


To: District Superintendents and Superintendents of Public Schools

From: Dr. Julia Rafal-Baer, Executive Director Office of Teacher and Leader Effectiveness, Policy and Programs 

Date: February 3, 2014

Subject: Impact of the Department's Recently Approved Elementary and Secondary Education Act (ESEA) Waiver Related to Algebra 1/Geometry on Currently Approved Annual Professional Performance Review (APPR) plans

### **Background Information**

The purpose of this memo is to provide further guidance and clarification to the field regarding the impact of the United States Department of Education's (USDE) recent approval of the Department's request for a waiver from certain provisions of the Federal Elementary and Secondary Education Act (ESEA) [Sections 1111(b)(1)(B) and 1111(b)(3)(C)(i)] that require students who take Regents Examinations in Mathematics when they are enrolled in seventh or eighth grade to also take the NYS Common Core Mathematics Assessment for the grade in which they are enrolled, on currently approved APPR plans. This waiver currently applies to the 2013-14 school year **only**. The waiver will relieve students, teachers and schools from having to prepare students in seventh and eighth grade for the State assessment when they are receiving instruction in Algebra I (Common Core) or Geometry (2005 standards). Local Educational Agencies (LEAs) will be allowed to choose to administer only the Regents Examination in Algebra I (Common Core) or Regents Examination in Geometry (2005 Standards) to these students, rather than administering these Regents exams in addition to the grade appropriate NYS Common Core Mathematics Assessment for the grade in which they are enrolled, thus eliminating the need for unnecessary testing in seventh and eighth grades.

The ESEA waiver is subject to renewal by USDE beyond the 2013-14 school year. Later this year, NYSED will seek permission from the Board of Regents to submit a request to USDE for renewal of this waiver. However, there is no guarantee that the USDE will extend the waiver beyond the 2013-2014 school year. For more information, please see Assistant Commissioner Ira Schwartz's memorandum and FAQ:

[http://www.p12.nysed.gov/accountability/waivers/documents/DoubleTestingFieldMemo11-25-13\\_1.pdf](http://www.p12.nysed.gov/accountability/waivers/documents/DoubleTestingFieldMemo11-25-13_1.pdf) and NYSED's waiver request:

<http://www.p12.nysed.gov/accountability/waivers/documents/RequestforwaiverfromDoubleTestinginMiddleLevelmathtousde11-12-13.pdf>.

Please note: all APPR material change requests for the 2013-14 school year – for any purposes – **must** be submitted in the APPR Portal (<https://nysed-appr2.myreviewroom.com/>) to the Department by March 1, 2014. Please see APPR Guidance C8 for further information: <http://www.engageny.org/sites/default/files/resource/attachments/appr-field-guidance.pdf>. Please email [educatoreval@mail.nysed.gov](mailto:educatoreval@mail.nysed.gov) for technical support and assistance.

## **Impact of Waiver on Currently Approved APPR plans**

To eliminate unnecessary testing, school districts will now be allowed to administer only the Regents Examination in Algebra I (Common Core) assessment to eighth grade students<sup>1</sup>. This waiver also extends to seventh and/or eighth grade students who receive instruction in Geometry and who take the Regents Examination in Geometry (2005 Standards).

After conducting reviews of a representative sample of APPR plans, it is the understanding of the Department that it is a small percentage of districts and BOCES that will require a material change to their currently approved APPR plan for the 2013-14 school year to allow teachers and/or principals of seventh and/or eighth grade students to be evaluated for APPR purposes using the applicable Regents Examination in Algebra I (Common Core) and/or the Regents Examination in Geometry (2005 Standards) for students that take Algebra or Geometry rather than the NYS Common Core Mathematics Assessment.

### *Guidance on Implementing Task 2: State Growth or Other Comparable Measures Subcomponent*

The Department recommends that Districts and BOCES consult with their local counsel to determine whether a material change is required. However, for districts or BOCES that offer the Regents Examination in Algebra I (Common Core) or the Regents Examination in Geometry (2005 Standards) to students enrolled in seventh and/or eighth grades and that do not require these students to take the State assessment in Mathematics for this grade, the district will be able to use the same HEDI process the High School Algebra I (Common Core) or the Geometry (2005 Standards) Regents courses described in the district's or BOCES' currently approved APPR plan in Task 2.8 (High School Mathematics Regents courses) for those affected teachers.

If the district or BOCES has determined that it will utilize a pretest to measure growth, and no pretest was taken by seventh and/or eighth grade students to set targets for measuring growth when using the Regents Examination in Algebra I (Common Core) or the Regents Examination in Geometry (2005 Standards) as the summative assessment, districts and BOCES should consult with their local counsel; however, a minimum rigor expectation for growth could be developed by the Superintendent of the district or BOCES and used to calculate the HEDI results at the end of the year for Student Learning Objectives (SLOs) for the State growth or Other Comparable Measures subcomponent. (See sample screen shot below):

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<sup>1</sup> Please note, as per Deputy Commissioner Ken Wagner's memo (see: <http://www.p12.nysed.gov/assessment/commoncore/transitionccregents1113.pdf>): for the June 2014, August 2014, and January 2015 administrations only, students receiving Algebra I (Common Core) instruction may, at local discretion, take the Regents Examination in Integrated Algebra (2005 Revised) in addition to the Regents Examination in Algebra I (Common Core).

