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Office of P-12

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To: District Superintendents, Superintendents of Public Schools, and Principals of Charter Schools

From: Ira Schwartz

Subject: Preliminary Identification of Local Assistance Plan (LAP) Schools for the 2016 – 17 School Year

Date: April 2016

Pursuant to Commissioner's Regulations §100.18, the New York State Education Department (NYSED or "the Department") is required to identify Local Assistance Plan (LAP) Schools annually. The purpose of this memo is to notify you that NYSED has preliminarily identified LAP Schools for the 2016-17 school year based on 2014-15 school year results. Additionally, this memo will inform districts of Potential LAP Schools, which may be identified in the 2017-18 school year.

Preliminary LAP Schools and Potential LAP Schools

A school may preliminarily be identified as LAP for the 2016-17 school year if the school failed to make Adequate Yearly Progress (AYP) for an accountability subgroup for the same accountability measure for the 2012-13, 2013-14 and 2014-15 school year results. A school will not be identified as LAP for any subgroup, if the school meets one of the progress filters listed in Attachment A.

Potential LAP Schools are those that meet the LAP criteria based on large gap or low performance on the 2014-15 school year results and will become preliminarily identified LAP schools for the 2017-18 school year if they meet the criteria for identification again based on 2015-16 school year data. If these schools meet the LAP criteria for two years in a row (i.e., large gaps in 2014-15 and 2015-16) then they will be identified as LAP Schools. Notification regarding Potential LAP identification is for informational purposes only; the district may use the information provided to make improvements in instruction for the identified subgroups. Districts with Potential LAP Schools are not required to implement any remediation plans for the 2016-17 school year. Please see Attachment A for the Potential LAP identification methodology.

Lists Posted to IRS Portal

NYSED has posted the 2016-17 preliminary LAP School(s) and Potential LAP School(s) list to each respective district's Information and Report Services (IRS) portal at http://portal.nysed.gov/portal/page/pref/PortalApp. The following files have been posted to the IRS Portal:

File Name	Posted
PreliminaryLAPSchoolsfor2016-17.xlsx	Yes*
PotentialLAPSchoolsDuetoGap.xlsx	Yes*
PotentialLAPSchoolsDuetoCutPoint.xlsx	Yes*

*The file will be posted, only if there is a school in the district that meets the criteria.

The 2014-15 assessment data used to make this determination is available within the New York State Report Card available at: https://reportcards.nysed.gov/. Please see Attachment A for more details on the LAP and Potential LAP identification methodology.

This preliminary data is currently embargoed. However, this information is being provided now so that districts may review the data and determine whether to appeal the preliminary identification of LAP Schools in their district. Districts do not have to appeal the Potential LAP status. Appeals regarding the preliminary LAP status of schools must be submitted no later than **Friday, April 22, 2016** via e-mail to accountinfo@nysed.gov using the attached appeal form (see Attachment B). The LAP appeal form may also be found online at: http://www.p12.nysed.gov/accountability/ESEAMaterials.html.

Next Steps

In accordance with Commissioner's Regulations, a district with LAP Schools will be required to work with the identified schools to conduct a Diagnostic Self-Reflection and plan for the 2016-17 school year. Within the plan, the district will be required to clearly identify the supports and interventions that are to be implemented in the identified LAP Schools, based on the results of the Self-Reflection. NYSED will host a webinar to assist districts with conducting the Diagnostic Self-Reflection and the plan for the 2016-17 school year. The Self-Reflection and plan template will be posted in May on the following webpage: http://www.p12.nysed.gov/accountability/ESEAMaterials.html.

The Diagnostic Self-Reflection and plan will meet the regulatory requirement for LAP Schools by including the following:

a) the process by which the plan was developed and how school leadership, staff, parents, and students, if appropriate, were given meaningful opportunities to participate in the development of the plan;
b) the additional resources and professional development that will be provided to LAP Schools to support implementation of the plan; and
c) the actions to improve the performance of the subgroup(s) for which the school was identified and the timeline for implementation of the actions.

