



**TO:** P-12 Education Committee

**FROM:** Jason Harmon *Jason Harmon*

**SUBJECT:** Proposed Amendment of Sections 100.19 and 100.21 of the Regulations of the Commissioner of Education Relating to Reimagining the Every Student Succeeds Act (ESSA) Accountability System

**DATE:** January 30, 2025

**AUTHORIZATION(S):** *Don McG* *Bellotti*

### SUMMARY

#### **Issue for Decision**

Should the Board of Regents adopt the proposed amendment of sections 100.19 and 100.21 of the Regulations of the Commissioner of Education relating to reimagining the Every Student Succeeds Act (ESSA) accountability system?

#### **Reason(s) for Consideration**

Review of State policy.

#### **Proposed Handling**

The proposed amendment is being presented to the P-12 Education Committee for discussion and recommendation to the Full Board for adoption as an emergency rule at the February 2025 meeting. A copy of a summary table of proposed amendments of section 100.21 (Attachment A), the proposed rule (Attachment B), and a statement of facts and circumstances justifying emergency action (Attachment C) are attached.

#### **Procedural History**

A Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on February 26, 2025, for a 60-day public comment period. Supporting materials are available upon request from the Secretary to the Board of Regents.

## **Background Information**

### **Generally:**

After a two-year pause due to the COVID-19 National Emergency in the 2019–2020 and 2020–2021 school years, the New York State Education Department (NYSED or “the Department”) initiated modifications to the ESSA accountability system in three phases: the Restart Phase, the Rebuild Phase, and the Reimagine Phase. The Restart Phase, which was approved by the United States Department of Education (USED) and permanently adopted by the Board of Regents in September 2022, restarted the accountability system in the 2022–2023 school year using 2021–2022 school year results. The Restart Phase was followed by a two-year Rebuild Phase intended to improve upon and further re-establish the ESSA accountability system. On September 8, 2023, USED approved amendments to the New York State Consolidated State Plan under the Elementary and Secondary Education Act (ESEA) for the 2023–2024 and 2024–2025 school years. At the January 2024 meeting of the Board of Regents, the Board permanently adopted regulations for rebuilding the accountability system for the 2023–2024 and 2024–2025 school years.

To transition to the Reimagine Phase, the Department proposed amendments that would fully operationalize a more normalized accountability system based on the Department’s experience implementing the Restart and Rebuild Phases as well as feedback from stakeholders. On January 8, 2025, USED approved amendments to the New York State Consolidated State Plan under the ESEA starting in the 2025–2026 school year using 2024–2025 school year results.

The Department is now proposing the following regulatory amendments to align the ESSA accountability system with the approved amendments to the New York State Consolidated State Plan:

### **Receivership:**

- Section 100.19 of the Commissioner’s regulations is amended to indicate that the Commissioner may use 2024–2025 school year results to newly identify struggling schools that were identified for Comprehensive Support and Improvement (CSI) for the previous three consecutive years.

### **Accountability:**

- Section 100.21 of the Commissioner’s regulations is amended to reflect updated calculation methodologies, definitions, and interventions that are designed to provide meaningful and actionable data that can be layered into continuous improvement systems. A summary table of revisions to section 100.21 can be found in (Attachment A).

## **Related Regents Items**

[September 2021: Proposed Amendment of Section 100.21 of the Regulations of the Commissioner of Education Relating to Providing Flexibility for Accountability Requirements in Response to the COVID-19 Crisis](https://www.regents.nysed.gov/common/regents/files/921p12a3.pdf)

(<https://www.regents.nysed.gov/common/regents/files/921p12a3.pdf>)

[February 2023: Proposed Amendments of Sections 100.19 and 100.21 of the Regulations of the Commissioner of Education Relating to Restarting the Accountability System using 2021–2022 School Year Results](https://www.regents.nysed.gov/sites/regents/files/223p12a1.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/223p12a1.pdf>)

[September 2023: Proposed Amendment of Sections 100.19 and 100.21 of the Regulations of the Commissioner of Education Relating to Rebuilding the Every Student Succeeds Act \(ESSA\) Accountability System using 2022–2023 and 2023–2024 School Year](https://www.regents.nysed.gov/sites/regents/files/923p12a3.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/923p12a3.pdf>)

[January 2024: Proposed Amendments of Sections 100.19 and 100.21 of the Regulations of the Commissioner of Education Relating to Rebuilding the Every Student Succeeds Act \(ESSA\) using 2022–2023 and 2023–2024 School Year Results](https://www.regents.nysed.gov/sites/regents/files/124brca8.pdf)

(<https://www.regents.nysed.gov/sites/regents/files/124brca8.pdf>)

## **Recommendation**

It is recommended that the Board of Regents take the following action:

VOTED: That sections 100.19 and 100.21 of the Regulations of the Commissioner of Education be amended, as submitted, effective February 11, 2025, as an emergency rule upon a finding by the Board of Regents that such action is necessary for the preservation of the general welfare to immediately align the Regulations of the Commissioner of Education with New York State’s ESSA Accountability State Plan.

## **Timetable for Implementation**

If adopted as an emergency rule at the February 2025 Regents meeting, the proposed amendment will become effective on February 11, 2025. It is anticipated that the proposed amendment will be presented for permanent adoption at the June 2025 Regents meeting after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act (SAPA). Because the emergency action will expire before the June Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the May 2025 meeting. If adopted at the June 2025 meeting, the proposed rule will become effective as a permanent rule on June 25, 2025.

SUMMARY OF AMENDMENTS TO SECTION 100.21 OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Starting in the 2025–2026 school year, based on 2024–2025 school year results, school and district performance will be reviewed using modified procedures as specified in revisions in section 100.21, found in Attachment B, as follows:

Sub-division	Category	Regulatory Change	Page # in Attachment B
(a)	Applicability	<ul style="list-style-type: none"> <li>• The Commissioner shall conduct the review of school and district performance for the 2025–2026 school year based on 2024–2025 school year results.</li> <li>• The Commissioner may, upon finding good cause, modify any timelines pertaining to notifications, plans, reports, or implementation of activities required by such section.</li> </ul>	9–11
(b)	Definitions	<p>Definitions have been modified or deleted to align with modified calculation methodologies related to measures of accountability, accountability support models, and interventions for identified schools and districts. Such definitions include but are not limited to:</p> <ul style="list-style-type: none"> <li>• <i>Accountability Achievement Levels</i> have been clarified to reflect updated assessment results and accountability determination levels.</li> <li>• <i>Minimum n-size</i> has been reduced from 30 to 20 and revised to a single year of results used for Student Growth.</li> <li>• <i>State Measures of Interim Progress (MIPs)</i> have been updated to be established for each accountability subgroup annually with an updated baseline.</li> <li>• <i>School and District MIPs</i> have been deleted to focus on static cut points and State MIPs for targeted goals.</li> <li>• <i>Out-of-school suspension rate</i> has been deleted to reflect updated accountability measures that focus on more effective measures of school quality and student success.</li> </ul>	11–36

Sub-division	Category	Regulatory Change	Page # in Attachment B
(c)	Procedure of Registration of Public Schools	Language has been modified to reflect updated procedures related to school registration and when two or more schools in a district are merged or transfer organizational responsibility for one or more grades.	36–37
(e)	System of Accountability for Student Success	Language has been updated to reflect that the Commissioner shall review performance and identify support models, including Additional Targeted Support and Improvement (ATSI).	37
(f)	Accountability System for Schools and Districts	<p>The accountability system for <b>elementary and middle schools</b> has been modified such that:</p> <ul style="list-style-type: none"> <li>• Accountability measures have been updated with modified decision rules and a decision table for identification for Comprehensive Support and Improvement (CSI).</li> </ul>	37–40
		<ul style="list-style-type: none"> <li>• The Composite Performance Achievement indicator is replaced with the Weighted Average Achievement and Core Subject Performance indicators to measure academic achievement.</li> <li>• The Student Growth indicator is reintroduced as an accountability measure using data from updated assessments and modified calculation methodologies.</li> <li>• Academic Progress is no longer an accountability indicator for the elementary/middle level.</li> <li>• The Attendance indicator replaces the Chronic Absenteeism indicator to measure school quality and student success as reflected through student attendance with modified calculation methodologies.</li> <li>• Language has been updated regarding feeder schools.</li> </ul>	40–53
		<ul style="list-style-type: none"> <li>• Accountability measures have been updated with modified decision rules and decision tables for identification for Targeted Support and Improvement (TSI).</li> </ul>	53–55

Sub-division	Category	Regulatory Change	Page # in Attachment B
		<ul style="list-style-type: none"> <li>Accountability measures have been updated with modified decision rules for the identification for ATSI.</li> </ul>	56–57
		<p>The accountability system for <b>high schools</b> has been modified such that:</p> <ul style="list-style-type: none"> <li>Accountability measures have been updated with modified decision rules and decision table for identification for CSI.</li> </ul>	57–59
		<ul style="list-style-type: none"> <li>The Composite Performance Achievement indicator is replaced with the Weighted Average Achievement and Core Subject Performance indicators to measure academic achievement.</li> <li>The Graduation Rate indicator has been modified to reflect updated calculation methodologies.</li> <li>Academic Progress is no longer an accountability indicator for the high school level.</li> <li>The Attendance indicator replaces the Chronic Absenteeism indicator to measure school quality and student success as reflected through student attendance with modified calculation methodologies.</li> <li>The College, Career, and Civic Readiness indicator has been reintroduced as an accountability indicator to measure school quality and student success with modified calculation methodologies.</li> </ul>	59–78
		<ul style="list-style-type: none"> <li>Accountability measures have been updated with modified decision rules and decision tables for identification for TSI.</li> </ul>	78–80
		<ul style="list-style-type: none"> <li>Accountability measures have been updated with modified decision rules for the identification for ATSI.</li> </ul>	80–81
		<ul style="list-style-type: none"> <li>Accountability measures have been updated with modified decision rules for the identification for Target Districts.</li> </ul>	82
(g)	Extenuating or Extraordinary Circumstances	Language has been updated to include provisions related to extenuating and extraordinary circumstances to pertain to schools identified for ATSI.	82

Sub-division	Category	Regulatory Change	Page # in Attachment B
(h)	Public Notification of Identifications	Language has been updated related to public notification of identified schools and districts.	83–84
(i)	Interventions	<ul style="list-style-type: none"> <li>• Language has been updated to modify the requirement to offer public school choice in alignment with federal statute.</li> <li>• Interventions for schools identified for CSI have been modified to remove requirements to limit teacher transfers and to meet or exceed Annual Achievement Progression targets. Participatory Budgeting has been replaced with a Civic Empowerment Project.</li> <li>• Interventions for schools identified for TSI have been modified to require the application of an annual needs assessment.</li> <li>• Interventions for schools identified for ATSI have been added, which include conducting and applying an annual needs assessment and an invitation to participate in a NYSED Supplemental Support Program.</li> <li>• Interventions for Target Districts have been modified with a revised annual needs assessment and provisions for a Resource Allocation Review process.</li> <li>• The requirement for Participation Rate Improvement Plans has been removed to shift focus towards other interventions.</li> </ul>	84–101
(j)	Removal from Accountability Support Models	<ul style="list-style-type: none"> <li>• Language has been updated to reflect modified removal criteria for schools identified for CSI and ATSI.</li> <li>• Language has been updated to reflect modified removal criteria for schools identified for TSI.</li> <li>• Language has been updated to reflect modified removal criteria for Target Districts.</li> </ul>	101–104
(k)	Identification of Schools for Public School Registration Review	No regulatory changes made to this subdivision. Revisions pertain to language updates related to support models.	104–106

Sub-division	Category	Regulatory Change	Page # in Attachment B
(l)	Public School Registration Review	Language has been updated for further clarity.	106–107
(m)	Removal of Schools from Registration Review, School Phase-Out or Closure	No regulatory changes made to this subdivision. Revisions pertain to language updates related to support models.	107–108
(n)	Accountability System based on 2021–2022, 2022–2023, and 2023–2024 School Year Results	Language has been added to affirm that section (n) only pertains to the accountability system from the 2022–2023 to the 2024–2025 school years.	108–116
(o)	Support Model Language	This subdivision has been repealed as language relating to accountability support models has been aligned throughout section 100.21 to reflect the goals of the Department in creating a continuum of support.	117



AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 112, 207, 210, 215, 305, 309, and 3713 of the Education Law and the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802).

1. Paragraph (1) of subdivision (m) of section 100.19 of the Regulations of the Commissioner of Education is amended to read as follows:

(1) Notwithstanding any other provision of this section the Commissioner shall not use 2019–2020, 2020–2021, 2021–2022, 2022–2023, or 2023–2024 school year results to newly identify in the 2021–2022, 2022–2023, 2023–2024, and 2024–2025 school years any schools as struggling. Beginning with the 2025–2026 school year based on the 2024–2025 school year results, the Commissioner may classify as struggling any school identified for Comprehensive Support and Improvement for three consecutive years.

2. Subdivision (a) of section 100.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(1) Notwithstanding the provisions of section 100.2(p)(1) through (11) and (14) through (16) and section 100.18 of this Part, this section shall apply to school districts and charter schools instead of such provisions during the period the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, is effective, except as otherwise provided in this section. If a provision of section 100.2(p) or section 100.18 of this Part conflicts with this section, the provisions of this section shall prevail and the provisions of section 100.2(p) or section 100.18 of this Part shall not apply. Provided that for accountability [designations] determinations made prior to July 1,

2018, the requirements of section 100.18 of this Part shall continue to apply to the extent that plans and interventions under that section are required to be implemented until the end of the 2018[-]-2019 school year.

(2) Notwithstanding any other provisions of this section, the Commissioner shall not conduct a review of school and district performance using 2019[-]-2020 school year results, the accountability [status] support models of public schools and districts for the 2020[-]-2021 school year shall be the same as for the 2019[-]-2020 school year, and provided further that 2018[-]-2019 school year results shall be used in any instance for which 2019[-]-2020 school year results would have been used as part of the process of making 2021[-]-2022 school year accountability determinations.

(3) Notwithstanding any other provisions of this section, the Commissioner shall not conduct a review of school and district performance for the 2021[-]-2022 school year using 2019[-]-2020 or 2020[-]-2021 school year results, the accountability [status] support models of public schools and districts for the 2020[-]-2021 school year shall be the same as for the 2019[-]-2020 school year and the accountability [status] support models of public schools and districts for the 2021[-]-2022 school year shall be the same as for the 2020[-]-2021 school year.

(4) Notwithstanding any other provision of this section, the Commissioner may, upon a finding of good cause, modify for the 2019–2020 [through 2025–2026 school years] school year and any school year thereafter any timelines pertaining to notifications, plans, reports, or implementation of activities required by this section.

(5) Notwithstanding the provisions of this section, the Commissioner shall conduct the review of school and district performance for the 2022–2023 school year based on 2021–2022 school year results, for the 2023–2024 school year based on 2022–2023 school year results, and for the 2024–2025 school year based on the 2023–

2024 school year results using modified procedures as specified in subdivision (n) of this section. Subdivision (n) shall only apply to the 2023–2024 and 2024–2025 school years. Starting in the 2025–2026 school year based on 2024–2025 school year results, the Commissioner shall conduct the review of school and district performance using procedures specified under the provisions of this section excluding the provisions of subdivision (n).

3. Subdivision (b) of section 100.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(1) General definitions

(i)...

(ii)...

(iii)...

(iv)...

(v)...

(vi)...

(vii)...

(viii)...

(ix) *Continuously enrolled* means, for grades 3-8 and ungraded age equivalent students, students enrolled on BEDS day as defined in this subdivision and enrolled [during] on the last day of the test administration period for the subject tested, and for high school, students in the accountability cohort, as defined in paragraph (b)(2) of this section, except that for the English language proficiency indicator continuously enrolled means, for grades 9-12 and ungraded age equivalent students, students enrolled on BEDS day and enrolled [during] on the last day of the test administration period.

(x)...

(xi)...

(xii) *Economically disadvantaged students* shall mean students who participate in, or whose family participates in, economic assistance programs, such as the Free or Reduced Price Lunch Programs; Social Security Insurance (SSI); [Food Stamps] Supplemental Nutrition Assistance Program (SNAP); Foster Care; Refugee Assistance (cash or medical assistance); Earned Income Tax Credit (EITC); Home Energy Assistance Program (HEAP); Safety Net Assistance (SNA); Bureau of Indian Affairs (BIA); or Family Assistance: Temporary Assistance for Needy Families (TANF). Provided that, if one student in a family is identified as economically disadvantaged, all students from that household may be identified as economically disadvantaged.

(xiii) For elementary and middle-level students, *participation rate* means the percentage of students enrolled during the test administration period who did not have a significant medical emergency and who received a valid score on the required State assessment in elementary- and middle-level grades. The State assessments that may be used in elementary- and middle-level grades to fulfill the testing requirement for participation in English Language Arts (ELA) and [Mathematics] mathematics are the New York State Testing Program (NYSTP) assessments in ELA and [Mathematics] mathematics in grades 3-8, Regents examinations in [Mathematics] mathematics taken in lieu of the NYSTP assessments for advanced grades 6, 7, and 8 students, the Alternate Assessment for eligible students with disabilities in grades 3-8, and the New York State English as a Second Language Achievement Test (NYSESLAT) for English language learners enrolled in school in one of the 50 States in the United States (excluding Puerto Rico) or the District of Columbia for less than one year as of a date determined by the Commissioner and any examinations accepted to meet graduation

and diploma requirements for students covered under the interstate compact on educational opportunity for military children pursuant to section 100.20 of this Title.

(xiv)...

(xv) *Accountability achievement level* means a level from 1 to 4 derived when scores earned on State assessments, New York State Alternate Assessments, Regents examinations, and Regents alternative examinations as defined in this subdivision are converted to four accountability achievement levels based on predetermined accountability cut scores established by the Commissioner. Accountability achievement levels are used for calculating Performance Indices at the elementary/middle level for the ELA, mathematics, and science and at the secondary level for ELA, [Mathematics, Science, and Social Studies as described in paragraph (2) of subdivision (b) of this section.] mathematics, science, and social studies.[(xvi) *Performance levels* shall mean] and for accountability determinations regarding [comprehensive support and improvement schools] schools identified for Comprehensive Support and Improvement, [targeted support and improvement schools] schools identified for Targeted Support and Improvement, schools identified for Additional Targeted Support and Improvement, schools and districts identified for Local Support and Improvement, and [target districts] Target Districts made commencing with the [2017-2018] 2021–2022 school year results, as follows:

(a) for elementary and middle grades:

(1) Level 1 [- basic]:

(i) a score of Level 1 on State assessments in ELA, mathematics, and science;

(ii) a score of Level 1 on the [New York State alternate assessment] NYSAA in ELA, mathematics, and science;

(iii) a score of [accountability] Level 1 on a Regents mathematics [exam] examination with 4 performance levels, and scores of Level 1 and 2 on a Regents mathematics examination with 5 performance levels for advanced grade 6, 7, or 8 students;

(iv) a score of Level 1 on a Regents science [exam] examination with 4 performance levels, and scores of Level 1 and 2 on a Regents science examination with 5 performance levels for advanced grade 7 or 8 students;

(2) Level 2 [- basic proficient]:

(i) a score of Level 2 on State assessments in ELA, mathematics, and science;

(ii) a score of Level 2 on the [New York State alternate assessment] NYSAA in ELA, mathematics, and science;

(iii) a score of [accountability] Level 2 on a Regents mathematics [exam] examination with 4 performance levels, and a score of Level 3 on a Regents mathematics examination with 5 performance levels for advanced grade 6, 7, or 8 students;

(iv) a score of Level 2 on a Regents science [exam] examination with 4 performance levels, and a score of Level 3 on a Regents science examination with 5 performance levels for advanced grade 7 [pr<sup>1</sup>] or 8 students.

(3) Level 3 [-proficient]:

(i) a score of Level 3 on State assessments in ELA, mathematics, and science;

(ii) a score of Level 3 on the [New York State alternate assessment] NYSAA in ELA, mathematics, and science;

(iii) a score of [accountability] Level 3 on a Regents mathematics [exam] examination with 4 performance levels, and a score of Level 4 on a Regents

mathematics examination with 5 performance levels for advanced grade 6, 7, or 8 students;

(iv) a score of Level 3 on a Regents science [exam] examination with 4 performance levels, and a score of Level 4 on a Regents science examination with 5 performance levels for advanced grade 7 or 8 students.

