

# TOWARD JUSTICE FOR ALL?

## The Opportunities and Risks for Educational Equity in New York State Under ESSA

As the new school year begins, approximately 2.5 million K-12 students have returned from summer vacation to public school classrooms across New York State. Some attend the nation's largest school system, while others learn in smaller cities, villages, and rural hamlets. Most students — an estimated 1.3 million — are low-income.<sup>1</sup> More than 1 million are African American, Latino, or American Indian.<sup>2</sup> At least 200,000 are English learners, and more than 400,000 are students with disabilities.<sup>3</sup> All of these students and their families have hopes and aspirations for the coming year, yet their very future is dependent on an education system riven by massive systemic inequities in access, opportunity, and performance that deprive too many young people of the essential skills for success.

The simple truth is that New York has fallen behind the rest of the country over the last dozen years, dropping from the top half of states in both reading and math to the bottom half — for all students, not only those who are low-income or children of color.<sup>4</sup> And the state's own test results, while indicating real progress as higher standards take hold, still reveal stark achievement gaps between African American and Latino students and their white peers, and between low-income and higher income students.<sup>5</sup>

There are many reasons for these challenges and many components of effective solutions. But underpinning these issues is a fundamental question for New York: Will we shine a light on the students and schools that need help in order to succeed — and provide the urgency, support, and research-backed

interventions to transform their trajectories — or will we sweep these facts under the rug?

These are the possibilities and risks as New York State's education leaders make key decisions in the coming months about the Every Student Succeeds Act (ESSA).<sup>6</sup> By requiring states to redesign their accountability systems, the new law offers equity-minded educators, civil rights and education advocates, business leaders, families, and community leaders a chance to work together to create a system that focuses on quality for all students — one that is organized not around “gotchas,” but improvement.

Why focus on ESSA? Because New York's response provides a window into our state's values and creates the framework for our education landscape. Our accountability system under ESSA will — for better or worse — answer four critical questions:

1. What do we value most about school performance?
2. What are our expectations for performance on the things we value?
3. How do we clearly signal to parents and the public whether schools are or are not meeting those expectations?
4. What are the responsibilities of each component of our education system — the state, the school district, and the school — if a school is not meeting our expectations?

To enable all New York students to fulfill their potential, we must use the levers in ESSA to set clear expectations that our education system must raise

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achievement for all students, not just some. We must focus attention and resources on the full range of student groups, including those who are sometimes ignored. And we must insist on prompt action when schools do not meet expectations for any group of students.

The stakes could not be higher for New York’s students, families, communities, and employers. That is why we have come together as a coalition of civil rights, education, parent, business, and community organizations. Together, we will advance a shared

vision of a strong education system that promotes a meaningful definition of college and career readiness for all students, prioritizes closing achievement and opportunity gaps, ensures real transparency, and provides the urgency and sustained support to address schools that are “consistently underperforming” for any group of children.<sup>7</sup>

To achieve these goals, we recommend that state policymakers incorporate the following provisions into New York’s accountability system under ESSA:

## Summary of Recommended Principles

### PRINCIPLE 1:

#### **Make the main thing the main thing.**

*To fulfill our high expectations for all students, New York’s accountability system must ensure that academic achievement drives school performance determinations and improvement strategies by:*

- *Maintaining high academic standards;*
- *Keeping student achievement and attainment front and center; and*
- *Including a limited number of key additional indicators.*

### PRINCIPLE 2:

#### **Take action when schools are not meeting rigorous expectations for any group of students.**

*New York’s accountability system must set ambitious performance and gap-closing goals for all groups of students and implement evidence-based strategies when those goals are not met.*

### PRINCIPLE 3:

#### **To help schools improve, generate additional data beyond test scores in grades 3-8 and on Regents exams — including by addressing teacher equity and resource equity.**

*New York’s accountability system must incorporate a holistic vision of what contributes to student success and what it means to be a quality school in order to inform the improvement process for schools that are not meeting expectations.*

### PRINCIPLE 4:

#### **Make families and educators full partners through transparency and inclusion.**

*New York’s accountability system must clearly communicate whether schools are meeting expectations for all groups of students and, on an ongoing basis, include families and educators in the development and improvement processes.*

## PRINCIPLE 1:

### Make the main thing the main thing.

*To fulfill our high expectations for all students, New York's accountability system must ensure that academic achievement drives school performance determinations and improvement strategies.*

We **recommend** that New York's accountability system:

#### **Maintain high academic standards.**

✓ **Ensure that New York State maintains high academic standards for all students.** Rigorous academic standards that prepare all students for postsecondary success are the underpinning of a meaningful accountability system. As the Board of Regents completes its review of the existing state standards, it is imperative to ensure that our expectations for New York students remain high and that New York students will leave school at least as well-prepared as their peers in other states.

#### **Keep student achievement and attainment front and center.**

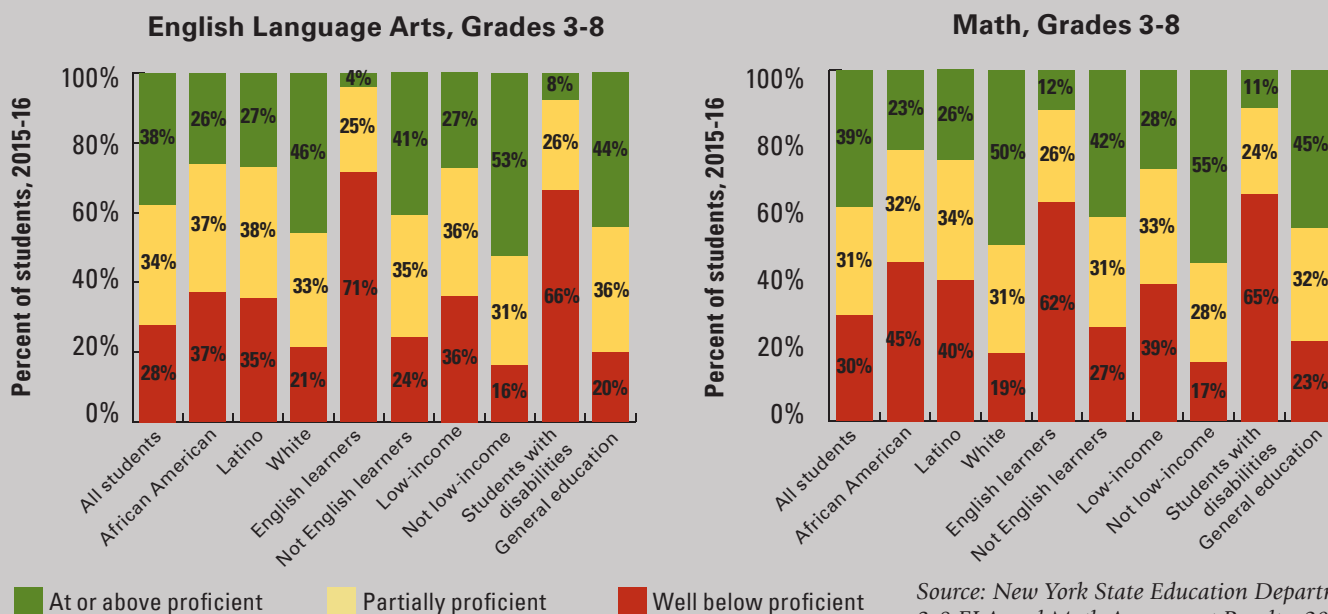
✓ **Ensure that academic measures together represent more than 75 percent of each**

