




Assistant Commissioner Theresa Billington
Office of Accountability
89 Washington Avenue – Room 875 EBA
Albany, New York 12234

Phone: (518) 486-9355
Fax: (518) 486-2233

To: Superintendents of Districts with Transfer High Schools and Principals of Transfer Charter Schools

From: Theresa Billington, Assistant Commissioner 

RE: Transfer High School Automatic Appeals Process for 2022–23 School Year

Date: September 1, 2022

Pursuant to the Every Student Succeeds Act (ESSA) and Commissioner’s Regulations §100.21, the New York State Education Department (NYSED or “the Department”) is required to make accountability status and exit determinations based on the 2021–22 school year results.

Automatic Appeal Process

As part of New York’s ESSA accountability system, NYSED follows a process that allows Transfer High Schools to use an “Automatic Appeals Process” if such schools submitted a “Plan for Improving Outcomes for Youth Placed At-risk.”¹ For the 2022–23 accountability status determinations, the Department will conditionally allow all identified Transfer High Schools to participate in the Automatic Appeals Process.

The Automatic Appeals Process allows a Transfer Charter School or a Transfer High School located in a district with a Department-approved Transfer High School Improvement Plan (waived for the 2021–22 school year) that has met certain academic performance criteria to avoid being identified for Comprehensive Support and Improvement (CSI), Additional Targeted Support and Improvement (ATSI), or Targeted Support and Improvement (TSI). Under the Automatic Appeal Process, eligible Transfer High Schools must also meet one of the following three academic performance criteria to be eligible for non-identification for CSI, ATSI, TSI or:

- 1) At least 67% of students graduate with a Regents or Local diploma or earn a High School Equivalency diploma in 4, 5, or 6 years; or
- 2) The Core Subject Performance Index is at or above Level 2 for the Transfer High School Cohort; or
- 3) The Transfer High School 3-year Weighted Graduation Success Ratio is at or above an approved threshold. The threshold will be announced later by the Department.

A description of the Automatic Appeals Process can be found in Attachment A.

¹ The term “youth placed at risk” is intended to emphasize that students are placed at risk by their life circumstances and/or the insufficiency of the supports they receive rather than being “at risk” because of who they are or how they react to these circumstances.

If a Transfer High School is not in Good Standing and does not meet the criteria under the Automatic Appeals Process, the district/charter school still has the opportunity to appeal the status of the school during the established appeals process for all schools, which will occur after preliminary identifications are provided to districts in the fall of 2022.

Currently Identified Transfer Schools Exiting Status

Transfer High Schools currently identified for CSI, ATSI, or TSI are eligible to exit their respective statuses if the schools meet the exit criteria based on 2021–22 school year results. However, if a school meets any of the identification scenarios for CSI, ATSI, or TSI and does not meet any of the aforementioned automatic appeal criterion, then the school will be identified for CSI, ATSI, or TSI respectively. Please note that the identification and exit criteria is subject to approval by the US Department of Education and New York Board of Regents.

Next Steps

For the Department to calculate the graduation rate and Core Subject Performance Index components of the automatic appeal process, please submit the following data by **Friday, September 16, 2022**:

- a. The number of students who graduated with a Regents or Local diploma or earned a high school equivalency diploma in 4, 5, or 6 years. Submit data using the “Automatic Appeal Data Template” attached to the e-mail.
- b. The number of students scoring accountability Levels 1, 2, 3 and 4 on ELA, mathematics, science and social studies on the Transfer High School Cohort. Do not include Regents exemptions. The Department will compute a Transfer High School Cohort Core Subject Performance Index for the school. The Transfer High School Cohort is based on how students performed 3 years after they first entered the Transfer High School rather than 4 years after they first entered grade 9. Submit data using the “Automatic Appeal Data Template” attached to the e-mail.

The Department will provide additional information regarding identification and exit criteria upon USDE addendum approval and adoption of revised regulations.

Should you have any questions, please feel free to contact the Office of Accountability via telephone at: (718) 722-4933 or via e-mail at: accountinfo@nysed.gov.

Enclosures

cc: Jason Harmon
Rose LeRoy
Lisa Long
Jennifer Todd
Shibu Joseph

ATTACHMENT A:

Transfer High School Automatic Appeals Process

In Commissioner's Regulations § 100.21, a Transfer High School is defined as "a high school in which the majority of students upon their first enrollment in the high school had previously attended grade nine or higher in another high school, or a high school in which the majority of students attained age 16 or higher in the year in which the students first entered grade 9, or a school in which more than 50 percent of currently enrolled students are English language learners who have attended school in the 50 United States (excluding Puerto Rico) and the District of Columbia for less than three years."

