Performance Indices that give “partial credit” (1 point) to students who score at Level 2, “full credit” to students who score at Level 3 (2 points), and “extra credit” to students who score at Level 4 (2.5 points).
Student Growth	For elementary and middle schools , measures student growth on statewide assessments in ELA and mathematics for students in grades 4-8 by comparing the scores of students in the current year to the scores of students with similar scores in prior years. Three years of Student Growth Percentiles are used to compute this measure.
Academic Progress	For all schools , measures a school’s Weighted Average Achievement Index in ELA and mathematics (see Composite Performance above) against State long-term goals and State and school or district measures of interim progress (MIPs).
Graduation Rates	For high schools , measures four-, five-, and six-year cohort graduation rates against State long-term goals and State and school or district MIPs. Data is lagged a year.
English Language Proficiency (ELP)	For all schools , measures the progress of English Language Learners in meeting their individual progress targets on the New York State English as a Second Language Achievement Test (NYSESLAT).
Chronic Absenteeism	For all schools , measures the percentage of students who miss 10% or more of the school year against State long-term goals and State and school or district MIPs. Students must be enrolled for a minimum of ten days and have attended school for at least one day to be included in the computation.
College, Career, and Civic Readiness (CCCR)	For high schools , measures the percentage of students who are leaving school prepared for college, career and civic readiness as measured by diplomas, credentials, advanced course credits and enrollment, career and technical education certifications, high school equivalency diplomas and other

Indicator	Description
	similar indicators against State long-term goals and State, school and district MIPs.

New methodology for identification of Schools and Districts, using Decision Tables

Each school's data for each of the indicators, for each subgroup, will be calculated and then assigned a level, 1-4. Level 1 represents the lowest level of achievement for that indicator, and Level 4 represents the highest level of achievement for the indicator.

Using the levels given to each school and district for each of the indicators, for the “all students” subgroup and for each accountability subgroup, which in New York are the major racial/ethnic groups, English language learners, low-income students, and students with disabilities, the Department will use decision tables to identify CSI and TSI schools. Below are the scenarios under which schools will be identified as CSI or TSI.

1. Decision Table for Identification of Elementary/Middle Schools

Composite Performance Level	Student Growth Level	Combined Composite Performance & Growth Level	ELP Level	Academic Progress Level	Chronic Absenteeism Level
<u>Both Level 1</u>		<u>Level 1</u>	<u>Any Level</u>	<u>Any Level</u>	
<u>Either Level 1</u>		<u>Level 1</u>	<u>None*</u>	<u>Any One of the Two is Level 1</u>	
<u>Either Level 1</u>		<u>Level 1</u>	<u>Level 1</u>	<u>Any Level</u>	
<u>Either Level 1</u>		<u>Level 1</u>	<u>Level 2</u>	<u>Any Level 1</u>	
<u>Either Level 1</u>		<u>Level 1</u>	<u>Level 3 or 4</u>	<u>Both Level 1</u>	

2. Decision Table for Identification of High Schools

Composite Performance Level	Grad Rate Level	Combined Composite Performance & Grad Rate Level	ELP Level	Progress Level	Chronic Absenteeism Level	CCCR Level
<u>Both Level 1</u>		<u>Level 1</u>	<u>Any Level</u>	<u>Any Level</u>		
<u>Either Level 1</u>		<u>Level 1</u>	<u>None*</u>	<u>Any One of the Three is Level 1</u>		
<u>Either Level 1</u>		<u>Level 1</u>	<u>Level 1</u>	<u>Any Level</u>		
<u>Either Level 1</u>		<u>Level 1</u>	<u>Level 2</u>	<u>Any Level 1</u>		
<u>Either Level 1</u>		<u>Level 1</u>	<u>Level 3 or 4</u>	<u>Any Two Level 1</u>		

Note: In the above tables, “None” means that the subgroup in a school or district for which a determination is being made has not been assigned an ELP level because there are fewer than 30 student results for this measure.