**school's rating.** A major risk in creating a new accountability system under ESSA is that we will lose sight of what matters most: whether students are academically prepared for postsecondary success. To ensure that student success is the paramount goal, academic measures — including student proficiency, student growth, graduation rates, and any other academic measures of college readiness — should count for more than 75 percent of a school's rating under ESSA. This provides adequate room to incorporate other valuable indicators, as described below.

✓ **Heavily weight English language arts/literacy (ELA) and math proficiency in school ratings.** Even with recent increases in student achievement, fewer than 2 in 5 students in grades 3-8 score at a proficiency level that will prepare them for success in college. As shown in **Figure 1**, achievement

### Figure 1: Student Achievement in New York State

*Despite meaningful improvements as high standards are taking hold, the 2015-16 state assessment results continue to reveal significant achievement and opportunity gaps for low-income students, students of color, students with disabilities, and English learners.*



Source: New York State Education Department. Grades 3-8 ELA and Math Assessment Results, 2015-16.

levels are far worse for low-income students, students of color, students with disabilities, and English learners. Student achievement in ELA and math must remain the heart of the state's accountability system. The state's existing Performance Index — which provides each school with a score based on the number of students at or above proficiency, with additional partial credit for students who are partially proficient — is an appropriate measure for this purpose.

✓ **Incorporate an appropriate measure of student growth in ELA and math as an accountability indicator.** Proficiency levels should not be the only measure of student achievement, and should be complemented by a growth measure that provides credit to schools for accelerating student progress. The state's basic method for calculating growth — known as Student Growth Percentiles (SGP) — is a good starting point, but it does not explicitly address students' *progress toward proficiency*. The state should build on the SGP methodology to reflect whether students who are not yet proficient are making enough progress to catch up. The state's growth measure should be criterion-referenced, measuring a student's progress from year to year against the expectation that she is on track to reach grade-level standards within a defined amount of time.

✓ **Include achievement on state science assessments.** ESSA provides an opportunity to broaden our measures of school performance in the elementary and middle-school grades to include additional core subjects beyond ELA and math. Between 2010 and 2020, New York State is projected to experience a 12 percent increase in science, technology, engineering, and math (STEM) jobs, with approximately 118,000 openings that will require at least some college education.<sup>8</sup> As **Figure 2** indicates, New York has notable achievement gaps in science, particularly by grade 8, when students are preparing for college-prep coursework in high school. Including measures of annual progress

toward science proficiency and closing statewide achievement gaps for students in grades 4 and 8 will underscore the vital nature of science education for all students. At the same time, science should be weighted significantly less than ELA and math for accountability purposes (due, in part, to the fact that it is only tested in two grades), and — after ensuring that the tests and proficiency standards can bear the weight of accountability — the state should develop a Performance Index for science (similar to ELA and math) so that credit can be given for students who have partial proficiency and those who are already proficient.

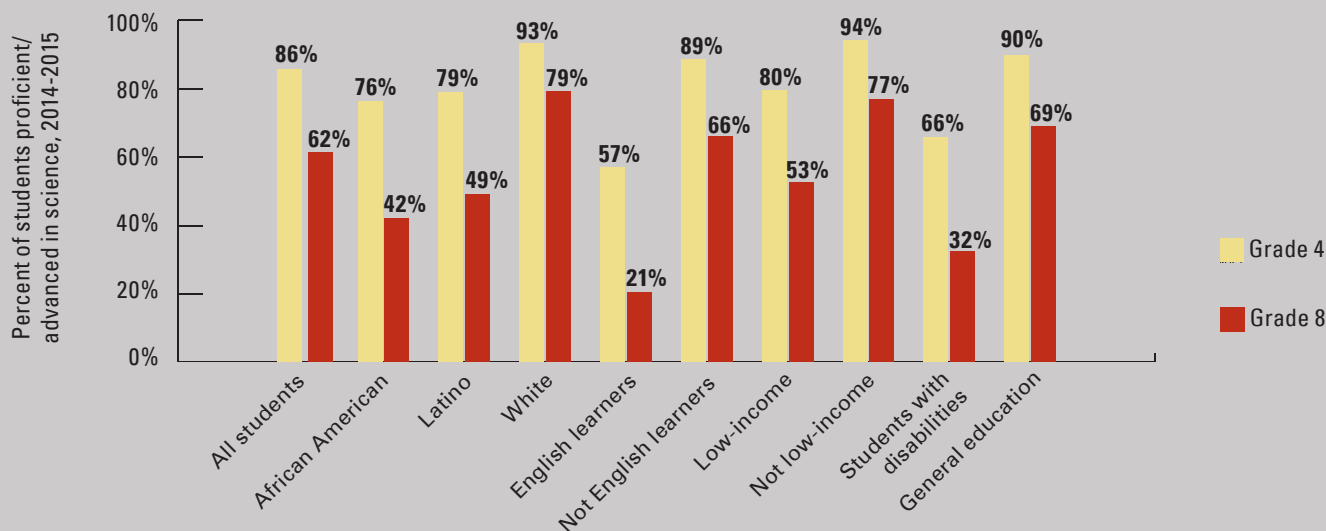
✓ **Help English learners reach high academic standards.** In addition to measuring how English learners perform on all of the indicators in the accountability system, ESSA requires states to measure these students' progress toward English proficiency. Given that 1 in 12 New York State students is an English learner, the state must ensure that schools are held accountable for these students' academic progress in meaningful ways.<sup>9</sup> When measuring progress toward English-language proficiency, the state should generally set the expectation that students reach this level in no more than five years — a timeline supported by research. Moreover, the state should limit the number of years that former English learners (who no longer receive support services) are counted in the English-learner subgroup to no more than two. Finally, the state should collect and separately report data on both current and former English learners to maximize schools' focus on the unique needs of both groups of students.

