

June Board of Regents Information

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For the complete commissioner's June report to the Board, go to
<http://www.oms.nysed.gov/comm/2008/0608commrep.htm>

Commissioner Mills highlights the progress in data that is reflected in ELA and Math scores across the state. He also denotes that the gaps are closing as the data reflects that minority students' scores are increasing as are the scores of students with disabilities. Commissioner Mills refers to item and content maps in math as one reason for the increased success in math scores.

Another issue that Commissioner Mills reports on is that of the waiver to allow retired administrators to work in public schools (Section 211 of the Retirement and Social Security Law). He points out nine actions that could improve the waiver proves. I would encourage you to read them.

Another topic is that of the rate setting system for special education programs. It is a complicated process; progress is being reviewed as 'improvements' are being made.

Of note as well, is the reference made to the teacher certification process, that most applications are approved online, can be tracked and the reduction in the certification timeline.

Recommendations from two governor's commissions are also highlighted. Three issues are focused on – BOCES, mandate relief and school district reorganization. A reference is made to eliminate, consolidate and reduce school district reporting, as well as barring new Regents' regulations in the absence of "extensive analysis of financial impact". Also noted is the recommendation to propose the commissioner of education the authority to order district reorganizations subject to the approval of the Regents (and of course full transparency and extensive public input would be reflected in the process).

EMSC Proposals are noted: <http://www.regents.nysed.gov/2008Meetings/June2008/0608monthem.html>

(1) Proposed amendment to the Commissioner's regulations relating to pupil transportation:

This proposal is submitted for adoption at the July 2008 meeting with a proposed effective date of 8/21/08

The proposed regulation will require school districts to minimize, to the extent practicable, the idling of the engine of any school bus and other vehicles owned or leased by the school district while such bus or vehicle is parked or standing on school grounds, or in front of any school. (Education Law section 3637, as added by Chapter 670 of the Laws of 2007)

The revisions include:

- Provide that school districts shall consider adopting policies which provide for the prompt loading and unloading of individual school buses rather than a policy of waiting for all buses to arrive before loading or unloading.
- Clarify that school buses should be diagonally parked in school loading areas to minimize exhaust that may enter school buildings as well as school buses.
- Provide more flexibility to school districts to monitor and report compliance with the rule's provisions.
- Provide that the Commissioner may also require specific school districts to provide additional information as necessary to address health concerns related to their compliance with the rule.

(2) Proposed revisions on regulations regarding Contracts for Excellence (9th emergency action):

This revision is to include shared decision making. (section 100.13 to ensure that contracts for excellence are developed, as appropriate, consistent with the shared decision making provisions in 8 NYCRR), to be effective 7/1/08 if accepted.

(3) Charter School discussions and revisions were made for the following: Community Roots Charter School, Hellenic Classical Charter School, Peninsula Preparatory Academy Charter School, South Bronx Charter School for International Cultures and the Arts

(4) Discussion around an Interim Growth Model:

The term “growth model” is used by different persons to refer to different concepts. Most fundamentally, a growth model is a means to measure the change in the performance of students on specified assessments over time.

On February 15, 2008 Commissioner Mills wrote to Secretary Spellings informing her of New York State’s intent to submit a Growth Model Proposal to the USED for implementation in the 2008-09 school year. In April 2007, the Legislature passed and the Governor signed into law Chapter 57 of the Laws of 2007, which contains provisions regarding development of growth models.

Chapter 57 of the Laws of 2007 requires that by the start of the 2008-09 school year the Board of Regents shall establish, using existing state assessments, an interim, modified accountability system incorporating a growth model, subject to the approval of the USED. In turn, by the 2010-11 school year, the Board of Regents will implement an enhanced accountability system incorporating an enhanced growth model using revised or new assessments and, where feasible, a value-added accountability model.

Chapter 57 specifically defines a growth model as “the assessment of a cohort of students, or individual students, over time that measures the academic progress made by those students.” A key question in the design of a growth model is to determine how “academic progress” over time is to be measured and how much growth “is enough.” Targets for growth can be policy driven, data driven, or a combination of both.