An elementary, middle, or high school will be identified as a CSI school if the school’s all students group matches the pattern of performance in any one of the rows in the above tables. An elementary, middle, or high school will be identified as a TSI school if for two consecutive years any of the school’s subgroups match the pattern of performance in any one of the rows in the above tables, except that, using 2017-18 school year results, a Priority or Focus School can be identified for TSI if it matches a pattern of performance in any one of the rows in the above tables based on 2017-18 school year results only. A district may be identified as a Target District if it has any schools identified as either TSI or CSI. In addition, if a district has no schools identified as TSI or CSI, the district may still be identified as a Target District if the district for two consecutive years matches a pattern of performance in any of the rows in the above tables.

New and Revised Supports and Interventions for Schools and Districts

Schools and districts are first identified in the 2018-19 school year using 2017-18 school year data. Schools and districts will use the 2018-19 school year to develop their comprehensive education plans, which will be implemented in the next school year. However, any school that has been identified as a Priority or Focus School during the 2017-18 school year must continue to implement its School Comprehensive Education Plan during the 2018-19 school year, regardless of whether the school is identified as a CSI or a TSI.

CSI school requirements and supports are differentiated, based on the amount of time a school or district has been identified and progress made during the years of identification.

- All CSI schools must:
 - Participate in a needs assessment that includes a review of school quality, a review of select State-reported and State-supported data indicators and survey results, and a resource audit that examines the effectiveness of professional development and how schools and districts use their time (e.g., instructional time, length of school day and/or school year), space (facilities), staff, and funds in relation to best practices. In the first year of identification, the review of school quality will look at practices related to the tenets of the Diagnostic Tool for School and District Effectiveness. In subsequent years, the review of school quality may focus on providing feedback about the implementation of the school’s comprehensive education plan.
 - Develop and implement, in consultation with parents, school staff, and other stakeholders, a school comprehensive education plan based on the results of the needs assessment that is submitted for approval to the school district and the New York State Education Department (NYSED or “the Department”). The Commissioner has the authority to reject any plan

that does not provide sufficient evidence that parents and pedagogical staff and in high schools, students, meaningfully participated in the development of the plan.

- Describe in detail within the school comprehensive education plan the initiatives that will be implemented to positively affect student learning and to address the accountability measures for which the school has been identified, including the implementation of school-level evidence-based interventions and job-embedded professional development.
 - School-level evidence-based intervention means an activity, strategy, or intervention that has met the criteria outlined in section 8101(21)(A) of ESSA by demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes: provided that such intervention must be implemented so as to affect such percentage of a school's enrollment or such percentage of classrooms as may be prescribed by the Commissioner for the school
 - Job-embedded professional development means professional development for teachers and leaders that is informed by the results of the comprehensive needs assessment or progress needs assessment of the school and by the teacher or leader evaluation system and any applicable supports, and addresses identified teacher and student needs.
- Limit incoming teacher transfers to teachers rated effective or highly effective pursuant to Education Law §3012-d by a school district in the previous school year, to the extent possible and subject to collective bargaining as required under article 14 of the Civil Service Law, and may require that any successor collective bargaining agreement authorize such transfers to the extent possible and unless otherwise prohibited by law.
- Either establish (1) a participatory budgeting process, which means a process by which CSI schools, beginning with the 2019-2020 school year, annually set aside and spend a designated amount of allowable funds in such school year, in an amount specified by the Commissioner and not to be less than \$2,000, for the purpose of funding projects that are proposed by and voted on by the students and families of the school as determined by the Commissioner. The project proposal period and subsequent final vote must occur annually within each CSI school and be organized in such manner as may be specified by the Commissioner, which shall include, at a minimum, guidance that the final vote to determine the projects that are funded is open to all students and that the families of each student shall have a minimum of one vote per family; or (2) select alternative forms of increasing parent and student engagement from a list determined by the Commissioner.
- Conduct parent, teacher and student surveys.
- Provide notification to parents of the accountability status of the school prior to the first day of school following the identification of the school.