✓ **Include appropriate measures of high school graduation rates.** While New York's high school graduation rate has continuously improved, significant performance gaps remain (see **Figure 3**). The state accountability system should generally create the incentive for schools to graduate students in four years, while requiring a higher target for five-year graduation rates. A

## Figure 2: Using ESSA to Spotlight Science Instruction

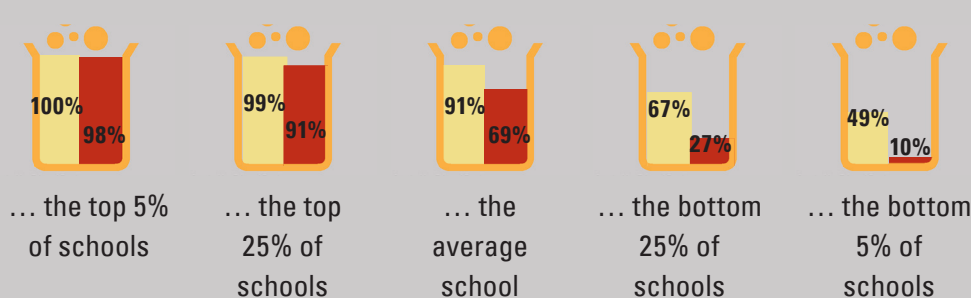
As the state crafts its accountability plan under ESSA, New York will have to determine whether and how to incorporate science achievement into elementary and middle school indicators and school ratings. Including science in school performance measures reinforces the value of science instruction and focuses attention on the need to continue to enhance science learning opportunities in elementary and middle schools — particularly for low-income students and students of color and other historically underserved groups — so that all students are prepared to take college-prep coursework in high school.

While achievement levels are generally higher in science than ELA and math, the state still has major achievement gaps in science in grade 4 and, in particular, in grade 8 (the two years when the state science test is administered):



### Average percent of students proficient/advanced in ...

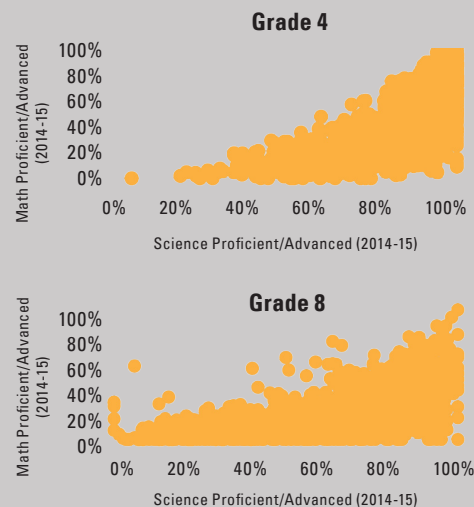
At the school level, the data also show meaningful differentiation in science performance:



The percentage of students who are proficient or advanced in science has a strong correlation to ELA and math achievement levels in both grades 4 and 8. In grade 4, the strongest relationship is between science and math performance; however, the correlation between science and math is much weaker by grade 8 — suggesting that as students prepare for high school, science performance is a worthwhile measure on its own.

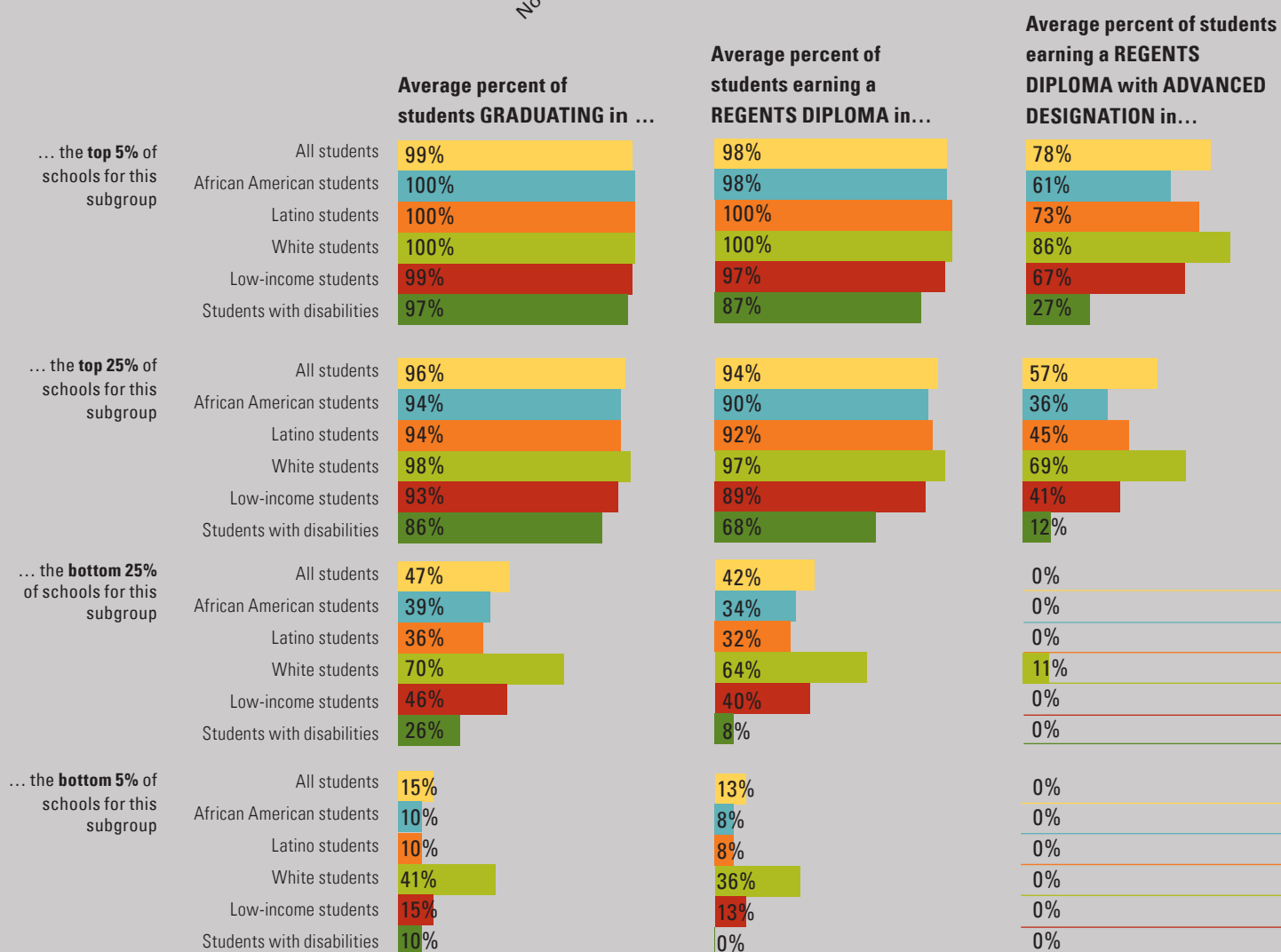
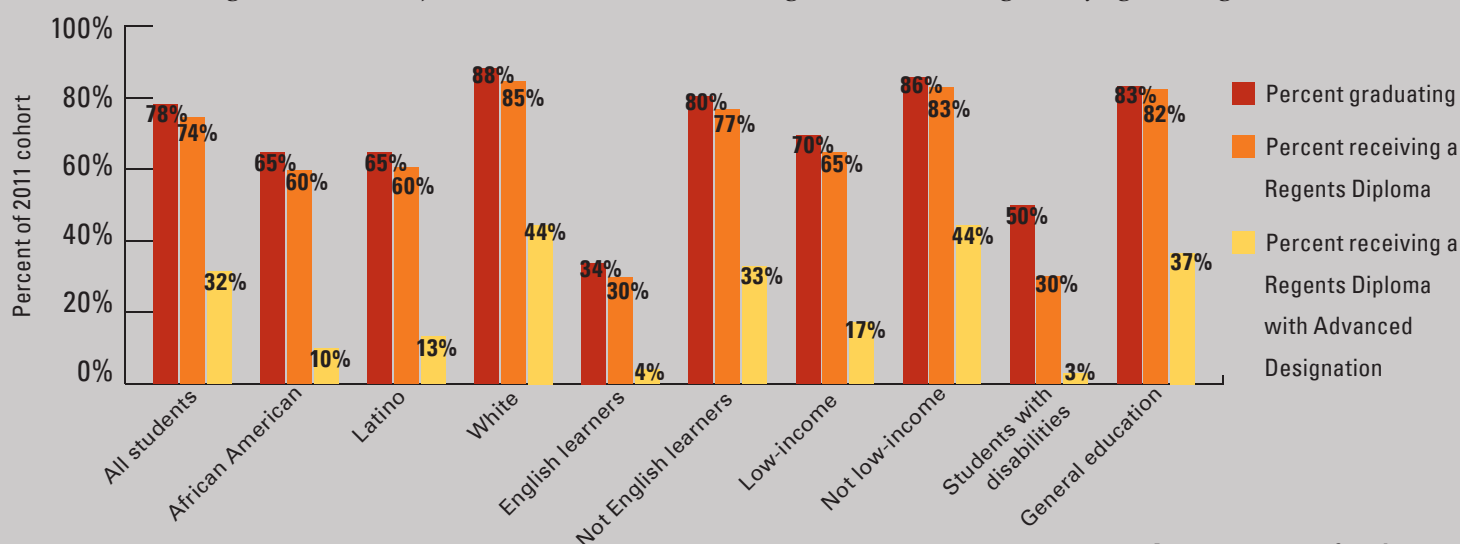
At the same time, New York should be careful in how it incorporates science achievement into its accountability system particularly since the test is only given in two grades, meaning that far fewer students take the test and student growth measures are much more difficult to construct.

