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Chapter 1

STATE ACCOUNTABILITY SYSTEM

The No Child Left Behind Act requires that a state receiving federal Title I funds develop and implement a single, statewide system of accountability applicable to all public schools and school districts within the state. The system must be applicable to all public school students and be based, in part, on challenging state academic standards and assessments. It also must include sanctions and rewards to hold public schools and school districts accountable for student achievement and for ensuring they make adequate yearly progress toward enabling students to meet the state's academic achievement standards (20 USC § 6311(b); 34 CFR § 200.12).

Although the state bears the responsibility for the development of academic standards and assessments that comply with NCLB requirements, it is important for school boards and their staffs to understand those requirements so that they can provide informed input regarding implementation.

Academic Standards

Under the NCLB, states must adopt challenging academic content and student achievement standards. The standards must be applicable to all public school students within the state and include, at least, mathematics, English/language arts (including reading), and beginning in the 2005-06 school year, science. The content standards must specify what students are expected to know and be able to do, contain coherent and rigorous content, and encourage the teaching of advanced skills.

The academic achievement standards must be aligned with the content standards and describe two levels of high achievement (proficient and advanced) that determine how well students are mastering the content standards. In addition, they must describe a third level of achievement (basic) that reflects the progress of lower-achieving students toward mastering the proficient and advanced levels (20 USC § 6311(b)(1)); 34 CFR § 200.1).

Questions and Answers

1. Is New York in compliance with NCLB standards requirements?

Prior to the NCLB, New York already had in place high academic learning standards, not only in mathematics, English/language arts, and science, but also in technology and social studies, languages other than English, the arts, and health, physical education and family and consumer sciences. They are organized into four levels reflecting the knowledge, skills and understanding that all students are expected to know and be able to do by the end of grade 4, the end of grade 8, and upon receiving a high school diploma, and in the alternate performance level for students with disabilities as indicated in their individualized education program (8 NYCRR § 100.1(t)(1)).

The pre-existing learning standards will satisfy NCLB requirements until the start of the 2005-06 school year when the state will be required to assess students in grades 3, 5, 6 and 7 (20 USC § 6311(b)(3)(C)(v), (vii); 34 CFR § 200.5(a)(2)) and therefore will need to have identified the content and academic achievement standards for each of those grades (see discussion below on Assessments).

2. Must New York make changes as a result of the NCLB standards requirements?

Yes. In addition to identifying content expectations for grades 3, 5, 6 and 7 (see question 1 above), New York will need to ensure that alternate assessments administered to students with disabilities as indicated in their individualized education program yield results for the grades in which these students are enrolled in the areas of required assessments (34 CFR § 200.6(a)(2)). Although comments to the NCLB regulations indicate that this policy may be modified in the future, for now alternate assessments must be linked to grade level expectations.

3. How does New York comply with the NCLB requirement that states establish high achievement levels?

Prior to the NCLB, New York already had four levels of performance for determining how well students are mastering the state's learning standards at the fourth- and eighth-grade levels. It incorporated those preexisting levels into its NCLB accountability plan as follows:

Grades 4 and 8	
<u>NCLB achievement level</u>	<u>NY level of performance</u>
<i>Advanced</i>	<i>Level 4</i>
<i>Proficient</i>	<i>Level 3</i>
<i>Basic Proficiency</i>	<i>Level 2</i>
<i>Basic</i>	<i>Level 1</i>

At the high school level, student achievement is measured based on performance on Regents exams or approved alternatives, Regents Competency Tests (RCT), and whether a student is not tested.

High School	
<u>NCLB achievement level</u>	<u>NY level of performance</u>
<i>Advanced</i>	<i>score of 85-100 on Regents exam</i>
<i>Proficient</i>	<i>score of 65-84 on Regents exam, or passing an approved alternative</i>
<i>Basic Proficiency</i>	<i>score of 55-64 on Regents exam, or passing an RCT</i>
<i>Basic</i>	<i>score below 55 on Regents exam, or failing score on RCT, or not tested</i>

All students with disabilities who participate in the local assessment option are deemed to perform at the basic level. Those who participate in the alternate assessment are deemed to perform at the specific level they score at on the New York State Alternate Assessment, i.e., Level 1, Level 2, Level 3, or Level 4.