- Obtain approval of the school comprehensive education plan from the local board of education (or the Chancellor in New York City) and post the plan on its website.
- Requirements for CSI schools after the first year of identification are determined based on whether the school has met or exceeded its Annual Achievement Progression targets, which are based on the “all students” group’s performance on the Core Subject Performance Index and Mean Student Growth Percentiles for elementary and middle schools and the Composite Performance Index and Graduation Rate Index for high schools.
 - In the second school year of identification, CSI schools must continue the annual required actions identified above and the principal must submit quarterly reports to the district.
 - If a school has met or exceeded its Annual Achievement Progression targets, the school will proceed with the annual required actions identified above; however, the school can conduct a progress review that focuses on delivering feedback regarding the implementation of the school comprehensive education plan as its review of school quality.
 - If a school has not met its Annual Achievement Progression targets after the first year of identification, the school will receive additional technical assistance from the Department. The school will either conduct a progress review focused on the implementation of the school comprehensive education plan or a comprehensive review using the Diagnostic Tool for School and District Effectiveness as its review of school quality. In addition, any district with a CSI school that does not meet its Annual Achievement Progression target will submit a Principal Support Report to the Commissioner to outline how the district will support the leadership of the CSI school.
- In the third year of identification, CSI schools that fail to meet their Annual Achievement Progression targets for two consecutive years will receive additional support and oversight. In addition to the annual requirements that all CSI schools must complete, the CSI schools that do not meet their Annual Achievement Progression targets for two consecutive years must:
 - Partner with the local Board of Cooperative Educational Services (BOCES), Regional Bilingual Educational Resource Network, Teacher Center, Regional Technical Assistance Center, or other technical assistance provider as approved by the Commissioner, to support implementation of the school comprehensive plan.
- In the fourth year of identification, CSI schools in which the Annual Achievement Progression results have declined for two consecutive years following identification must offer Public School Choice.

In addition, any district with a CSI school that failed to meet its Annual Achievement Progression targets for two consecutive years will have as part of its district-level needs assessment an evaluation of the district’s capacity to support its leaders in CSI schools.

Support and oversight for **TSI schools** will be the responsibility of the district, which will lead the needs assessment process and approve the school comprehensive education plan for the TSI school.

- All TSI schools must:
 - Participate in an annual needs assessment that includes a review of school quality, a review of select State-reported and State-supported data indicators and survey results, and a resource audit that examines the effectiveness of professional development and how schools and districts use their time (e.g., instructional time, length of school day and/or school year), space (facilities), staff, and funds in relation to best practices. In the first year of identification, the review of school quality will look at practices related to the tenets of the Diagnostic Tool for School and District Effectiveness to consider how the organization of the school may be impacting subgroup performance. In subsequent years the review of school quality may focus on providing feedback about the implementation of the school's comprehensive education plan.
 - Use the results of the needs assessment and other data concerning subgroup performance to create a school comprehensive education plan in collaboration and consultation with parents, teachers, and students, as required by section 100.11.
 - Describe in detail within the school comprehensive education plan the implementation of evidence-based interventions and job-embedded professional development.
 - Provide notification to parents of the accountability status of the school prior to the first day of school following the identification of the school.
 - Obtain approval of the school comprehensive education plan from the local board of education (or the Chancellor in New York City), and post the plan on its website.

- TSI schools submit their plans annually to the board of education for review and approval.

- **Schools that perform at Level 1 for one or more accountability groups on one or more accountability measures but are not CSI or TSI schools**
Based on a needs assessment, the district, in consultation with parents, school staff, and other stakeholders at the school, consistent with the district plan pursuant to section 100.11, shall identify additional resources that the district will provide to the school to assist it to increase performance on the accountability measure for the identified group(s). The district in its consolidated application must also identify the additional resources and professional development that the district will provide the school to improve performance.

Target Districts will be required to develop plans that address the needs of the identified schools within their district and/or address the areas for which the district has been identified.