Source: New York State Education Department. School Report Card Database, 2014-15. Downloaded August 24, 2016. Grades 3-8 ELA and Math Researcher File, 2014-15. Downloaded July 21, 2016. See Notes on Data Analysis on page 16.



## Figure 3: Are Graduation Rates Enough?

ESSA requires the inclusion of graduation rates as a key measure of high school performance. While important, graduation rates alone do not tell the full story of students' readiness for postsecondary success. In addition, recent changes to New York's diploma pathways may increase the number of students who receive a diploma even if they are academically underprepared. While New York has notable achievement gaps for high school graduation rates, the gaps are even larger for the percentage of students who earn a Regents Diploma with Advanced Designation, which requires advanced coursework and higher test scores that generally signal college readiness.



Source: New York State Education Department. Graduation Rate Database, 2014-15. Downloaded August 24, 2016. See Notes on Data Analysis on page 16.



notable exception is for high-quality transfer or dropout recovery schools, which serve over-age and/or under-credit students, and for certain students with disabilities. In these cases, the state should allow a more appropriate calculation to the extent allowed by ESSA and federal regulations, so that successful schools are not rated poorly simply for serving a unique group of high-need students.

their education may not receive the resources and focus that it should. Selecting an n-size of 30, for example, would render an estimated 11,486 Latino students, 9,538 African American students, 19,910 students with disabilities, 10,810 English learners, and 4,405 low-income students invisible for accountability purposes (see **Figure 4**).

***Include a limited number of key additional indicators.***

✓ **Ensure that all groups of students remain visible by adopting the smallest feasible “n-size.”** The state’s accountability system will establish a minimum number of students — known as the n-size — that constitute a subgroup for accountability purposes in each school. N-size is important because when students don’t count,

✓ **Ensure that any school quality or student success indicator is linked to research into what will increase achievement and improve postsecondary success for New York students.** ESSA provides states considerable flexibility in constructing a school quality or student

## Figure 4: How Many Students Will New York State Make ‘Invisible’?

*When a state determines its minimum “n-size,” it establishes the threshold for the number of students in a particular group that have to be enrolled in order to count as their own subgroup for reporting or accountability purposes. For example, if the state sets its n-size at 30 and a school only has 27 African American students enrolled in grades 3-8, the school will not be held accountable for the performance of the African American subgroup on statewide ELA and math assessments.*

*Why does it matter? Because when students are not counted and included in the accountability system, they can end up being invisible — receiving less attention and fewer resources than they need.*

**If the state sets a minimum “n-size” of ... the approximate number of students in grades 3-8 who will be “invisible” in each subgroup is:**

	African American	Latino	English learners	Low-income	Students with disabilities
<b>10</b>	1,467	1,758	2,156	228	1,148
<b>15</b>	2,920	3,462	3,963	753	3,542
<b>20</b>	4,979	5,995	5,989	1,503	7,235
<b>25</b>	7,140	8,368	8,534	2,880	13,046
<b>30</b>	9,538	11,486	10,810	4,405	19,910
<b>40</b>	14,358	17,648	15,487	9,431	34,979
<b>50</b>	19,612	25,095	21,262	16,656	50,941

Source: New York State Education Department. Public School Enrollment: Preliminary School Level Data by Grade, 2015-16. Downloaded August 16, 2016. See Notes on Data Analysis on page 16.

success indicator to include in our accountability system. The state should take care to ensure that this indicator advances the paramount goal of increasing achievement and college and career readiness, and that any metrics considered are meaningful, measurable, and actionable. (Opportunities and risks are described in greater detail below.) In addition, on an ongoing basis, the state should validate whether the school quality or student success indicator(s) that it selected actually advance the intended goal of increasing academic achievement.