(4) Level 4 [-advanced]:

(i) a score of Level 4 on State assessments in ELA, mathematics, and science;

(ii) a score of Level 4 on the [New York State alternate assessment] NYSAA in ELA, mathematics, and science;

(iii) a score of [accountability] Level 4 on a Regents mathematics examination with 4 performance levels, and a score of Level 5 on a Regents mathematics examination with 5 performance levels for advanced grade 6, 7, or 8 students;

(iv) a score of Level 4 on a Regents science examination with 4 performance levels, and a score of Level 5 on a Regents science examination with 5 performance levels for advanced grade 7 or 8 students.

(b) for secondary-level grades:

(1) *Level 1* [-basic]:

(i) a score of [Accountability] Level 1 on a Regents examination in ELA, [Mathematics, Science, or Social Studies] mathematics, science, or social studies with 4 performance levels, and scores of Level 1 and 2 on a Regents examination with 5 performance levels;

(ii) a score of Level 1 on the [New York State Alternate Assessment] NYSAA in ELA, [Mathematics, or Science] mathematics, or science at the secondary level;

(iii) a failing score on a Regents alternative examination in ELA, [Mathematics, Science, or Social Studies] mathematics, science, or social studies;

(iv) a cohort member who has not been tested on any of the assessments in item (i) through (iii) of this subclause.

(2) *Level 2* [basic proficient]:

(i) a score of [Accountability] Level 2 on a Regents examination in ELA, [Mathematics, Science, or Social Studies] mathematics, science, or social studies with 4 performance levels, and a score of Level 3 on a Regents examination with 5 performance levels;

(ii) a score of Level 2 on the [New York State Alternate Assessment] NYSAA in ELA, [Mathematics, or Science] mathematics, or science at the secondary level.

(3) *Level 3* [(proficient)]:

(i) a score of [Accountability] Level 3 on a Regents examination in ELA, [Mathematics, Science, or Social Studies] mathematics, science, or social studies with 4 performance levels, and a score of Level 4 on a Regents examination with 5 performance levels;

(ii) a score of Level 3 on the [New York State Alternate Assessment] NYSAA in ELA, [Mathematics, or Science] mathematics, or science at the secondary level;

(iii) a passing score on a State-approved alternative examination to a Regents examination in ELA, [Mathematics, Science, or Social Studies] mathematics, science, or social studies; or

(iv) any alternative examination to a Regents examination in ELA, [Mathematics, Science, or Social Studies] mathematics, science, or social studies accepted by the State for students covered under the interstate compact on educational opportunity for military children pursuant to section 100.20(c) of this Part.

(4) *Level 4* [advanced]:



(i) a score of [Accountability] Level 4 on a Regents examination in ELA, [Mathematics, Science, or Social Studies] mathematics, science, or social studies with 4 performance levels, and a score of Level 5 on an examination with 5 performance levels;

(ii) a score of Level 4 on the [New York State Alternate Assessment] NYSAA in ELA, [Mathematics, or Science] mathematics, or science at the secondary level.

(c)...

(d) advanced middle school science students:

(1)...

(2)...

(3) for students who took the grade 8 intermediate-level science test when they were enrolled in grade 7 and who take a Regents examination in science when enrolled in grade 7 or 8, accountability determinations for the school in which such student is enrolled in grade 8 shall be based upon such student's performance on the [Regents examination in science] grade 8 intermediate-level test taken in grade 7;

(4)...

[(xvii)] (xvi) *Minimum n<sub>-size</sub>* shall mean the minimum number of student results that are included within an accountability subgroup to make an accountability determination on a particular accountability measure. For purposes of this section, the minimum n<sub>-size</sub> is [30] 20 unless otherwise provided. For the Weighted Average Achievement Index and the Core Subject Performance Index, the n<sub>-size</sub> applies to the denominator used to calculate the indices. For English Language Proficiency; [Chronic Absenteeism] Attendance; Graduation Rate; and College, Career, and Civic Readiness, the n<sub>-size</sub> applies to the denominator used to calculate the rates. For Student Growth, the n<sub>-size</sub> applies to [three years] a single year of results in ELA and [Mathematics]

mathematics combined. [For the Weighted Average Achievement Index; the Core Subject Performance Index; the Composite Performance; Academic Progress; Graduation Rate; and College, Career, and Civic Readiness indices, if there are fewer than 30 results in the current school year, then the results from the current and prior school year shall be combined and used if the results shall be equal to or greater than 30 to meet the minimum n size requirement. Provided, however, that where the Weighted Average Achievement Index student results for an accountability group is equal to or greater than 30, a Core Subject Performance Index shall be computed for that accountability group so long as there are a minimum of 15 student results for the Core Subject Performance Index and the number of student results for the Core Subject Performance Index equals at least 50 percent of the number of results for the Weighted Average Achievement Index. Provided further that, where the Composite Performance Index student results for a high school accountability group is equal to or greater than 30, a graduation rate shall be computed for that accountability group so long as there are a minimum of 15 students in the graduation cohort. If] Notwithstanding the provisions of this subparagraph, if the minimum n-size is [not sufficient to establish a baseline] less than 20 for a subgroup [in order develop a school or district MIP as defined in paragraph (2) of this subdivision], the Commissioner shall not make an accountability determination for an accountability subgroup for the [Academic Progress;] Weighted Average Achievement; Core Subject Performance; Student Growth; English Language Proficiency; Graduation Rate; [Chronic Absenteeism] Attendance; or College, Career, Career, and Civic Readiness measures.

[(xviii)] (xvii)...

[(xix)] (xviii)...

[(xx)] (xix)...

[(xxii)<sup>1</sup>] (xx)...

[(xxiii)] (xxi) *Three consecutive years* shall mean the current school year and the immediately preceding two school years, except as otherwise provided in this section, provided that for accountability determinations based on [2020-2021] 2024–2025 school year results, three consecutive years shall mean determinations based on [2020-2021, 2018-2019, and 2017-2018] 2024–2025, 2023–2024, and 2022–2023 school year results[ and that for accountability determinations based on 2021-2022 school year results, three consecutive years shall mean determinations based on 2021-2022, 2020-2021, and 2018-2019 school year results].

[(xxiv)] (xxii) *Two consecutive years* shall mean the current school year and the immediately preceding school year, except as otherwise provided in this section, provided that for accountability determinations based on [2020-2021] 2024–2025 school year results, in which case two consecutive years shall mean determinations based on [2020-2021 and 2018-2019] 2024–2025 and 2023–2024 school year results.

(2) Definitions related to measures of school and district accountability.

(i) An *accountability measure* shall mean a measure used for the purpose of implementing the system of accountability for schools and districts in accordance with the provisions of this section and shall include the following measures for elementary/middle schools: (1) [Composite Performance] Weighted Average Achievement; (2) [Student Growth] Core Subject Performance; (3) [Combined Composite Performance and] Student Growth; (4) English Language Proficiency; and (5) [Academic Progress; and (6) Chronic Absenteeism] Attendance as described in subdivision (f) of this section. High school accountability measures shall include: (1) [Composite Performance] Weighted Average Achievement; (2) [Graduation Rate] Core Subject Performance; (3) [Combined Composite Performance and] Graduation Rate; (4)

English Language Proficiency; (5) [Academic Progress] Attendance; and (6) [Chronic Absenteeism; and (7)] College, Career, and Civic Readiness as described in subdivision (f) of this section.

(ii) *Graduates* are students in the Graduation Rate Cohort as defined in subparagraph [(xvi)] (x) of this paragraph who earned a Regents or local diploma by August 31<sup>st</sup> of the reporting year.

(iii) The *State baseline* means the statewide performance of an accountability subgroup on an accountability measure or subject that is used to establish the State's Long-term goals and annual Measures of Interim Progress for that measure or subject. A [state] State baseline shall be established for the following accountability measures and subjects: [Academic Progress in] ELA; [Academic Progress in Mathematics] mathematics; the Four-Year Graduation Rate; the Five-Year Graduation [rate] Rate; the Six-Year Graduation Rate; [chronic absenteeism; and college, career, and civic readiness.] and English Language Proficiency.

[(iv) *School or district baseline* means the school or school district performance of an accountability subgroup on an accountability measure that is used to establish the school or school district's annual measures of interim progress for that subgroup on that measure. School and district baselines shall be established for the following accountability measures: Academic Progress in ELA; Academic Progress in Mathematics; the Four-Year Graduation Rate; the Five-Year Graduation Rate; the Six-Year Graduation Rate; Chronic Absenteeism; and College, Career, and Civic Readiness. Provided that for schools or districts with subgroups that fail to meet the minimum n size requirements, a school and/or district baseline will be established when such subgroup meets the minimum n size requirements, for the purpose of establishing Measures of Interim Progress.]

[(v)] (iv) State Measures of Interim Progress (State MIPs). For each accountability measure and for each subject that a State baseline has been established, the Commissioner shall establish for each accountability subgroup annual State MIPs. [Prior to the start of the 2018-19 school year] Using 2022–2023 school year results as the baseline, the Commissioner shall establish for each accountability subgroup annual State MIPs [for 2017-2018 through the 2021-2022 school years] beginning with the 2024–2025 school year. [The Commissioner shall annually establish new State MIPs for the school year succeeding the last school year for which State MIPs had been previously established.] The Commissioner shall establish new State MIPs during the school year in which new static cut points are determined for the academic indicators. The Commissioner may select a new baseline year to revise State MIPs as necessary to reflect the administration of new assessments or revisions to State standards.

[(vi) *School and District Measures of Interim Progress (school and district MIPs)*]. For each accountability measure for which a school or district baseline has been established, the Commissioner shall establish for each accountability subgroup annual school and district MIPs. Prior to the start of the 2018-2019 school year, the Commissioner shall establish school and district MIPs for the 2017-2018 through the 2021-2022 school years. The Commissioner shall annually establish new school and district MIPs for the school year next succeeding the last school year for which school and district MIPs had been previously established. In the event that a school and/or district undergoes a significant change in student enrollment as determined by the Commissioner, including but not limited to a change in grade configuration or a significant increase or decrease in number of students who are members of an accountability subgroup, or a district seeks to correct an error in the data used to establish a MIP for a school or district the district may petition the Commissioner to

revise the school and/or district-specific MIPs assigned to one or more accountability subgroups for one or more accountability measures in the school. The Commissioner may also revise State, district, and school MIPs as necessary to reflect the administration of new assessments or revisions to State standards.]

[(vii)] (v)...

[(viii)] (vi) *State End-goal* shall mean the ultimate desired performance at an undetermined future point for an accountability subgroup on an accountability measure or subject for which a State Long-term goal has been established.

[(ix)] (vii)...

[(x)] (viii)...

[(xi)] The *out-of-school suspension rate* shall mean the number of students who were suspended from school (not including in-school suspensions) for one full day or longer anytime during the school year divided by the number of students enrolled on BEDS day of that school year commencing with data collected for the 2022-2023 school year. A student is counted only once, regardless of whether the student was suspended one or more times during the school year. For the 2023-2024 school year results, the Commissioner shall report for each accountability group for which a school or district is accountable a Level from 1-4 based on the out-of-school suspension rate. For the 2023-2024 school year results, districts must implement the provisions of 100.21(i)(4) for any schools that have an accountability group that performs at Level 1 on the out-of-school suspension indicator. Beginning with the 2024-2025 school year results, the out-of-school suspension indicator shall be incorporated into the methodology used to determine the accountability status of schools and districts under this section.]

[(xii)] (ix) *Accountability cohort*.

(a) Except as provided in clauses (b) and (c) of this subparagraph, the accountability cohort for each public school for purposes of computing secondary-level [composite performance and academic progress] Weighted Average Achievement and Core Subject Performance for any given school year shall consist of those students who first enrolled in ninth grade anywhere four years prior to the current reporting year, [and who] were enrolled in the school on BEDS day of the reporting year, were enrolled for at least half of the current school year, and did not transfer to another district's or school's diploma-granting program. The district accountability cohort for purposes of computing secondary-level [composite performance and academic progress] Weighted Average Achievement and Core Subject Performance for any given school year shall consist of those students who first enrolled in ninth grade anywhere four years prior to the current reporting year and who were, as of BEDS day for the reporting year, enrolled in the school district or placed by the school district committee on special education or by school district officials in educational programs outside the school district on BEDS day of the reporting year were enrolled for at least half of the current school year, and did not transfer to another district's diploma-granting program. Students with disabilities in ungraded programs shall be included in the district and school accountability cohorts in the fourth school year following the one in which they attained the age of 17.

(b)...

(c)...

[(xiii)] (x) Graduation rate cohort.

(a) The four-year graduation rate cohort for each public school and school district shall consist of those students (including an ungraded student with a disability in accordance with clause (e) of this paragraph) whose first date of entry into grade nine (anywhere) was four years previously and whose last enrollment in the school or district

(as applicable)[,] did not end because of transfer to another school or district (as applicable), transfer to homeschooling by a parent or guardian, transfer to a postsecondary school prior to earning a diploma, or being a prior graduate from outside the United States and enrolled without documentation from their previous school, or leaving the United States or its territories, or transferred to a prison or juvenile facility, or death. Data for this cohort are captured as of June 30th of the fourth school year after the school year in which the cohort first entered grade nine. Data for this cohort are lagged by a year, except that data for the [2018-19] 2018–2019 school year that are used to make [2020-21] 2020–2021 school year determinations pursuant to clause [(f)(2)(i)(b)] (f)(2)(i)(c) of this section shall not be lagged.

(b) The five-year graduation rate cohort for each public school[, ] and school district shall consist of those students (including an ungraded student with a disability in accordance with clause (e) of this paragraph) whose first date of entry into grade nine (anywhere) was five years previously and whose last enrollment in the school or district (as applicable)[,] did not end because of transfer to another school or district (as applicable), transfer to homeschooling by a parent or guardian, transfer to a postsecondary school prior to earning a diploma, or being a prior graduate from outside the United States and enrolled without documentation from their previous school, or leaving the United States or its territories, or transferred to a prison or juvenile facility, or death. Data for this cohort are captured as of June 30th of the fifth school year after the school year in which the cohort first entered grade nine. Data for this cohort are lagged by a year, except that data for the [2018-19] 2018–2019 school year that are used to make [2020-21] 2020–2021 school year determinations pursuant to clause [(f)(2)(i)(b)] (f)(2)(i)(c) of this section shall not be lagged.



(c) The six-year graduation rate cohort for each public school and school district shall consist of those students (including an ungraded student with a disability in accordance with clause (e) of this paragraph) whose first date of entry into grade nine (anywhere) was six years previously and whose last enrollment in the school or district (as applicable)[,] did not end because of transfer to another school or district (as applicable), transfer to homeschooling by a parent or guardian, transfer to a postsecondary school prior to earning a diploma, or being a prior graduate from outside the United States and enrolled without documentation from their previous school, or leaving the United States or its territories, or transferred to a prison or juvenile facility, or death. Data for this cohort are captured as of June 30th of the sixth school year after the school year in which the cohort first entered grade nine. Data for this cohort are lagged by a year, except that data for the [2018-19] 2018–2019 school year that are used to make [2020-21] 2020–2021 school year determinations pursuant to clause [(f)(2)(i)(b)] (f)(2)(i)(c) of this section shall not be lagged.

(d)...

(e)...

(3) Definitions related to school and district accountability [designations] support models.

(i) Schools identified for Comprehensive [support] Support and [improvement] Improvement (CSI) [schools] (elementary and middle schools). The State shall [designate] preliminarily identify elementary/middle schools [as] for CSI [schools] using the following criteria:

(a) [beginning] Beginning with the [2018-2019] 2025–2026 school year [, using 2017-2018 school year results, and the 2023-2024 school year] using [2022-2023] 2024–2025 school year results, the State shall identify a minimum five percent of the

lowest performing schools [as] for CSI [schools] and shall preliminarily identify schools for CSI [schools] based upon the results from the all students group once every three years thereafter, based on the accountability measures described in subdivision (f) of this section. [Provided that, if the accountability measures used to identify CSI schools in subdivision (f) of this section result in the identification of fewer than five percent of Title I public elementary/middle schools in the State, the commissioner] The Commissioner shall identify [the lowest performing] a minimum five percent of the lowest performing Title I public elementary/middle schools using scenarios 1 and 2 of the Decision Table for Identification at the Elementary/Middle School Level, and scenario 3 if scenarios 1 and 2 do not identify a minimum five percent of the lowest performing Title I schools using the [rank] ordered list based on rank or defined cut points for the [combined composite performance] Weighted Average Achievement; Core Subject Performance; English Language Proficiency; Attendance; and [growth index] Student Growth Index; and

(b) Any school identified for Additional Targeted Support and Improvement (ATSI) [school that has been identified for additional targeted support] based on the performance of one or more accountability subgroups and continues [, following the designation for additional targeted support, to be identified as a targeted support and improvement school] to be identified for ATSI for three consecutive school years for the performance of the same accountability subgroup(s) shall be preliminarily identified [as a] for CSI [school].

(ii) Schools identified for CSI (high schools). The State shall [designate] preliminarily identify high schools [as] for CSI [schools] using the following criteria:

(a) [beginning] Beginning with the [2018-2019] 2025–2026 school year [, using 2017-2018 school year results, and the 2023-2024 school year] using [2022-2023]

2024–2025 school year results, the State will identify a minimum five percent of the lowest[-]performing schools [as] for CSI [schools] based upon the results from the all students group once every three years based on the accountability measures described in subdivision (f) of this section. [Provided that, if the methodology pursuant to subparagraph (f)(1)(i) of this section for elementary/middle schools and subparagraph (f)(2)(i) of this section for high schools results in the identification of fewer than five percent of Title I public high schools in the State, the commissioner] The Commissioner shall identify [the lowest performing] a minimum five percent of the lowest performing Title I public high schools using scenarios 1 and 2 of the Decision Table for Identification at the High School Level, and scenario 3 if scenarios 1 and 2 do not identify a minimum five percent of the lowest performing Title I schools and using the [rank] ordered list based on rank or defined cut points for the [combined composite performance] Weighted Average Achievement; Core Subject Performance; English Language Proficiency; Attendance; College, Career, and Civic Readiness; and [graduation rate index] Graduation Rate; and

(b) Any [targeted support and improvement] school identified for ATSI [that has been identified for additional targeted support] based on the performance of one or more accountability subgroups [consistent with this section] and continues[, following the designation for additional targeted support, to be identified as a targeted support and improvement school] to be identified for ATSI for three consecutive school years for the performance of the same accountability subgroup(s) shall be preliminarily identified [as a] for CSI [school]; and

(c) Any school with a Four-Year Graduation [rate] Rate below 67 percent and a Five-Year or Six-Year Graduation Rate that is not at or above 67 percent in the years in

which [school] schools are identified pursuant to clause (a) of this subparagraph shall be preliminarily identified [as a] for CSI [school].

(iii) [A Targeted Support and Improvement (TSI) School shall mean a school with one or more consistently underperforming accountability subgroups based on the accountability measures described in subdivision (f) of this section. These schools 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 beginning with the 2018-2019 school year. In addition, a TSI school with any accountability subgroup performing below the threshold for the all students subgroup for the lowest performing five percent of schools shall be identified for additional targeted support in accordance with subdivision (f) of this section.

Beginning with the 2018-2019 school year, TSI schools shall be identified for additional targeted support in the same years in which CSI school designations are made based on the performance of the all students group.] Schools identified for Targeted Support and Improvement (TSI) (elementary and middle schools and high schools). The State shall preliminarily identify schools for TSI using the following criteria:

(a) Beginning in the 2025–2026 school year using 2024–2025 school year results, the State will annually identify for TSI from among schools that have met identification criteria for TSI for three consecutive years based on the accountability measures described in subdivision (f) of this section. The Commissioner shall preliminarily identify for TSI when one or more accountability subgroups are consistently underperforming using scenarios 1 and 2 of the Decision Table for Identification at the Elementary/Middle School Level for elementary/middle schools or scenarios 1 and 2 of the Decision Table for Identification at the High School Level for high schools; and

(b) Any accountability subgroup that meets identification criteria for TSI for the first year is preliminarily identified for Potential TSI-1 (PTSI-1). Any accountability subgroup identified as PTSI-1 that meets identification criteria for TSI for a second consecutive year shall be preliminarily identified for Potential TSI-2 (PTSI-2). If one or more subgroups identified for PTSI-2 meet identification criteria for TSI for a third consecutive year, the school shall be preliminarily identified for TSI.