- All Target Districts must:
 - Participate in a comprehensive needs assessment.
 - Develop a district comprehensive improvement plan that describes in detail the implementation of interventions and professional development that address the needs identified by the school and district needs assessments and in consultation and collaboration with parents, teachers, and students consistent with section 100.11.
 - Provide notification to parents of the accountability status of the district prior to the first day of school following the identification of the school.
 - Obtain approval of the district comprehensive improvement plan from the local board of education (or the Chancellor in New York City) and post the plan on its website.

Public School Choice

- Public school choice means the option for students enrolled in a CSI school to transfer to a public school in good standing at the appropriate grade level within the district.
- Districts are required to offer public school choice when a CSI school does not make its Annual Achievement Progression targets for two consecutive years. In that instance, parents at the school must be notified of their right to public school choice, and the district must conduct a school choice enrollment process. To the extent that the district currently provides transportation, the district must continue pay for such costs for any student who takes advantage of public school choice.
- Any student who is currently enrolled in a school as a result of a public school choice plan must be allowed to remain enrolled in that school until completing the highest grade level at that school and must continue to receive transportation to such school.
- Districts that are required to offer Public School Choice, but cannot do so (e.g., the only high school in the district has been identified), must increase the amount they expend on participatory budgeting.

Participatory Budgeting

- Beginning with the 2019-2020 school year, CSI schools must either set aside and spend no less than \$2,000 annually for the purposes of funding projects that are proposed and voted on by the students and families of the school; or select alternative forms of increasing parent and student engagement from a list determined by the Commissioner. If the schools decide to do participatory budgeting, all students and their families will have the right to vote on which projects are funded with these funds. Where a CSI school has declined in performance for two consecutive school years on the measures used to make Annual Achievement Progress determinations and the district is unable to provide public school choice for all of the students in the CSI school who request it, the district must ensure that the CSI school expends greater amounts through the participatory budgeting process.

Leadership Team Support Report

- To be completed by any district with at least one CSI school that does not meet its Annual Achievement Progression targets.
- The district identifies any areas in which the district determines it could more effectively support the school leadership team. .
- The report is intended to provide summary information for the district and the State and must be consistent with Education Law §§3012-c (10) and 3012-d(15) with respect to safeguarding personally identifiable information.

Leadership Team Needs Assessment

- To be completed by any Target District with one or more CSI schools that fail to meet their Annual Achievement Progressions targets for two consecutive years.
- Is an additional component of the District Needs Assessment that assesses the capacity of the district to support its school leaders.
- The results of the Leadership Team Needs Assessment along with a plan to address the findings must be submitted to the Department.

Requirement for at least 95% Participation Rate in State Annual Assessments

- Identification of schools that fail to meet participation rate requirements
 - Beginning with 2017-2018 and 2018-2019 school year results, a school will be identified for participation rate if the school has a participation rate below 95% for the same subgroup, in the same subject (i.e., ELA or mathematics) for two consecutive years, and fails to improve participation rate, as determined by the Commissioner, as compared to the previous year for the same subgroup(s) and subject(s), except that such plan is not required if the subgroup performs at or above Level 3 on the Weighted Average Achievement Index. Such school must develop a participation rate improvement plan as described below.
- Required plan for schools that fail to meet participation rate requirements
 - In the first year of identification, the school will conduct a participation rate self-assessment and develop a participation rate improvement plan:
 - The plan will be developed in collaboration with a committee composed of the school principal or their designee(s); school staff including teachers and student support staff, no more than fifty percent of whom shall be selected by the representative collective bargaining organization(s); and parents selected by school-related parent organizations (not employed by the district or a collective bargaining organization representing teachers or administrators in the district). A district may designate a school based management team or a community engagement team to be the committee for this purpose.
 - The plan must address participation of students from all subgroups, as defined in the regulation, for which the school has failed to meet the required 95% participation rate and failed to improve the participation rate as compared to the previous year.