✓ **Include college and career readiness as a new indicator of school quality or student success.** As **Figure 3** indicates, far too few low-income students and students of color are currently graduating with Regents Diplomas and Advanced Designations that prepare them for college. New York should use this opportunity to create an academic indicator focused on whether students enroll in *and* perform at college- and career-ready levels in a defined set of courses; on Regents, Advanced Placement and/or International Baccalaureate exams; through dual enrollment and related programs that result in college credit that counts toward a degree; and through attainment of industry-recognized and valued credentials.<sup>10</sup> To ensure equity, New York State should also provide fee waivers so financial circumstances never stand in the way of a student pursuing these pathways to college and career readiness.

✓ **Include chronic absenteeism and student discipline as new indicators of school quality or student success to encourage schools to maximize instructional time for students.** In addition to the measures of college and career readiness mentioned above, New York should incorporate into its accountability system two key indicators that research shows to have a strong relationship with numerous student outcomes.<sup>11</sup> A chronic absenteeism indicator would encourage schools to reduce the proportion of students who

miss 15 or more days per school year, which impacts more than 1 in 7 students outside New York City (see **Figure 5**). A student discipline indicator would incentivize a reduction in unnecessary and disproportionate in- and out-of-school suspensions, expulsions, seclusions/restraints, and school-based arrests. As **Figure 6** indicates, African American elementary and middle school students are nearly four times as likely as their white peers to receive at least one out-of-school suspension per year. To ensure that these indicators lead to improved outcomes for students, New York State will need to standardize definitions and safeguard the integrity of data collection and reporting.

✓ **Highlight other important measures, such as teacher equity and resource gaps, through needs assessments and school report cards.** ESSA invites New York State to determine not just *what matters* in our accountability system, but what matters *for what purpose*. As described in Principle 3, accountability indicators are only one available use of data — and, as detailed below, they are not appropriate for all of the measures we may care about.

In implementing the above recommendations, New York's accountability system should avoid the following important pitfalls:

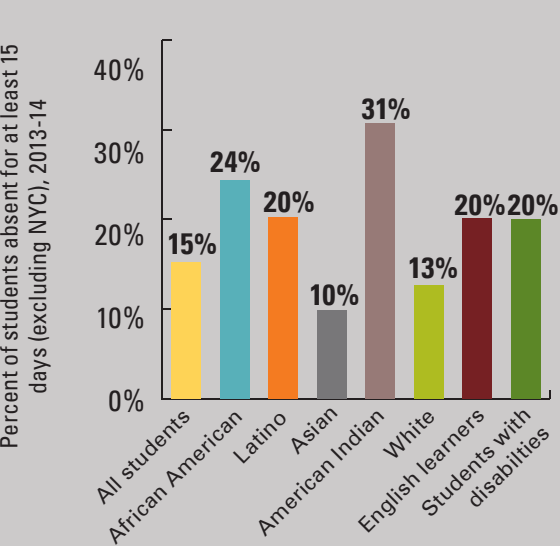
✗ **Do not enact provisions that attempt to “water down” proficiency or graduation rates or that give schools “extra credit” in ways that hide achievement and opportunity gaps.** Some commentators, for example, have suggested a less rigorous definition of proficiency (or avoiding the use of proficiency altogether), while others have proposed giving schools more credit for a student who scores at the advanced level than for a student who scores at the proficient level. Such approaches could mask the number of students at the lowest achievement levels and create a disincentive for schools to focus resources and attention on struggling students.



Figure 5: Chronic Absenteeism — Loss of Instructional Time Increases Opportunity Gaps.

Students who experience chronic absenteeism — generally defined as missing at least 10 percent of the school year — have lower academic achievement and are less likely to graduate from high school than their peers. Including chronic absenteeism as an accountability indicator can provide schools with an incentive to prioritize attendance and address some of the root causes of chronic absenteeism.

In New York State school districts outside of New York City, more than 1 in 7 students were chronically absent during the 2013-14 school year — missing 15 or more days of school. Chronic absenteeism rates are highest for traditionally underserved student groups:



The effects of chronic absenteeism have long been masked by the use of attendance rates. Attendance rates are calculated by comparing the total number of students in attendance on every day the school was open to the total number of students who should have attended. Looking at aggregate attendance days hides the severity of absenteeism among students who miss a significant number of days. For example, in schools outside New York City with an attendance rate of 95 percent — a seemingly high figure — an average of nearly 15 percent of students missed at least 15 days of school.

Because nearly all schools have a “high” attendance rate, this measure is not able to meaningfully differentiate among schools — a requirement of ESSA. On the other hand, there are significant differences among New York schools based on the percentage of students who miss at least 15 days of school:

Average (excluding New York City) in ...	Percent of Students Chronically Absent	Attendance Rate
... the 5% of schools with the lowest chronic absenteeism/highest attendance	<1%	98%
... the 25% of schools with the lowest chronic absenteeism/highest attendance	4%	97%
... the average school	12%	96%
... the 25% of schools with the highest chronic absenteeism/lowest attendance	31%	91%
... the 5% of schools with the highest chronic absenteeism/lowest attendance	51%	84%

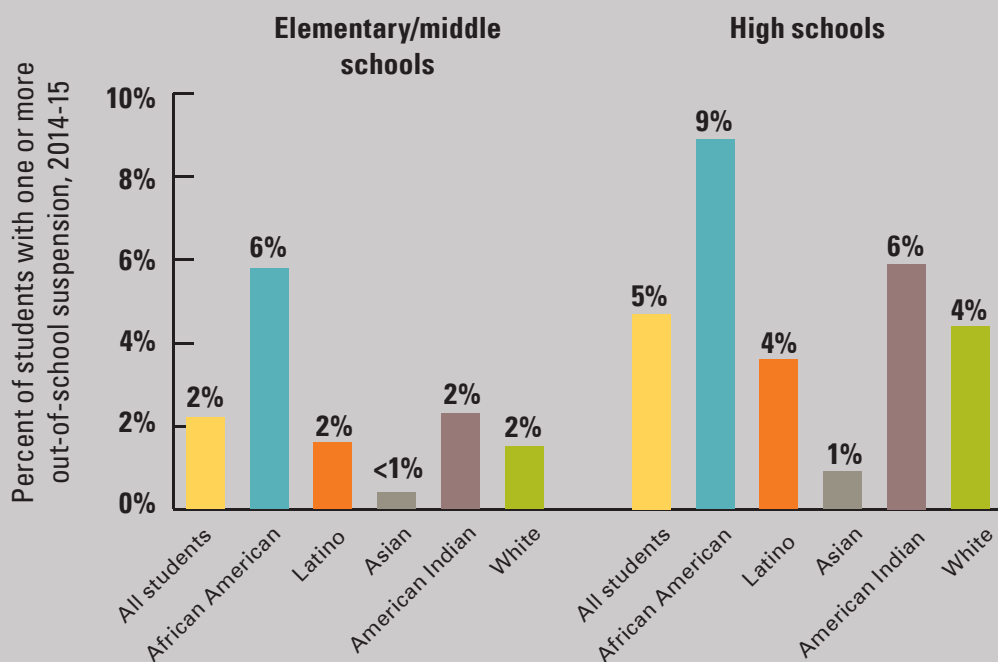
Attendance rates also conceal other opportunity gaps. In the schools outside of New York City with the highest proportion of low-income students, three times as many students are chronically absent as in the schools with the fewest low-income students. Yet the average attendance rates in these schools is relatively similar: 93 percent and 96 percent, respectively. The same holds true for the schools that serve the greatest proportion of students of color — where nearly twice as many students are chronically absent as in the schools with the smallest proportion of students of color, while the average attendance rate is just 2 percentage points apart.

