

## Section II: System Overview

Under the accountability provisions in the *No Child Left Behind Act of 2001* (NCLB), all districts, campuses, and the state are evaluated for Adequate Yearly Progress (AYP). Following is an overview of the process for determining district and campus 2009 AYP Status.

### Key Dates Related to the 2009 AYP Process

<b>Oct., 2008 – June, 2009</b>	<b>Exception to the 1% Federal Cap via RF Tracker</b> Districts with residential treatment facilities (RF) and group foster homes apply for an exception to the federal cap by registering with the Division of Program Monitoring and Interventions' RF Tracker Texas Education Agency Secure Environment (TEASE) application.
<b>January 30, 2009</b>	<b>TEA Requests for Amendments</b> TEA submits requests for amendments to the Texas Consolidated State Application Accountability Workbook (Texas AYP Workbook).
<b>May 20, 2009</b>	<b>Campus Priority List for the 2% Federal Cap available online</b> TEASE Accountability web application available for school districts to view and/or modify their 2009 Campus Priority List for the 2% Federal Cap.
<b>June, 2009</b>	<b>AYP Calculations Approved</b> USDE approves amendments to the Texas AYP Workbook related to the 2009 AYP calculations.
<b>June, 2009</b>	<b>AYP Guide Released</b>
<b>June 24, 2009</b>	<b>Deadline for Campus Priority List for the 2% Federal Cap</b> Changes to the Campus Priority List for the 2% Federal Cap must be submitted by June 24, 2009. School districts that have not provided campus ranking changes by 10:00 p.m. on June 24th agree to accept the TEA Default Campus Ranking for 2009 AYP.

<b>July 30, 2009</b>	<p><b>Release of 2009 Preliminary Data Tables to Campuses and Districts</b> TEA provides 2009 AYP preliminary data tables to school districts on TEASE for Title I and non-Title I districts and campuses, alternative education campuses, and open-enrollment charter schools.</p> <p><b>Appeals Begin</b> Student-level data for submission of appeals are available to districts electronically. Appeal letters for district and campus AYP results are accepted.</p> <p><b>Open Other Circumstance Exceptions Application</b> Districts may submit applications for Other Circumstance Exceptions online via TEASE.</p>
<b>August 6, 2009</b>	<p><b>Public Release of 2009 Preliminary Data Tables</b> TEA releases preliminary 2009 AYP masked data tables, including preliminary AYP status, electronically on public website.</p>
<b>September 4, 2009</b>	<p><b>Appeals Deadline</b> Appeals of district and campus preliminary 2009 AYP Status must be submitted in writing under the signature of the superintendent by Friday, September 4, 2009.</p> <p><b>Exceptions Deadline</b> Online application process for submission of Other Circumstance Exceptions closes.</p>
<b>Mid-December, 2009</b>	<p><b>Final 2009 AYP Status</b> TEA releases final 2009 AYP masked data tables with final AYP Status electronically on public website.</p>
<b>January, 2010</b>	<p><b>2009 NCLB Report Card available on public website</b></p>

## Comparison of 2008 and 2009 AYP Systems

The following changes to specific components of the AYP system will be incorporated in 2009. *Section III* provides more details on the following areas:

- An increase in AYP Reading/English Language Arts and Mathematics performance standards for 2009 to 67% for Reading/English Language Arts and 58% for Mathematics;
- The inclusion of the Texas Projection Measure (TPM) in the calculation of AYP performance results.
- The discontinued use of Confidence Intervals and Uniform Averaging for determining the AYP status for districts or campuses with fewer than 50 assessments (small numbers analysis).
- Implementation of AYP Special Analysis for determining the AYP status for districts or campuses with fewer than 50 assessments.
- Districts and campuses closed for ten or more days due to Hurricane Ike and located in a county designated by the Federal Emergency Management Agency (FEMA) as a disaster area that qualifies for public assistance are evaluated with the following provisions:
  - Districts and campuses that Meet AYP will receive their earned designation.
  - Districts and campuses that miss AYP for either the Reading or Mathematics indicators only will not be evaluated on those indicators in 2009.
- There is no change to the 2009 AYP calculation for Performance Improvement/Safe Harbor, which will continue to be determined by comparing the current year proficiency rate, without TPM, with the prior year proficiency rate, without TPM.

## Districts and Campuses Evaluated

***Hurricane Ike Provision:*** In June, 2009, USDE approved an amendment that allowed Texas to accommodate school districts and charters that were forced to suspend classes for an extended period of time due to Hurricane Ike. These districts and campuses are evaluated under a special Hurricane Ike Provision. Districts identified in this group that miss AYP for either the Reading or Mathematics indicators only will not be evaluated on those indicators in 2009.