## 2.8) High School Math Regents Courses

Using the drop-down boxes below, please first select the assessment that will be used for SLOs for the grade/subject listed. Then name the specific assessment, listing the full name of the assessment. Regents assessment must be used where available.

Note: Additional high school math courses may be listed below in the "All Other Courses" section of this form.

	Math Regents Courses	Assessment
Algebra 1	Regents assessment	Regents assessment
Geometry	Regents assessment	Regents assessment
Algebra 2	Regents assessment	Regents assessment

For High School Math Regents Courses: describe the district-adopted expectations for the level of performance required for each HEDI rating category and the process for assigning points to teachers based on SLO results consistent with regulations and assurances in the Comparable Growth Measures subcomponent. Include any district-determined expectations for measuring student growth on the assessments listed for this Task.

NOTE: For Algebra 1, please specify whether your district will be offering the Integrated Algebra Regents, the Common Core Algebra Regents, or both and how the HEDI process will be adjusted accordingly.

Use this box, if needed, to describe the general process for assigning HEDI categories for these grades/subjects in this subcomponent. If needed, you may upload a table or graphic at 2.11, below.

Using student prior academic history, the district has a set a minimum rigor expectation for growth of a score of 70 or better on the NYS Regents exams. HEDI points are awarded to a teacher based on the percentage of students meetings or exceeding the minimum rigor expectation for growth.

### *Student Learning Objectives (SLOs) for the Other Comparable Measures: Guidance on the Implementation of the 50% Rule for Teachers*

If a district or BOCES has some, but not all, students across grade/course sections taking the Regents Examination in Algebra I (Common Core) or the Regents Examination in Geometry (2005 Standards) in seventh and/or eighth grade, then it is the expectation of the Department that the district or BOCES will follow the state's requirements around the "50% rule" for purposes of determining if SLOs are required and for constructing SLOs.

If 50% or more of the teacher's students across grade/course sections take the grade appropriate State Common Core Assessment in Mathematics and the teacher meets the minimum "n" size requirement, then the teacher will receive a State-provided growth score based on the grade appropriate State Common Core Assessment in Mathematics, as applicable. If fewer than 50% of the teacher's students take the Grade 7 and/or 8 NYS Common Core Assessment in Mathematics and/or the teacher does not meet the minimum "n" size requirement, then it is the Department's expectation that districts and BOCES will use SLOs as the comparable growth measures following all State SLO rules (see APPR Guidance D20:

<http://www.engageny.org/sites/default/files/resource/attachments/appr-field-guidance.pdf> and the SLO Guidance Document: <http://www.engageny.org/sites/default/files/resource/attachments/slo-guidance.pdf>). For example, a teacher with one section with thirty students who take the Grade 8 State Common Core Assessment in Mathematics and four sections with one hundred students who take the Regents Examination in Algebra I (Common Core) will have two SLOs. In the first SLO, the State will provide a growth score for the section of students who take the Grade 8 NYS

Common Core Assessment in Mathematics and this score will be weighted proportionately with the results from the second SLO that will be based on the results of the students who take the Algebra I Regents examination. The Department continues to recommend that all educators with students close to the minimum “n” size also set SLOs for comparable growth measures, in the event that there are not enough students, not enough scores, or unforeseen issues with the data to generate a State-provided growth score.

#### *Guidance on Implementing the Locally Selected Measures Subcomponent*

Based on a review of approved APPR plans, it is the understanding of the Department that the majority of districts and BOCES will not require any material change to their Locally Selected Measures subcomponent of their APPR plan for teachers or for principals. For principals, districts and BOCES must implement those assessments that are currently listed in their APPR plan for their building configurations that are currently administered within their school building. For teachers, districts and BOCES must continue to implement the locally selected measure negotiated in their APPR plan for seventh and/or eighth grade teachers (as applicable) for those teachers with students who are accelerating into Regents level courses for Algebra I (Common Core) and/or Geometry. Most APPR plans use a school-wide measure, a growth or achievement measure based on a district, regional, or BOCES-developed assessment, or a state-approved third party assessment for these grades/subjects. Therefore, the Department does not anticipate that districts and BOCES will require a material change to their Locally Selected Measures subcomponent for teachers or for principals. However, districts and BOCES should consult with their local counsel to determine if a material change is needed to their APPR plan.

#### *Guidance on Implementing Task 7: State Growth or Other Comparable Measures Subcomponent*

##### Principals with grades 6-8 (or similar) building configurations

If a seventh or eighth grade student does not take the grade appropriate NYS Common Core Mathematics Assessment, that student will not have a student growth percentile (SGP) calculated for him or her and therefore that student’s score not be included in his or her principal’s State-provided growth results for grades six through eight in the 2013-14 school year.