Source: Chronic absenteeism analysis conducted using data from the U.S. Department of Education, Civil Rights Data Collection, 2013-14 School-Level Survey. Downloaded September 5, 2016. The source of attendance rate data is: New York State Education Department. School Report Card Database, 2014-15. Downloaded August 24, 2016. See Notes on Data Analysis on page 16.

## Figure 6: Out-Of-School Suspensions Disproportionately Reduce Instructional Time for African American and Low-Income Students

Research indicates that students who are suspended are more likely to experience worse educational outcomes than their peers. It also shows that suspensions are disproportionately handed down to African American students and to students with disabilities. ESSA provides an opportunity for states to examine their student discipline policies — including not only out-of-school suspensions but also in-school suspensions, expulsions, seclusions/restraints, and school-based arrests — and set expectations that school districts and schools will address disproportionate disciplinary practices and encourage, fund, and support restorative justice programs.

**In New York State, African American elementary and middle school students are nearly four times as likely as are their white peers to have at least one out-of-school suspension, and African American high school students are twice as likely as are their white peers to be suspended per year.**



In addition:

- Elementary and middle school students who attend the highest poverty schools statewide are nearly four times as likely to be suspended as their peers in the lowest poverty schools. This poverty penalty is even worse outside of New York City: In the rest of the state, elementary and middle school students in the highest poverty schools are nearly eight times as likely as their peers in the lowest poverty schools to be suspended.
- Elementary and middle school students are less likely to be suspended than are high school students, but African American *elementary and middle school students* are more likely to receive an out-of-school suspension than are white or Latino *high school students*.
- White high school students in the highest poverty schools are less likely to be suspended than African American students in the lowest poverty schools.
- While Latino students overall have suspension rates similar to white students, in both New York City and the rest of the state, Latino students in the schools with the greatest proportion of students of color are more than twice as likely to be suspended as are Latino students in the schools with the smallest proportion of students of color.

Source: Analysis conducted on data provided by the New York State Education Department. See Notes on Data Analysis on page 16.

✗ **Do not adopt too many accountability indicators.** A system with too many indicators will be unable to communicate clear expectations and priorities. New York State should adopt the fewest possible indicators that provide a comprehensive perspective on school performance.

✗ **Do not adopt accountability indicators that are beyond the control of the school.** It is unfair to schools and educators to hold schools accountable for measures like funding levels that, while important, are decided at the district and/or state levels. For example, access to early childhood programs — while important for long-term student success and a valuable element of a needs assessments and in public reporting — is not an appropriate accountability indicator of school performance.

✗ **Do not adopt accountability indicators that cannot be disaggregated or that cannot bear the weight of accountability.** All accountability indicators must be able to be disaggregated by subgroups in order to be able to measure the performance of — and, where necessary, target strategies to help — specific populations, including low-income students, students of color, students with disabilities, and English learners. In addition, New York State must avoid accountability indicators with inadequate reliability or validity, or ones that can easily be biased under the weight of accountability. For example, surveys can provide valuable information about a school, but including survey results in accountability could lead parents and students to under-report their concerns.

## PRINCIPLE 2:

### Take action when schools are not meeting rigorous expectations for any group of students.

*New York's accountability system must set ambitious performance and gap-closing goals for all groups of students and implement evidence-based strategies when those goals are not met.*

We **recommend** that New York's accountability system:

✓ **Set clear, ambitious, and achievable long-term goals and measurements of interim progress both for students overall and for every group of students.** The goals that New York State sets are as important as the indicators it selects. Establishing long-term or interim goals that are too low, that provide too many years to demonstrate real progress, or that do not reflect the importance of accelerating growth for low-income students, students of color, students with disabilities, English learners, and other historically underserved groups would represent a major failure and reflect poorly on New York State's ambitions for its students and its education system. Goals and progress targets must be rigorous, setting expectations of high achievement for all students and ensuring progress toward closing statewide achievement gaps.

✓ **Expect immediate action when any group of students is struggling to meet the long-term goals and measurements of interim progress.** Because our paramount goal is success for all students, New York State's accountability system must demand that any school that misses rigorous state-set goals or progress targets for any group of students for two years in a row take action to improve. The state should ensure that these schools' ratings reflect this consistent underperformance, and that the schools work with their districts to develop and implement targeted improvement plans. New York State's accountability system should identify schools for targeted or comprehensive support and improvement on an annual basis, ensuring that schools and students can, when necessary, receive support, resources, and assistance as early as possible.

✓ **Create an improvement process that sets schools on a path to success.** The state's accountability system should ensure that each school's improvement process begins with a needs assessment that addresses the school-based causes of underperformance. The assessment should also serve as the basis for an improvement plan that is developed with district supervision, incorporates community and educator involvement (as described in Principle 4), is culturally responsive, reviews the use of school resources, and identifies necessary supports and assistance to be provided by the district and/or state, if necessary. The plan should also identify leading indicators of improvement that the district or state can monitor and that can indicate when schools need to correct their course. If the school does not get back on track, interventions should be escalated.

✓ **Create a state-established list of approved evidence-based solutions when a school is not meeting expectations, and direct federal resources to support these strategies and encourage innovation.** Schools that have a record of low achievement or have consistently underperformed are highly unlikely to be able to change their trajectories on their own and, as recent history shows, are most likely to select the least rigorous interventions if given the choice.<sup>12</sup> The state should, therefore, establish a list of meaningful, approved, and evidence-based interventions from which schools identified as in need of support can choose. In addition, New York should ensure that resources under ESSA are targeted to provide maximum support to implement these evidence-based strategies in the schools and districts with the greatest need, and should explore implementing the Direct Student Services funding option under ESSA to encourage district-level innovation and provide additional academic opportunities for students, with significant quality controls.<sup>13</sup>

✓ **Establish exit criteria from comprehensive or targeted support and improvement based on whether schools are making significant,**

**sustainable progress toward their long-term goals and measurements of interim progress.**

Under ESSA, states have significant latitude to determine not only when schools are identified for support and improvement, but also when they are able to exit this status. At its worst, this can lead states to accept minimal levels of improvement, such as if a school is simply no longer meeting the criteria for identification; for example, a school identified for being in the bottom 5 percent on performance may move from the bottom 4 percent to the bottom 6 percent. The threshold should be far higher: If a school is not meeting its long-term goals and measures of interim progress, then it continues to require support and improvement.