### **Districts**

Regular foundation school program (FSP) districts and special statutory districts are evaluated for AYP. State-administered school districts are not evaluated for AYP. State-administered districts include Texas School for the Blind and Visually Impaired, Texas School for the Deaf, Texas Youth Commission, and Windham School District. Beginning in 2005, charter operators are evaluated for AYP based on aggregate results for the campuses operated by the charter. New districts, including

new charter districts, are not evaluated for AYP the first year they report fall enrollment. Districts with no students enrolled in Grades 3–8 and 10 are not evaluated for AYP.

### **Campuses**

All Title I and non-Title I public school campuses, alternative education campuses, and open-enrollment charter schools are evaluated for AYP with the following exceptions:

***New Campuses:*** New campuses and new open-enrollment charter schools are not evaluated for AYP the first year they report fall enrollment. These campuses will be incorporated automatically the second year they report fall enrollment.

***Campuses that Close Mid-Year:*** Campuses that close before the Texas Assessment of Knowledge and Skills (TAKS) testing date are not evaluated for AYP. Performance measures for which data exist on campuses that close are included in the district AYP evaluation. Campuses that close after the end of the school year are evaluated for AYP for that school year.

***Juvenile Justice Alternative Education Program (JJAEP) and Disciplinary Alternative Education Program (DAEP) Campuses:*** State statute and statutory intent prohibit the attribution of student performance results to JJAEPs and DAEPs. Attendance and performance data for students served in JJAEPs and DAEPs are attributed back to the home campuses.

***Prekindergarten/kindergarten (PK/K) Campuses:*** Campuses that do not serve students in grades higher than kindergarten are not evaluated for AYP.

***Short-Term Campuses:*** Campuses that serve students in the grades evaluated for AYP (Grades 3–8 and 10) and have no students meeting the full academic year (or accountability subset) definition are not evaluated for AYP. This includes alternative education campuses (AECs) with short-term placements. However, these campuses *will be* evaluated if any number of students are included in the accountability subset, and may also be evaluated for graduation rate.

***Charter Campuses with No Students in Grades 3–8 and 10:*** Open-enrollment charter schools that do not serve students enrolled in Grades 3–8 or 10 are not evaluated for AYP.

***Districts and Campuses with Students Enrolled in Grades 3-8 or 10 but have No Test Results:*** Districts and campuses with students enrolled in Grades 3-8 or 10 but with no test results in the accountability subset are not evaluated for AYP.

## **Agreement for Linked Campus Identification Numbers**

If a school district enters into a legal agreement with TEA that requires new district or campus numbers, the AYP status history will be linked to the previous district or campus number. In this case, both the district and campus will be evaluated for AYP the first year under the new number. Data for districts and campuses in these circumstances will not be linked. This includes PEIMS data, assessment data, and AYP indicators that draw on those data. Districts or campuses under a legal agreement with TEA cannot take advantage of Required Improvement/Safe Harbor provisions of AYP in order to meet AYP the first year under a new district or campus number.

## **2009 AYP Status**

Following is an overview of the 2009 AYP indicators. Additional information about each AYP measure is provided in *Section III*. A sample AYP calculation is provided in *Appendix D*.

Districts, campuses, and the state are evaluated on three indicators for AYP: Reading/English Language Arts, Mathematics, and one Other Indicator. Exhibit 1 summarizes the indicators. For Reading/English Language Arts and Mathematics (Grades 3–8 and 10, summed across grades), for all students and each student group that meets minimum size requirements, districts and campuses must meet the performance standard or performance improvement/safe harbor, and the participation standard. The performance standard is based on test results for students enrolled for the full academic year. The participation standard is based on participation in the assessment program of all students enrolled on the day of testing.

In addition to Reading/English Language Arts and Mathematics, districts and campuses are required to meet the AYP standard on one Other Indicator—either Graduation Rate or Attendance Rate. The Other Indicator evaluated for a district or campus is based on the grades offered. *Appendix F* shows the grade ranges included in each campus type.

- Graduation Rate is the Other Indicator for high schools, combined elementary/secondary campuses offering Grade 12, and districts offering Grade 12.
- Attendance Rate is the Other Indicator for elementary schools, middle/junior high schools, combined elementary/secondary schools not offering Grade 12, and districts not offering Grade 12.

Districts and campuses must meet the Graduation Rate or Attendance Rate standard *or* show any improvement from the prior year for all students.

