



## Regulation of the Chancellor

Number: **C-33**

Subject: **REMOVAL AND TRANSFER OF PRINCIPALS FOR PERSISTENT EDUCATIONAL FAILURE**

Category: **PERSONNEL**

Issued: **December 11, 2002**

### SUMMARY OF CHANGES

**This regulation supersedes C-33 dated 09/11/98.**

**The regulation lists the indicators to be utilized for removing and transferring principals from schools for persistent educational failure.**

#### **New Provisions:**

The regulation has been updated to include references to the assessments and terminology in current use. In the Introduction, there is an updated reference to principals who complete the three-year probationary period and that their removal will be in accordance with modified procedures established pursuant to §3020 of the Education Law in order to reflect the current state of the law and collective bargaining provisions.

**Section A:** The indicators for declining student achievement were re-worded and/or modified. *Special Education Reading and Mathematics Gains* were deleted as was *Grade 3 Reading*. In addition, the section pertaining to the possibility of a new SED accountability system for alternative high schools and special education schools has been deleted since students in all schools are subject to the Regents requirements or approved special education alternative assessments for students with serious disabilities.

**Section C:** The failure to report incidents has been deleted from the list of indicators as have the number of suspensions per 1,000 students and the provision related to the number of reported incidents for individual students.

**Section D:** The references to eleventh graders, RCTs, ACTs and Regents Competency Tests have been removed along with the *Grade Writing Standard*; they have been replaced with the current indicators that measure student achievement.

Inquiries concerning this regulation may now be directed to the Office of the Deputy Chancellor for Teaching and Learning.



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### ABSTRACT

This Regulation provides the indicators to be utilized for removing and transferring principals from schools for persistent educational failure. It supersedes Chancellor's Regulation C-33, dated September 11, 1998.

### INTRODUCTION

One of the most critical responsibilities of superintendents is the supervision and evaluation of principals. The performance of the principal, the instructional leader of the school, is crucial to ensuring that all students meet high standards of achievement. The Education Law requires superintendents to evaluate the performance of principals with respect to educational effectiveness and school performance. Through the Principal Performance Review (PPR) process, principals will be evaluated on the basis of the attainment of goals and objectives for school performance that are stated below. The goals and objectives will be set and evaluated through the analysis of data on a comprehensive set of performance indicators related to academic performance, school discipline and other indicators such as attendance. These same data will be considered in the development of goals and objectives for school Comprehensive Education Plans (CEPs).

The Education Law allows the Chancellor and superintendents to remove or transfer principals for persistent educational failure as defined in this Regulation. Principals may also be required to participate in training and other remedial programs to address identified factors affecting student achievement and school performance. In the case of a principal who has completed the three-year probationary period, removal will be in accordance with the modified procedures established pursuant to §3020 of the Education Law.

Data form the foundation of a performance-driven system. Within a performance-driven system, the data are used to evaluate the effectiveness of educational strategies and their execution by measuring student learning with appropriate evaluation instruments and to continually revise educational strategies and/or their execution based on the performance outcomes achieved. Superintendents and principals are expected to use all available data in both formulating and evaluating goals and objectives as required by the PPR process. The definition described in this Regulation provides an interpretive framework for analyzing these data systematically and consistently to identify persistent educational failure. However, just as the analysis of data is only one component of the evaluation of principals in the PPR, it must also be

considered in the context of other evaluative information in identifying persistent educational failure. The superintendent should consider the performance of all schools in relation to the efforts being implemented by the principal to address the pattern of poor or declining student achievement. This consideration should include a review of programs and services specifically instituted to address problem areas, such as professional development, curriculum and instruction, school climate, and use of resources, identified in a school performance review using a system such as, for example, the Performance Assessment in Schools Systemwide (PASS) process. Also to be considered should be the extent to which a school's CEP has been developed and implemented as well as the extent to which goals developed in the CEP have been achieved.

### **PERSISTENT EDUCATIONAL FAILURE**

*Persistent educational failure* is defined as a pattern of poor or declining performance for two or more years on multiple performance indicators described below. Examples of patterns of performance on these indicators that evidence persistent educational failure are as follows: performance that is among the lowest for all schools of similar grade levels (i.e., elementary, middle or high schools) in New York City; substantial declines from high or moderate levels of performance; and failure to increase substantially from relatively low levels.