Transfer High Schools may be removed from consideration for identification for Comprehensive Support and Improvement School (CSI), Additional Targeted Support and Improvement (ATSI), or Targeted Support and Improvement (TSI) in three ways:

1. They can perform at a level that would not cause the school to meet any of the scenarios that result in a high school being preliminarily identified for CSI, ATSI, or TSI. Please note that the identification criteria is subject to approval by the US Department of Education and New York Board of Regents.
2. Under the automatic appeal process, a Transfer High School will not be eligible for identification for CSI, ATSI, or TSI if:
 - a. The percentage of students who graduate with a Regents or Local diploma or earn a high school equivalency diploma in 4, 5, or 6 years equals at least 67%.
 - b. The school's Core Subject Performance Index based on the Transfer High School Cohort is at or above Level 2. The Transfer High School Cohort is based on how students performed 3 years after they first entered the Transfer High School rather than 4 years after they first entered grade 9.²
 - c. The school's "Transfer High School Graduation Success Ratio" equals or exceeds the cut point established by the Commissioner. (See "Transfer High School Graduation Success Ratio" section below for additional information and explanation of calculations.)
3. If a Transfer High School is not removed from consideration based on a, b, or c above, the district or charter school may appeal the preliminary designation and submit any information it believes demonstrates that extenuating or extraordinary circumstances caused the school to be preliminarily identified. The Commissioner will give strong consideration to schools that are able to demonstrate that on average students who enroll in a Transfer High School earn significantly more credits than the students did prior to their enrollment in the Transfer High School. For Transfer High Schools that directly articulate overage students from middle school, the

² This indicator is not applicable to transfer high schools in which students first enter grade 9 at the transfer high school.

Department welcomes information on how credit accumulation for these students compares to similar students who matriculate to the district's traditional high schools. The Department is also interested in supplementary information regarding students who have attended Transfer High Schools and have earned a Regents, local, or high school equivalency diploma even beyond six years after the student first entered grade nine.

Transfer High School Graduation Success Ratio

The Transfer High School Graduation Success Ratio is determined by dividing the school's 6-year graduation rate by a school-specific **Transfer High School Benchmark**. The **Transfer High School Benchmark** is the probability that students whose last enrollment is at the Transfer High School will graduate in 6 years.

Determining Transfer High School Benchmark

The Transfer High School Benchmark is based on the statewide probability of a student graduating from high school in six years based on the student's average grade 8 ELA and Math assessment percentiles, the age at which the student first enrolled in his or her final high school, and the grade in which the student first enrolled in his or her final high school. "Final school" here refers to the school at which the student was last enrolled. (Note: A school becomes responsible for a student graduating from the first day of such student's enrollment, unless the student subsequently transfers to another school, leaves the county, becomes incarcerated, or dies.) Students from the three most recent 6-year graduation cohorts are included in this analysis. For 2021-22 results, the 6-year graduation cohorts include the 2014, 2015, and 2016 Graduation Rate Cohorts. These cohorts include students who first entered grade 9 in the 2013-14, 2014-15, and 2015-16 school years. Graduation is based on the most updated available data; the 2014 and 2015 graduation cohorts include June and August graduates. The 2016 graduation cohort includes June graduates only.

Age, grade, and Math/ELA percentile groups are created with the following rules:

1. Age of Entry:
 - Groups: 14 and under, 15, 16, 17, 18, 19+
 - Age is defined as the age of the student as of December 31st of the year the student entered the school.
2. Grade of Entry
 - Groups: 8, 9, 10, 11+
3. Average 8th Grade ELA/Math Percentile:
 - Group A: < 10th percentile
 - Group B: $\geq 10^{\text{th}}$ & < 30th percentile
 - Group C: $\geq 31^{\text{st}}$ & < 60th percentile
 - Group D: $\geq 60^{\text{th}}$ percentile

- Group N0: Missing either 8th Grade ELA and/or Math scores; no other tests taken.
- Group N1: Missing either 8th Grade ELA and/or Math scores; Regents test taken in 8th grade.