Performance on the Other Indicator is also part of performance improvement/safe harbor for the Reading/English Language Arts and Mathematics performance measures. If any student group (or all students) does not meet the performance standard

for Reading/English Language Arts or Mathematics, that student group must show both: 1) a 10 percent decrease in the percent counted as not proficient from the prior year **and** 2) meet the absolute standard or show any improvement on the Other Indicator. Although student groups are not required to meet the Graduation Rate or Attendance Rate standard, they *may* be required to either meet the standard or show improvement on the Graduation Rate or Attendance Rate to meet the performance improvement/safe harbor standard.

A district or campus may be evaluated on as few as 2 or as many as 29 measures to determine 2009 AYP Status. See *Section III* for a discussion of the relationships between indicators and measures.

### **2009 AYP Status Labels**

Each district and campus is assigned one of the following 2009 AYP Status labels:

***Meets AYP:*** Designates a district or campus that meets AYP standards on all indicators for which it is evaluated.

***Missed AYP – [reason]:*** Designates a district or campus that does not meet AYP standards on one or more indicator components and which of those components were not met. The *Missed AYP* label may be assigned to a district or campus in the rare situation where the accuracy and/or integrity of performance results have been compromised.

***Not Evaluated AYP:*** Designates a district or campus that is not evaluated for AYP for one of the following reasons:

- the district or campus is new;
- the campus does not serve students in grades above kindergarten;
- the campus closed mid-year;
- the campus does not have students in attendance for the full academic year;
- Juvenile Justice Alternative Education Program (JJAEP) and Disciplinary Alternative Education Program (DAEP) campuses;
- unusual circumstances (district with no students in grades tested; campus test answer documents lost in shipping); or
- the charter campus does not have students enrolled in the grades tested.

***Hurricane Ike Provision:*** For the 2008-09 academic year only, school districts that were closed for ten or more instructional days due to Hurricane Ike and located in a county designated by FEMA as a disaster area that qualifies for public assistance will be evaluated under a special Hurricane Ike provision. Districts and campuses in this group that miss AYP for either the Reading or Mathematics indicators only will not be evaluated on those indicators in 2009.

The final 2009 State Accountability Ratings for the standard and Alternative Education Accountability (AEA) procedures will be reported along with the final 2009 AYP Status for each campus and district. See the 2009 Accountability Manual on the Internet at <http://ritter.tea.state.tx.us/perfreport/account/2009/manual/index.html> for definitions of the ratings used in the state accountability system. The status label for each campus and district AYP report will be one of the following combinations of State Rating and AYP Status:

## Standard Procedures

- *Exemplary, Meets AYP*
- *Exemplary, Missed AYP – [reason]*
- *Exemplary, Not Evaluated AYP*
  
- *Recognized, Meets AYP*
- *Recognized, Missed AYP – [reason]*
- *Recognized, Not Evaluated AYP*
  
- *Academically Acceptable, Meets AYP*
- *Academically Acceptable, Missed AYP – [reason]*
- *Academically Acceptable, Not Evaluated AYP*
  
- *Academically Unacceptable, Meets AYP*
- *Academically Unacceptable, Missed AYP – [reason]*
- *Academically Unacceptable, Not Evaluated AYP*
  
- *Not Rated-Other, Meets AYP*
- *Not Rated-Other, Missed AYP – [reason]*
- *Not Rated-Other, Not Evaluated AYP*
  
- *Not Rated-Data Integrity Issues, Meets AYP*
- *Not Rated-Data Integrity Issues, Missed AYP – [reason]*
- *Not Rated-Data Integrity Issues, Not Evaluated AYP*

## AEA Procedures

- *AEA: Academically Acceptable, Meets AYP*
- *AEA: Academically Acceptable, Missed AYP – [reason]*
- *AEA: Academically Acceptable, Not Evaluated AYP*
  
- *AEA: Academically Unacceptable, Meets AYP*
- *AEA: Academically Unacceptable, Missed AYP – [reason]*
- *AEA: Academically Unacceptable, Not Evaluated AYP*
  
- *AEA: Not Rated-Other, Meets AYP*
- *AEA: Not Rated-Other, Missed AYP – [reason]*
- *AEA: Not Rated-Other, Not Evaluated AYP*