(iv) Schools identified for Additional Targeted Support and Improvement (ATSI) (elementary and middle schools and high schools). The State shall preliminarily identify schools for ATSI with one or more consistently underperforming accountability subgroups for which it had previously been identified for TSI using the following criteria:

(a) Beginning with the 2018-2019 school year using 2017-2018 school year results, the State shall identify schools for ATSI once every three years thereafter, based on accountability measures described in subdivision (f) of this section. The Commissioner shall preliminarily identify for ATSI when any accountability subgroup identified for TSI in the previous school year meets the criteria used to identify schools for CSI; and

(b) Schools identified for TSI shall be preliminarily identified for ATSI in the same years in which CSI support model designations are made.

[(iv)] (v) Target District. Target District shall mean any [school] district with one or more schools identified for CSI, ATSI, and/or TSI [schools. A Target District shall also mean any district whose district-wide performance levels would cause a school to be identified as a CSI or a TSI school pursuant to the provisions of this section].

(vi) A district identified for Local Support and Improvement means a district with no schools identified for CSI, ATSI, or TSI.

[(v)] ~~(vii)~~ A school [in Good Standing] identified for Local Support and Improvement (LSI) means a school that is not identified [as a] for CSI, ATSI, or TSI [school] pursuant to the provisions of this section.

[(vi)] ~~(viii)~~ *Recognition schools* shall mean schools [in good standing] identified for LSI that exhibit evidence of high performance and/or rapid improvement as determined by the Commissioner.

[(vii)] ~~(ix)~~...

(4) Definitions related to interventions for [designated] identified schools and districts.

(i) *Integrated intervention team* means a school quality review team or joint intervention team appointed by the Commissioner, which may include a distinguished educator appointed by the Commissioner, to conduct a diagnostic review of a school identified for CSI, ATSI, or TSI [school or], a district identified as a Target District, or a school under registration review.

[(ii)] A *comprehensive needs assessment* means a comprehensive assessment of the school or district that includes a review of school or district quality using such form(s) as may be prescribed by the Commissioner, which may include but is not limited to the diagnostic tool for school and district effectiveness as defined in paragraph (15) of subdivision (a) of section 100.19 of this Part; select state-reported and state-supported data indicators as prescribed by the Commissioner; and a resource audit as defined in this paragraph.]

[(iii)] A *progress needs assessment* means an annual assessment of the school that includes a progress review of the implementation of the school's comprehensive education plan; select State-reported and State-supported data in comparison to other schools and in comparison to prior year performance; a resource audit as defined in this

paragraph; and a review of parent, staff, and teacher survey results; provided that a progress needs assessment shall not be conducted in a school year in which a comprehensive needs assessment is conducted.]

(ii) A needs assessment means an assessment of the school or district that includes a review of school or district quality using such guidance prescribed by the Commissioner, which may include but is not limited to: an analysis of local data and survey data, an analysis of State-reported and State-supported data indicators as prescribed by the Commissioner, interviews with students, and an examination of resource inequities through the resource audit as defined in this paragraph.

[(iv)] (iii) Resource audit means an audit that examines [the effectiveness of professional development and how schools and districts use their time] school or district resources (e.g., instructional time [, length of school day and/or school year]), space (facilities), staff, support, and funds) in relation to best practices as determined by the Commissioner.

[(v)] (iv)...

[(vi)] (v)...

[(vii)] (vi) Public school choice shall mean the [option for] instance that a district chooses to provide all students enrolled in a [CSI] school identified for CSI with the option to transfer to [a] another public school [in good standing] at the appropriate grade level within the same district pursuant to subdivision (i) of this section.]; provided that if there are no schools in good standing within the district that serve the grade level of the students, parents of students in the identified schools shall be offered the ability to transfer their child to a TSI school.] In this instance, the district shall permit a student who transfers to another public school under this definition to remain in that school until the student has completed the highest grade in that school.

[(viii)] (vii) *School comprehensive education plan* means a school improvement plan, using such form and format as the Commissioner may prescribe, that schools identified for CSI, ATSI, and TSI [schools] shall develop in collaboration with stakeholders, in accordance with the district's plan for school-based management and shared decision making pursuant to the requirements of section 100.11 of this Part. The plan must include an analysis of the school's achievement of previous goals; be based upon data from the school, including but not limited to[, ] the results of [the comprehensive needs assessment or the progress] an annual needs assessment and any additional data collected by the school; specify the accountability measures for which the school has been identified; identify initiatives that will be implemented to positively affect student learning and to address the accountability measures for which the school has been identified; identify resource inequities[, which may include a review of school and school district budgeting]; explicitly delineate the plan for annually increasing student performance through comprehensive instructional programs and services as well as enhancement of teacher and leader effectiveness, with a focus on the accountability subgroup(s) and measures for which the school was identified; include evidence-based interventions; and be first implemented no later than the beginning of the first day of regular student attendance [in the school year following the school's identification]. Schools identified [as] for CSI will submit their plans to the Department [for approval, which shall reject any plan that does not adhere to the directions provided by the Department and/or provide sufficient evidence in such format as prescribed by the Commissioner that parents and pedagogical staff, and in secondary schools, students, meaningfully participated in the development of the plan] to ensure that the plan meets the minimum expectations of the Department, which shall include evidence that students have been interviewed as part of the annual needs



assessment process and that the parents and pedagogical staff have meaningfully participated in the development of the plan.

[(ix)] (viii)...

[(x) *Participatory budgeting process* shall mean 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 through a process 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.] (ix) *Civic Empowerment Project* shall mean a process by which schools identified for CSI implement an activity designed to increase student and/or family participation in decision-making in a manner prescribed by the Commissioner.

[(xi)] (x) *Parent, staff, and student surveys* means annual surveys of parents, staff, and students conducted by schools identified for CSI, ATSI, and TSI [schools], identified by the district and administered annually in a manner prescribed by the Commissioner that encourages stakeholder participation to provide schools with feedback on each of the following areas: Schoolwide Systems, Organization and Climate, School Leadership, Curriculum and Instruction, Social-Emotional Developmental Health, and Family Engagement for the purpose of providing data to support the development and amendments of the school comprehensive education

plan. Surveys of students are not to be used as a substitute for the Student Interview requirement of the plan.

[(xii) *Leadership Team support report* means a report to be completed by school districts with at least one CSI school that did not meet its Annual Achievement Progression target as defined in subparagraph (xiv) of this paragraph in which the school district identifies any areas in which the school district determines that it could more effectively support the leadership team(s) of its CSI school(s) based upon the specific needs of such school(s). The report is intended to provide summary information for the district and the State, and shall be consistent with Education Law sections 3012-c(10) and 3012-d(15) with respect to personally identifiable information.]

[(xiii) *Leadership Team needs assessment* means a comprehensive assessment of the capacity of the district to support its district and school leadership team(s), which will be an additional required component of the District Needs Assessment in any Target District that has at least one CSI school that fails to meet its Annual Achievement Progression Target for two consecutive years, using such methodology and form as may be prescribed by the Commissioner. The results of such needs assessment shall be submitted to the Department along with a plan to provide the necessary supports and resources identified by the assessment and the plan for support based upon the assessment.]

[(xiv) Annual Achievement Progression Target means:

(a) For elementary and middle schools, an increase between the school's performance in the current school year compared to the prior school year based on either the accountability measures described in subclause (1) or (2) of this clause for the all students group:

(1) both the Core Subject Performance Index and the Weighted Average Achievement Index as defined in subdivision (f) of this section; or

(2) the Mean Student Growth Percentile as defined in subparagraph (x) of paragraph (2) of this subdivision, using only the most current school year results compared only to the prior school year results; except that if a school receives a Mean Student Growth Percentile score of 50 or higher, the Annual Achievement Progression for such school shall be deemed an increase.

(b) For high schools, an increase between the school's performance in the current school year compared to the prior school year on one of the accountability measures described in either subclause (1), (2), or (3) of this clause for the all students group:

(1) Composite Performance Index computed pursuant to (f)(i)(a)(9) of this section; or

(2) the unweighted average for the Four-Year, Five-Year, and Six-Year Graduation Rates computed pursuant to clause (b) of subparagraph (i) of paragraph (2) of subdivision (f) of this section; or

(3) Notwithstanding the provisions of this clause, a school identified as a CSI school solely because of a Graduation Rate below 67 percent must show an increase on the Average of the Four-Year, Five-Year, and Six-Year Graduation Rates computed pursuant to subclause (2) of this clause.]

[(xv)] (xi) *District comprehensive improvement plan* means a district improvement plan, in such form and format as the Commissioner may prescribe, that Target Districts shall develop, in collaboration with stakeholders in accordance with the district's plan for shared decision making pursuant to the requirements of section 100.11 of this Part. The plan must [include] incorporate an analysis of the district's [achievement of previous

goals] support of its schools identified for CSI, ATSI, and TSI; be based upon data from the district, including but not limited to[,] the results of the district-level [comprehensive] annual needs assessment and/or school-level [comprehensive] annual needs assessments [or progress needs assessments], and any additional data collected by the district; [specify the accountability measures for which the district has] identify how the district will positively affect student learning and address the accountability measures that contributed to each school's accountability designation; [identify initiatives that will be implemented to positively affect student learning and to address the accountability measures for which the district has been identified; identify resource inequities, which may include a review of school and school district budgeting; explicitly delineate the plan for annually increasing student performance through comprehensive instructional programs and services as well as enhancement of teacher and leader effectiveness, with a focus on the accountability subgroup(s) and measures for which the district and its schools have been identified;] and be first implemented no later than the beginning of the first day of regular student attendance in the school year following the district's identification.

4. Subdivision (c) of section 100.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(c) Procedure for registration of public schools.

(1)...

(2)...

(3) Where a school is registered pursuant to this paragraph [is in a Target District], the Commissioner shall determine the accountability [status] support model of the [newly] registered school based upon his or her review of the proposed educational program, including but not limited to such factors as: school mission, school

administration and staff, grade configurations and groupings of students, zoning patterns, curricula and instruction, and facilities.

(4) In the event that a school district merges two or more schools or transfers organizational responsibility for one or more grades from one school to another, the school district shall inform the Commissioner, in a form prescribed by the Commissioner and containing such information as the Commissioner may require, no later than March 1 for schools opening in September of the next successive school year [or, for those schools opening during a current school year, at least 90 days prior to the opening of such school], except that the Commissioner may waive this timeline for [good cause] exigent circumstances as determined by the Commissioner. As a result of such changes, the Commissioner may adjust the accountability [status] support model of the affected schools to reflect such organizational changes.

5. Subdivision (e) of section 100.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(e) System of accountability for student success. Each school year, commencing with the 2017[-]–2018 school year results, the Commissioner shall review the performance of all public schools and school districts in the State. The Commissioner shall determine whether such public schools shall be identified [as a] for CSI, ATSI, or TSI [school] and/or whether each school district shall be identified as a Target District in accordance with the accountability criteria set forth in subdivision (f) of this section.

6. Subdivision (f) of section 100.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(f) Accountability system for schools and districts.

(1) Accountability system for elementary and middle schools.

(i) Elementary/Middle Schools identified for CSI [school]. Every three years, beginning with the 2025–2026 school year based on 2024–2025 school year results, [A]an elementary/middle school shall be preliminarily identified [as a] for CSI [school] using the following decision table, which combines the following measures of student performance for all students in the school: (1) [Composite Performance] Weighted Average Achievement; (2) [Student Growth] Core Subject Performance; (3) [Combined Composite Performance and] Student Growth; (4) English Language Proficiency; and (5) [Academic Progress; and (6) Chronic Absenteeism] Attendance. A school shall be preliminarily identified [as a] for CSI [school] if [one or more of the rows] it meets scenario 1 or 2 of [in] the decision table [are applicable to the school] below. If scenarios 1 and 2 do not identify a minimum of five percent of the lowest performing Title 1 schools, scenario 3 will be applied. [provided] Provided that in order to be preliminarily identified using the decision table below, a performance level must be assigned at a minimum to the [Combined Composite Performance and Student Growth] Weighted Average Achievement measure and Core Subject Performance measure, and one or more of the following measures: English Language Proficiency, [Academic Progress] Student Growth, and/or [Chronic Absenteeism] Attendance. (1) [Composite Performance] Weighted Average Achievement; (2) [Student Growth] Core Subject Performance; (3) [Combined Composite Performance and] Student Growth; (4) English Language Proficiency; and (5) [Academic Progress; and (6) Chronic Absenteeism] Attendance. A school shall be preliminarily identified [as a] for CSI [school] if [one or more of the rows] it meets scenario 1 or 2 of [in] the decision table [are applicable to the school] below. If scenarios 1 and 2 do not identify a minimum of five percent of the lowest performing Title 1 schools, scenario 3 will be applied. [provided] Provided that in order to be preliminarily identified using the decision table below, a performance level

must be assigned at a minimum to the [Combined Composite Performance and Student Growth] Weighted Average Achievement measure and Core Subject Performance measure, and one or more of the following measures: English Language Proficiency, [Academic Progress] Student Growth, and/or [Chronic Absenteeism] Attendance.

**Decision Table for Identification of Elementary/Middle Schools for Comprehensive Support and Improvement [Elementary/Middle Schools]**

<b>[Composite Performance Level]</b>	<b>[Student Growth Level]</b>	<b>[Combined Composite Performance &amp; Growth Level]</b>	<b>[English Language Proficiency Level]</b>	<b>[Academic Progress Level]</b>	<b>[Chronic Absenteeism Level]</b>
[Both Level 1]		[Level 1]	[Any Level]	[Any Level]	
[Either Level 1]		[Level 1]	[None*]	[Any One of the Two is Level 1]	
[Either Level 1]		[Level 1]	[Level 1]	[Any Level]	
[Either Level 1]		[Level 1]	[Level 2]	[Any Level 1]	
[Either Level 1]		[Level 1]	[Level 3 or 4]	[Both Level 1]	

<b><u>Scenarios</u></b>	<b><u>Weighted Average Achievement Level</u></b>	<b><u>Core Subject Performance Level</u></b>	<b><u>Student Growth Level</u></b>	<b><u>English Language Proficiency Level</u></b>	<b><u>Attendance Level</u></b>

<u>1</u>	<u>Level 1</u>	<u>Level 1</u>	<u>At Least One Level 1</u>		
<u>2</u>	<u>Level 2</u>	<u>Level 1</u>	<u>Level 1</u>	<u>Level 1 or 2</u> <u>or None*</u>	<u>Level 1 or 2</u> <u>or None*</u>
<u>3</u>	<u>Level 1</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Either Level 2</u>	

\*None means there were not enough [English language learners] student results to meet the minimum n-size requirement.

(a) [Composite Performance] Weighted Average Achievement Level. For each public elementary/middle school whose all students [subgroup] group meets the minimum n-size requirements as defined in paragraph (1) of subdivision (b) of this section, the Commissioner shall compute a [Composite Performance] Weighted Average Achievement Level using the results of ELA and [Mathematics] mathematics assessments in grades 3-8 and [Science] science assessments for grades [4] 5 and 8 [shall be computed by the Commissioner in accordance] with the following steps:

(1)...

(2)...

(3)...

(4)...

(5)...

(6) The resulting Weighted Average Achievement Level is then used in the table described in subparagraph (i) of paragraph (2) of this subdivision as one of the multiple measures of performance to determine whether the school shall be preliminarily identified for CSI.

(b) Core Subject Performance Level. For each public elementary/middle school whose all students group meets the minimum n-size requirements as defined in paragraph (1) of subdivision (b) of this section, a Core Subject Performance Level using



the results of ELA and mathematics assessments in grades 3-8 and science assessments in grades 5 and 8 shall be computed by the Commissioner in accordance with the following steps:

(1) The Commissioner shall first calculate a Performance Index separately for ELA, mathematics, and science, using the following formula for each subject:

(i) The sum of the number of continuously enrolled students who scored at Level 2, plus the number of continuously enrolled students who scored at Level 3 multiplied by 2, plus the number of continuously enrolled students who scored at Level 4 multiplied by 2.5 (numerator), divided by the number of valid test results for continuously enrolled students in ELA, mathematics, and science (denominator). The result of this division is then multiplied by 100 to determine the Index.

[(6)] (2) The Commissioner shall then compute the Core Subject Performance Index, which is a number from 0-250 that is computed by summing for elementary/middle-level ELA, [Mathematics] mathematics, and [Science] science, the number of continuously enrolled students who scored at Level 2, plus the number of continuously enrolled students who scored at Level 3 multiplied by 2, plus the number of continuously enrolled students who scored at Level 4 multiplied by 2.5 (numerator), and dividing the result by the number of valid test results for continuously enrolled students in ELA, [Mathematics] mathematics, and [Science] science (denominator). The result of this division is then multiplied by 100 to determine the Index.

[(7)] (3) The Commissioner shall [then rank order schools by] establish static cut points every three years beginning with 2023–2024 school year results based on ranked outcomes of the Core Subject Performance Index. Notwithstanding any other provisions of this section, if there are extraordinary or extenuating circumstances such as interrupted learning, new assessments, or cancellation of examinations that impact

student outcomes, the Commissioner will average three years of assessment data to establish the static cut points.

[(8)] (4) Each elementary/middle school will then be assigned a Core Subject Performance Level 1-4 based on [such rank ordering using] static cut points established by ranked outcomes every three years beginning with 2023–2024 school year results as indicated in the table below:

<b>Core Subject Performance Index Rank</b>	<b>Core Subject Performance Level</b>
10% or Less	1
10.1 to 50%	2
50.1 to 75%	3
Greater than 75%	4

(5) The resulting Core Subject Performance Achievement Level is then used in the table described in subparagraph (i) of paragraph (2) of this subdivision as one of the multiple measures of performance to determine whether the school shall be preliminarily identified for CSI.

[(9) The Commissioner shall combine the results of the Weighted Average Achievement Level as calculated in subclause (5) with the Core Subject Performance Index Level as calculated in subclause (8) to create a Composite Performance Index. The Composite Performance Index for elementary/middle schools is a calculation by which the results of the Weighted Average Achievement Level and the Core Subject Performance Index Level are combined to be used as a measure of academic achievement pursuant to subdivision (f) of this section. Provided that, for elementary/middle schools in the State with the same Composite Performance Index, the Commissioner shall rank order schools using the higher of the Weighted Average

Achievement rank order as calculated in subclause (4) or the Core Subject Performance Index rank order as calculated in subclause (7) of this clause.]

[(10) The Commissioner shall then assign a Composite Performance Achievement Level from 1-4 for all schools based on the Composite Performance Index rank ordering described in subclause (9) of this clause using the table below:

<b>Composite Performance Index Rank</b>	<b>Composite Performance Level</b>
10% or Less	1
10.1 to 50%	2
50.1 to 75%	3
Greater than 75%	4

The resulting Composite Performance Level is then used in the table described in subdivision (f)(1)(i) of this section as one of multiple measures of performance to determine whether the school is preliminarily identified as a CSI school.]

[(11) If the all students subgroup does not meet the minimum n size, as defined in subdivision (b)(1) of this section, then the school shall be identified using the established process for small schools (self-assessment process), as described in subdivision (b)(1) of this section.]

[(b)] (c) Student Growth Level. For each public elementary/middle school whose all students [subgroup] group meets the minimum n-size requirements as defined in subdivision (b)(1) of this section, a Student Growth Level will be determined in accordance with the following steps:

(1) [a] A mean growth percentile for the all students [subgroup] group in each school shall be calculated by adding the student growth percentile scores for continuously enrolled students in grades 4-8 ELA to the student growth percentile scores for continuously enrolled students in grades 4-8 math [for] in the current [and the

previous two school years in which the State Grade 3-8 ELA and math assessments have been administered] year, and dividing the result by the total number of student growth percentile scores in those grades/subjects [and years];

(2)...