Focus Districts that do not have any identified Focus Schools, but do have LAP Schools, can choose to complete the required Self-Reflection in the LAP School. This action will satisfy both the Focus District Diagnostic Tool for School and District Effectiveness (DTSDE) review requirement and the LAP requirement. A Transfer/Alternative School that meets the LAP criteria will not be formally identified as a LAP School, provided that the district informs the Department prior to the final identification of the school that the school will complete the Diagnostic Self-Reflection and plan prior to the beginning of the 2016-17 school year.

The plan based on the Self-Reflection must be approved by the local board of education for the district (or Chancellor in New York City) and posted to the district's website by **Friday, July 29, 2016**. More information on the LAP designations can be found at the following website: http://www.p12.nysed.gov/accountability/ESEAFlexibilityWaiver.html.

The Department will make available to districts with Title I LAP Schools, a grant of $20,000 per school to support implementation of LAP plans in the 2016-17 school year. Potential LAP Schools are not eligible for grants. Districts will receive further information in May 2016 regarding these grants.

Please note: The Department is required by Commissioner's Regulations and the state's approved ESEA Flexibility Waiver to identify LAP Schools for the 2016-17 school year. Although the Every Student Succeeds Act was signed into law on December 10, 2015 by President Obama, states are required to fulfill the terms of their approved ESEA Waivers until a new state accountability plan aligned with ESSA is approved by the United States Department of Education. As the USDE issues guidance to states regarding the development of new state accountability plans, the Department will share that information with the field.

NYSED plans to release the final list of Local Assistance Plan Schools to the public on or around **May 6, 2016**. The Potential LAP Schools list will not be posted. If you have any questions regarding the identification methodology, the appeal process, or the process for completing the Self-Reflection and Plan, please contact Dr. Lisa Long at accountinfo@nysed.gov.

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ATTACHMENT A

Methodology Used to Identify Local Assistance Plan (LAP) Schools and Potential LAP Schools Based on 2014-15 School Year Results

For the 2016-17 school year, schools are preliminarily identified as LAP for failing to make AYP for a subgroup for the 2012-13, 2013-14 and 2014-15 school years. Schools having large and increasing gaps in performance between the subgroup and students not in the subgroup, and schools not in Priority or Focus status having a subgroup perform at or below the Focus District cut points will be identified as Potential LAP Schools. Existing Priority and Focus Schools are excluded from identification as LAP or Potential LAP Schools.

A. LAP Schools

Schools that meet the criteria under category 1 are preliminarily identified as LAP.

Category 1: Failure to make AYP for three years in a row

Schools that have failed to make Adequate Yearly Progress (AYP) for the same subgroup(s) for the same accountability measure based on 2012-13, 2013-14 and 2014-15 school year results.

a) Accountability measures are elementary and middle level English language arts (ELA), elementary and middle level mathematics, grades 4 and 8 Science, High School ELA, High School mathematics, and graduation rate.

B. Potential LAP Schools

Potential LAP Schools are those meeting the LAP criteria based on category 2 (large gap) and category 3 (low performance) for the most recent school year results (2014-15). If these schools meet the LAP criteria for two years in a row (i.e., large gaps in 2014-15 and 2015-16) then they will be potentially identified as LAP Schools. Schools meeting the LAP criteria based on AYP (category 1) will be identified as LAPs.

Category 2: Large Gaps in Performance between Subgroup and Non-subgroup Students

Schools whose gap on an accountability measure between subgroup and non-subgroup students within a measure is 100 or more points for the 2014-15 Performance Index (PI) or 50 percent or more for the 2010 4-Year graduation rate and the gap is greater than the gap between the same subgroup and non-subgroup of students for the same accountability measure in 2013-14.

a) For all schools, the PI gap between each subgroup and students who are not part of that subgroup was calculated for all subgroups in 2014-15 and 2013-14.