**Exhibit 1: 2009 AYP Indicators**

<p><b>Reading/English Language Arts</b>                  2008–09 tests (TAKS, TAKS (Accommodated), TAKS–M, TAKS–Alt, TELPAS Reading*, and LAT in Grades 3–8 &amp; 10)                  All students and each student group that meets minimum size requirements:                  African American                  Hispanic                  White                  Economically Disadvantaged                  Special Education                  Limited English Proficient</p>	<p><b>Performance Standard: 67%</b>                  % counted as proficient on test or projected to be proficient based on TPM for students enrolled the full academic year subject to the federal cap**</p>	<p><b>Performance Improvement/Safe Harbor:</b>                  10% decrease in percent not proficient on test and meet the standard <i>or</i> show any improvement on the other measure (Graduation Rate <i>or</i> Attendance Rate)</p>
	<p><b>Participation Standard: 95%</b>                  Participation in the assessment program for students enrolled on the date of testing</p>	<p><b>Average Participation Rate:</b>                  95% participation based on combined 2007-08 and 2008-09 assessment data</p>
<p><b>Mathematics</b>                  2008–09 tests (TAKS, TAKS (Accommodated), TAKS–M, TAKS–Alt, and LAT in Grades 3–8 &amp; 10)                  All students and each student group that meets minimum size requirements (see above)</p>	<p><b>Performance Standard: 58%</b>                  % counted as proficient on test or projected to be proficient based on TPM for students enrolled the full academic year subject to the federal cap**</p>	<p><b>Performance Improvement/Safe Harbor:</b>                  10% decrease in percent not proficient on test and meet the standard <i>or</i> show any improvement on the other measure (Graduation Rate <i>or</i> Attendance Rate)</p>
	<p><b>Participation Standard: 95%</b>                  Participation in the assessment program for students enrolled on the date of testing</p>	<p><b>Average Participation Rate:</b>                  95% participation based on combined 2007-08 and 2008-09 assessment data</p>
<p><b>Other Indicator***</b>                  All students  <b>Graduation Rate</b>                  Class of 2008  <b>Attendance Rate</b>                  2007–08</p>	<p><b>Graduation Rate Standard: 70.0%                  or any improvement</b>                  Graduation Rate for high schools, combined elementary/secondary schools offering Grade 12, and districts offering Grade 12</p>	<p><b>Attendance Rate Standard: 90.0%                  or any improvement</b>                  Attendance Rate for elementary schools, middle/junior high schools, combined elementary/secondary schools not offering Grade 12, and districts not offering Grade 12</p>

\* See Performance and Participation in *Section III* for information on the use of TELPAS Reading in AYP.

\*\* No more than 3% of students in the district’s participation denominator can be counted as proficient based on meeting the passing standard on TAKS–M (2%) and TAKS–Alt (1%).

\*\*\* Student groups are not required to meet the Graduation Rate or Attendance Rate standards; however, they may be required to meet the standard or show improvement on the Graduation Rate or Attendance Rate as part of performance improvement/safe harbor for Reading/English Language Arts or Mathematics.

## Section III: Indicators, Components, Measures, and Standards

Data used to determine the 2009 AYP Status is organized into indicators, components, measures, and standards. Exhibit 2 provides a summary of the relationships among AYP indicators, components, measures, and standards.

### **Indicators**

There are three areas that serve as indicators on which a district or campus may be evaluated for AYP: Reading/English Language Arts, Mathematics, and one of the Other Indicators (either Graduation Rate or Attendance Rate). For Title I districts and campuses, missing AYP on the same indicator two years in a row triggers Title I School Improvement Program (SIP) requirements; a district or campus must meet AYP on the indicator that triggered SIP for two years in a row to exit the Title I SIP requirements.

### **Assessments used for Reading/English Language Arts and Mathematics Indicators**

#### **Texas Projection Measure (TPM)**

In summer 2008, TEA evaluated potential growth models for proposal to the United States Department of Education (USDE) for use in calculating AYP for Texas in 2009. By early fall, a draft proposal requesting the use of a modified projection model for the 2008-2009 school year was submitted and the final proposal was completed and accepted by the USDE in January 2009. The final proposal may be accessed at

[http://ritter.tea.state.tx.us/student.assessment/resources/growth\\_proposal/011209\\_USDE\\_Growth\\_Proposal\\_Texas.pdf](http://ritter.tea.state.tx.us/student.assessment/resources/growth_proposal/011209_USDE_Growth_Proposal_Texas.pdf). The Texas Projection Measure (TPM) will be used to evaluate performance of students who do not meet the passing standard on certain assessments for purposes of 2009 AYP determinations. The TPM provides a measure of how student performance at the end of a school year positions a student to meet the passing standard in the future projection year after receiving grade-level instruction. For more information on the calculation of TPM for each student, see the Student Assessment Division webpage on the Texas Growth Proposal to the United States Department of Education at ([http://www.tea.state.tx.us/index3.aspx?id=3688&menu\\_id3=793](http://www.tea.state.tx.us/index3.aspx?id=3688&menu_id3=793)).