- Policy driven targets start with a policy goal (what should be) and then establish the targets for performance that are necessary to achieve this goal. Policy driven growth models often seek to hold schools and districts accountable for ensuring that students obtain a common standard (i.e., all students will be proficient) even though this creates differentiated challenges for the units of accountability in that some will find it easier than others to achieve this goal.
- Data driven growth targets start with historical performance data (what has been) and use that as a basis to project what should be expected of the units to be measured. Data driven growth models often seek to standardize across schools and districts the challenge of achieving the targets (i.e., schools and districts have an equal likelihood of achieving the targets regardless of student demographics or resource availability) by creating differentiated standards for acceptable student outcomes.

The “growth to standards” models must demonstrate that all students are either proficient or on track to proficiency as of the 2013-14 school year, are examples of policy driven growth targets. To meet the requirements of Chapter 57 and secure USED approval, New York State’s interim growth model must be anchored in a methodology designed to measure whether students are either currently proficient or on track to obtain proficiency in English language arts (ELA) and mathematics within a specified period of time.

It is important to keep in mind that there are many possible growth models that are designed to serve different purposes. The State’s interim growth model is designed to support the Board of Regents policy to close the achievement gap and improve student performance. This model gives schools and districts credit for students making sufficient progress towards becoming proficient and meeting NYS learning standards. The NYS Grades 3-8 growth model methodology has many similarities to the North Carolina

model. The high school growth model employs a value tables approach that has been used by states such as Delaware.

(5) Proposed expenses (reasonable and necessary) of SQRT (School Quality Review Team) members, JITs (Joint Intervention Team) and DEs (Distinguished Educators): This proposal will be effective July 17, 2008 if adopted.

This proposal (Section 100.15 of the Commissioner's Regulations, establishes criteria for determining the reasonable and necessary expenses of members of school quality review teams and joint intervention teams, and distinguished educators. These teams are a new system of support and interventions that the Board of Regents is implementing.

- **School Quality Review Teams** to assist any school in improvement, corrective action, restructuring or SURR status. These teams begin operation during the 2007-08 school year. The teams may conduct resource, program and planning audits, and examine organization, operations, curriculum, instructional plans, and learning opportunities available to students. The teams make advisory, diagnostic recommendations.
- **Joint Intervention Teams** appointed by the Commissioner and the school district to assist any school in restructuring or SURR status that has failed to demonstrate progress as specified in a corrective action plan or comprehensive educational plan. These teams will begin operation during the 2008-09 school year. The teams, which must include district representatives, assist school districts in developing, reviewing and recommending plans for reorganizing or reconfiguring schools in restructuring status or a SURR school. As in the case of the School Quality Review Teams, the recommendations of the Joint School Intervention Teams are advisory.
- **Distinguished Educators**, appointed by the Commissioner, as appropriate, to assist districts and schools that have failed to make Adequate Yearly Progress (AYP) for four or more years with the development and review of school improvement plans, reorganization and/or reconfiguration efforts. Distinguished Educators can be assigned by the Commissioner as early as the 2008-09 school year. The Distinguished Educators may be current or former superintendents, principals, teachers or educators. Once identified, Distinguished Educators serve as ex-officio, non-voting members of the school board. Distinguished Educators must either endorse improvement plans for the school(s) or district to which they have been assigned or send them back to the school district for modification. A school district must modify the plan as required by the Distinguished Educator unless the district provides compelling reasons to the Commissioner for why the plan should not be modified. All school districts and charter schools are required to enter into contracts with their superintendent or school head that stipulate that they will fully cooperate with any assigned Distinguished Educator.

Chapter 57 requires that the reasonable and necessary expenses for the SQR teams, as well as for Joint Intervention Teams and distinguished educators, are a charge to the school district or charter school. For the 2007-08 school year, SED was able to craft a plan that did not require that districts incur any costs for the activities of the School Quality Review teams. Beginning in 2008-09, if the law is not amended, the Department anticipates that districts will incur costs.

<<The Regents in their 2008-09 State Aid proposal recommended that the costs to districts instead be substantially mitigated by the Department receiving a \$10 million appropriation to pay for the operation of those teams that are assigned to schools and districts as required by the statute. This proposal was not picked up in the Executive's Budget proposal, however is still being advocated for. >>

(6) Proposed amendments and eliminations of the Commissioner's Regulations to changes in State statutes regarding financial aid and to eliminate obsolete provisions.

The proposed amendments and repeals are needed to implement the Foundation Aid provisions enacted by Chapter 57 of the Laws of 2007 and to bring the Commissioner's Regulations into compliance with other statutory changes.