(3)...

(4) The resulting Student Growth Level is then used in the table described in paragraph (1)(i) of this subdivision as one of multiple measures of student performance to determine whether the school is preliminarily identified [as a] for CSI [school].

[(5) Provided further that, notwithstanding the Student Growth Level determined pursuant to subclauses (1), (2), and (3) of this clause, the Commissioner may assign a Student Growth Level of 1 to an all students subgroup whose Mean Growth Percentile is below a certain percentile established by the Commissioner and the Commissioner may assign a Student Growth Level of 2 to an all students subgroup whose Mean Growth Percentile is at or above a percentile established by the Commissioner.]

[(c) Combined Composite Performance and Growth Level. For each public elementary/middle school meeting the minimum n-size requirement as defined in subdivision (b)(1) of this section, a Combined Composite Performance and Student Growth Level shall be computed by the Commissioner in accordance with the following steps:

(1) The Commissioner shall generate a combined Composite Performance and Student Growth rank-ordered list by summing a school's Composite Performance Index final rank order as described in clause (a)(9) of this subparagraph and the school's Student Growth rank order as described in clause (b) of this subparagraph.

(2) If there is no Student Growth Level for the school because the all students subgroup did not meet the minimum n\_size for the Student Growth measure, then the

Combined Composite Performance and Student Growth Level shall be determined using the Composite Performance Level only.

(3) A Combined Composite Performance and Student Growth Level from 1-4 shall then be assigned to each school based on the school's placement on a rank-ordered list in comparison with other schools in accordance with the following table:

<b>Rank Based on Combined Composite Performance and Student Growth</b>	<b>Level</b>
In the lowest 10%	1
Between 10.1% and 50%	2
Between 50.1 and 75%	3
In the highest 75%	4

(4) Notwithstanding the Combined Composite Performance and Student Growth Level resulting from the table above, if the unweighted average of the Composite Performance Level and the Student Growth Level rounded down is greater than the Level resulting from the above table, the unweighted average of the Composite Performance Level and Student Growth Level rounded down shall be assigned as the Combined Composite Performance and Growth Level.

(4)<sup>1</sup> The resulting Combined Composite Performance and Student Growth Level is then used in the table described in paragraph (1)(i) of this subdivision as one of multiple measures of performance to determine whether the school is preliminarily identified as a CSI school.]

(d) English Language Proficiency Level. For each public elementary/middle school meeting the minimum n-size requirements as defined in subdivision (b)(1) of this

section, the Commissioner shall compute an English Language Proficiency Level in accordance with the following steps:

(1)...

(2)...

(3)...

(4) The resulting English Language Proficiency Level is then used in the table described in paragraph (1)(i) of this subdivision as one of multiple measures of performance to determine whether the school shall be preliminarily identified [as a] for CSI [School].

[(5) Provided further that, notwithstanding the English Language Proficiency Level determined pursuant to subclauses (2), (3), and (4) of this clause, the Commissioner may assign an English Language Proficiency Level of 1 to an all students subgroup whose Success Ratio is below a Success Ratio established by the Commissioner, and the Commissioner may assign an English Language Proficiency Level of 2 to an all students subgroup whose Success Ratio is at or above a Success Ratio established by the Commissioner.]

[(e) Academic Progress Level. For each public elementary/middle school meeting the minimum n-size requirement as defined in subdivision (b)(1) of this section, the Commissioner shall compute an Academic Progress Level in accordance with the following steps:

(1) The Commissioner shall calculate separate ELA and Mathematics Academic Achievement Indices from 0-250 for the all students subgroup in the school.

(2) The Commissioner shall then determine a separate State MIP and Long-term goal for ELA and Mathematics.

(3) The Commissioner shall determine a separate school MIP in ELA and in Mathematics.

(4) The Commissioner shall then assign an Academic Progress Level in ELA from 1-4 using the table below based on each of the following: whether or not the school's ELA Academic Achievement Index met, exceeded, or failed to meet: (1) the State Long-term goal, (2) the State MIP, and/or (3) the school's MIP.

(5) The Commissioner shall then assign an Academic Progress Level in Mathematics from 1 to 4 using the table below based on each of the following: whether or not the school's Mathematics Academic Achievement Index met, exceeded, or failed to meet: (1) the State Long-term goal, (2) the State MIP and/or, (3) the school's MIP.

	<b>Did Not Meet Long-Term Goal</b>	<b>Met Long-Term Goal</b>	<b>Exceeded Long-Term Goal</b>
Did not meet either MIP	Level 1	N/A	N/A
Met lower of State of School MIP	Level 2	Level 3	Level 4
Met higher of State or School MIP	Level 3	Level 4	Level 4

(6) The Commissioner shall then average the ELA Academic Progress Level assigned in subclause (4) of this clause and the Mathematics Academic Progress Level assigned in subclause (5) of this clause. The resulting average Academic Progress Level will be rounded down to the nearest whole number that represents the level that will be used and an Academic Progress Level from 1-4 will be assigned. The resulting Academic Progress Level is then used in the table described in paragraph (1)(i) of this subdivision as one of multiple measures of performance to determine whether the school is preliminarily identified as a CSI School.

(7) Notwithstanding the Academic Progress Level resulting from the table above, using the all students subgroup's baseline performance as measured by the previous

school year test results, for purposes of the accountability designation, if the all students subgroup does not meet the lower of the State or school MIP but increases the Achievement Index by an amount at least equal to the difference between the higher of the school's current year MIP and prior year MIP or the current year State MIP and prior year State MIP, the all students subgroup will be assigned an Academic Progress Level 2. Provided further that, if the all students subgroup meets either but not both of the school and State MIP for that subgroup and makes progress that is equivalent to at least three times the difference between the lower of the school-specific current and prior year MIPs and the State current and prior year MIPs for that subgroup, but if such progress is insufficient for the subgroup to meet the higher of the State or school MIP or the Long-term goal, the all students subgroup will be assigned an Academic Progress Level 3.

(8) Provided further that, notwithstanding the Academic Performance Level determined pursuant to subclauses (4), (5), (6) and (7) of this clause, the Commissioner may assign an Academic Progress Level 1 in ELA or Mathematics to an all students subgroup whose Performance Index is below a certain Performance Index established by the Commissioner, and the Commissioner may assign an Academic Progress Level 2 in ELA or Mathematics to an all students subgroup whose ELA or Mathematics Performance Index is at or above a Performance Index established by the Commissioner.]

[(f) Chronic Absenteeism] (e) Attendance Level. For each public elementary/middle school meeting the minimum n-size requirement pursuant to subdivision (b)(1)[(xvii)] (xvi) of this section, the Commissioner shall compute [a Chronic Absenteeism] an Attendance Level in accordance with the following steps:



(1) The Commissioner shall first [compute the school's Chronic Absenteeism Rate, which means the number of students enrolled during the school year in a school for a minimum of ten instructional days and in attendance at least one of those days who were absent (excused or unexcused) for at least 10 percent of enrolled instructional days divided by the total number of students enrolled during the school year, expressed as a percentage.] assign Attendance Rate Levels from 1 to 4 to the attendance rate for each student enrolled for a minimum of 30 cumulative instructional days and in attendance at least one of those days. Excused and unexcused absences are counted as absences. Suspensions are not counted as excused or unexcused absences, as suspended students are required to be provided with instruction while they are suspended. At the elementary/middle level, [Chronic Absenteeism] Attendance is calculated for grades 1-8 and ungraded age equivalent students. The Attendance Rate Level will be based on the percentage of instructional days attended in accordance with the following table:

<b><u>% Instructional Days Attended</u></b>	<b><u>Attendance Rate Level</u></b>
<u>85% or less</u>	<u>1</u>
<u>85.1 to 90%</u>	<u>2</u>
<u>90.1 to 95%</u>	<u>3</u>
<u>Greater than 95%</u>	<u>4</u>

(2) The Commissioner shall then [determine a State MIP and Long-term goal for Chronic Absenteeism.] use student Attendance Rate Levels to calculate an Attendance Index for each subgroup in accordance with the following formula:

(i) The sum of the number of students enrolled for 30 cumulative days and in attendance at least one of those days who scored at Level 2, plus the number who

scored at Level 3 multiplied by 2, plus the number who scored at Level 4 multiplied by 2.5 (numerator), divided by the number of students enrolled for at least 30 cumulative instructional days and in attendance at least one of those days as defined in paragraph (2) of subdivision (b) of this section (denominator). The result of the division is then multiplied by 100. The result will establish an Attendance Index.

(3) The Commissioner shall [also determine a school MIP for Chronic Absenteeism.] then assign an overall Attendance Level from 1-4 based on the calculated Attendance Index using static cut points. The static cut points will be established every three years beginning with the 2023–2024 school year results based on ranked distribution as indicated in the following table:

<u>Attendance Index Rank</u>	<u>Attendance Level</u>
<u>10% or less</u>	<u>1</u>
<u>10.1 to 50%</u>	<u>2</u>
<u>50.1 to 75%</u>	<u>3</u>
<u>Greater than 75%</u>	<u>4</u>

[(4) The Commissioner shall then assign a Chronic Absenteeism Level from 1-4 based on whether the school’s Chronic Absenteeism Rate, as defined in this clause met, exceeded, or failed to meet: (1) the State Long-term goal, (2) the State MIP, and/or (3) the school MIP. Each school shall then be assigned a Chronic Absenteeism Level from 1-4 in accordance with the following table:

	<b>Did Not Meet Long-Term Goal</b>	<b>Met Long-Term Goal</b>	<b>Exceeded Long- Term Goal</b>

Did not meet either MIP	Level 1	N/A	[N/A
Met lower MIP	Level 2	Level 3	Level 4
Met higher MIP	Level 3	Level 4	Level 4

(5) (4) The resulting [Chronic Absenteeism] Attendance Level is then used in the table described in subparagraph (i) of paragraph (1) of this subdivision as one of multiple measures of performance to determine whether the school is preliminarily identified [as a] for CSI [school].

[(6) Notwithstanding the Chronic Absenteeism Level generated by the table above, for purposes of the accountability designation, if the all students subgroup does not meet the lower of the State or school MIP but decreases the Chronic Absenteeism Rate by an amount equal to the difference between the lower of the school's current year MIP and prior year MIP or the current year State MIP and prior year MIP for the all students subgroup, the all students subgroup will be assigned a Chronic Absenteeism Level 2. Provided further that, if the all students subgroup meets either but not both the school and State MIP for that subgroup and makes progress toward decreasing the Chronic Absenteeism Rate that is equivalent to three times the difference between the lower of the school-specific current and prior year MIP and the State current and prior year MIP for the all students subgroup, but if such progress is insufficient for the all students subgroup to meet the higher of the State or school MIP or the State Long-term goal, the all students subgroup will be assigned a Chronic Absenteeism Level 3.]

[(7) Provided further that, notwithstanding the Chronic Absenteeism Level determined pursuant to paragraphs (4), (5), and (6), the Commissioner may assign a Chronic Absenteeism Level 1 to an all students subgroup whose chronic absenteeism

rate is below a percent established by the Commissioner and the Commissioner may assign a Chronic Absenteeism Level 2 to an all students subgroup whose chronic absenteeism rate is at or above a percent established by the Commissioner.]

~~[(g)](f)~~ For feeder schools: The Weighted Average Achievement Index and Level[,] and the Core Subject Performance Index and Level[, the Composite Performance Index and Level, and the Academic Progress Level] of public schools[,] and school districts[, and charter schools] serving grades 1 and/or 2, but not grade 3 or higher (hereafter referred to as “feeder schools”), will be determined using backmapping. In school districts with such feeder schools [and in school districts that accept grade 3 students from feeder schools in other school districts by contract], the grade 3 State assessment results for each feeder school student will be attributed to the feeder school as well as to the school in which the student took the assessment. The student's results will be attributed to a feeder school only if the student was continuously enrolled in the feeder school from BEDS day until [the end] June 1 of the school year in the highest grade served by the feeder school. [For feeder schools, the Combined Composite Performance and Growth Level will be determined using the Elementary/Middle-Level ELA and Math Composite Performance Level only.]

(g) Notwithstanding the provisions of this paragraph, for any measures of student performance, if the all students group does not meet the minimum n-size, as defined by subdivision (b)(1) of this section, for the minimum number of measures as defined by subparagraph (i) of this paragraph, the school shall be identified using the self-assessment process, as described in subdivision (b)(1) of this section.

(ii) Elementary/Middle Schools identified for Targeted Support and Improvement (TSI) [Elementary/Middle Schools]. An elementary/middle school shall be preliminarily identified [as a] for TSI [school] if the school meets the criteria for identification outlined

in the table below for [two] three consecutive school years for the same accountability subgroup[, 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 beginning with the 2018-2019 school year].

(a) The decision table below combines multiple measures of performance for accountability subgroups in the school using the same methodology used to [designate] identify for CSI [schools] pursuant to subparagraph (i) of this paragraph and using the following accountability measures: (1) [Composite Performance] Weighted Average Achievement; (2) [Student Growth] Core Subject Performance; (3) [Combined Composite Performance and] Student Growth; (4) English Language Proficiency; and (5) [Academic Progress; and (6) Chronic Absenteeism] Attendance.

(b) The [designations] identifications for TSI [schools] shall be based on the performance of accountability subgroups, as defined in paragraph (1) of subdivision (b) of this section, and shall not include the performance of the all students [accountability subgroup] group; provided that, in order to be preliminarily identified using scenario 1 or 2 of the decision table below, a performance level must be assigned to, at a minimum, the [Combined Composite Performance and Student Growth] Weighted Average Achievement measure and Core Subject Performance measure and one or more of the following measures: English Language Proficiency, [Academic Progress] Student Growth, and/or [Chronic Absenteeism] Attendance.

**Decision Table for Identification of Elementary/Middle Schools for Targeted Support and Improvement [Elementary/Middle Schools]**

<b>[Composite Performance Level]</b>	<b>[Student Growth Level]</b>	<b>[Combined Composite Performance &amp; Growth Level]</b>	<b>[English Language Proficiency Level]</b>	<b>[Academic Progress Level]</b>	<b>[Chronic Absenteeism]</b>
[Both Level 1]		[Level 1]	[Any Level]	[Any Level]	
[Either Level 1]		[Level 1]	[None*]	[Any one of the Two is Level 1]	
[Either Level 1]		[Level 1]	[Level 1]	[Any Level]	
[Either Level 1]		[Level 1]	[Level 2]	[Any Level 1]	
[Either Level 1]		[Level 1]	[Level 3 or 4]	[Both Level 1]	

<b><u>Scenarios</u></b>	<b><u>Weighted Average Achievement</u></b>	<b><u>Core Subject Performance</u></b>	<b><u>Student Growth</u></b>	<b><u>English Language Proficiency</u></b>	<b><u>Attendance</u></b>
<u>1</u>	<u>Level 1</u>	<u>Level 1</u>	<u>At Least One Level 1</u>		
<u>2</u>	<u>Level 2</u>	<u>Level 1</u>	<u>Level 1</u>	<u>Level 1 or 2 or None*</u>	<u>Level 1 or 2 or None*</u>

\*None means there were not enough student results to meet the minimum n-size requirement.

(c) If a school meets the identification criteria for [both a] CSI, ATSI, and TSI [school,] in an identification year in which schools are identified for CSI, the school shall be [designated as a] identified for CSI [school]; provided however that if [in the year in

which] a school identified for CSI [school] is removed from CSI identification and such school meets the criteria for [a TSI school] ATSI, the school shall be [designated as a] identified for ATSI [TSI school]. If the school does not meet the identification criteria for CSI and ATSI, but one or more subgroups either meets the identification criteria for TSI or do not meet the exit criteria for TSI, the school shall be identified for TSI.

(d) If a school meets the identification criteria for both CSI and TSI in an identification year in which schools are identified for CSI, the school shall be identified for CSI; provided, however, that if a school identified for CSI is removed from CSI identification but one or more subgroups either meets the identification criteria for TSI or does not meet the exit criteria for TSI, the school shall be identified for TSI.

(e) If a school meets the identification criteria for both ATSI and TSI, the school shall be identified for ATSI; provided, however, that if a school identified for ATSI is removed from ATSI identification and one or more subgroups either meets the identification criteria for TSI or does not meet the exit criteria for TSI, the school shall be identified for TSI.

[(d)] (f) When the Commissioner creates a rank-ordered list for the racial/ethnic [subgroup] subgroup(s) for purposes of identification [of] for TSI [schools], one rank-ordered list will be generated for all racial/ethnic groups combined.

(iii) [TSI schools identified for additional support] Elementary/Middle Schools identified for ATSI.

(a) Beginning with the 2018[-]-2019 school year, for each year in which the Commissioner identifies schools for CSI [schools] based on the performance of the all students [subgroup] group in accordance with subparagraph (i) of paragraph (1) of subdivision (f) of this section, the Commissioner shall identify for [additional targeted support] ATSI any school identified for TSI [school] with a subgroup whose performance

would have caused the school to be identified [as a] for CSI [school] using the methods for identification specified in subdivision (f) of this section.

[(b) Such school shall be identified for additional targeted support only if the school had been identified as a TSI school in the prior school year and remains so identified in the current school year.]

[(c) Notwithstanding the provisions of clause (a) of this subparagraph, in assigning Performance Levels for the purpose of determining whether the performance of a subgroup in a TSI school would have caused the school to be identified CSI school, the Commissioner shall:

(1) Assign to the subgroup the Weighted Average Achievement Level that would have been assigned to the all students subgroup with the same Weighted Average Achievement Index for purposes of identifying CSI schools.

(2) Assign to the subgroup the Core Subject Performance Index Level that would have been assigned to the all students subgroup with the same Core Subject Performance Index for purposes of identifying CSI schools.

(3) Assign to the subgroup the Composite Performance Achievement Level that would have been assigned to the all students subgroup with the same Weighted Average Achievement Level, Weighted Average Achievement Index ranking, Core Subject Performance Index Level, and Core Subject Performance Index ranking for purposes of identifying CSI schools.

(4) Assign to the subgroup the Student Growth Level that would have been assigned to the all students subgroup with the same Mean Student Growth Percentile for purposes of identifying CSI schools.

(5) Assign to the subgroup the Combined Composite Performance and Student Growth Level that would have been assigned to the all students subgroup with the same



Combined Composite Performance and Growth rank for purposes of identifying CSI schools.

(6) For measures of English Language Proficiency; Academic Progress; and Chronic Absenteeism as defined in subdivision (b) of this section, the Commissioner shall use the State MIP and State Long-term goal applicable to the all students subgroup to determine the subgroup's performance level on these measures.] (b) For schools with subgroups identified for ATSI for three consecutive years whose performance causes the school to be identified for CSI using the methods for identification specified in subdivision (f) of this section, the Commissioner shall identify such schools for CSI in each year in which the Commissioner identifies schools for CSI in accordance with subparagraph (f)(1)(i) of this section.

(2) Accountability system for high schools.

(i) High Schools identified for CSI [schools]. [A] Every three years, beginning with the 2025–2026 school years based on 2024–2025 school year results, a high school shall be preliminarily identified [as a] for CSI [school] using the following decision table, which combines [multiple] the following measures of student performance for all students in the school[, as defined in paragraph (1) of subdivision (b) of this section, using the following accountability measures]: (1) [Composite Performance] Weighted Average Achievement; (2) [Graduation Rate] Core Subject Performance; (3) [Combined Composite Performance and] Graduation Rate; (4) English Language Proficiency; (5) [Academic Progress; (6) Chronic Absenteeism] Attendance; and [(7)] (6) College, Career, and Civic Readiness; provided that in order to be preliminarily identified using the decision table below a performance level must be assigned to, at a minimum, the [Combined Composite Performance and] Weighted Average Achievement, either Core Subject Performance or Graduation Rate, [measure] and one or more of the following

measures: English Language Proficiency; [Academic Progress; Chronic Absenteeism;] Attendance; [and/or] or College, Career, and Civic Readiness (“CCCR”). A school shall be preliminarily identified [as a] for CSI [school] if it meets [any of the conditions in the rows] scenario 1 or 2 of the decision table below. If scenarios 1 and 2 do not identify a minimum five percent of the lowest performing of Title 1 schools, scenario 3 will be applied. Provided, however, that notwithstanding the table below, beginning with 2017[-]2018 school year graduation results, any public high school with a Four-Year Graduation Rate below 67 percent and a Five-Year or Six-Year Graduation Rate that is not at or above 67 percent will be preliminarily identified [as a] for CSI [school].