Example: For 2014-15, School A has students with disabilities and Hispanic accountability subgroups with a PI of 50 and 80 respectively. The PI for the non-students with disabilities subgroup is 160 and the non-Hispanic subgroup is 140. The gaps for the students with disabilities subgroup is 110 (i.e., 160 – 50) and for the Hispanic subgroup is 60 (i.e., 140 – 80).

For 2013-14, School A has students with disabilities and Hispanic accountability subgroups with PI's of 60 and 70 respectively. The PI for the non-students with disabilities subgroup is 150 and the non-Hispanic subgroup is 130. The gaps for the

students with disabilities subgroup is 90 (i.e., 150 – 60) and for the Hispanic subgroup is 60 (i.e., 130 – 70).

b) For all subgroups with a gap of 100 or more points in 2014-15, the change in gap from 2013-14 is calculated to determine if the gap has increased from 2013-14.

Example: For School A, the students with disabilities subgroup gap grew from 90 to 110 points. Since the gap between the students with disabilities and non-students with disabilities in 2014-15 is at least 100 points and the gap for that subgroup increased from 90 to 110, the school will be potentially identified as a LAP, unless the students with disabilities subgroup meets one of the progress filters described below.

c) Gaps in subgroup Performance Index were considered across all levels for which the school was accountable, i.e., gaps were not considered only at the elementary or only at the high school level.

Example: For 2014-15, School B had a gap of 80 points for its Grades 3-8 ELA students with disabilities subgroup and 105 points for its High School ELA English Language Learner subgroup. The gap in 2014-15 for School B of 105 points for the High School ELA English Language Learner subgroup could cause the school to be potentially identified.

a. Schools that did not have 30 or more students in both the subgroup and the non-subgroup in both the 2013-14 and 2014-15 school years were not potentially identified as LAP for a subgroup using this criterion.

Example: School C has 40 tested students, of whom 20 are Black, 15 are Asian and 18 are English language learners. Since there are fewer than 30 students for any of the subgroups, the school will not be potentially identified for any subgroup.

School D has 200 tested students and 180 of them are Hispanic. Since there are fewer than 30 students for the non-Hispanic subgroup, the Hispanic subgroup will not be potentially identified based on this category.

A similar process is used to determine whether a school will be identified as a LAP because of gaps in graduation rate from 2009 4-year to 2010 4-year cohort.

Category 3: Non-Priority and Non-Focus Schools with low-performing accountability subgroups

Non-Priority and non-Focus Schools that have accountability subgroups with a 2014-15 combined ELA and mathematics Performance Index or a 2010 4-Year graduation rate at or below the cut points given in the chart below.

For a school that has both the elementary-middle and secondary levels, if any subgroup's PI in either of the levels is at or below the cut points given below, the school is potentially identified as a LAP School.

Subgroup	Cut Points for LAP Identification		
	2014-15 EM Combined ELA & math PI (at or below)	2014-15 HS Combined ELA & math PI (at or below)	2010 4-Year Cohort Grad Rate (at or below)
American Indian	61	124.5	61
Asian	61	124.5	61
Black	61	124.5	61
Hispanic	61	124.5	61
White	61	124.5	61
Multiracial	61	124.5	61
Students with Disabilities	29	56.5	33
English Language Learners	27.5	54	25
Economically Disadvantaged	64	116.5	62

Progress Filters

A. Applicable to schools identified in categories 1, 2 and 3

Schools that meet one of the following progress filters will not be preliminarily or potentially identified as LAP for an accountability subgroup if:

a) for a subgroup identified for ELA or Math PI at the elementary-middle level, the 2013-14 and 2014-15 combined ELA and math SGP is above the state average for the accountability subgroup,

b) for a subgroup identified for elementary-middle/secondary level PI or graduation rate, the 2010 4-Year or the 2009 5-Year graduation rate is above the State average for the accountability subgroup,

c) for a subgroup identified for PI, the subgroup makes a 10 point or greater gain in PI from 2013-14,

d) for a subgroup identified for PI, the subgroup makes a 10 percent or greater gap reduction in PI from 2013-14,

e) for a subgroup identified for graduation rate, the subgroup makes a 10 point or greater gain in 4-Year graduation rate from the 2009 4-Year cohort,

f) for a subgroup identified for graduation rate, the subgroup makes a 10 point or greater gain in 4-Year graduation rate from the 2008 4-Year cohort,

g) for a subgroup identified for graduation rate, the subgroup makes a 10 percent or greater gap reduction in graduation rate from the 2009 4-Year cohort.