#### **A. A PATTERN OF POOR OR DECLINING STUDENT ACHIEVEMENT**

The following indicators should be utilized:

##### **Elementary and Middle Schools Only**

1. **Total Reading:** The percentage of students meeting or exceeding standards (Levels 3 & 4) on the city and state English Language Arts tests (grades 3-8).
2. **Reading Gain:** A longitudinal analysis comparing the average scale score of students in Grades 4 through 8 (as appropriate) on the city and state English Language Arts tests with the performance of the same students in the previous year.
3. **Total Mathematics:** The percentage of students meeting or exceeding standards (Levels 3 & 4) on the city and state mathematics tests (grades 3-8).
4. **Mathematics Gain:** A longitudinal analysis comparing the average scale score of students in Grades 4 through 8 (as appropriate) on the city and state mathematics tests with the performance of the same students in the previous year.
5. **ELA Movement:** A longitudinal analysis of the percentage of students scoring in Performance Level 1 that move to a higher level of performance on the city and state English Language Arts tests from one year to the next.
6. **Mathematics Level Movement:** A longitudinal analysis of the percentage of students scoring in Performance Level 1 that move to a higher level of performance on the city and state mathematics tests from one year to the next.

**Elementary, Middle, and High Schools**

1. **Mandated LAB Gains:** The percentage of English Language Learner (ELL) students who show mandated gains in English-language acquisition on the Language Assessment Battery.
2. **Total Spanish Reading:** The percentage of students scoring at or above the 50<sup>th</sup> percentile on *El Examen de Lectura en Espanol* (ELE), the reading test for the ELL students who receive language arts instruction in Spanish.

**High Schools Only**

1. **Regents Diplomas:** The percentage of students in the class (cohort) who earn Regents diplomas.
2. **4-Year Graduation Rate:** The percentage of students in the class (cohort) who graduate after four years of high school.
3. **Final Graduation Rate:** The percentage of students in the class (cohort) who graduate from high school in five, six or seven years.
4. **4-Year Dropout Rate:** The percentage of students in the class (cohort) who drop out of school at some point during four years of high school.

**B. A PATTERN OF POOR OR DECLINING ATTENDANCE**

The following indicators should be utilized:

**Elementary, Middle and High Schools (including Alternative High Schools and Special Education Schools)**

**Average Daily Attendance:** The average daily attendance rate for all students in the school.

**Alternative High Schools and Special Education Schools Only**

**Tracking Sporadic Attendance:** The percentage of students subject to attendance teacher referrals (407s) whose attendance improves.

In addition, the school's attendance should be considered in relation to an examination of attendance outreach and follow-up efforts such as telephone calls, mailings, and home visits by outreach workers connected with the improvement of attendance.

**C. A PATTERN OF DISRUPTION OR VIOLENCE**

The following indicators should be utilized:

**Elementary, Middle and High Schools**

1. **Incidents:** Number of incidents per 1,000 students.

In addition, the school's record of disruption or violence should be considered in relation to its use of mediation/conflict resolution or other alternate dispute resolution measures, programs and services to insure a supportive, safe and healthy physical and emotional environment for students. In some cases, poor performance on the indicators may be evidence of actions to correct a pre-existing problem. For example, a rise in the number of reported incidents may reflect an effort to tighten control and end a policy of ignoring safety issues. Consideration should be given to the programs and services put in place to ameliorate the conditions reflected by the indicators.

**D. CONTINUING FAILURE TO MEET PERFORMANCE STANDARDS OR OTHER STANDARDS**

The following indicators should be utilized:

**Elementary and Middle Schools**

**Reading and Mathematics Standards:** As outlined in Section A above.

**Elementary, Middle and High Schools (including Alternative High Schools and Special Education Schools)**

**Movement to Less/More Restrictive Environments and Referrals to Special Education:**

The evaluation of special education services, including quality of services, achievement level of students, percentage of students moving to a less restrictive environment, percentage of students moving to a more restrictive environment, special education referral rates, and the ability to maintain effective programs to keep children in the regular education programs in their home schools.

**High Schools**

1. **Cohort Mathematics Regents Pass Rates:** The percentage of the class (cohorts) passing a Regents Examination in Mathematics.
2. **Cohort English Regents Pass Rates:** The percentage of the class (cohorts) passing a Comprehensive English Regents Examination.

**Elementary, Middle and High Schools (Including Alternative High Schools and Special Education Schools)**

**Other Standards:** A pattern of failure to adhere to laws and regulations such as SOPMs, Chancellor's Regulations, circulars, memoranda, local, state and Federal laws and regulations, and collective bargaining agreements.

In addition, the school's performance should be considered in relation to the efforts being implemented by the principal to address the pattern of poor or declining standards of achievement. This consideration should include a review of programs and services specifically instituted and to address problem areas such as professional development, curriculum and instruction, school climate, and use of resources identified in a school

performance review using a system such as the PASS process. Also to be considered should be the extent to which a school's CEP had been developed and implemented as well as the extent to which goals developed in the CEP have been achieved.

**E. INQUIRIES**

Inquiries concerning this regulation should be directed to:

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