**If a school is not meeting its long-term goals and measures of interim progress, then it continues to require support and improvement.**

✓ **Ensure that the state provides sustained support for schools to maintain programs and services that led to successful improvements and the fulfillment of exit criteria.** Too often, schools receive resources to implement specific evidence-based programs and interventions, and then the funding is terminated once the school has improved. New York State should ensure that its approach to funding — leveraging both federal and state resources — avoids these pitfalls and supports sustained implementation of successful practices. In addition, the process of exiting from targeted or comprehensive support and improvement should include planning for funding, operational sustainability, and ongoing stakeholder engagement.

### PRINCIPLE 3:

**To help schools improve, generate additional data beyond test scores in grades 3-8 and on Regents exams — including by addressing teacher equity and resource equity.**

*New York's accountability system must incorporate a holistic vision of what contributes to student success and what it means to be a quality school in order to inform the improvement process for schools that are not meeting expectations.*

We **recommend** that New York's accountability system:

- ✓ **Require that the state, school districts, and schools publicly report and act on measures of equitable access to strong educators, school funding, and other instructional resources (including early childhood programs and advanced high school coursework).**

In particular, research makes clear that the quality of teaching is the most important school-based determinant of student success.<sup>14</sup> In New York State, African American, Latino, and low-income students are more likely than their white or higher income peers to be placed with teachers rated “ineffective” on the state-provided growth rating for ELA and math. In addition, students in New York schools that serve the highest proportion of low-income students or students of color are more likely than students in schools with the smallest proportion of low-income students or students of color to be placed with educators teaching outside of their certification area.<sup>15</sup> ESSA represents an important opportunity to ensure that key provisions of *New York State's Plan to Ensure Equitable Access to the Most Effective Educators* are fully implemented and publicly reported — including data on teacher salary, turnover, retention, diversity, and experience — and that teachers receive the support they need in the classroom.<sup>16</sup>

- ✓ **Require an annual review of resource allocations — with actionable information for districts and the state — in each school district comprising significant numbers of schools identified for comprehensive or targeted support and improvement.** ESSA provides an important opportunity to spotlight

the *state's* approach to school funding as well as *school districts'* resource allocation decisions — both of which contribute to inequitable educational outcomes. ESSA should help prompt the state to address its systemic funding inequities and focus more attention on *intra-district* inequities and possible remedies.<sup>17</sup>

**ESSA represents an important opportunity to ensure that key provisions of New York State's Plan to Ensure Equitable Access to the Most Effective Educators are fully implemented and publicly reported and that teachers receive the support they need in the classroom.**

- ✓ **Explore ways to generate additional data to inform schools' needs assessments and public reporting, including data relating to school climate and safety, student and educator engagement, and social and emotional learning.** New York State's accountability system should recognize the importance of these non-academic factors by promoting better data collection, use, and reporting. While they are not appropriate accountability indicators, these factors contribute to student success and can be meaningful in school improvement strategies.



## PRINCIPLE 4:

### Make families and educators full partners through transparency and inclusion.

*New York's accountability system must clearly communicate whether schools are meeting expectations for all groups of students and, on an ongoing basis, include families and educators in the development and improvement processes.*

We **recommend** that New York's accountability system:

- ✓ **Establish a single rating for each school that describes the school's summative performance on the accountability indicators and clearly signals when any group of students is consistently underperforming.** Providing a single summative rating for each school is an essential pillar of transparency. New York State's accountability system should embrace this opportunity to spotlight schools that are succeeding for all groups of students and make clear to parents and communities when schools are not.
- ✓ **Ensure that consistent underperformance of any subgroup is reflected in a school's summative rating.** The state's accountability system should require that if a school is consistently underperforming for one or more groups of students, it should receive a lower rating than if it were not consistently underperforming for any group.
- ✓ **Provide clear, timely, and thorough data to educators and the public on the performance of each subgroup on the school's accountability indicators.** In addition to highlighting each school's summative rating, the state accountability system should ensure full transparency on the performance of all groups of students, making it possible to see whether students with disabilities, low-income students, students of color, and English learners are on track.
- ✓ **Highlight schools that demonstrate high levels of achievement for all groups of students and successfully close achievement gaps.** School report cards should recognize schools that have high levels of achievement, high graduation rates, and high rates of success for college readiness and advanced coursework and exams among students of color, low-income students, English learners, and students with disabilities.
- ✓ **Prioritize involving educators, parents, and community members in the development of the state accountability system.** The state should provide guidance for feedback from the public and include multiple opportunities and venues for input throughout the development of the state plan. It is incumbent on state policymakers to ensure that the voices of all communities — including those representing students of color, students with disabilities, English learners, and low-income students; teachers and school and district leaders; employers; and higher education institutions — are heard and their views considered.
- ✓ **Require meaningful engagement with families about improvement strategies and interventions when a school is not meeting expectations.** Parents should be integral participants in shared decision-making when a school is developing and implementing improvement strategies under ESSA. Consistent with Commissioner's Regulation 100.11, the state's accountability system should recognize the vital role of independent parent representatives and school-related parent organizations.
- ✓ **Take advantage of funding opportunities in ESSA to encourage independent parent voices and parent-led organizing.** As part of its accountability plan development process, New York State should commit to seek ESSA funding



to establish a Family Engagement Center to build parent capacity and provide high-quality state-approved training to parents.

- ✓ **Continue to enhance educator and parent confidence in standards and assessments.** The New York State Education Department has taken important steps over the last several years. As part of its accountability plan development process, New York State should commit to continue to build the role of educators in setting assessment and proficiency standards, and to improve transparency to parents in order to improve public confidence on these issues.
- ✓ **Provide highly accessible parent-friendly information.** New York State's accountability system should ensure that school report cards and other notices are parent-friendly, provided on a timely basis, and made available in a format that ensures visibility of the most important information — including a school's summative rating, academic performance, teacher equity, and resource equity. Information must be provided in multiple languages and formats based on the needs of the parents in the school community.

In implementing the above recommendations, New York's accountability system should avoid the following pitfalls:

- ✗ **Do not reduce transparency by replacing a summative school rating with a "dashboard."** Having only an array of data would make it more difficult for parents, educators, and the public to gauge the performance of a school or groups of students in the school. The state's accountability system should include a summative rating, as described above, supported by a dashboard of additional supporting information, including indicators disaggregated by student group.
- ✗ **Do not weaken accountability for meeting test participation rate requirements.** New York State's accountability system should not inappropriately treat schools with significant

"opt-out" populations as successful schools even though not all students are being counted.