B. Applicable to LAP Schools (Schools identified for failing to make AYP for three years)

Additionally, schools will not be preliminary identified as LAP for an accountability subgroup if:

a) for a subgroup identified for PI at the elementary-middle or secondary level, the subgroup's 2010 4-Year or 2009 5-Year graduation rate is at or above 80 percent.

Example: School F is preliminarily identified as LAP for failing to make AYP for 2012-13, 2013-14 and 2014-15 for the High School ELA Hispanic subgroup. The school's

2009 5-Year graduation rate is 81 percent. The school is removed from LAP identification.

b) the subgroup's 2014-15 PI is greater than or equal to the Effective Annual Measurable Objective (EAMO) for the all students subgroup for the school.

C. Applicable to Potential LAP Schools identified under Category 2: Large gaps in performance between subgroup and non-subgroup students:

Additionally, schools in Category 2 will not be preliminarily identified as Potential LAP schools for an accountability subgroup if:

a) for a subgroup identified for PI or graduation rate, the subgroup makes AYP in 2013-14 and 2014-15 for the same accountability subgroup for the same performance measure,

Example: School G is preliminarily identified as Potential LAP for having a gap of 105 points between Hispanic and non-Hispanic students for 2014-15 grades 3-8 ELA. The Hispanic subgroup made AYP for grades 3-8 ELA in 2013-14 and 2014-15 to meet the progress filter. The school is removed from Potential LAP identification.

b) for a subgroup identified for PI, the subgroup's 2014-15 PI for the same performance measure is in the top 25th percentile in the State,

c) for a subgroup identified for graduation rate, the subgroup's 2010 4-Year graduation rate is in the top 25th percentile in the State.

Top 25th Percentile Performance in the State

Subgroup	2014-15 3-8 ELA PI	2014-15 3-8 Math PI	2014-15 4 & 8 Sci PI	2014-15 HS ELA PI	2014-15 HS Math PI	2010 4-Year Cohort Grad. Rate
American Indian	91	103	185	143	132	78
Asian	160	180	197	192	191	99
Black	92	100	179	156	119	84
Hispanic	100	115	181	161	136	85
White	136	157	197	183	170	96
Multiracial	138	155	-	163	170	-
Students with Disabilities	57	75	161	128	108	80
English Language Learners	59	82	160	113	128	55
Economically Disadvantaged	94	114	184	161	138	87

D. Applicable to Potential LAP Schools identified under Category 3: Non-Priority and Non-Focus Schools with low-performing accountability subgroups:

Additionally, schools in Category 3 will not be identified as Potential LAP schools for an accountability subgroup if:

a) for a subgroup identified for 2014-15 ELA and math combined PI or 2010 4-Year cohort graduation rate, the subgroup makes AYP in 2013-14 and 2014-15 for the same accountability subgroup.

Example: School H is preliminarily identified as a Potential LAP for having its 2014-15 grades 3-8 combined ELA and mathematics Asian subgroup PI below the cut point of 61. The Asian subgroup made AYP both for grades 3-8 ELA and grades 3-8 mathematics in 2013-14 and 2014-15 to meet the progress filter. The school is removed from Potential LAP identification.

Note: The PI gain and PI gap reduction progress filters listed in Section A, (c) and (d) are applied differently for Category 3 identification; the gain and gap will be calculated from the combined ELA and math PI.