**Decision Table for Identification of High Schools for Comprehensive Support and Improvement [High Schools]**

<b>[Composite Performance Level]</b>	<b>[Student Growth Level]</b>	<b>[Combined Composite Performance &amp; Growth Level]</b>	<b>[English Language Proficiency Level]</b>	<b>[Academic Progress Level]</b>	<b>[Chronic Absenteeism Level]</b>
[Both Level 1]		[Level 1]	[Any Level]	[Any Level]	
[Either Level 1]		[Level 1]	[None*]	[Any One of the Two is Level 1]	
[Either Level 1]		[Level 1]	[Level 1]	[Any Level]	
[Either Level 1]		[Level 1]	[Level 2]	[Any Level 1]	
[Either Level 1]		[Level 1]	[Level 3 or 4]	[Both Level 1]	

<u>Scenario</u>	<u>Weighted</u> <u>Average</u> <u>Achievement</u>	<u>Core</u> <u>Subject</u> <u>Performance</u>	<u>Graduation</u> <u>Rate</u>	<u>English</u> <u>Language</u> <u>Proficiency</u>	<u>Attendance</u>	<u>CCR</u>
<u>1</u>	<u>Level 1</u>	<u>Level 1</u>	<u>Level 1</u>	<u>At Least One Level 1</u>		
<u>2</u>	<u>Level 1 or 2</u>	<u>Either Level 1</u>		<u>At Least One Level 1</u>		
<u>3</u>	<u>Level 1 or 2</u>	<u>Either Level 1</u>		<u>Level 1 or</u> <u>2 or None*</u>	<u>Level 1 or 2</u>	

\*None means there were not enough [English language learners] student results to meet the minimum n-size requirement.

(a) [Composite Performance] Weighted Average Achievement Level. For each public high school whose all students group[, as an accountability subgroup defined in subparagraph [(x)](xi) of paragraph (1) of subdivision (b) of this section,] meets the minimum n-size requirements [pursuant to] as defined in paragraph (1) of subdivision (b) of this section, the Commissioner shall compute a [Composite Performance] Weighted Average Achievement Level using the results of the ELA, [Mathematics, Science, and Social Studies] mathematics, science, and social studies assessments for the Accountability Cohort [shall be computed by the Commissioner in accordance] with the following steps:

(1)...

(i)...

(2) The Commissioner shall then combine the Performance Indices for ELA, [Mathematics, Science, and Social Studies] mathematics, science, and social studies to

calculate a [Composite Performance] Weighted Average Achievement Index in accordance with the following formula:

(1) The sum of the ELA Performance Index multiplied by three, plus the result of the Mathematics Performance Index multiplied by three, plus the result of the Science Performance Index multiplied by two, plus the result of the Social Studies Performance Index multiplied by [one] two, divided by the sum of the multipliers used to make this calculation.

(3) The Commissioner shall then rank order schools based on their [Composite Performance] Weighted Average Achievement Index in accordance with subclause (2) of this clause[, except that upon a finding of extenuating or extraordinary circumstances, the Commissioner may in creating the rank ordered list exclude from the rankings those schools that meet the criteria established in (vii) and (xviii) of paragraph (1) of subdivision (b) of this section as well as schools that are implementing a plan for school closure or phase out that has been approved by the Commissioner].

(4) The Commissioner shall then assign a [Composite Performance] Weighted Average Achievement Level for all schools based on the rank ordering described in subclause (3) of this clause using the table below:

<b>[Composite Performance Index] <u>Weighted Average Achievement</u> Rank</b>	<b>[Composite Performance] <u>Weighted</u> <u>Average Achievement</u> Level</b>
10% or Less	1
10.1 to 50%	2
50.1 to 75%	3
Greater than 75%	4

(5) The resulting [Composite Performance] Weighted Average Achievement Level is then used in the table described in subparagraph (i) of paragraph (2) of this subdivision as one of multiple measures of performance to determine whether the school shall be preliminarily identified [as a] for CSI [school].

[(5) If the all students subgroup does not meet the minimum n size for the Composite Performance Achievement Level, as defined in paragraph (1) of subdivision (b) of this section, then the school shall be identified using the established self-assessment process, as described in paragraph (1) of subdivision (b) of this section.]

(b) Core Subject Performance Level. For each public high school whose all students group meets the minimum n-size requirement as defined in paragraph (1) of subdivision (b) of this section, the Commissioner shall compute a Core Subject Performance Level using the results of ELA, mathematics, science, and social studies assessments in accordance with the following steps:

(1) The Commissioner shall first calculate a Performance Index separately for ELA, mathematics, science, and social studies at the secondary level using the following formula for each subject:

(i) The sum of the number of tested students in the Accountability Cohort who scored at Level 2, plus the number who scored at Level 3 multiplied by 2, plus the number who scored at Level 4 multiplied by 2.5 (numerator), divided by the number of tested students in the Accountability Cohort as defined in paragraph (2) of subdivision (b) of this section (denominator). The result of this division is then multiplied by 100 to establish the Performance Index for each subject area.

(2) The Commissioner shall then calculate the weighted average of the Performance Indices for ELA, mathematics, science, and social studies to calculate a Core Subject Performance Index in accordance with the following formula:

(j) The sum of the ELA Performance Index multiplied by three, plus the result of the Mathematics Performance Index multiplied by three, plus the result of the Science Performance Index multiplied by two, plus the result of the Social Studies Performance Index multiplied by two, divided by the sum of the multipliers used to make this calculation.

(3) The Commissioner shall then establish static cut points every three years, starting with 2023–2024 school year results, based on ranked outcomes of the Core Subject Performance Indices in accordance with subclause (2) of this clause, except that upon a finding of extenuating or extraordinary circumstances, the Commissioner may average up to three years of the level cut points for all accountability subgroups to establish static cut points. Notwithstanding any other provisions of this section, if there are extraordinary or extenuating circumstances such as interrupted learning, new assessments, or cancellation of examinations that impact student outcomes, the Commissioner will average three years of assessment data to establish the static cut points.

(4) The Commissioner shall then assign a Core Subject Performance Level for all schools based on the rank-based static cut points described in subclause (3) of this clause using the table below:

<u>Core Subject Performance Index Rank</u>	<u>Core Subject Performance Level</u>
<u>10% or Less</u>	<u>1</u>
<u>10.1 to 50%</u>	<u>2</u>
<u>50.1 to 75%</u>	<u>3</u>
<u>Greater than 75%</u>	<u>4</u>

(5) The resulting Core Subject Performance Level is then used in the table described in subparagraph (i) of paragraph (2) of this subdivision as one of the multiple measures of performance to determine whether the school shall be preliminarily identified for CSI.

[(b)] (c)...

(1) The Commissioner shall first [determine a State MIP and Long-term goal based on the State Four-Year, Five-Year, and Six-Year Graduation Rate] calculate the unweighted average of the Four-Year, Five-Year, and Six-Year Graduation Rates.

(2) The Commissioner shall also [determine a school MIP based on the school's] create a Graduation Rate rank order list by rank ordering schools based on the unweighted average of the Four-Year, Five-Year, and Six-Year Graduation Rate.

(3) The Commissioner shall then assign a Graduation Rate Level from 1 to 4 based on the [average of the school's Four-Year, Five-Year and Six-Year Graduation Rates, as available, based on whether or not the school met, exceeded, or failed to meet each of the following: (1) the State Long-term goal, (2) the State MIP, and/or (3) the school MIP for the Four-Year, Five-Year, and Six-Year Graduation Rate in accordance with the following table:] rank ordering described in subclause (2) of this clause using the table below:

	<b>[Did Not Meet Long-Term Goal]</b>	<b>[Met Long-Term Goal]</b>	<b>[Exceeded Long-Term Goal]</b>
[Did not meet either MIP]	[Level 1]	[N/A]	[N/A]
[Met lower MIP]	[Level 2]	[Level 3]	[Level 4]
[Met higher MIP]	[Level 3]	[Level 4]	[Level 4]

<u>Graduation Rate Rank</u>	<u>Graduation Rate Level</u>
<u>10% or less</u>	<u>1</u>
<u>10.1 to 50%</u>	<u>2</u>
<u>50.1 to 75%</u>	<u>3</u>
<u>Greater than 75%</u>	<u>4</u>

[(4) The Commissioner shall then average the Four-Year, Five-Year, and Six-Year Graduation Rate Level, as applicable to the school. The resulting average Graduation Rate Level will be rounded to the nearest level for a Graduation Rate Level from 1-4.]

[(5) (4) The resulting Graduation Rate Level is then used in the table described in subparagraph (i) of paragraph (2) of this subdivision as one of multiple measures of performance to determine whether the school is preliminarily identified [as a] for CSI [school].

[(6) After the Graduation Rate Level has been assigned to the school, the Commissioner shall create a Graduation Rate rank order list by first rank ordering schools by Graduation Rate Level and then rank ordering schools by their average Graduation Rate within each level.]

[(7) (5) Provided, however, that notwithstanding the table above, any public high school with a graduation rate of 67 percent or below on the Four-Year Graduation Rate cohort that does not have a Five-Year or Six-Year Graduation Rate Cohort at or above 67 percent shall be preliminarily identified [as a] for CSI [school].

[(8) Provided further that, notwithstanding the Graduation Rate Level generated by the table above, for purposes of the accountability designation, if the all students subgroup does not meet the lower of the State or school MIP but increases the



graduation rate by an amount at least equal to the difference between the lower of the school's current year MIP and prior year MIP or the State's current year MIP and prior year MIP for the all students subgroup, the all students subgroup will be assigned a Graduation Rate Level 2. Provided further that, if the all students subgroup meets either but not both of the school and State MIP for the all students subgroup and makes progress that is at least equal to three times the difference between the lower of the school-specific current and prior year MIPs and the State's current and prior year MIPs for the all students subgroup, but if such progress is insufficient for the all students subgroup to meet the higher of the State or school MIP or the Long-term goal, the all students subgroup will be assigned a Graduation Rate Level 3.]

[(9) Provided further that, notwithstanding the Graduation Rate Level determined pursuant to paragraphs (7) and (8), the Commissioner may assign a Graduation Level 1 to an all students subgroup whose unweighted average Four-Year, Five-Year, and Six-Year graduation rates are below a percent established by the Commissioner and the Commissioner may assign a Graduation Level 2 to an all students subgroup whose unweighted average Four-Year, Five-Year, and Six-Year graduation rates is at or above a percent established by the Commissioner.]

[(c) Combined Composite Performance and Graduation Rate Level. For each public high school meeting the minimum n-size requirement as defined in paragraph (1) of subdivision (b) of this section, a Combined Composite Performance and Graduation Rate Level shall be computed by the Commissioner in accordance with the following steps:

(1) The Commissioner shall generate a Combined Composite Performance and Graduation Rate rank-ordered list by summing a school's Composite Performance

Index rank order, as described in clause (a) of this subparagraph, and the school's Graduation Rate rank order as described in clause (b) of this subparagraph.

(2) A Combined Composite Performance and Graduation Rate Level from 1-4 shall then be assigned to each school based on the school's Combined Composite Performance and Graduation Rate ranking in accordance with the following table.

<b>Rank Based on Combined Composite Performance and Graduation Rate Rankings</b>	<b>Combined Composite Performance &amp; Graduation Rate Level</b>
In the lowest 10%	1
Between 10.1% and 50%	2
Between 50.1% and 75%	3
In the highest 75%	4

(3) The resulting Combined Composite Performance and Graduation Rate Level shall then be used in the table described in subparagraph (i) of paragraph (2) of this subdivision as one of multiple measures of performance to determine whether the school is preliminarily identified as a CSI school; provided that if the all students subgroup does not meet the minimum n size for the Graduation Rate measure, as defined in paragraph (1) of subdivision (b) of this section, then the Combined Composite Performance and Graduation Rate Level will be determined using the Composite Performance Level only.

(4) Notwithstanding the Combined Composite Performance and Graduation Rate Level resulting from the table above, if the unweighted average of the Composite Performance Level and the Graduation Rate Level rounded down is greater than the Level resulting from the above table, the unweighted average of the Composite

Performance Level and Graduation Rate Level rounded down shall be assigned as the Combined Composite Performance and Graduation Rate Level.]

(d)...

(1)...

(2)...

(3)...

(4) The resulting English Language Proficiency Level is then used in the table described in subparagraph (i) of paragraph ([1] 2) of this subdivision as one of multiple measures of performance to determine whether the school shall be preliminarily identified [as a] for CSI [school].

[(4)<sup>1</sup> Provided further that, notwithstanding the English Language Proficiency Level determined pursuant to paragraphs (2), (3), and (4), the Commissioner may assign an English Language Proficiency Level of 1 to an all students subgroup whose Success Ratio is below a certain Success Ratio established by the Commissioner, and the Commissioner may assign an English Language Proficiency Level of 2 to an all students subgroup whose Success Ratio is or above a Success Ratio established by the Commissioner.]

[(e) Academic Progress Level. For each public high school meeting the minimum n-size requirement as defined in paragraph (1) of subdivision (b) of this section, the Commissioner shall compute an Academic Progress Level in accordance with the following steps:

(1) The Commissioner shall calculate separate ELA and Mathematics Academic Achievement Indices from 0-250 for the all students subgroup in the school.

(2) The Commissioner shall then determine a separate State MIP and Long-term goal for ELA and Mathematics.

(3) The Commissioner shall determine a separate school MIP in ELA and Mathematics.

(4) The Commissioner shall then assign an Academic Progress Level in ELA from 1-4 using the table below based on each of the following: whether or not the school's ELA Academic Achievement Index met, exceeded, or failed to meet: (1) the State Long-term goal, (2) the State MIP, and/or (3) the school's MIP.

(5) The Commissioner shall then assign an Academic Progress Level in Mathematics from 1-4 using the table below based on whether the school's Mathematics Academic Achievement Index met, exceeded, or failed to meet: (1) the State Long-term goal, (2) the State MIP, and/or (3) the school MIP.

	<b>Did Not Meet Long-Term Goal</b>	<b>Met Long-Term Goal</b>	<b>Exceeded Long- Term Goal</b>
Did not meet either MIP	Level 1	N/A	N/A
Met lower of State or School MIP	Level 2	Level 3	Level 4
Met higher of State of School MIP	Level 3	Level 4	Level 4

(6) The Commissioner shall then average the ELA Academic Progress Level assigned in subclause (4) of this clause and the Mathematics Academic Progress Level assigned in subclause (5) of this clause. The resulting average Academic Progress Level will be rounded down to the nearest whole number that represents the level that will be used and an Academic Progress Level from 1-4 will be assigned. The resulting Academic Progress Level is then used in the table described in subparagraph (i) of

paragraph (1) of this subdivision as one of multiple measures of performance to determine whether the school is preliminarily identified as a CSI school.

(7) Notwithstanding the Academic Progress Level resulting from the table above, using the all students subgroup's baseline performance as measured by the previous school year test results, for purposes of the accountability designation, if the all students subgroup does not meet the lower of the State or school MIP but increases the Achievement Index by an amount at least equal to the difference between the higher of the school's current year MIP and prior year MIP or the current year State MIP and prior year State MIP, the all students subgroup will be assigned an Academic Progress Level 2. Provided further that, if the all students subgroup meets either but not both of the school and State MIPs for that subgroup and makes progress that is equivalent to at least three times the difference between the lower of the school-specific current and prior year MIPs and the State current and prior year MIPs for that subgroup, but if such progress is insufficient for the subgroup to meet the higher of the State or school MIP or the Long-term goal, the all students subgroup will be assigned an Academic Progress Level 3.

(8) Provided further that, notwithstanding the Academic Performance Level determined pursuant to subclauses (4), (5), (6), and (7) of this clause, the Commissioner may assign an Academic Progress Level 1 in ELA or math to an all students subgroup whose Performance Index is below a certain Performance Index established by the Commissioner and the Commissioner may assign an Academic Progress Level 2 in ELA or math to an all students subgroup whose ELA or math Performance Index is at or above a Performance Index established by the Commissioner.]

[(f) Chronic Absenteeism] (e) Attendance Level. For each public high school meeting the minimum n-size requirement pursuant to paragraph (1) of subdivision (b) of this section, the Commissioner shall compute [a Chronic Absenteeism] an Attendance Level in accordance with the following steps:

(1) The Commissioner shall first [compute the school's Chronic Absenteeism Rate, which means the number of students enrolled during the school year in a school for a minimum of ten instructional days and in attendance at least one of those days who were absent (excused or unexcused) for at least 10 percent of enrolled instructional days divided by the total number of students enrolled during the school year, expressed as a percentage.] assign Attendance Rate Levels from 1 to 4 to the attendance rate for each student enrolled for a minimum of 30 cumulative instructional days and in attendance at least one of those days. Excused and unexcused absences are counted as absences. Suspensions are not counted as excused or unexcused absences, as suspended students are required to be provided with instruction while they are suspended. At the high school level, [chronic absenteeism] Attendance is calculated for grades [nine] 9-12 and ungraded age equivalent students. The Attendance Rate Level will be determined in accordance with the following table:

<u>% Instructional Days Attended</u>	<u>Attendance Rate Level</u>
<u>85% or less</u>	<u>1</u>
<u>85.1 to 90%</u>	<u>2</u>
<u>90.1 to 95%</u>	<u>3</u>
<u>Greater than 95%</u>	<u>4</u>

(2) The Commissioner shall then [determine a State MIP and Long-term goal for Chronic Absenteeism.] use student Attendance Rate Levels to calculate an Attendance Index for each subgroup in accordance with the following formula:

(i) The sum of the number of students enrolled for 30 cumulative days and in attendance at least one of those days who scored at Level 2, plus the number who scored at Level 3 multiplied by 2, plus the number who scored at Level 4 multiplied by 2.5 (numerator), divided by the number of students enrolled for at least 30 cumulative instructional days and in attendance at least one of those days as defined in paragraph (2) of subdivision (b) of this section (denominator). The result of the division is then multiplied by 100. The result will establish an Attendance Index.

(3) The Commissioner shall [also determine a school MIP for Chronic Absenteeism.] then assign an overall Attendance Level from 1-4 based on the calculated Attendance Index using rank-based static cut points. The rank-based static cut points will be established every three years beginning with the 2023–2024 school year results based on a ranked distribution as indicated in the following table:

<u>Attendance Rank</u>	<u>Attendance Level</u>
<u>10% or less</u>	<u>1</u>
<u>10.1 to 50%</u>	<u>2</u>
<u>50.1 to 75%</u>	<u>3</u>
<u>Greater than 75%</u>	<u>4</u>

[(4) The Commissioner shall then assign a Chronic Absenteeism Level from 1-4 based on whether the school’s Chronic Absenteeism Rate, as defined in this clause met, exceeded, or failed to meet: (1) the State Long-term goal, (2) the State MIP, and/or

(3) the school MIP. Each school shall then be assigned a Chronic Absenteeism Level from 1-4 in accordance with the following table:]

	<b>[Did Not Meet Long-Term Goal]</b>	<b>[Met Long-Term Goal]</b>	<b>[Exceeded Long-Term Goal]</b>
[Did not meet either MIP]	[Level 1]	[N/A]	[N/A]
[Met lower MIP]	[Level 2]	[Level 3]	[Level 4]
[Met higher MIP]	[Level 3]	[Level 4]	[Level 4]

[(5)] (4) The resulting [Chronic Absenteeism] Attendance Level is then used in the table described in subparagraph (i) of paragraph ([1] 2) of this subdivision as one of multiple measures of performance to determine whether the school is preliminarily identified [as a] for CSI [school].