## Conclusion

ESSA presents a powerful opportunity for New York State to advance an agenda of equity and achievement for all students. The levers and decisions available to New York under the federal law can set the stage for higher achievement for every group of students and sustain support for the excellent educators and research-backed programs that will change the trajectory for New York's students. By the same token, the flexibility inherent in ESSA creates momentous risks that would allow states to opt for the lowest common denominator as they craft their accountability systems. For the sake of New York's students and our shared future, we believe the choice is clear. ■

# Notes on Data Analysis

## Figure 2:

This figure uses 2014-15 data for all subjects because it is the most recent year for which science assessment results have been released. Schools where the number of students tested in science is less than 10 as well as schools in Special Act school districts have been excluded from the school-level analysis (total excluded schools = 18 in grade 4; 44 in grade 8).

## Figure 3:

Analysis conducted using the 2011 Total Cohort – 4-Year Outcome dataset. Schools that do not have a particular subgroup, or where subgroup data was suppressed to protect personally identifiable information, are excluded from the analysis. Schools and subgroups are also excluded if the total students in the cohort is less than 10.

## Figure 4:

Analysis conducted based on reported student enrollment in grades 3-8. The source data files suppress certain values in order to protect personally identifiable information. Had suppressed values been included, in some instances a school would have enough students in a particular subgroup to exceed the “n-size” threshold and would be removed from the totals in this figure; however, in other instances, the suppressed values would reveal additional students who would be uncounted and add to the totals in the figure.

## Figure 5:

The analysis of chronic absenteeism is based on students enrolled in 2,836 K-12 schools outside of New York City. All New York City data from the Civil Rights Data Collection was excluded due to concerns about the reliability of data submitted to the federal survey, as recently reported in the media (“New York City among districts with high student absenteeism,” *Chalkbeat*, 9/6/2016). Schools outside of New York City were also excluded if data was invalid or incomplete, could not be matched to NYSED

enrollment data, reported a number of students as chronically absent that exceeded the actual enrollment in total or for any subgroup, or represented a Special Act district serving special populations. A total of 90 schools outside of New York City were excluded for one or more of these reasons, and remaining students represent 98.2 percent of total K-12 enrollment outside of New York City. School attendance rates were excluded from the analysis if the reported value equaled zero (n=19) and a limited number of schools did not match to the dataset (n=17).

## Figure 6:

The data provided represent the number of students in K-12 schools who received at least one out-of-school suspension during the 2014-15 school year. If a student was suspended multiple times, the student is only counted once. Data were reported for 4,751 schools. It was possible to match suspension data with race/ethnicity enrollment data for 4,708 schools, of which 6 were excluded because they only provide pre-kindergarten programs. In addition, in 91 of the matched schools, the reported number of students suspended exceeded the total number of students enrolled in the subgroup; these schools were therefore excluded from the analysis. Further excluding Special Act school districts, the remaining schools included in the statewide analysis represent 97.7 percent of total K-12 enrollment. For the school-level analysis, subgroups were excluded if their total size was below 10 students. The elementary/middle and high school analysis was determined by labeling schools as high schools if they had a listed high school graduation accountability indicator in the 2014-15 School Report Card Database; all other schools were counted as elementary/middle schools. Six schools with a high school graduation accountability indicator but no Adequate Yearly Progress result and no enrollment in grades 9-12 or ungraded secondary were excluded from the high school count and counted as elementary/middle schools.

# Endnotes

<sup>1</sup> New York State Education Department, Preliminary District Level Data by Grade, 2015-16, <http://www.p12.nysed.gov/irs/statistics/enroll-n-staff/home.html>. Accessed August 16, 2016.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> National Assessment of Educational Progress, Comparison of 2003 and 2015 state rankings for percent of students at or above proficient.

<sup>5</sup> New York State Education Department, "State Education Department Releases Spring 2016 Grades 3-8 ELA and Math Assessment Results," July 29, 2016, <http://www.nysed.gov/news/2016/state-education-department-releases-spring-2016-grades-3-8-ela-and-math-assessment-results>.

<sup>6</sup> For additional information on ESSA and the issues raised in this policy brief, please visit <https://edtrust.org/students-cant-wait>.

<sup>7</sup> The term "consistently underperforming" is derived from ESSA language and is used throughout the remainder of this document without quotation marks.

<sup>8</sup> Georgetown University Center on Education and the Workforce, Recovery: Job Growth And Education Requirements Through 2020, New York State Summary, <https://cew.georgetown.edu/wp-content/uploads/New-York-Recovery.pdf>.

<sup>9</sup> New York State Education Department, 2014-15 School Report Cards, <http://data.nysed.gov>. Accessed August 14, 2016.

<sup>10</sup> There is no evidence that the current Career Development and Occupation Studies (CDOS) credential is recognized as valuable by employers for general use, and this recommendation should not be read to suggest that CDOS would constitute proficiency on a core workforce readiness assessment. For additional information on career readiness, see: U.S. Chamber

of Commerce Foundation, Career Readiness: A Business-Led Approach for Supporting K-12 Schools, publication forthcoming.

<sup>11</sup> R. Balfanz & V. Byrnes, Chronic Absenteeism: Summarizing What We Know From Nationally Available Data (Baltimore: Johns Hopkins University Center for Social Organization of Schools, 2012); The Council of State Governments Justice Center and Public Policy Research Institute, "Breaking Schools' Rules: A Statewide Study of How Discipline Relates to Students' Success and Juvenile Justice Involvement," July 2011.

<sup>12</sup> See, for example: S. Hurlburt, K.C. Le Floch, S.B. Therriault, and S. Cole, Baseline Analyses of SIG Applications and SIG-Eligible and SIG-Awarded Schools (NCEE 2011-4019) (Washington, D.C.: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 2011).

<sup>13</sup> For additional information on Direct Student Services, see: Chiefs for Change, Expanding Equity: Leveraging the Every Student Succeeds Act (ESSA) to Provide Direct Student Services, <http://chiefsforchange.org/wp-content/uploads/2016/04/Chiefs-for-Change-Direct-Student-Services-April-2016.pdf>.

<sup>14</sup> See, for example: <http://www.rand.org/education/projects/measuring-teacher-effectiveness/teachers-matter.html>.

<sup>15</sup> New York State Department of Education, New York State's Plan to Ensure Equitable Access to the Most Effective Educators, 2014-15, <http://www.p12.nysed.gov/accountability/T2/pdfs/FINALNYSEquityPlan.pdf>.

<sup>16</sup> See: <https://www2.ed.gov/programs/titleiparta/equitable/nyequityplan072015.pdf>.

<sup>17</sup> N. Ushomirsky and D. Williams, Funding Gaps 2015 (Washington, D.C.: The Education Trust, 2015), <https://edtrust.org/resource/funding-gaps-2015/>.



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