Similarly, students with limited English proficiency who take the New York State English as a Second Language Assessment Test (NYSESLAT) at the elementary and middle grades are deemed to perform at the specific level they score at on that test (8 NYCRR § 100.2(p)(1)(v)). (See chapter 9 for more information on limited English proficient students.)

Recommendations

Here is what school districts can do to facilitate compliance with the NCLB:

- Make sure that all necessary steps are completed toward aligning the curriculum with the learning standards, and aligning the curriculum among the various schools.
- Reexamine the results of past state assessments and what the data indicates are the specific content areas where students have had problems meeting the learning standards.
- Identify the possible causes of student problems in meeting the learning standards.
- Assess whether the curriculum incorporates strategies that are supported by scientifically-based research and address the specific areas where students have had problems in meeting the learning standards.
- Identify the types of additional resources that may be necessary to ensure students meet the learning standards, and establish priorities to allocate those resources.

Assessments

The NCLB requires states to adopt and implement a system of high-quality student academic assessments that tests all public school students in mathematics and English/language arts (including reading) at least once in grades 3-5, 6-9 and 10-12 through the 2004-05 school year. However, states must administer these assessments in each of grades 3-8 and at least once in grades 10-12 starting by the 2005-06 school year. By 2007-08 states must also test students in science at least once during grades 3-5, 6-9 and 10-12. The assessments must be used as the primary means for determining the yearly performance of the state and each of its school districts and public schools in enabling all students to reach the proficient level of academic achievement by the end of the 2013-14 school year.

States must align the assessments with their academic standards and ensure that the assessments provide coherent information about students' attainment of the standards. In addition, states must use the same assessments to measure the achievement of all students, and provide for the participation of all students in the grades being assessed.

The NCLB further requires that states disaggregate assessment results within the state and each school district and public school by gender and major racial and ethnic groups, English proficiency status, migrant status, students with disabilities, and

compare economically disadvantaged students with students who are not economically disadvantaged. However, the number of students in a subgroup must be sufficient to yield statistically reliable information and preclude disclosure of personally identifiable information about individual students (20 USC § 6311(b)(3)(A), (C); 34 CFR §§ 200.2; 200.5; 200.6; 200.7).

Questions and Answers

1. Where does New York stand in compliance with NCLB assessment requirements?

New York already requires students to be assessed in mathematics, English/language arts and science at the end of the fourth and eighth grades, and in high school (8 NYCRR §§ 100.3(b)(2); 100.4(d); 100.5(a)(5)). In addition, the assessments are aligned to the state's academic standards, and the state's assessment system applies to and provides for the participation of all students.

2. Must New York make changes to comply with NCLB assessment requirements?

Yes. Currently, New York tests students at the elementary and middle level, only at the end of grades 4 and 8. Therefore, the state will have to develop and implement assessments in mathematics and English/language arts for grades 3, 5, 6 and 7 by the 2005-06 school year (see 20 USC § 6311(b)(3)(C)).

In addition, the state must ensure that assessment results are available to school districts, public schools and teachers before the beginning of each school year so that the information can be used to improve the academic achievement of individual students (20 USC § 6311(b)(10); 34 CFR §§ 200.5(c); 200.8).

3. Does the NCLB exempt any public school students from participating in state assessments?

No. The NCLB requires that all public school students, including migratory and homeless students, must participate in the required assessments (20 USC § 6311(b)(3); 34 CFR § 200.6). However, NCLB regulations provide that students with disabilities may participate in alternate assessments when the committee on special education determines they cannot participate in all or part of the state assessments, provided the alternate assessments are linked to grade level expectations (34 CFR § 200.6(a)(2)).

4. Does the NCLB allow testing accommodations for any group of students?

Yes. Students with disabilities must be provided with appropriate accommodations that the committee on special education (CSE) or 504 committee determines are necessary to measure their academic achievement relative to the state's academic standards for their grade. In addition, the NCLB allows for alternate assessments for students with disabilities whom the CSE determines cannot participate in all or part of the state assessments, even with appropriate accommodations.

Reasonable accommodations also must be provided to students with limited English proficiency (20 USC § 6311(b)(3)(C)(ix), (x); 34 CFR § 200.6).

5. Does the NCLB provide any special accommodations for students with limited English proficiency?

In addition to other types of reasonable accommodations, and to the extent practicable, states must assess limited English proficient (LEP) students in a language and form most likely to yield accurate information on what they know and can do in subjects other than English until they achieve English proficiency (20 USC § 6311(b)(3)(C)(ix), (x); 34 CFR § 200.6(b)(1)).