[(6) Notwithstanding the Chronic Absenteeism Level generated by the table above, for purposes of the accountability designation, if the all students subgroup does not meet the lower of the State or school MIP but decreases the Chronic Absenteeism Rate by an amount equal to the difference between the lower of the school's current year MIP and prior year MIP or the current year State MIP and prior year MIP for the all students subgroup, the all students subgroup will be assigned a Chronic Absenteeism Level 2. Provided further that, if the all students subgroup meets either but not both the school and State MIP for that subgroup and makes progress toward decreasing the Chronic Absenteeism Rate that is equivalent to three times the difference between the lower of the school-specific current and prior year MIP and the State current and prior year MIP for the all students subgroup, but if such progress is insufficient for the all



students subgroup to meet the higher of the State or school MIP or the State Long-term goal, the all students subgroup will be assigned a Chronic Absenteeism Level 3.]

[(7) Provided further that, notwithstanding the Chronic Absenteeism Level determined pursuant to paragraphs (4), (5) and (6) the Commissioner may assign a Chronic Absenteeism Level 1 to an all students subgroup whose chronic absenteeism rate is below a percent established by the Commissioner and the Commissioner may assign a Chronic Absenteeism Level 2 to an all students subgroup whose chronic absenteeism rate is at or above a percent established by the Commissioner.]

[(g)] (f)...

(1) The Index is calculated using the number of students in the [4] Four-Year Graduation Rate Cohort as of June 30 of the reporting year plus any [members of the English language learner subgroup] students not in the graduation rate cohort who earn a Regents Diploma with a Seal of Biliteracy [who are not members of the 4-Year Graduation Rate Cohort] as the denominator.

(2) The numerator is the number of these students demonstrating success on specific college, career, and civic readiness [using specific] measures multiplied by the weighting (0.5 to 2.0) assigned to each of these measures in accordance with the table below plus the number of students who earned a High School Equivalency diploma in the current reporting year or one of the previous two reporting years and did not have the High School Equivalency diploma count towards the College, Career, and Civic Readiness index in a previous year, and students who [were members of the English language learner subgroup at the time of graduation who] earned a Regents Diploma with a Seal of Biliteracy in the reporting year, regardless of whether or not they were in the [4-year] Four-Year Graduation Rate Cohort.

<p>In accordance with the provisions of Section 100.5 of this Part:</p>	<p>[2.0]</p>
<p>Regents Diploma with Advanced Designation, Regents or Local Diploma with CTE [Technical] Endorsement, <u>Cohort</u> Regents Diploma with Seal of Biliteracy, <u>Annual Regents Diploma with Seal of Biliteracy</u>, Regents Diploma and score of 3 or higher on an Advanced Placement exam, Regents Diploma and score of 4 or higher on an International Baccalaureate exam, [Regents or Local Diploma and the passage of nationally certified Career and Technical Education (CTE) examination] <u>P-Tech and Regents Diploma Requirements</u>, <u>Regents Diploma with Smart Scholars</u>, <u>Regents Diploma with Smart Transfer Early College</u>, <u>Regents Diploma with Seal of Civic Readiness</u>, Regents Diploma and high school credit earned through participation in dual enrollment (in high school and accredited college) course, Skills and achievement commencement credential as provided in section 100.6(a) of this Part and a Level 4 on the [New York State Alternate Assessment] <u>NYSAA in ELA, mathematics, and science</u> for students with disabilities as defined in section 100.1(t)(2) of this Part[Annual ELL and earned Regents with Seal of Biliteracy in current reporting year and not in 4-year graduation-rate cohort]</p>	<p><u>2.0</u></p>
<p>[In accordance with the provisions of Section 100.5 of this Part:]  Regents Diploma and high school credit earned through participation in an Advanced Placement course, Regents Diploma and high school credit earned through participation in an International</p>	<p>1.5</p>

Baccalaureate course, Regents Diploma with Career Development and Occupational Studies (CDOS) endorsement, Skills and achievement commencement credential as provided in section 100.6(a) of this Part and Level 3 on the [New York State Alternate Assessment] <u>NYSAA</u> for students <u>in ELA, mathematics, and science</u> with disabilities as defined in section 100.1(t)(2) of this Part	
Regents or Local Diploma only in accordance with provisions of section 100.5 of this Part, Skills and achievement commencement credential as provided in section 100.6(a) of this Part, and an achievement Level 2 on the NYSAA <u>in ELA, mathematics, and science</u>	1.0
Annual high school equivalency diploma recipients (included in the numerator but not denominator), New York State career development and occupational studies commencement credential as provided in section 100.6(b) of this Part	0.5
No high school diploma or high school equivalency diploma	0

To determine the College, Career, and Civic Readiness Index, the numerator is divided by the denominator, and the result is multiplied by 100.

[(3) The Commissioner shall then assign a College, Career, and Civic Readiness Level from 1 to 4 based on the table below and whether or not the College, Career, and Civic Readiness Index met, exceeded, or failed to meet each of the following: (1) the State Long-term goal, (2) the State MIP, and/or (3) the school MIP.]

	<b>[Did Not Meet Long-Term Goal]</b>	<b>[Met Long-Term Goal]</b>	<b>[Exceeded Long-Term Goal]</b>
[Did not meet either MIP]	[Level 1]	[N/A]	[N/A]
[Met lower MIP]	[Level 2]	[Level 3]	[Level 4]
[Met higher MIP]	[Level 3]	[Level 4]	[Level 4]

(3) The Commissioner shall then assign a College, Career, and Civic Readiness Level from 1 to 4 based on the ranking of the Index described in subclause (1) of this clause using the table below:

<u>College, Career, and Civic Readiness Rank</u>	<u>College, Career, and Civic Readiness Level</u>
<u>10% or Less</u>	<u>1</u>
<u>10.1 to 50%</u>	<u>2</u>
<u>50.1 to 75%</u>	<u>3</u>
<u>Greater than 75%</u>	<u>4</u>

(4) The resulting College, Career, and Civic Readiness Level is then used in the table described in subparagraph (i) of paragraph (2) of this subdivision as one of multiple measures of performance to determine whether the school is preliminarily identified [as a] for CSI [school].

[(5) Notwithstanding the College, Career, and Civic Readiness Level generated by the table above, using the all students subgroup's baseline performance as measured by the previous school year test results, for purposes of the accountability designation, if the all students subgroup does not meet the lower of the State or school

MIP but increases the College, Career, and Civil Readiness Index by an amount at least equal to the difference between the higher of the school's current year MIP and prior year MIP or the State current year MIP and prior year MIP, the all students subgroup will be assigned a College, Career, and Civic Readiness Level 2. Provided further that, if the all students subgroup meets either but not both of the school and State MIP for that subgroup and makes progress that is equivalent to at least three times the difference between the lower of the school-specific current and prior year MIPs and the State current and prior year MIPs for that subgroup, but if such progress is insufficient for the subgroup to meet the higher of the State or School MIP or the Long-Term Goal, the all students subgroup will be assigned a College, Career, and Civic Readiness Level 3.]

[(6) Provided further that, notwithstanding the College, Career, and Civic Readiness Level determined pursuant to paragraph (3),(4), and (5), the Commissioner may assign a College, Career, and Civic Readiness Level 1 to an all students subgroup whose College, Career, and Civic Readiness Index is below a benchmark established by the Commissioner, and the Commissioner may assign a College, Career, and Civic Readiness Level 2 to an all students subgroup whose College, Career, and Civic Readiness Index is at or above a benchmark established by the Commissioner.]

(g) Notwithstanding the provisions of this paragraph, for any measures of student performance, if the all students group does not meet the minimum n-size, as defined by subdivision (b)(1) of this section, for the minimum number of measures as defined by subparagraph (i) of this paragraph, the school shall be identified using the self-assessment process, as described in subdivision (b)(1) of this section.

(ii) High Schools identified for Targeted Support and Improvement [High Schools]. A high school shall be preliminarily identified [as a] for TSI [school] if the

school meets the criteria for identification outlined in the table below for [two] three consecutive school years for the same accountability subgroup, except that a school identified as a Priority or Focus School during 2017[-]2018 school year may be identified, using 2017[-]2018 school year data only, if such school meets the criteria for identification [as a] for TSI [school] beginning with the 2018[-]2019 school year.

(a) The decision table below combines multiple measures for accountability subgroups in the school using the same methodology used to [designate] identify schools for CSI [schools] pursuant to subparagraph (i) of this paragraph and using the following accountability measures: (1) [Composite Performance] Weighted Average Achievement; (2) [Graduation Rate] Core Subject Performance; (3) [Combined Composite Performance and] Graduation Rate; (4) English Language Proficiency; (5) [Academic Progress;] Attendance; and (6) [Chronic Absenteeism; and (7)] College, Career, and Civic Readiness.

(b) [The designations for] Schools identified for TSI [schools] shall be based on the performance of accountability subgroups, as defined in paragraph (1) of subdivision (b) of this section, and shall not include the performance of the all students [accountability subgroup] group; provided that in order to be preliminarily identified using the decision table below a performance level must be assigned to, at a minimum, the [Combined Composite Performance and] Weighted Average Achievement, either Core Subject Performance or Graduation Rate [measure], and one or more of the following measures: English Language Proficiency; [Academic Progress; Chronic Absenteeism] Attendance; and/or College, Career, and Civic Readiness.

**Decision Table for Identification of High Schools for Targeted Support and Improvement [High Schools]**

<b>[Composite Performance Level]</b>	<b>[Grad Rate Level]</b>	<b>[Combined Composite Performance &amp; Growth Rate Level]</b>	<b>[English Language Proficiency Level]</b>	<b>[Progress Level]</b>	<b>[Chronic Absenteeism Level]</b>
[Both Level 1]		[Level 1]	[Any Level]	[Any Level]	
[Either Level 1]		[Level 1]	[None*]	[Any One of the Two is Level 1]	
[Either Level 1]		[Level 1]	[Level 1]	[Any Level]	
[Either Level 1]		[Level 1]	[Level 2]	[Any Level 1]	
[Either Level 1]		[Level 1]	[Level 3 or 4]	[Both Level 1]	

<b><u>Scenarios</u></b>	<b><u>Weighted Average Achievement</u></b>	<b><u>Core Subject Performance</u></b>	<b><u>Graduation Rate</u></b>	<b><u>English Language Proficiency</u></b>	<b><u>Attendance</u></b>	<b><u>College Career and Civic Readiness</u></b>
<u>1</u>	<u>Level 1</u>	<u>Level 1</u>	<u>Level 1</u>	<u>At Least One Level 1</u>		
<u>2</u>	<u>Level 1 or 2</u>	<u>Either Level 1</u>		<u>At Least One Level 1</u>		

(c) If a high school meets the identification criteria for both [a] CSI and TSI [school], the high school shall be [designated as a] identified for CSI [school]; provided

however that if in the year in which a school identified for CSI [school] is removed from CSI identification and such school meets the criteria for [a] TSI [school], the school shall be [designated as a] identified for TSI [school].

(d) When the Commissioner creates a rank-ordered list for the racial/ethnic subgroup(s) for purposes of identification [of a] for TSI [school], one rank-ordered list will be generated for all racial/ethnic groups combined.

(iii) [TSI] High Schools identified for [additional support] ATSI.

(a) Beginning with the 2018[-]-2019 school year, for each year in which the Commissioner identifies schools for CSI [schools] based on the performance of the all students [subgroup] group in accordance with subparagraph (i) of paragraph [(1)] (2) of subdivision (f) of this section, the Commissioner shall identify for [additional targeted support] ATSI any high school identified for TSI [high school] with a subgroup whose performance would have caused the school to be identified [as a] for CSI [school] using the methods for identification specified in subdivision (f) of this section.

[(b) Such high school shall be identified for additional targeted support only if the school had been identified as a TSI school in the prior school year and remains so identified in the current school year.]

[(c) Notwithstanding the provisions of clause (a) of this subparagraph, in assigning Performance Levels for the purpose of determining whether the performance of a subgroup in a TSI school would have caused the school to be identified as a CSI school, the Commissioner shall:

(1) Assign to the subgroup the Composite Performance Level that would have been assigned to the all students subgroup with the same Composite Performance Index for purposes of identifying CSI schools.



(2) Assign to the subgroup the Combined Composite Performance and Graduation Rate Level that would have been assigned to the all students subgroup with the same Combined Composite and Graduation Rate ranking for purposes of identifying CSI schools.

(3) For the Graduation Rate, Academic Progress, Chronic Absenteeism, and the College, Career, and Civil Readiness measures, the Commissioner shall use the State MIPs and Long-term goals applicable to the all students subgroup to determine the subgroup's levels on these indicators.]

(b) For schools with a subgroup identified for ATSI for three consecutive years whose performance meets the criteria to be identified for CSI using the methods for identification specified in subdivision (f) of this section, the Commissioner shall identify such school for CSI for the subgroup in each year in which the Commissioner identifies schools for CSI in accordance with subparagraph (i) of paragraph (2) of subdivision (f) of this section.

(3) Target Districts.

(i) Any school district with one or more schools identified for CSI, ATSI, or TSI [schools identified] pursuant to the provisions of this section shall be identified as a Target District.

[(ii) Notwithstanding any other provision of this section to the contrary, the Commissioner shall apply the accountability measures for identification as a CSI or TSI school to the school district as a whole, and if such district meets the criteria for identification as a CSI or TSI school, the district shall be identified as a Target District in accordance with the timelines and procedures prescribed in this section for the identification of CSI schools and TSI schools.]

[(iii) Notwithstanding any other provision of this section to the contrary, to be identified as a Target District for the performance of the all students group, a school district must meet the criteria for identification of the all students group for two consecutive years, except that, for a school district that had been identified as a Focus District, such school district may be identified for the performance of the all students group based on 2017-18 school year data only.]

7. Subdivision (g) of section 100.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(g) For each school preliminarily identified [as a] for TSI [school], ATSI, or CSI [school,] and for each school district preliminarily identified as a Target District pursuant to subdivision (f) of this section, the school district or charter school shall be allowed to present to the Commissioner additional data and/or any relevant information concerning extenuating or extraordinary circumstances faced by the school or district that should be cause for the Commissioner not to identify the school [as a] for CSI, ATSI, or TSI [school] or the district as a Target District.

8. Subdivision (h) of section 100.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(h) Public notification of identification [as a] for CSI, ATSI, or TSI [school] or as a Target District.

(1) Upon receipt of [a designation as a] identification for CSI, ATSI, or TSI [school] or as a Target District, the board of education (in New York City, the chancellor or the chancellor's designee) or charter school board of trustees shall take appropriate action to notify the general public of the issuance of such [designation] identification. Such action shall include, but not be limited to, direct notification, within 30 days of receipt of the Commissioner's [designation] identification, in English and translated,

when appropriate and to the extent practicable for the most frequently used languages in the district, into the recipient's native language or mode of communication, to persons in parental relation of children attending the school that it has been [designated as a] identified for CSI, ATSI, or TSI [school,] or as a Target District and disclosure of such [designation] identification by the school district at the next public meeting of the local board of education or by the charter school board of trustees at the next public meeting.

(2) Each school year during which a school remains identified [as a] for CSI, ATSI, or TSI [school] or a district as a Target District, by June 30th or at the time of a student's initial application or admission to the school, whichever is earliest, the board of education or charter school board of trustees shall provide direct notification to parents or other persons in parental relation to children attending the school or district, as applicable, that the school or district remains [a] identified for CSI, ATSI, or TSI [school] or as a Target District, as applicable. Such notification shall include a summary of the actions that the school district and school are taking to improve student results and an explanation of any district programs of choice, magnet programs, transfer policies, or other options that a parent or a person in parental relation may have to place the child in a different public school within the school district. Such notification shall include the timelines and process for parents exercising their rights to public school choice if the district has elected to offer public school choice as defined in paragraph (4) of subdivision (b) in this section.

(3) Notwithstanding the provisions of paragraphs (1) or (2) of this subdivision, if a school identified for CSI [school] has been identified as a struggling school or a persistently struggling school pursuant to section 100.19 of this Part and/or a school under registration review pursuant to this section, the district may use a single notification to fulfill the annual public notification requirements of this section and section

100.19(c)(1)(ii) of this Part.

9. Subdivision (i) of section 100.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) Interventions. Beginning with accountability [designations] support determinations made on or after July 1, 2018, all schools identified for CSI, ATSI, and TSI [schools] and Target Districts shall implement all interventions applicable to such [designations] support models under this subdivision. Provided, however, that a charter school identified [as a] for CSI, ATSI, or TSI [school] shall not be required to implement the interventions applicable to the school accountability [designation] support models pursuant to this subdivision and, in lieu of such interventions, such identified charter school shall 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. Provided further, however, that any school identified as of June 30, 2018, as a priority or focus school pursuant to section 100.18 of this Part shall implement a school comprehensive education plan in the 2018[-]-2019 school year that meets the requirements for such plan as specified in section 100.18 of this Part. Provided further that any school required to offer public school choice prior to July 1, 2018, pursuant to section 100.18 of this Part [shall] may continue to permit any students to remain in the school to which they have transferred and provide transportation until such students have completed the highest grade level in the school to which such students have transferred, in the manner required by the provisions of section 120.3 of this Part.

(1) Interventions for Schools identified for CSI [Schools].

(i) [In the first year in which the school is] Schools identified [as a] for CSI [school, the school] must:

(a) participate in [a comprehensive] an annual needs assessment conducted in accordance with subparagraph (ii) of paragraph (4) of subdivision (b) of this section;

(b) develop, in consultation with parents, school staff, and other stakeholders pursuant to section 100.11 of this Part, a school comprehensive education plan as defined in subparagraph [(viii)] (vii) of paragraph (4) of subdivision (b) of this section.

Such plan shall:

(1)...

(2)...

(3) be updated annually and incorporate the findings of the [comprehensive] most recent annual needs assessment [or progress needs assessment] as applicable, and be implemented no later than the first day of regular student attendance of each year that the school remains [a] identified for CSI [school];

(4)...

(5)...

(6) include a description of the goals, targets, and activities, and include timelines for the implementation of school-level evidence-based interventions and job-embedded professional development as defined in subparagraphs [(v)] (iv) and [(ix)] (viii) of paragraph (4) of subdivision (b) of this section.

[(c) limit incoming teachers 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 prohibited by law;]

[(d) establish a participatory budgeting process] (c) undertake a Civic Empowerment Project as defined in subparagraph [(x)] (ix) subparagraph (4) of

subdivision (b) of this section or provide opportunities for parent and student engagement in a manner prescribed by the Commissioner;

[(e)] (d) conduct parent, staff, and student surveys as defined in subparagraph [(xi)] (x) of paragraph (4) of subdivision (b) of this section; [and]

[(f)] (e) notify parents and the public of the school's [designation as a] identification for CSI [school] in accordance with subdivision [(i)] (h) of this section.

[(ii) In the second school year of identification as a CSI school:]

[(a)] (f)...

[(b)] (g)...

[(c)] (h)...

[(d) any CSI school that has met or exceeded its Annual Achievement Progression targets, as defined in paragraph (4) of subdivision (a) of this section, in the first set of available annual assessment data following the school's identification will receive a progress needs assessment, which will inform the development of and/or any amendments or modifications to the school comprehensive education plan to be implemented in the following school year;]

[(e) Any CSI school that has not met or exceeded its Annual Achievement Progression targets, as defined in paragraph (4) of subdivision (a) of this section, in the first set of available annual assessment data following the school's identification, will receive either a progress needs assessment or a comprehensive needs assessment, as determined by the Commissioner and based on the needs of the school as exhibited by the most recent performance on the accountability measures. In addition to the needs assessment, as determined by the Commissioner, the district shall also submit a leadership support report, as defined in subparagraph (xii) of paragraph (4) of subdivision (b) of this section;]

[(iii) In the third school year of identification as a CSI school:

(a) except as otherwise provided in this subparagraph, the school must continue to implement the requirement established by subparagraph (ii) of this paragraph, including the school comprehensive education plan;

(b) the principal must continue to submit to the district on a quarterly basis a report of the leading indicators identified in the comprehensive needs assessment detailing the progress made toward meeting the goals set forth in the school comprehensive education plan;

(c) Any CSI school that has met or exceeded its Annual Achievement Progression targets, as defined in paragraph (4) of subdivision (b) of this section, in both the first set of available annual assessment data following the school's identification and the second set of available data following identification, will receive a progress needs assessment, which will inform the development of and/or any modifications to the school comprehensive education plan to be implemented in the following school year. Provided that, if such school makes sufficient progress to be removed from the accountability designation as set forth in subdivision (j) of this section, such school shall be removed from the designation as a CSI school;

(d) Any CSI school that did not meet or exceed its Annual Achievement Progression targets as defined in paragraph (4) of subdivision (b) of this section, based on the first set of available annual assessment data following the school's identification, but did meet, or exceeded, its Annual Achievement Progression targets based on the second set of available annual assessment data, will receive either a progress needs assessment, which will inform the development of the comprehensive education plan to be implemented in the following school year.