For each of the assessments listed below, the Texas Projection Measure (TPM) is used for the AYP evaluation when available and applicable.

#### **TAKS and TAKS (Accommodated)**

Assessment results evaluated are the Reading/English Language Arts and Mathematics administration of the Texas Assessment of Knowledge and Skills (TAKS) for students in Grades 3–8 and 10. This includes TAKS results for both the English and Spanish versions of the test. Student performance at or above the Met Standard level adopted by the State Board of Education (SBOE) for the 2008-09 school year is considered proficient for TAKS results. TPM results are provided for students taking TAKS and are included in the 2009 AYP evaluations.

TAKS includes a test form called TAKS (Accommodated) for students served by special education who meet the eligibility requirements for certain specific accommodations. The TAKS (Accommodated) form includes format accommodations (larger font, fewer items per page, etc.) and contains no embedded field-test items. The decision to administer TAKS (Accommodated) to a student must be made by the student’s Admission, Review, and Dismissal (ARD) committee. TPM results are provided for students taking TAKS (Accommodated) and are included in the 2009 AYP evaluations.

### **TAKS–Modified (TAKS–M)**

The TAKS–Modified (TAKS–M) is an alternate assessment based on modified academic achievement standards and is designed for students served by special education who meet participation requirements. TAKS–M covers the same grade-level content as TAKS but TAKS–M tests have been modified in format (larger format, fewer items per page, etc.) and test design (fewer answer choices, simpler vocabulary and sentence structure, etc.). The decision to administer TAKS–M to a student must be made by the student’s ARD committee; it cannot be based solely on disability category or placement setting, nor can it be determined administratively for accountability purposes. TAKS–M is not available in Spanish. TPM is not available for TAKS–M for 2009 AYP evaluations.

### **Student Success Initiative (SSI) for Grade 3 Reading and Grades 5 & 8 Reading and Mathematics**

Current federal regulations implementing No Child Left Behind (NCLB) permit both the first and second administration of the TAKS, TAKS (Accommodated), or TAKS–M Grade 3 Reading, Grade 5 Reading and Grade 5 Mathematics, and Grade 8 Reading and Grade 8 Mathematics tests to be included in the AYP calculation for performance and participation. Beginning in 2009, SSI requirements may be met by passing TAKS–M.

### **TAKS–Alternate (TAKS–Alt)**

The TAKS–Alternate (TAKS–Alt) is an alternate assessment based on alternate academic achievement standards and is designed for students with significant cognitive disabilities who meet the participation requirements. TAKS–Alt is not a traditional paper or multiple-choice test. Instead, the assessment involves teachers observing students as they complete instructional activities that link to the grade-level Texas Essential Knowledge and Skills (TEKS) curriculum. Teachers then score student performance using the TAKS–Alt rubric and submit the results and evidence through an online instrument. TPM is not available for TAKS–Alt for 2009 AYP evaluations.

### **Linguistically Accommodated Testing (LAT) for Reading/English Language Arts and Mathematics**

NCLB legislation requires that states assess all LEP students in Reading/English Language Arts and Mathematics for the calculation of AYP. Linguistically Accommodated Testing (LAT) in Mathematics was implemented in the spring of 2005 for recent immigrants who were LEP-exempt and enrolled in Grades 3–8 and 10. In spring 2007, new Reading/English Language Arts LAT procedures were made available for LEP-exempt students in the same grades. The Language Proficiency Assessment Committee (LPAC) makes LEP exemption decisions for LEP students on an individual student basis in accordance with the procedures outlined in the *LPAC Decision-Making Process for the Texas Assessment Program* manual. TAKS–M in

Reading/English Language Arts or Mathematics is not offered in Spanish, however, LEP-exempt students receiving special education services may be eligible for a LAT administration of TAKS–M. The decision to administer TAKS–M to LEP students served in special education programs must be made by the student’s ARD committee in conjunction with the LPAC. Federal regulations require that states assess students in science in at least one elementary, middle school, and high school grade effective in the 2008-2009 school year. In order to meet the federal assessment requirement, LAT science administrations were implemented in 2008-2009 for LEP-exempt students in Grades 5, 8, and 10. Federal regulations do not currently require the use of science results in AYP. TPM results are provided for students taking TAKS LAT and are included in the 2009 AYP evaluations. However, TPM is not available for LAT TAKS–M for 2009.