Chapter 57 of the Laws of 2007 changed the school funding system by replacing approximately 30 State Aid categories with a single Foundation Aid.

The repeal of sections 100.1(q) and (r) and 100.2(u) and (v) relate to definitions and descriptions regarding declassification support services and educationally related support services. The aid associated with these services has been combined into Foundation Aid. Programmatic requirements for declassification support services are provided for in Part 200 of the Regulations of the Commissioner.

Section 110.3 is amended to conform with current statutory language. Section 110.6 is repealed as it relates to a provision in Education Law section of 3602 which has been repealed. Both sections deal with State Aid for summer school.

The sections of Part 144 being repealed provide for the following obsolete programs:

- Incentive Grants
- Entrepreneurship Grants
- Parenting Education
- Attendance Improvement/Dropout Prevention
- Student Information Systems
- Youth at Risk
- Workforce Prep
- Curriculum and Assessment /School Innovation
- Early Grade Class Size

Various sections of Part 175 are amended and repealed to conform with the statutory changes to Education Law section 3602 made by Chapter 57 of the Laws of 2007. In addition, certain sections of Part 175, related to provisions of State Aid that were either for specific aid years since past or for categories of aid that had previously been discontinued or consolidated, are repealed.

VESID: <http://www.regents.nysed.gov/2008Meetings/June2008/0608monthve.html>

1. To inform the Board of Regents about the new **UCS (Unified Contract Services)** for vendors of VESID services.
2. Discussion around the **IEP diploma** and to consider revisions to the state policy regarding this. Several concerns are noted, (1) high percentage of students graduating with an IEP diploma versus a local or Regents, (2) lowered expectations for a student with an IEP diploma, (3) decision of IEP diploma occurring too early in high school, (4) informed decision-making for the student and parent regarding IEP diploma status – limited opportunities after school including employment, (5) denoting on transcript of IEP diploma.

The IEP diploma was first instituted in 1984 and was meant as another option to awarding a local certificate based on attendance. In 1999, standards-based criteria were added in order to obtain an IEP diploma. Criteria for an IEP diploma is laid out in Section 100.9(a-f) of the Regulations of the Commissioner of Education, as well as Section 200.5(a)(5)(iii). An IEP diploma is intended for students with the most significant disabilities, in recognition of his/her success in achieving their IEP goals as specified in the most current IEP.

3. To inform and update the Board of Regents about the “**Designing our Future**” initiatives and interagency activities. This implementation plan concentrates on several key themes (improve marketing of VESID, enhance collaboration with stakeholders, expand and diversify outreach, redesign staffing structures) and improving service delivery in New York State.

Higher Education: <http://www.regents.nysed.gov/2008Meetings/June2008/0608monthhe.html>

1. **Proposed Teacher Tenure Amendment**– emergency adoption of the proposed amendment to be adopted permanently at July Regents meeting.
2. **Discussion and review of the Teacher Certification process and effects on supply of highly qualified teachers (TEACH)**
3. **Proposed amendment relating to requirements for coursework/training in the needs of students with Autism:** proposed addition of Subpart 57-3 and Section 80-1.12 and amendment of Sections 52.21 and 80-3.7 to the Regulations of the Commissioner of Education, relating to requirements for course work or training in the needs of students with autism

Chapter 143 of the Laws of 2006 requires that all persons applying for a teaching certificate or a license as a special education teacher, in addition to all the other certification or licensing requirements, complete course work or training in the area of children with autism. The legislation further requires that the course work or training be obtained from an institution or provider which has been approved by the Department to provide such course work or training in the needs of children with autism.

In response to this legislation, the Department worked extensively with internal and external experts in autism to develop the proposed regulations to implement Chapter 143 of the Laws of 2006. The Work Group recommended the following actions:

- Amend Part 52 of the Commissioner’s Regulations to provide autism specific requirements for special education teacher preparation programs.
- Amend Part 57 of the Commissioner’s Regulations to establish standards under which the Department will approve providers of this training.
- Amend Part 80 of the Commissioner’s Regulations to require that all teachers applying for certification in special education titles complete course work or training in the needs of children with autism and ensure that, as a condition of certification through individual transcript evaluation, special education teachers receive the appropriate training or course work in the needs of students with autism.