(e) Any CSI that did not meet or exceed its Annual Achievement Progression target in the first and second set of available assessment data following the release of accountability determinations will receive a progress needs assessment or comprehensive needs assessment, as determined by the Commissioner and based on the needs of the school as exhibited by the most recent performance on the accountability measures. Provided that, if a progress needs assessment was conducted in the previous year of identification, a comprehensive needs assessment must be completed. Any CSI school that did not meet its Annual Achievement Progression target in the first and second set of available assessment data following the release of accountability determinations will also be required to amend the current year's comprehensive education plan, and submit such amendment for the Commissioner's approval, within 60 days of the release of the school's Annual Achievement Progression results to identify how the school will partner with a BOCES, Regional Bilingual Educational Resource Network, Teacher Center, or other Regional Technical Assistance Center, or other technical assistance provider as determined by the Commissioner to support the implementation of its comprehensive education plan. Additionally, a Leadership Team Needs Assessment, as defined in subparagraph (xiii) of paragraph (4) of subdivision (a) of this section, will be added to the District Needs Assessment process for any district with a CSI school that does not reach its Annual Achievement Progression targets for two consecutive years; and

(f) Any CSI school that met, or exceeded, its Annual Achievement Progression target as defined in paragraph (4) of subdivision (a) of this section, based on the first set of available annual assessment data following the school's identification, but did not meet its Annual Achievement Progression target based on the second set of available annual assessment data, will receive either a progress needs assessment or a



comprehensive needs assessment, as determined by the Commissioner and based on the needs of the school as exhibited by the most recent performance on the accountability measures. In addition to the needs assessment, as determined by the Commissioner, the district shall also submit a leadership support report, as defined in paragraph (4) of subdivision (a) of this section.

(g) In any CSI school that has a decline in its Core Subject Performance Index for elementary/middle schools or its Composite Performance Index for high schools for the all students subgroup, as determined by the Commissioner, for two consecutive years, the school district must provide all students enrolled in the school with public school choice in accordance with section 120.1 and paragraph (4) of subdivision (b) of this section. Provided further that, in instances when there are no schools in Good Standing or TSI schools serving the grade levels served by the CSI school that is required to provide public school choice, the district shall ensure that the CSI school expends for Participatory Budgeting an amount equal to or greater than three times the amount expended by such school during the first year in which such school implemented Participatory Budgeting. The tripling of the amount to expend is considered to be a one-time action, and the school will be required to expend the resulting amount each year until it is no longer a CSI school (e.g., if district spent \$2,000 in Year 1, such amount is tripled to \$6,000 in Year 2, and the district must spend \$6,000 in Year 3 and each year thereafter until it is no longer a CSI school). In instances when there are schools within the school district that are in Good Standing or TSI but the district is unable to fulfill all of the public school choice transfer requests submitted on behalf of students from the CSI school because there are not enough available seats to accommodate all transfer requests received, then the district must ensure that the CSI school expends for Participatory Budgeting an amount equal to or greater than at least

two times the amount set aside at such school during the first year in which such school implemented participatory budgeting. The doubling of the amount to expend is considered to be a one-time action, and the school will be required to expend the resulting amount each year until it is no longer a CSI school. Schools that are required to offer Public School Choice but were unable to do so and that instead fulfilled the annual participatory budgeting requirement identified in this subdivision through increasing opportunities for parent and student engagement as prescribed by the Commissioner will be required to provide additional opportunities for increased parent and student engagement in a manner prescribed by the Commissioner.]

[(iv) For any CSI school that is required to offer public school choice or increase the amount expended for Participatory Budgeting as outlined in clause (g) of subparagraph (iii), that school shall continue to provide all students enrolled in the school with public school choice during the period the school is identified as a CSI school. For schools that were unable to offer to public school choice as outlined in clause (g) of subparagraph (iii), and have fulfilled the annual participatory budgeting requirement described in this subdivision through an alternate means of increasing opportunities for parent and student engagement prescribed by the Commissioner will be required to continue to provide additional opportunities for increased parent and student engagement as outlined in clause (g) of subparagraph (iii) for each year the school is identified as a CSI school. If a school's designation as a CSI school is removed, the school shall no longer be required to provide all students in the school with public school choice in the following school year; provided further that any student receiving public school choice at the time the CSI designation is removed, shall continue to be provided the opportunity to remain in the school to which they have transferred and be provided with transportation until the student has completed the

highest grade level in the school to which such students have transferred, in the manner required by the provisions of section 120.3 of this Part.]

(ii) Districts retain the ability to set criteria for student assignments to schools within the district, and, when it is deemed appropriate, a district may offer all students enrolled in a school identified for CSI with the option to transfer to another public school served by the district.

[(v)] (iii) Notwithstanding the provisions of this paragraph, a school district, on behalf of a transfer high school that has been identified [as a] for CSI [school], may petition the Commissioner to differentiate the required interventions for such transfer high school. Such petition may include, but need not be limited to, a request for one or more of the following:

(a)...

(b)...

(c)...

[(vi)] (iv) Schools identified for CSI [Schools] Identified as Persistently Struggling Schools, Struggling Schools, and/or Schools Under Registration Review.

(a) Notwithstanding the provisions of subdivision (i) of this section, in the event that a school identified for CSI [school] has been identified as a struggling school or a persistently struggling school pursuant to section 100.19 of this Part and/or a school under registration review pursuant to this section, the district may use a single notification to fulfill the annual public notification requirements of this subdivision and section 100.19(c)(1)(ii) of this Part.

(b) For schools [designated] identified as struggling or persistently struggling pursuant to section 100.19 of this Part, in creating the school comprehensive education plan or in revising the department-approved intervention model, the school receiver

shall ensure that the plan addresses the tenets of the diagnostic tool for school and district effectiveness and include student outcome data pursuant to section 100.19(f)(4) of this Part.

(c)...

(2) Intervention for Schools identified for TSI [Schools].

(i) In the first school year of identification [as a] for TSI [school], and for every school year thereafter during which the school remains so identified, the school must:

(a) participate in [a comprehensive] an annual needs assessment [in the first year of identification and a comprehensive needs assessment or a progress needs assessment in subsequent years in which the school is identified] conducted in accordance with subparagraph (ii) of paragraph (4) of subdivision (b) of this section;

(b) develop a school comprehensive education plan. Such plan shall:

(1)...

(2)...

(3) be updated annually and incorporate the findings of the [comprehensive needs assessment or progress] annual needs assessment as applicable, and be implemented no later than the first day of regular student attendance of each school year that the school remains [a] identified for TSI [school];

(4)...

(5)...

(6)...

(c) conduct parent, staff, and student surveys as defined in subparagraph (x) of paragraph (4) of subdivision (b) of this section.

(d) notify parents and the public of the school's identification for TSI in accordance with subdivision (h) of this section.

(3) Interventions for Schools identified for ATSI.

(i) In the first year of identification for ATSI, and for every school year thereafter during which the school remains so identified, the school must:

(a) participate in an annual needs assessment conducted in accordance with subparagraph (ii) of paragraph (4) of subdivision (b) of this section;

(b) develop a school comprehensive education plan. Such a plan shall:

(1) be formally approved by the board of education (or, in New York City, approved by the chancellor or chancellor's designee);

(2) be implemented no later than the first day of regular student attendance of the next school year after the school year in which the school was identified;

(3) be updated annually and incorporate the findings of the annual needs assessment or as applicable, and be implemented no later than the first day of regular student attendance of each school year that the school remains identified for ATSI;

(4) be made widely available through public means by either posting on the district's or school's website, if one exists, or displayed conspicuously within the school, according to such timeline as may be prescribed by the Commissioner;

(5) be developed in consultation with parents, school staff, and others pursuant to section 100.11 of this Part; and

(6) include a description of the goals, targets, and activities, and include timelines for the implementation of school-level evidence-based interventions and job-embedded professional development.

(c) conduct parent, staff, and student surveys as defined in subparagraph (x) of paragraph (4) of subdivision (b) of this section.

(d) notify parents and the public of the school's identification for ATSI in accordance with subdivision (h) of this section.

(ii) Schools identified for ATSI shall be invited by the State to participate in NYSED Supplemental Support Programs.

[(3)] (4) Interventions for Target Districts

(i) In the first year of identification as a Target District, and for every school year thereafter during which the district remains so identified, the district must:

(a) participate in [a comprehensive] an annual needs assessment;

(b) develop a district comprehensive improvement plan. Such plan shall:

(1)...

(2)...

[(3) be updated annually and incorporate the findings of the comprehensive needs assessment;]

[(4)] (3) be made widely available through public means by either posting on the district's website, if one exists, or displayed conspicuously within the district, according to such timeline as may be prescribed by the Commissioner;

[(5)] (4) be developed in consultation with parents, school staff, and others, consistent with the district plan pursuant to section 100.11 of this Part; and

[(6)] (5) include a description of the [goals, targets, and activities, and include timelines for the implementation of interventions and professional development that] district activities and support to be provided to address the needs identified by the district and school needs assessments.

(c) [for the second year of identification and each subsequent school year thereafter that the school district is identified as a Target District, obtain prior approval of the Commissioner for any significant modification of the district's comprehensive improvement plan;] Districts with a significant number of schools identified for the CSI, ATSI, or TSI support models, as determined by the Commissioner, shall engage in a

Resource Allocation Review process designed to support the equitable distribution of resources within the district to ensure that each school is sufficiently supported.

[(4) Interventions for schools with subgroups performing at Level 1 on an accountability measure.

(i) Any school with any accountability measure of Level 1 for any subgroup, as calculated pursuant to subdivision (f) of this section, that is not a CSI or TSI school shall:

(a) 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, 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.

(b) based on the needs assessment, in a format as may be prescribed by the Commissioner, the district, in consultation with parents, school staff, and other stakeholders at the school, consistent with the district plan pursuant to section 100.11 of this Part, 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). Provided that in its consolidated application submitted to the Department, the district must identify the additional resources and professional development that the district will provide the school to improve performance.

(ii) Any TSI school that is identified for additional targeted support may be required to implement additional actions, as determined by the Commissioner, including submission of their annual school comprehensive education plan to the Commissioner for approval; partnering with a BOCES, Regional Bilingual Educational Resource

Network, Teacher Center, or other Regional Technical Assistance Center, or other technical assistance provider; and/or implementing a participatory budget process. District with TSI schools identified for additional targeted support may be required to implement additional actions, as determined by the Commissioner, including submitting a leadership support report.]

(5) [Interventions for schools] Determining and supporting schools that fail to demonstrate an assessment participation rate of 95 percent.

(i) Pursuant to paragraph (1) of subdivision (b) of this section, the Commissioner shall annually determine the participation rate for each accountability subgroup in each public school in which the subgroup has 40 or more students. The Commissioner shall determine that the subgroup has met the participation rate requirement. If the school or subgroup does not meet or exceed the 95% participation rate requirement, the Department will make available guidance and resources. [if :]

[(a) the participation rate for the current year equals or exceeds 95 percent; or]

[(b) the weighted average of the current year and prior year participation rates equals or exceeds 95 percent;]

[(ii) Beginning with 2021-2022 and 2022-2023 school year results, any public elementary/middle or high school that has a weighted average achievement level or high school composite performance level of 1 or 2 and that fails to meet the required 95 percent participation rate for the same subgroup(s), in the same subject (*i.e.*, ELA or math) for two consecutive years, and that fails to improve participation rate as compared to the previous year for the same subgroup(s) and subject(s), as determined by the commissioner, must conduct a participation rate self-assessment and develop a participation rate improvement plan, in such form and according to such timeline as determined by the commissioner. Such school participation rate self-assessment and



improvement plan shall be developed in collaboration with a committee composed of the school principal or his/her designee(s); school staff, including teachers and student support staff selected by the representative collective bargaining organization(s), and parents (not employed by the district or a collective bargaining organization representing teachers or administrators in the district) selected by school-related parent organizations; except that a school district may designate that a school-based management team established pursuant to section 100.11 of this Part or a community engagement team established pursuant to 100.19 of this Part may serve as the committee required by this paragraph. Such school plan must address participation of students from all subgroups for which the school has failed to meet the required 95 percent participation rate and failed to improve the participation rate as compared to the previous year. Such school 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, no later than 60 days following notification to the district that such a plan is required. The Board of Education (in New York City, the chancellor or chancellor's designee) shall take appropriate action to notify the general public upon adoption of the school plan; such action shall include, but not be limited to, publishing on the district website, if one exists, or direct notification, within 30 days of adoption, in English and translated, when appropriate, into the recipient's native language or mode of communication.]

[(iii) Beginning with 2022-2023 and 2023-2024 school year results, for any school that completed a school participation rate self-assessment and improvement plan in the previous school year and that fails to improve its participation rates for the subgroup(s) and subject(s), as determined by the commissioner, for which the plan was required, the district shall conduct a participation rate audit and develop an updated participation rate

improvement plan. Such district participation improvement plan shall be developed in collaboration with a committee composed of the superintendent or his/her designee(s); the school principal or his/her designee(s); school staff, including teachers and student support staff selected by the representative collective bargaining organization(s); and parents (not employed by the district or a collective bargaining organization representing teachers or administrators in the district) selected by district-related and/or school-related parent organizations. Such district plan must be adopted by the district board of education, no later than 60 days following notification to the district that such a plan is required. The board of education (in New York City, the chancellor or chancellor's designee) shall take appropriate action to notify the general public upon adoption of the school plan; such action shall include, but not be limited to, publishing on the district website, if one exists, or direct notification to the parents, within 30 days of adoption, in English and translated, when appropriate, into the recipient's native language or mode of communication.]

[(iv) Beginning with 2023-2024 and 2024-2025 school year results, 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), as determined by the commissioner, for which the plan was required, the district must partner with a Board of Cooperative Educational Services (BOCES) or other technical assistance center to conduct a participation rate audit and develop an updated participation rate plan. Such participation rate improvement plan shall be developed in collaboration with a committee composed of BOCES staff, the superintendent or his/her designee(s); the school principal or his/her designee(s); school staff, including teachers and student support staff, no more than 50 percent of whom shall be selected by the representative collective bargaining organization(s); and

parents (not employed by the district or a collective bargaining organization representing teachers or administrators in the district) selected by district-related and/or school-related parent organizations. Such plan must be adopted by the district board of education no later than 60 days following notification to the district that such a plan is required. The board of education (in New York City, the chancellor or chancellor's designee) shall take appropriate action to notify the general public upon adoption of the school plan; such action shall include, but not be limited to, publishing on the district website, if one exists, or direct notification to the parents, within 30 days of adoption, in English and translated, when appropriate, into the recipient's native language or mode of communication.]

[(v) Beginning with 2024-2025 and 2025-2026 school year results, for any school for which an audit and participation rate improvement plan was completed pursuant to subparagraph (iv) of this paragraph in the previous school year and that fails to improve its participation rates for the subgroup(s) and subject(s), as determined by the commissioner, for which the plan was required, the department shall conduct an audit of the participation rate and the school may be required by the commissioner to address recommendations contained in the participation rate audit.]

[(vi) Beginning with 2021-2022 and 2022-2023 school year results, for any public elementary/middle or high school that is required to develop a participation rate improvement plan and is among the lowest 10 percent of schools within the State for participation rate as determined by the commissioner, the district must submit such plan for approval by the commissioner no later than 60 days following notification to the district that such plan is required.]

[(vii) Notwithstanding the requirements of this subdivision, the Commissioner may make a determination that a school may be excused from development of a self-

assessment and participation rate improvement plan if the school demonstrates extenuating or extraordinary circumstances that should cause the school to be so excused as determined by the Commissioner.]

[(viii) Any school that is required to conduct a self-assessment and develop a participation rate improvement plan shall be required to update such plan annually until the school is no longer failing to meet the 95 percent participation rate for any subgroup(s) and subject(s) which caused it to be required to conduct such self-assessment and develop such plan. For schools that have demonstrated improvement towards meeting the 95 percent participation rate requirement for the accountability group(s) for which such plan is required, the school shall not be required to conduct a new self-assessment or develop a new plan but instead shall be required to update its plan and/or provide the Department with an assurance that participation improvement strategies shall continue.]

10. Subdivision (j) of section 100.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(j) Removal from accountability [designation] support models.

(1) For elementary/middle schools:

(i) To exit the CSI [status, a CSI elementary/middle school] or ATSI support model, an elementary/middle school identified for CSI or ATSI must [, for two consecutive years, exceed the levels that would cause it to be identified for CSI status in each such school year.] meet the following criteria in the second year following identification or any year thereafter:

(a) Schools must not meet the identification criteria for CSI or ATSI as described in subdivision (f) of this section.

(b) Schools must exceed the Weighted Average Achievement Index or the Core Subject Performance Index from the year of identification.

[(ii) Elementary/middle schools may exit CSI\_status if, for two consecutive years:

(a) The elementary/middle school's Composite Performance Level and Student Growth Level are both Level 2 or higher; or

(b) Both the Composite Performance Index and Mean Growth Percentile are higher than at the time of identification; and the Combined Composite Performance and Student Growth Level is a Level 2 or higher; and none of the following is Level 1: Academic Progress, English Language Proficiency, and Chronic Absenteeism.

(c) Notwithstanding any provision of this subdivision to the contrary, an elementary/middle school may also exit CSI status if such elementary/middle school is not on the new list of identified CSI schools that is created every third year, as a consequence of the school having improved performance on the measures used to identify such schools.

(d) Notwithstanding any provision of this subdivision to the contrary including clause (c) of this subparagraph, an elementary/middle school may not exit CSI status if the school is required to implement a participation rate plan improvement pursuant to paragraph (5) of subdivision (i) of this section and the school has performed at Level 1 on the Weighted Average Achievement Index for the all students group.]

[(iii)] (ii) To exit the TSI [status] support model, the performance of [a TSI] an elementary/middle school identified for TSI must[, for two consecutive years, be such that it would no longer be identified as a TSI School] not meet scenarios 1 or 2 under the criteria listed in subdivision (f) of this section in the second year following identification or any year thereafter. For an elementary/middle school to be removed from the TSI [status] support model, all identified subgroups must meet the specified

exit criteria. [Provided that to be removed from designation as a TSI elementary/middle school, a school must not be identified for any accountability subgroup and the school may not be among those required to implement a participation rate improvement plan for the accountability subgroup(s) for which the school has been identified, except that this provision shall not apply to any accountability subgroup that performs at or above Level 2 on the Weighted Average Achievement Index.]

(2) For high schools:

(i) High schools may exit the CSI [status] or ATSI support model if [, for two consecutive years,] they meet the following criteria in the second year following identification or any year thereafter:

(a) [The high school's Composite Performance Level and Graduation Rate Level are both Level 2 or higher; or] The high school does not meet identification criteria for CSI or ATSI listed in subdivision (f) of this section.

(b) [Both the Composite] The Weighted Average Achievement Index or Core Subject Performance Index [and] or the average of the Four-Year, Five-Year, and Six-Year Graduation Rates [are] is higher than at the time of identification [; and the Combined Composite Performance and Graduation Rate Level is a Level 2 or higher; and none of the following are Level 1: English Language Proficiency; Academic Progress; Chronic Absenteeism; and College, Career, and Civic Readiness].

(c) [Notwithstanding any provision of this subdivision to the contrary, a high school may also exit CSI status if such school is not on the new list of identified CSI schools that is created every third year as a consequence of the school having improved performance on the measures used to identify high schools.] For schools identified for CSI for having a Graduation Rate less than 67 percent, the Four-Year, Five-Year, or Six-Year Graduation Rate is 67 percent or higher.

[(d) Notwithstanding any provision of this subdivision to the contrary, a high school may not exit CSI status if the school is required to implement a participation rate improvement plan.]