In the rare circumstances whereby a principal no longer meets the minimum “n” size requirement and/or less than 30% of a principal’s students school-wide are covered by a State-provided growth measure, the principal will need to develop a comparable growth measure for the purposes of APPR. For some districts and BOCES, this will require a material change to their APPR plan. In these rare circumstances, districts and BOCES will be required to submit an expedited material change to their approved APPR plan in the State-provided Growth and Other Comparable Measures subcomponent for principals (see Question 16: [http://www.p12.nysed.gov/accountability/waivers/documents/DoubleTestingFieldMemo11-25-13\\_1.pdf](http://www.p12.nysed.gov/accountability/waivers/documents/DoubleTestingFieldMemo11-25-13_1.pdf)). Typically, middle school principals will still receive a State-provided Growth score as more than 30% of their students will still take the 6-8 State assessments (see sample screen shot below):

**7.1) STATE-PROVIDED MEASURES OF STUDENT GROWTH (25 points with an approved Value-Added Measure)**

For principals in buildings with Grades 4-8 ELA, Math and/or High School courses with State or Regents assessments, (or principals of programs with any of these assessments), NYSED will provide value-added measures. NYSED will also provide a HEDI subcomponent rating category and score from 0 to 25 points.

In order for a principal to receive a State-provided value-added measure, at least 30% of the students in the principal's school or program must take the applicable State or Regents assessments. This will include most schools in the State.

Please list the grade configurations of the school(s)/program(s) in your district/BOCES where it is expected that 30-100% of a principal's students are taking assessments with a State-provided growth or value-added measure, (e.g., K-5, PK-6, 6-8, 6-12, 9-12, etc.).

Value-Added measures will apply to schools or principals with the following grade configurations in this district (please list, e.g., K-5, PK-6, 6-8, 6-12, 9-12):

PK-5
6-8
9-12

Principals with grades 9-12 building configurations

Since the State-provided growth scores take into account the prior academic history of ninth grade students, including those that have taken Regents exams prior to entering ninth grade, the change in requirements for seventh and eighth grade students who take a course of study in Algebra 1 (Common Core) or Geometry (2005 Standards) should not have an impact on grades 9-12 principals (see Question 17:

[http://www.p12.nysed.gov/accountability/waivers/documents/DoubleTestingFieldMemo11-25-13\\_1.pdf](http://www.p12.nysed.gov/accountability/waivers/documents/DoubleTestingFieldMemo11-25-13_1.pdf)).

Expedited ESEA Waiver Material Change Form

For those districts or BOCES who determine that their currently approved APPR plan requires further changes in the State Growth or Other Comparable Measures subcomponent or in the Locally Selected Measures subcomponent to account for the use of the Regents Examination in Algebra I (Common Core) for eighth grade students and/or the Regents Examination in Geometry (2005 Standards) for seventh and/or eighth grade students, the Department will conduct an **expedited review** to accommodate for the ESEA waiver and the approaching March 1, 2014 deadline to submit a material change (see: APPR Guidance C8

<http://www.engageny.org/sites/default/files/resource/attachments/appr-field-guidance.pdf>).

Those districts or BOCES wishing to make a material change incorporating collectively bargained changes applicable to Task 2.8, 3.2, 7.3, 8.1, and/or 8.2 **only** should do so through use of the attached ESEA Waiver Material Change Form. If a district or BOCES wishes to make these changes in conjunction with additional material changes to its currently approved APPR

plan, then the district or BOCES should follow the standard material change submission process, as outlined in APPR Guidance (see: APPR Guidance C8 <http://www.engageny.org/sites/default/files/resource/attachments/appr-field-guidance.pdf>)

Please note that the Department will only review the listed material changes included on the ESEA Waiver Material Change Form. No other portion of the APPR plan will be reviewed by the Department for compliance with Education Law §3012-c. By using this form, the district or BOCES must assure that the material changes are in compliance with Education Law §3012-c and Subpart 30-2 of the Rules of the Board of Regents. The district will need to assure that it will continue to fully implement the currently approved APPR plan and will not have outside agreements that would prevent, conflict, or interfere with full implementation of the APPR plan. Please note that districts or BOCES that choose to make a material change on the ESEA Waiver Material Change Form agree that if the ESEA waiver is not extended beyond the 2013-14 school year, the terms of their original APPR plan shall revert into effect and the material change relating to the ESEA Waiver will not be applicable. If, however, the ESEA waiver is extended into the 2014-15 school year and/or thereafter, the previously negotiated and approved ESEA Waiver Material Change Form continues in effect until a revised form is negotiated and approved by the Commissioner.

Please note that nothing herein shall be construed to override a district's or BOCES' collectively bargaining agreement or an approved APPR plan. If your district/BOCES has concerns regarding the implementation of measures in its currently approved APPR plan in light of the ESEA waiver, the Department recommends that you consult with your local counsel before determining whether a material change is needed to your currently approved APPR plan.

Questions concerning the information contained in this memo or regarding the attached ESEA Waiver Material Change Form may be directed to: [educatoreval@mail.nysed.gov](mailto:educatoreval@mail.nysed.gov). **Please use the subject line "ESEA Waiver APPR" when submitting such questions.**