### **Texas English Language Proficiency Assessment System (TELPAS) Reading**

NCLB legislation requires that states assess all limited English Proficient (LEP) students in Reading/English Language Arts. Texas English Language Proficiency Assessment System (TELPAS) Reading results are used in lieu of TAKS results for first-year recent immigrants who qualify for a LEP exemption in Reading/English Language Arts from TAKS. The Language Proficiency Assessment Committee (LPAC) makes LEP exemption decisions on an individual student basis in accordance with the procedures outlined in the *LPAC Decision-Making Process for the Texas Assessment Program* manual.

## **Data used for the Other Indicator**

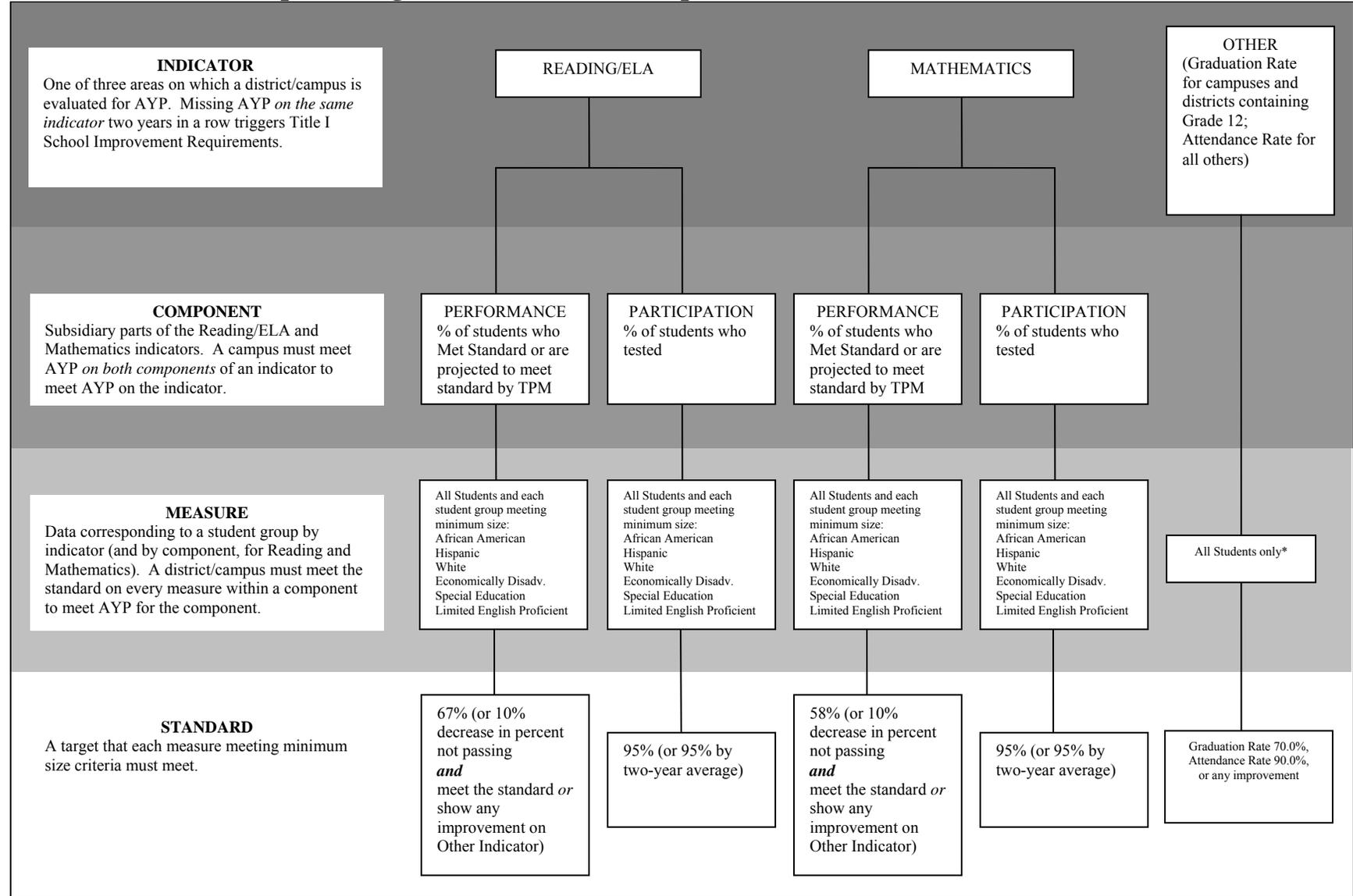
### **Graduation Rate**

The Graduation Rate is the *graduates* component of the longitudinal secondary school completion rate, the same completion rate used for the Texas state accountability system. A completion rate is the percentage of students from a class of beginning ninth graders who complete their high school education by their anticipated graduation date. The completion/student status class has four components: percent graduating (either on time or early); percent continuing in public high schools after the expected graduation year; percent receiving General Educational Development (GED) certificates; and percent dropping out. The graduation rate component of the completion/student status is used to determine district and campus AYP status. TEA calculates longitudinal completion rates using information provided by school districts through Public Education Information Management System (PEIMS), as described in the annual report of *Secondary School Completion and Dropouts in Texas Public Schools 2006–07*.