(ii) To exit the TSI [status] support model, the performance of a high school identified for TSI [high school] must[, for two consecutive years, be such that it would no longer be identified as a TSI school under subdivision (f) of this section] not meet scenarios 1 or 2 under the criteria listed in subdivision (f) of this section in the second year following identification or any year thereafter. For a high school to be removed from the TSI [status] support model, all identified subgroups must meet the specified exit criteria [and the school shall not be among those required to implement a participation rate plan] pursuant to this section. [Provided that to be removed from the designation as a TSI school, a high school shall not be identified as a TSI school for any accountability subgroup.]

(3) Provided that, any school identified for CSI [school], ATSI, or TSI [school] which is identified for [both the elementary and middle school, or the middle] the elementary/middle and high school, each identified grade span level must meet the exit criteria described in this subdivision.

(4) Provided further that, any [elementary, middle,] elementary/middle or high school that has been identified [as a] for CSI [school] for three consecutive school years [shall be preliminarily identified as a] may be classified as struggling [school] and subject to the provisions of section 100.19 of this Part.

[(5) Provided further that any TSI elementary, middle, or high school that continues to be identified for three consecutive school years after designation for additional targeted support for the performance of the same accountability subgroup(s)

for which the school was identified for additional targeted support shall be preliminarily identified as a CSI school.]

[(6)] (5) Removal of [designation] identification as a Target District. A district may be removed from Target District [status] identification if:

(i) all of the schools in the district are [in Good Standing; and] identified for LSI.

[(ii) if the district has been identified as a Target District because of district-wide performance, the district's performance must, for two consecutive years, be such that it would no longer be identified as a Target District under subdivision (f) of this section.]

11. Paragraphs (1) and (2) of subdivision (k) of section 100.21 of the Regulations of the Commissioner of Education are amended to read as follows:

(1) The Commissioner shall place under preliminary registration review those schools identified for receivership in accordance with section 100.19 of this Title; provided, however, that the Commissioner may also place under preliminary registration review any school identified [as a] for CSI [school] in accordance with this section for at least three consecutive years.

(2) The Commissioner may also place under preliminary registration review any school that has conditions that threaten the health, safety, and/or educational welfare of students or has been the subject of persistent complaints to the department by parents or persons in parental relation to the student, and has been identified by the Commissioner as a poor learning environment based upon a combination of factors affecting student learning, including but not limited to: high rates of student absenteeism, high levels of school violence, excessive rates of student suspensions, violation of applicable building health and safety standards, high rates of teacher and administrator turnover, excessive rates of referral of students to or participation in special education or excessive rates of participation of students with disabilities in the



alternate assessment, evidence that the school does not maintain required programs and services; evidence of failure to appropriately refer for identification and/or provide required programs and services to students with disabilities pursuant to Part 200 of this Title; evidence of failure to appropriately identify and/or provide required programs and services to English language learners pursuant to Part 154 of this Title, excessive transfers of students to alternative high school and high school equivalency programs and excessive use of uncertified teachers or teachers in subject areas other than those for which they possess certification. Notwithstanding the provisions of subdivision (g) of this section, any school that is identified as a school under registration review pursuant to this paragraph shall also be identified [as a] for CSI [school] and shall be subject to all of the requirements of this section.

12. Paragraphs (2) and (4) of subdivision (l) of section 100.21 of the Regulations of the Commissioner of Education are amended to read as follows:

(2) Schools with poor environments identified for registration review.

(i) Following the placement of a school under registration review pursuant to paragraph (2) of subdivision (k) of this section, an integrated intervention team, which may include a distinguished educator, as appointed by the Commissioner, pursuant to section 100.17(c)(3)(i) of this Part, shall conduct a diagnostic review of the school and recommend to the Commissioner for his or her approval interventions based upon the reason for which the school was identified for registration review, which may include but need not be limited to whether the school should:

(a) continue to implement its current improvement plan or any interventions required under subdivision [(h)] (i) of this section, as modified by recommendations of the integrated intervention team;

(b)...

(c)...

(ii)...

[(ii) <sup>1</sup>] (iii) 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.

(3)...

(4) Schools identified for CSI [schools] identified for registration review that are not struggling or persistently struggling schools.

(i) A school that is identified for registration review that has been identified [as a] for CSI [school] that is not a struggling or persistently struggling school pursuant to section 100.19 of this Part shall continue to implement its current improvement plan and/or any interventions required under this section. If the school fails for two consecutive years to take the actions or make the progress required by the Commissioner, the Commissioner may direct the district to submit a plan to take one of the following actions:

(a)...

(b)...

(c)...

(ii)...

13. Paragraphs (3) and (4) of subdivision (m) of section 100.21 of the Regulations of the Commissioner of Education are amended to read as follows:

(3) In the event that a school placed under registration review prior to the 2018[-]2019 school year demonstrates that it has met its previously established progress targets pursuant to paragraph (p) of section 100.2 or section 100.18 of this Part, but is

identified in the 2018[-]-2019 school year [as a] for CSI [school] pursuant to this section, the school shall remain under registration review and shall follow the intervention requirements pursuant to subdivision (i) of this section and meet the targets for removal from [designation as a] the CSI [school] support model pursuant to subdivision (j) of this section, pursuant to a timeline prescribed by the Commissioner.

(4) In the event that a school placed under registration review prior to the 2018[-]-2019 school year demonstrates that it has met its previously established progress targets pursuant to paragraph (p) of section 100.2 or section 100,19 of this Part, and is not identified in the 2018[-]-2019 school year [as a] for CSI [school] pursuant to subdivision (g) of this section, the school shall be removed from registration review.

14. Subdivision (n) of section 100.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(n) Accountability system for schools and districts based on 2021[-]-2022, 2022[-]-2023, and 2023[-]-2024 school year results. Provisions of this subdivision of this section are pursuant to the provisions of this section prior to the 2025–2026 school year based on 2024–2025 school year results and may not reflect any amendments to this section beginning in the 2025–2026 school year and any year thereafter.

(1) Definitions. Notwithstanding the provisions of subdivision (b) of this section, the following definitions shall be used by the Commissioner to review school and district performance based on 2021[-]-2022, 2022[-]-2023, and 2023[-]-2024 school year results.

(i)...

(ii)...

(iii) *Schools identified for [comprehensive support] Comprehensive Support and [improvement] Improvement (CSI) (elementary and middle schools)*. The State shall designate elementary/middle schools for CSI using the following criteria:

(a) for the 2022[-]-2023 school year, using 2021[-]-2022 school year results, the Commissioner shall identify a minimum of five percent of the lowest performing public elementary/middle schools that receive Title I funds for CSI and shall identify schools for CSI based upon the results from the all students [subgroup] group based on the accountability measures described in this subdivision. The Commissioner shall also identify for CSI those public elementary/middle schools that do not receive Title I funds that meet the criteria used to identify Title I schools for CSI. Provided further that a school that had been identified for CSI during the 2021[-]-2022 school year that does not meet the criteria for exiting the CSI [status] support model pursuant to paragraph (5) of this subdivision shall remain identified for CSI.

(b) ....

(iv) *Schools identified for CSI (high schools)*. The State shall designate high schools for CSI using the following criteria:

(a) for the 2022[-]-2023 school year, using 2021[-]-2022 school year results, the Commissioner shall identify a minimum five percent of the lowest performing public high schools that receive Title I funds for CSI and shall identify schools for CSI based upon the results from the all students [subgroup] group based on the accountability measures described in this subdivision. The Commissioner shall also identify for CSI those public high schools that do not receive Title I funds that meet the criteria used to identify Title I schools for CSI. Any school with a 2017 Four-Year Graduation Rate below 67 percent and a 2016 Five-Year or 2015 Six-Year Graduation Rate that is not at or above 67 percent shall be preliminarily identified for CSI. Provided further that a school that had

been identified for CSI during the 2021[-]–2022 school year that does not meet the criteria for exiting the CSI [status] support model pursuant to paragraph (5) of this subdivision shall remain identified for CSI.

(b)...

(v) *Schools identified for [targeted support and improvement] Targeted Support and Improvement (TSI) (elementary, middle, and high schools)* shall mean a school with one or more consistently underperforming accountability subgroups based on the accountability measures described in this subdivision. In addition, a school identified for TSI based upon 2018[-]–2019 school year results with any accountability subgroup that meets the same scenario criteria used to identify schools for CSI pursuant to paragraph (2) of this subdivision based upon 2021[-]–2022 school year results and that failed to meet the modified criteria for exiting identification [status] support models in this subdivision shall be identified for [additional targeted support and improvement] Additional Targeted Support and Improvement (ATSI). Schools identified for TSI based upon 2017[-]–2018 school year results for which the identified subgroup(s) failed to meet the modified criteria for exiting the ATSI [status] support model in this subdivision based on 2021[-]–2022 school year results shall remain identified for ATSI.

(a)...

(vi)...

(vii)...

(viii)...

(ix)...

(2) Accountability system for elementary/middle schools.

(i) Identification of elementary/middle schools for CSI.

(a) An elementary/middle school shall be preliminarily identified for CSI using the following decision table, which combines the following measures of student performance for the all students [subgroup] group in the school: (1) Weighted Average Achievement Performance; (2) Core Subject Performance; (3) English Language Proficiency; and (4) Chronic Absenteeism. A school shall be preliminarily identified for CSI if one or more of the scenarios in the decision table is applicable to the school; provided that in order to be preliminarily identified using the decision table below, a performance level must be assigned at a minimum to the Weighted Average Achievement Performance measure and one or more of the following measures: Core Subject Performance, English Language Proficiency, and/or Chronic Absenteeism.

**Decision Table for Identification of Comprehensive Support and Improvement  
Elementary/Middle Schools**

Scenarios	Weighted	Core	ELP	Chronic Absenteeism
1	Both Level 1		Any Level (None*, 1-4)	Any Level (None*, 1-4)
2	Level 2	Level 1	Both NOT Level 3 or 4 **	
3	Level 1	None	Both NOT Level 3 or 4 **	
4	Level 1	Level 2	Both NOT Level 3 or 4 **	
5	Level 3	Level 1	Both NOT Level 3 or 4 **	
6	Level 1	Level 3	Both NOT Level 3 or 4 **	

\*"None" means the school does not have enough students (30 results) to assign an accountability level for the indicator.

\*\*To be identified, the Weighted and Core conditions in scenarios 2-6 would have to be met AND both ELP and CA cannot be Level 3 or 4.

(1) Weighted Average Achievement Level. For each public elementary/middle school whose all students [subgroup] group meets the minimum n-size requirements as defined in paragraph (1) of this subdivision:

[(i)] (i)...

[(ii)] (ii)...

(2) Core Subject Performance Level. For each public elementary/middle school whose all students [subgroup] group meets the minimum n-size requirements as defined in paragraph (1) of this subdivision:

[(i)] (i) for the [20221-2022] 2021–2022 school year results, a Core Subject Performance Level using the results of ELA and mathematics assessments in grades 3-8 and science assessments for grades 4 and 8 shall be computed by the Commissioner in accordance with the provisions of subdivision (f) of this section.

[(ii)] (ii)...

(3)...

(4)...

[(i)] (i)...

[(ii)] (ii)...

[(iii)] (iii)...

(b)...

(c)...

(ii)...

(a)...

(b) The [designations] identification of schools for TSI shall be based on the performance of accountability subgroups, as defined in paragraph (1) of subdivision (b) of this section, and shall not include the performance of the all students [subgroup] group; provided that, in order to be preliminarily identified using the decision table in subparagraph (i) of this paragraph, a performance level must be assigned to, at a minimum, the Weighted Average Achievement measure and one or more of the following measures: Core Subject Performance, English Language Proficiency, and/or Chronic Absenteeism.

(iii) Identification of elementary/middle schools for Additional Targeted Support and Improvement (ATSI).

(a) The Commissioner shall identify for ATSI any school identified for TSI in the 2019[-]-2020 school year based upon 2018[-]-2019 school year results for which the same subgroup meets the same scenario criteria used to identify schools for CSI pursuant to paragraph (2) of this subdivision and that failed to meet the modified criteria for exiting identification [status] support models pursuant to paragraph (5) of this subdivision.

(b) Notwithstanding clause (a) of this subparagraph, schools identified for TSI based on 2017[-]-2018 school year results for which the identified subgroup(s) failed to meet the modified criteria for exiting the ATSI [status] support model in this subdivision based on 2021[-]-2022 school year results shall remain identified for ATSI.

(c)...

(3) Accountability system for high schools.

(i)...

(ii) Identification of high schools for TSI.

(a)...

(b)...

(c) The [designation] identification of schools for TSI shall be based on the performance of accountability subgroups, as defined in paragraph (1) of subdivision (b) of this section, and shall not include the performance of the all students [subgroup] group; provided that, in order to be preliminarily identified using the decision table in subparagraph (i) of this paragraph, a performance level must be assigned to, at a minimum, the Weighted Average Achievement measure and Graduation Rate measures



and one or more of the following measures: Core Subject Performance, English Language Proficiency, and/or Chronic Absenteeism.

(iii) Identification of high schools for ATSI.

(a) The Commissioner shall identify for ATSI any school identified for TSI in the 2019[-]-2020 school year based upon 2018[-]-2019 school year results for which the identified subgroup meets the same scenario criteria used to identify schools for CSI pursuant to paragraph (2) of this subdivision and that failed to meet the modified criteria for exiting [identification status] support models pursuant to paragraph (5) of this subdivision. The Commissioner shall not identify schools for ATSI at the high school level in the 2023[-]-2024 school year based on 2022[-]-2023 school year results and the 2024[-]-2025 school year based on 2023[-]-2024 school year results.

(b) Notwithstanding clause (a) of this subparagraph, schools identified for TSI based on 2017[-]-2018 school year results for which the identified subgroup(s) failed to meet the modified criteria for exiting the ATSI [status] support model based on 2021[-]-2022 school year results shall remain identified for ATSI.

(4) Interventions. Notwithstanding the provisions of subdivision (i) of this section, interventions in schools identified for CSI, ATSI, and TSI and interventions in Target Districts shall be modified as follows:

(i)...

(ii) Annual Achievement Progression target shall not be determined using results from the 2021[-]-2022, 2022[-]-2023, or 2023[-]-2024 school years for schools identified for CSI.

(iii)...

(5) Removal from accountability [designation] support models. Notwithstanding the provisions of subdivision (j) of this section, the Commissioner shall use the following

procedures to exit schools from identification for CSI, ATSI, and TSI[,] and from Target District [status] identification based on 2021[-]–2022, 2022–2023, or 2023–2024 school year results.

(i) For elementary/middle schools:

(a) For schools identified for CSI or ATSI, an increase between the school’s performance in the 2021[-]–2022 year compared to the 2017[-]–2018 school year, or the 2022[-]–2023 year compared to the 2021[-]–2022 school year, based on either the Core Subject Performance Index or the Weighted Average Achievement Index for the identified subgroup. Provided, however, that an elementary/middle school may not exit the CSI or ATSI [status] support model if the school is identified for CSI or ATSI using 2021[-]–2022 school year results or meets the CSI identification criteria in the 2023[-]–2024 school year based on 2022[-]–2023 school year results.

(b) Beginning with the 2023[-]–2024 school year results, a school identified for CSI and ATSI may exit [status] their support model if there is an increase in performance for two consecutive years on either the Core Subject Performance Index or the Weighted Average Achievement Index. Provided, however, that an elementary/middle school may not exit their CSI or ATSI [status] support model if the school meets the criteria for identification [as] for CSI or ATSI.

(c) For schools identified for TSI, the school is not identified for TSI using the 2021[-]–2022 or 2022[-]–2023 school year results.

(d) Beginning with the 2023[-]–2024 school year results, a school identified for TSI may exit [status] their TSI support model if the school does not meet the TSI criteria for two consecutive years.

(ii) For high schools:

(a) For schools identified for CSI or ATSI, an increase between the school's performance in the 2021[-]-2022 school year compared to the 2017[-]-2018 school year, or the 2023[-]-2024 year compared to the 2021[-]-2022 school year, based on the Weighted Average Achievement Index or the unweighted average of the Four-Year, Five-Year, and Six-Year Graduation Rates computed pursuant to clause (f)(2)(i)(b) of this section for the identified subgroup. Provided, however, that a high school may not exit their CSI or ATSI [status] support model if the school is identified for CSI or ATSI using 2021[-]-2022 school year results or meets the CSI or ATSI identification criteria in the 2023[-]-2024 school year based on 2022[-]-2023 school year results.

(b) Beginning with the 2023[-]-2024 school year results, a school identified for CSI [and] or ATSI may exit [status] the CSI or ATSI support model if there is an increase in performance for two consecutive years on either the Weighted Average Achievement Index or the Core Subject Performance Index, or if the unweighted average of the Four-Year, Five-Year, and Six-Year Graduation Rates is higher than the Graduation Rate at the time of identification for two consecutive years. For schools identified for CSI for having Graduation Rate less than 67%, the school must have a Graduation Rate at or above 67% for two consecutive years to exit the CSI [status] support model. Provided, however, that a high school may not exit the CSI or ATSI [status] support model if the school meets the criteria for identification as CSI or ATSI.

(c)...

(d) Beginning with the 2023[-]-2024 school year results, a school identified for TSI may exit [status] the TSI support model if the school does not meet the TSI criteria for two consecutive years.

(iii) Notwithstanding the provision of paragraph (j)(4) of this section, the Commissioner shall not preliminarily identify schools identified for CSI that were

identified for three consecutive school years as struggling schools, subject to the provisions of section 100.19(m) of this Part. The Commissioner shall not identify any schools as struggling schools until the 2025–2026 school year based on the 2024–2025 school year results.

(iv) Notwithstanding the provision of paragraph (j)(4) of this section, the Commissioner shall not require that any elementary, middle, or high school that continues to be identified for TSI for three consecutive school years after [designation] identification for ATSI for the performance of the same accountability subgroup(s) for which the school was identified for ATSI be preliminarily identified for CSI.

(v)...

(6)...

15. Subdivision (o) of section 100.21 of the Regulations of the Commissioner of Education is repealed, and subdivision (p) is labeled as subdivision (o) is amended to read as follows:

[(o) Notwithstanding the provisions of paragraph (b)(3) of this section, CSI School(s) and school(s) identified as CSI shall hereafter be referred to in this Part as school(s) identified for Comprehensive Support and Improvement (or CSI), ATSI school(s) and school(s) identified as ATSI shall hereafter be referred to in this Part as school(s) identified for Additional Targeted Support and Improvement (or ATSI), TSI School(s) and school(s) identified as TSI shall hereafter be referred to in this Part as school(s) identified for Targeted Support and Improvement (or TSI), and Good Standing School(s) and schools identified as Good Standing shall hereafter be referred to in this Part as school(s) identified for Local Support and Improvement (or LSI).]

[(p)] (o) Severability. If any provision of this section or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction,

such judgment shall not affect or impair the validity of the other provisions of this section or the application thereof to other persons and circumstances.

STATEMENT OF FACTS AND CIRCUMSTANCE WHICH NECESSITATE  
EMERGENCY ACTION

In August 2024, the Department submitted an amendment request to the United States Department of Education (USED) on behalf of all Local Education Agencies (LEAs) to New York State's Consolidated State Plan under the Every Student Succeeds Act (ESSA) in the 2025–2026 school year based on 2024–2025 school year results. USED granted the Department amendments to New York State's Consolidated State Plan that would continue New York State's transition toward a more stable and normalized accountability system.

As a result, the Department must adopt emergency regulations to be consistent with the amendments granted by USED. The approved amendments provide a Reimagine Phase model that would maintain school and district accountability determinations beginning with the 2025–2026 school year using 2024–2025 school year results.

Because the Board of Regents meets at scheduled intervals, the earliest proposed amendment could be presented for regular (nonemergency) adoption, after publication in the State Register and expiration of the 60-day public comment period required in the SAPA sections 201(1) and (5), is the June 2025 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earlier effective date of the proposed rule, if adopted at the June meeting, would be June 25, 2025, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the February 2025 meeting, effective February 11, 2025, for the preservation of the general welfare to immediately

align the Regulations of the Commissioner of Education with New York's ESSA Accountability State Plan.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the June 2025 Regents meeting, which is the first scheduled meeting after the 60-day public comment period prescribed in SAPA for State agency rulemakings. However, since the emergency action will expire before the June Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the May 2025 Regents meeting.