



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

TO: P-12 Education Committee

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: February 24, 2011

AUTHORIZATION(S):

SUMMARY

Issue for Discussion

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 P-12 Education Committee for discussion at the March 2011 Regents meeting.

Procedural History

N/A

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 will be published in the State Register on April 6, 2011. Supporting materials are available upon request from the Secretary to the Board of Regents.

Recommendation

It is recommended that the Regents P-12 Education Committee reach consensus on the intent of the proposed amendment prior to taking action at the June 2011 Regents meeting.

Timetable for Implementation

It is anticipated that the proposed amendment will be presented for adoption at the June 2011 Regents meeting, with a July 15, 2011 effective date.

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

**Revised AMO for Grades 3-8 English Language Arts and Mathematics
Starting Point for 2010-11**

Assessment	2010-2011	2011-2012	2012-2013	2013-2014
Grades 3-8 ELA	122	148	174	200
Grades 3-8 Math	137	158	179	200

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