### **Attendance Rate**

All public school districts are required to submit student attendance and contact hours at the student detail level, for the entire school year, through PEIMS. The Attendance Rate is based on attendance of all students in Grades 1 through 12 for the entire school year, and is the same rate reported for the Texas Academic Excellence Indicator System (AEIS) Reports. School districts follow the official attendance accounting rules and regulations for all public school districts in Texas as outlined in the *Student Attendance Accounting Handbook (Handbook)*.

## Exhibit 2: Relationships Among AYP Indicators, Components, Measures, and Standards



\* Student groups may be evaluated as part of performance improvement/safe harbor for Reading/English Language Arts or Mathematic

# Components of the Reading/English Language Arts and Mathematics Indicators

## Overview of Participation and Performance

The Reading/English Language Arts and Mathematics indicators are each comprised of two components: performance and participation. Districts and campuses must meet *both* the performance (or performance improvement/safe harbor) *and* participation components for Reading/English Language Arts and Mathematics. If a district or campus misses the performance component on an indicator in one year and the next year meets the performance component but misses the participation component on the same indicator, the district or campus would be considered to have missed AYP for that indicator two years in a row, potentially triggering Title I School Improvement requirements for the district or campus. The opposite also holds: the district/campus could miss participation on an indicator the first year and meet participation but miss performance the next year for the same indicator, and the district/campus would be considered to have missed AYP for that indicator two years in a row.

Performance and participation components of the Reading/English Language Arts and Mathematics indicators are determined from the same set of assessment information for each school district.

## **Selecting Assessment Results**

All test results in Reading/ELA and Mathematics for every student in Grades 3 – 8 and 10 are processed for the calculation of AYP and decisions are made to determine the single test results that will be used for the AYP subject indicators. The general steps in determining a student’s test results for the AYP calculation include (1) review all test answer documents for each test subject submitted during Spring 2009, regardless of score code, (2) identify the single test result that will be used in the AYP calculation for Reading, (3) identify the single test result for Mathematics, and (4) include the single test result in the AYP Reading and Mathematics calculations.

The single test result for each student is included in the following AYP data table categories.

- Count of students enrolled on the day of testing, or the **Participation** count of **Total Students** (participation denominator),
- If participant in an assessment, include in Participation calculation of **Number Participating** (participation numerator),
- If a valid, scored test result meets the Full Academic Year (accountability subset) definition, include in **Performance** calculation of **Number Tested** (performance denominator),
- If the student passing standard for the test given is met (and if applicable, the student is included in the AYP federal cap);  
or if the student passing standard for the test given is not met but the student is projected to meet the passing standard based on the TPM, include in Performance calculation of **Met Standard** (performance numerator).

The AYP student listings provided to school districts include the student status as reported in AYP. The AYP student status is helpful for determining in which of the AYP data table categories students appear. See *Appendix C* for more information available to school districts that help identify student categories and statuses and explain their use in the AYP calculation.

### **Students Tested on a Single Assessment**

For students taking only one assessment in reading (or mathematics), the single assessment result is used to evaluate AYP. For example, a student may take the TAKS and no other test. The AYP results will be based on information provided in the TAKS answer document, such as demographic information and grade level. Please note that the number of school years of enrollment in U.S. schools is only indicated on the TELPAS Reading answer document.

### **Students Tested on More than One Assessment**

Changes to the Texas Assessment Program procedures and data used for AYP require revised processing for students tested on more than one assessment. The spring 2008 Texas assessment program introduced revised test answer documents and greatly reduced the number of duplicate test documents submitted for each student. Online processing of test data for the TAKS–Alt and TELPAS results also improved student identification matching and therefore reduced the number of duplicate records. Finally, SSI requirements for school year 2008-09 now apply to students who take TAKS–M.

Due to these changes, a hierarchy of assessments is no longer necessary in AYP. The single test result for AYP from multiple test administrations will be selected based on the best outcome of those results for AYP participation and performance. Once selected, the single assessment identified for each student is evaluated for both participation and performance components for that subject area.