However, limited English proficient students who have attended schools in the United States, except Puerto Rico, for three or more consecutive years must be tested in English on the reading/language arts assessment. A school district may delay implementing this requirement for an additional two years, on a case-by-case basis, for any student it determines has not reached a level of English proficiency sufficient to validly assess what the student knows and can do on a reading/language arts assessment written in English (20 USC § 6311(b)(3)(C)(x); 34 CFR § 200.6(b)(2)).

States also must annually assess the English proficiency of all LEP students (20 USC § 6311(b)(7); 34 CFR § 200.6(b)(3); see 8 NYCRR § 154.2). (See chapter 9 for more information on limited English proficient students.)

Recommendations

Here is what school districts can do to facilitate district compliance with the NCLB:

- Start preparing for the administration of additional state assessments.
- Determine the number of limited English proficient students who have attended school in the United States for more than three years. These students will need to participate in regular state assessments.

- Identify and make available resources and the use of strategies that will help all students perform at the proficient level in the required state assessments.

Chapter 2

ADEQUATE YEARLY PROGRESS

One of the cornerstones of the No Child Left Behind Act is the concept of adequate yearly progress (AYP). AYP consists of the measure each state must establish to determine the progress of all students and students in certain specified accountability groups in each public school and school district within the state toward attaining proficiency in state assessments. The NCLB requires that by the end of the 2013-14 school year all students perform at the proficient level in state assessments. (See pages 3-4 for the definition of proficiency.)

General Requirements

A state's definition of *adequate yearly progress* must incorporate certain specified elements, including a requirement that progress be measured based primarily on state academic assessments. It also must include graduation rates for high school students and at least one other academic indicator at the elementary and middle school level determined by the state (20 USC 6311(b)(2)(C), (D); 34 CFR §§ 200.13(b); 200.19). New York's AYP definition is part of the state's accountability plan approved by the U.S. Department of Education in the spring of 2003 and subsequently incorporated into the commissioner's regulations (8 NYCRR § 100.2(p)).

In addition, states must ensure that the size of accountability groups monitored for AYP purposes must be sufficient to yield statistically reliable information and prevent the disclosure of personally identifiable information about individual students (20 USC § 6311(b)(3)(C)(xiii); 34 CFR § 200.7(a), (b)).

Questions and Answers

1. What are the NCLB accountability groups?

The NCLB *accountability groups* include all students and students who are economically disadvantaged, from a major racial or ethnic group, disabled, or limited English proficient (20 USC § 6311(b)(2)(C); 34 CFR § 200.13(b); 8 NYCRR § 100.2(p)(1)(i)).

2. What is the minimum size required for an accountability group for AYP purposes?

Whether an accountability group, and thus a school or school district, makes AYP depends on two factors: how students perform on required assessments and an additional academic indicator, and satisfaction of a minimum student participation rate in required assessments (see question 5, page 11). The minimum size required of an accountability group for AYP purposes differs for each of these two factors.

The test participation requirement applies to accountability groups of 40 or more students at both school and district levels (8 NYCRR § 100.2(p)(5)(iv)(b)). However, if in a given school year, fewer than 30 students participate in required assessments, schools and districts must conduct a self-assessment of their academic program and the school learning environment, unless the commissioner of education conducts a review of the performance of the school or district.

The school superintendent is responsible for reviewing the self-assessment and making a recommendation to the commissioner as to whether the school or district has made AYP; the commissioner will make a final determination. The same applies in situations where a majority of students are not continuously enrolled as discussed in question 4 on page 11 (8 NYCRR § 100.2(p)(5)(vii)).

The student performance factor applies to accountability groups with 30 or more students (8 NYCRR § 100.2(p)(5)(iv)(c), (v)). However, where an accountability group has less than 30 students, the commissioner will use the weighted average of the current and prior school year's performance data to determine AYP. But schools and districts will not be held accountable for any accountability group consisting of fewer than 30 students if the "all students" accountability group includes at least 30 students for that school year (8 NYCRR § 100.2(p)(5)(ii)).

3. Are students placed out-of-district included in the NCLB accountability groups?

Yes, but only at the school district level. A district's accountability groups include all students enrolled in a public school in the district or placed out of the district for educational services by the district committee on special education or a district official, including those placed at a board of cooperative educational services (BOCES) program (8 NYCRR § 100.2(p)(1)(i)).