



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY,
NY 12234

TO: Full Board

FROM: John B. King, Jr.

SUBJECT: Proposed Amendment of Section 100.2(p)(14) of the Regulations of the Commissioner, Relating to Public School and District Accountability

DATE: May 31, 2011

AUTHORIZATION(S):

SUMMARY

Issue for Decision (Consent Agenda)

Should the Regents approve the proposed amendment to section 100.2(p)(14) of the Regulations of the Commissioner of Education, relating to public school and district accountability?

Reason(s) for Consideration

To conform the Commissioner's Regulations with recent amendments to New York State's accountability plan that reset New York's annual measurable objective (AMO) for grades 3-8 English language arts (ELA) and mathematics beginning in the 2010-11 school year, as prescribed in New York's approved accountability workbook.

Proposed Handling

The proposed amendment is being presented to the Full Board for approval at the June 2011 Regents meeting.

Procedural History

The proposed amendment was discussed by the P-12 Education Committee at the March Regents meeting.

Background Information

On February 14, 2011, Dr. Thelma Meléndez de Santa Ana, the Assistant Secretary of the Office of Elementary and Secondary Education of the United States Department of Education (USDE), informed Commissioner Steiner that USDE had approved New York's request to amend its State accountability plan under Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act (NCLB), to reset New York's AMO for grades 3-8 ELA and mathematics beginning in the 2010-11 school year, as prescribed in New York's approved accountability workbook. As a result, New York was approved to reset the AMO to a Performance Index of 122 for ELA and a Performance Index of 137 for mathematics for 2010-11, and with annual equal increments up to 200 by 2013-14, as prescribed in New York's approved accountability workbook.

In August 2010, the proficiency cut scores were raised on the grades 3-8 ELA and math assessments based on the analyses that associated college readiness with cut scores of between 75 and 85 on the Regents exams. Proficiency now means students will be college ready if they are able to meet high school exit examination requirements and pass first year college courses in ELA and math without the need for remediation. The purpose of the proposed amendment is to conform the Commissioner's Regulations with New York State's approved amended accountability plan. Adoption of the proposed amendment is necessary in order for New York to smoothly transition to the higher achievement standards for grades 3-8 in ELA and mathematics. A copy of the proposed amendment (Attachment A) and the Effective AMO charts for 2010-11 through 2013-14 (Attachment B) are attached.

A Notice of Proposed Rule Making was published in the State Register on April 6, 2011. The public comment period for the proposed amendment closed on May 23, 2011. No public comments were received. Supporting materials are available upon request from the Secretary to the Board of Regents.

Recommendation

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

VOTED: That paragraph (14) of subdivision (p) of section 100.2 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 15, 2011.

Timetable for Implementation

If adopted at the June Regents meeting, the proposed amendment will take effect on July 15, 2011.

Attachments

AMENDMENT OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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

Paragraph (14) of subdivision (p) of section 100.2 of the Regulations of the Commissioner of Education is amended, effective July 15, 2011, as follows:

(14) Public school, school district and charter school accountability performance criteria. Each district and school accountability group, as defined in subparagraph (1)(i) of this subdivision shall be subject to the performance criteria specified below:

(i) . . .

(ii) . . .

(iii) Elementary-middle level English language arts. Annual measurable objectives, based on a performance index, set by the commissioner in 2005-2006 and, beginning in 2008-2009, increasing annually in equal increments through 2009-2010 and then reset at 122 in 2010-2011 and increasing annually in equal increments so as to reach 200 in 2013-2014.

(iv) . . .

(v) . . .

(vi) Elementary-middle level mathematics. Annual measurable objectives, based on a performance index, set by the commissioner in 2005-2006 and, beginning in 2008-2009, increasing annually in equal increments through 2009-2010 and then reset at 137 in 2010-2011 and increasing annually in equal increments so as to reach 200 in 2013-2014.

(vii) . . .

(viii) . . .

(ix) . . .

Attachment B

Effective Annual Measurable Objectives (EAMO) Charts for 2010-11 through 2013-14

EAMO for 2011-12 Status Based on 2010-11 School Year Results

Subject	AMO	Number of Students Participating (Valid Scores)																	Effective AMOs
		30-34	35-39	40-44	45-49	50-59	60-69	70-89	90-119	120-149	150-219	220-279	280-399	400-589	590-979	980-1899	1900-5299	5300+	
3-8 ELA	122	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	
3-8 Math	137	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	

EAMO for 2012-13 Status Based on 2011-12 School Year Results

Subject	AMO	Number of Students Participating (Valid Scores)																	Effective AMOs
		30-34	35-39	40-44	45-49	50-59	60-69	70-89	90-119	120-149	150-219	220-279	280-399	400-589	590-979	980-1899	1900-5299	5300+	
3-8 ELA	148	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	
3-8 Math	158	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	

EAMO for 2013-14 Status Based on 2012-13 School Year Results

Subject	AMO	Number of Students Participating (Valid Scores)																Effective AMOs	
		30-34	35-39	40-44	45-49	50-59	60-69	70-89	90-119	120-149	150-219	220-279	280-399	400-589	590-979	980-1899	1900-5299		5300+
3-8 ELA	174	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	
3-8 Math	179	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	

EAMO for 2014-15 Status Based on 2013-14 School Year Results

Subject	AMO	Number of Students Participating (Valid Scores)																Effective AMOs	
		30-34	35-39	40-44	45-49	50-59	60-69	70-89	90-119	120-149	150-219	220-279	280-399	400-589	590-979	980-1899	1900-5299		5300+
3-8 ELA	200	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	
3-8 Math	200	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	