Sample 6-Year Graduation Probability³

| Age and Grade of | 8th Grade Assessment Percentile Groups | | | | | |
|------------------|--|--------|--------|--------|---------|---------|
| | GroupA | GroupB | GroupC | GroupD | GroupN0 | GroupN1 |
| Age 14 | | | | | | |
| Grade 8 | 0.54 | 0.71 | 0.76 | 0.85 | 0.53 | -- |
| Grade 9 | 0.70 | 0.87 | 0.96 | 0.99 | 0.87 | 0.96 |
| Grade 10 | 0.93 | 0.94 | 0.98 | -- | 0.94 | -- |
| Grade 11+ | -- | -- | -- | -- | 0.88 | |
| Age 15 | | | | | | |
| Grade 8 | 0.29 | 0.47 | 0.47 | 0.75 | 0.25 | |
| Grade 9 | 0.53 | 0.72 | 0.88 | 0.98 | 0.68 | 0.79 |
| Grade 10 | 0.72 | 0.88 | 0.96 | 0.99 | 0.89 | 0.97 |
| Grade 11+ | -- | -- | 0.94 | -- | 0.91 | |
| Age 16 | | | | | | |
| Grade 8 | 0.18 | 0.22 | 0.25 | 0.00 | 0.05 | |
| Grade 9 | 0.25 | 0.42 | 0.59 | 0.76 | 0.45 | 0.46 |
| Grade 10 | 0.48 | 0.69 | 0.82 | 0.93 | 0.75 | 0.82 |
| Grade 11+ | 0.70 | 0.82 | 0.91 | 0.94 | 0.88 | 0.79 |
| Age 17 | | | | | | |
| Grade 8 | -- | -- | | | 0.05 | |
| Grade 9 | 0.10 | 0.21 | 0.32 | 0.40 | 0.31 | 0.28 |
| Grade 10 | 0.30 | 0.44 | 0.52 | 0.60 | 0.57 | 0.50 |
| Grade 11+ | 0.55 | 0.75 | 0.84 | 0.90 | 0.80 | 0.62 |
| Age 18 | | | | | | |
| Grade 8 | -- | | | | -- | |
| Grade 9 | 0.07 | 0.20 | 0.30 | 0.42 | 0.21 | -- |
| Grade 10 | 0.21 | 0.29 | 0.34 | 0.43 | 0.41 | 0.27 |
| Grade 11+ | 0.50 | 0.65 | 0.74 | 0.74 | 0.67 | 0.56 |
| Age 19+ | | | | | | |
| Grade 9 | 0.08 | 0.17 | 0.23 | -- | 0.10 | 0.17 |
| Grade 10 | 0.12 | 0.22 | 0.20 | 0.18 | 0.24 | 0.20 |
| Grade 11+ | 0.40 | 0.49 | 0.52 | 0.53 | 0.48 | 0.57 |

By school, sum the 6-year graduation probabilities of students. Divide the result by the number of students. Multiply the result by 100. This is the **Transfer High School Benchmark**.

³ For illustrative purposes only. These probabilities will be recomputed each year.

Sample Benchmark for a School with 10 Students

| Student | Age of Entry in School | Grade Level of Entry in School | 8 th Grade ELA/Math Percentile Group | Probability | Graduated in 6 Years? |
|----------------------|------------------------|--------------------------------|---|---|-----------------------|
| 1 | 14 | 9 th grade | C | 0.96 | Yes |
| 2 | 14 | 9 th grade | D | 0.99 | Yes |
| 3 | 15 | 9 th grade | D | 0.98 | Yes |
| 4 | 15 | 10 th grade | D | 0.99 | Yes |
| 5 | 16 | 10 th grade | B | 0.69 | No |
| 6 | 16 | 10 th grade | B | 0.69 | Yes |
| 7 | 16 | 11 th grade | B | 0.82 | No |
| 8 | 17 | 11 th grade | C | 0.84 | No |
| 9 | 17 | 11 th grade | N0 | 0.80 | Yes |
| 10 | 17 | 12 th grade | N0 | 0.80 | Yes |
| Sum of Probabilities | | | | 8.56 | 70% |
| | | | | Benchmark = $8.56 \div 10 = 0.856 = 86\%$ | |

Determining Transfer High School 6-Year Graduation Rate

Students in the cohorts are considered graduates if they earned a local or Regents diploma. Students who transferred or received an IEP or commencement credential are excluded from the calculation. Similar to the population of students used to determine the **Benchmark**, students in the **Transfer High School 6-Year Graduation Rate** include the most recent available 6-year graduation rates from the three most recent 6-year graduation cohorts.

Determining Transfer High School Graduation Success Ratio

Divide the **Transfer High School 6-Year Graduation Rate** by the **Benchmark** to determine the **Transfer High School Graduation Success Ratio**. In the samples above, the Benchmark is 86%, but the actual 6-Year Graduation Rate was 70%. Therefore, the Success Ratio = $70\% \div 86\% = 0.813$. A school with a Success Ratio of < 1.0 underperformed relative to what was expected.

Subgroup Note

A separate **Transfer High School Graduation Success Ratio** is calculated for the following groups: (1) all students, (2) students with disabilities, (3) English language learners, (4) economically disadvantaged, and (5) each racial/ethnic group.

Eligibility Standard for CSI, ATSI, TSI Identification

Under the Automatic Appeal Process, a Transfer High School will not be eligible for identification for CSI, ATSI, or TSI if, via option #3, the school's Transfer High School Graduation Success Ratio equals or exceeds the cut point established by the Commissioner. Using the computed Transfer High School Graduation Success Ratio in

our example (0.813) and the table below which details the cut point, the example school would not be removed from identification.

| Transfer High School Graduation Success Ratio ⁴ | Status |
|--|--|
| < 0.9 | School eligible for Identification |
| 0.9 + | School not eligible for Identification |

⁴ The Department will review the success ratio cut point when results are available.