Progress Filters for Local Assistance Plan Schools

Subgroup	2013-14 & 2014-15 EM Combined ELA & Math SGP State Average	2010 4-Year Cohort Graduation Rate State Average	2009 5-Year Cohort Graduation Rate State Average
American Indian	50.10	65	69
Asian	56.17	85	87
Black	49.22	67	71
Hispanic	51.10	66	71
White	50.58	89	90
Multiracial	49.95	80	80
Students with Disabilities	49.54	54	59
English Language Learners	53.74	45	54
Economically Disadvantaged	50.89	71	75

ATTACHMENT B

Instructions for Completing the 2016-17 Appeal Form for LAP School Accountability Status

Districts may appeal the LAP designation for schools if there is a valid reason to believe the data used to make the determination is incorrect, or there are extenuating circumstances that affected the school's performance, or the school is closing. Districts can also appeal to have additional schools identified as LAP Schools. Districts do not have to appeal the Potential LAP status. This form must be completed and certified by the Superintendent (for New York City the Chancellor). The attached form may also be downloaded at:
http://www.p12.nysed.gov/accountability/ESEAMaterials.html.

To appeal a LAP accountability determination for the 2016-17 school year, districts must submit a completed, signed, and dated 2016-17 Appeal Form for LAP School Accountability Status, with all required supporting evidence. Districts must submit the appeal by **Friday, April 22, 2016**, requesting that the 2016-17 status be adjusted. Appeals may be granted if the district can prove to the satisfaction of the Department that its identification was based on inaccurate computations applied to data in the Student Information Repository System (SIRS) as of the 2014-15 reporting deadline, September 4, 2015.

Resource Documents on Status Identification and Data Verification

More details on the data elements used for LAP identification is available in the file "PreliminaryLAPSchoolsfor2016-17.xlsx" posted at the Information and Reporting Services (IRS) Portal at http://portal.nysed.gov/portal/page/pref/PortalApp.

Districts seeking an appeal for more than one individual school within the district must submit one form per school being appealed. The district must identify the BEDS codes and the reason for the appeal requests, and provide evidence to support the appeal.

Completing the Appeal Form for School and District Accountability Status:

1. Within the designated fields, provide the School's Name, School's BEDS Code, District's Name and BEDS Code.
2. Check the corresponding box next to the appropriate reason for the appeal.
3. Provide a narrative rationale for why the designation should be changed. The rationale should be brief and based on facts related to the submitted evidence. **Note:** Excessive details are unnecessary. Please eliminate information that is unrelated to the evidence submitted.
4. Protect personal identification information. Documents submitted to NYSED must not include social security numbers (except the last 4 digits), date of birth, race/ethnicity, disability status, or other non-directory information. Protecting this information from unauthorized access is a legal requirement and is an important priority for NYSED. To ensure the security, if the supporting evidence for your appeal includes any of the sensitive and protected information listed above, please send this evidence to NYSED either (1) via secure ground mail, or (2) electronically over the internet via secure file transfer protocol (SFTP). Data sent via e-mail and standard FTP (including FTP sites with password protection) is unencrypted and therefore not secure. Consequently, these methods must not be used to transmit sensitive and protected data.
5. The superintendent (for New York City the Chancellor) must certify the document and submit it via e-mail to accountinfo@nysed.gov by **Friday, April 22, 2016**.

2016-17 Appeal Form for LAP School Accountability Status

School Name:	
School BEDS Code:	
District Name:	
District BEDS Code:	

Please provide the school details and the reason(s) for appeal. If the appeal is for multiple schools, please use a separate form for each school. Attach any data and/or supporting material to this form.

Reason for LAP Appeal

☐ Data Issue

☐ Extenuating or Extraordinary Circumstances

☐ Other (e.g., school closure)

Please briefly explain the rationale for this appeal (use additional sheets if necessary)

I certify that the information provided above and in the attached documents is true and accurate to the best of my knowledge. In the event the appeal is denied, I understand that the accountability status determination reported in the Information Reporting Services (IRS) portal will be official and that the district and its school must meet all federal and state requirements pertaining to such accountability status.

Superintendent's/Charter School Principal's Name:			
Superintendent's/Charter School Principal's Signature		Date:	