- The plan must be adopted by the district Board of Education (in New York City, the chancellor or chancellor's designee), after consultation with the committee.
- In the second year of identification, if the school fails to improve its participation rates for the subgroup(s) and subject(s) for which the initial plan was required, the district will conduct a participation rate audit and develop an updated participation rate improvement plan.
- In the third year of identification, for any school for which a district audit and district participation rate improvement plan was completed in the previous school year and that fails to improve its participation rates for the subgroup(s) and subject(s) for which the plan was required, the district must work with a Board of Cooperative Educational Services (BOCES) to conduct a participation rate audit and develop an updated participation rate improvement rate plan.
- In the fourth year of identification, for any school for which a BOCES audit and BOCES participation rate improvement plan was completed in the previous school year and that fails to improve its participation rates for the subgroup(s) and subject(s) for which the plan was required, the Department will conduct an audit of the participation rate and the school may be required by the Commissioner to address recommendations in the audit intended to raise student participation in State assessments.
- Beginning with 2017-2018 and 2018-2019 school year results, schools that are identified for participation rate and are among the lowest ten percent of schools within the State for participation rate must submit a participation rate improvement plan for approval by the Commissioner.
- Once a school is required to develop a participation rate improvement plan for a subgroup, the school must continue to update and implement the plan annually until such time as the subgroup meets the 95% participation requirement. However, a new plan will not be required for schools that are showing improvement in participation rate.

Schools under Registration Review process

- A school can be identified for Registration Review in three ways:
 1. If the school has been placed into Receivership.
 2. If school has been identified for three consecutive years as a Comprehensive Support and Improvement School.
 3. If the school has been identified as a poor learning environment by the Commissioner.
- Schools under Registration Review that are also identified as schools in Receivership or as CSI schools continue to engage in the activities required by those designations.
- If a school is placed under Registration Review because of being designated a poor learning environment, an integrated intervention team, which may include a Distinguished Educator, will conduct a diagnostic review of the school and make recommendations to the Commissioner regarding whether the school should:

- Continue to implement its current school comprehensive education plan, with modifications as suggested by the Integrated Intervention Team;
- Phase-out or close the school; or
- Create and implement a new school comprehensive education plan.

The Commissioner shall review the recommendations of the integrated intervention team and may approve, or modify and approve as so modified, such recommendations. Upon such approval, the Commissioner shall direct that the school district submit in a format and according to a timeline prescribed by the Commissioner a revised improvement plan or intervention plan, a new intervention plan, or a plan for phase out or closure that implements the recommendations of the integrated intervention team. Upon approval of the plan by the Commissioner, the school shall be required to implement such plan.

- If a School Under Registration Review that is also a school in Receivership fails to make Demonstrable Improvement, as required pursuant to Section 100.19, for two consecutive years or a School Under Registration Review that is a CSI school or a school identified as poor learning environment fails to make required progress for two consecutive year as determined by the Commissioner, the Commissioner may direct the district to submit a plan to take one of these actions:
 - (a) enter into a contract with the State University of New York Board of Trustees, subject to the approval of the Commissioner of Education, pursuant to Education Law section 355(n) for the education of the children of the school; or
 - (b) for the city school district of the City of New York, enter into a contract with the City board and the City University of New York pursuant to Education Law section 2590(k) to administer a New York City public high school; or
 - (c) close or phase out the school.

In the event that the school district does not submit an acceptable plan in such format and in such timeline as the Commissioner may establish, the Commissioner may direct that the school district close or phase out the school pursuant to a plan approved by the Commissioner. And if the district has not taken the required actions to close or phase out a school, the Commissioner shall recommend that the registration of the school be revoked.

Charter Schools

- Charter schools continue to be identified in the same manner as all other public schools in New York State.
- Each charter school identified as a CSI or TSI school will be required to take such actions as are required by its charter authorizer pursuant to article 56 of the Education Law, consistent with the charter agreement that each charter school has with its charter authorizer and as determined by the charter school's board of trustees in consultation with the charter school's authorizer.

Transfer Schools

- Should a transfer school be identified as CSI, the school may petition the Commissioner to be subject to differentiated interventions, which might, for example, include having the school district rather than the Department conduct the required needs assessment.

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