Finally, the single test result used for calculating AYP is the result used in every student group for which the student is a member. The following describes additional information on multiple test results processed for AYP. TPM results are only considered for students who do not meet the student passing standard. In order to receive a TPM in Reading/English language arts or Mathematics, a student needs scale scores in both of these subjects. TPM is reported for students that have scores in all subject areas needed to make the projection.

### **Student Success Initiative (SSI), Grades 3, 5, and 8**

For students in Grades 3, 5, and 8 who are subject to the state Student Success Initiative (SSI) requirements, the TAKS Reading and Mathematics assessment results from the second administration are evaluated for students who do not meet the student passing standard in the first administration. The second administration results considered for AYP calculations include students taking either English or Spanish TAKS assessments to meet the SSI requirements.

There are situations where a student may take the TAKS assessment during the first administration and, after determination by the ARD committee, take TAKS (Accommodated) or TAKS–Modified (TAKS–M) during the

second administration. Students in Grades 3, 5, and 8 may meet their SSI requirements in either the first or second administration by passing either TAKS, TAKS (Accommodated), or TAKS–M. In these cases, the passing assessment result will be used for AYP calculations. In addition, students in grades subject to SSI requirements who retest receive an updated TPM value with the most current test results. The recalculated TPM is based on the best score for the student.

For students that take either TAKS, LAT TAKS, or TAKS (Accommodated) in the first or second administration of Reading/English language arts and Mathematics, the best TPM value available for that subject is used to determine the AYP TPM outcome. Students in the performance calculation who do not meet the student passing standard but have a reported TPM value that is projected to meet the student passing standard are included in the AYP performance numerator. TPM projections from any one of the Spring 2009 Reading and Mathematics test administrations, and all test administrations through the May administration of Grades 5 & 8 mathematics tests, are used for 2009 AYP.

For students that take either TAKS, LAT TAKS, or TAKS (Accommodated) in the first administration of Reading/English language arts and Mathematics, and TAKS-M in the second administration, the TAKS–M results will be used for AYP; however, there will be no associated value for TPM used for AYP. Note that TAKS–M student passing results are subject to the 2% Federal Cap. In the case where the student’s passing result from the first or second administration is from the TAKS–M test, the TAKS–M results are included in the AYP performance numerator after the federal cap process determines the result can be counted as proficient for AYP.

### **TELPAS Reading**

A student may take the TELPAS Reading and TAKS Reading assessment, and both may be appropriately coded scored documents. The scored TAKS assessment results are used in the AYP Reading calculation for this student; the TELPAS Reading results are not used. If a student takes the TELPAS Reading and any other assessment, the student identifying information on both answer documents must match in order for the AYP results to be accurately processed.

### **Assessments Included in 2009 AYP Calculations**

The Exhibits on the following two pages show, by subject and assessment, all tests included in 2009 AYP calculations.

### Exhibit 3: Assessments Included in 2009 AYP Calculations

<i>Reading/ELA Assessments</i>						
	<b>Participation</b> 95% Standard			<b>PERFORMANCE</b> <b>(ACCOUNTABILITY SUBSET)</b> 67% Standard		
	<b>Total Students</b>	<b>Number Participating</b>	<b>→</b>	<b>Number Tested</b>	<b>Met Standard <u>or</u> TPM</b>	
<b>TAKS</b>	Yes	If participant	<b>→</b>	If in the Accountability subset	If standard is met <b><u>or</u></b> if projected to meet standard by TPM	
<b>TAKS (Accommodated)</b>	Yes	If participant	<b>→</b>	If in the Accountability subset	If standard is met <b><u>or</u></b> if projected to meet standard by TPM	
<b>TAKS–M / LAT TAKS–M</b>	Yes	If participant	<b>→</b>	If in the Accountability subset	If standard is met (subject to 2% cap)	No TPM available
<b>TAKS–Alt</b>	Yes	If participant	<b>→</b>	If in the Accountability subset	If standard is met (subject to 1% cap)	No TPM available
<b>TELPAS Reading*</b>	Yes	<b>Non-Participant</b>	<b>N/A</b>	<i>Not Included</i>	<i>Not Included</i>	<i>N/A</i>
<b>LAT version of TAKS*</b>	Yes	If participant	<b>→</b>	If in the Accountability subset	If standard is met <b><u>or</u></b> if projected to meet standard by TPM	

\* Students in their first year in U. S. schools are counted as participants, but excluded from the performance calculation.

**Exhibit 3 (continued): Assessments Included in 2009 AYP Calculations**

<b>Mathematics Assessments</b>						
	<b>Participation</b> 95% Standard			<b>PERFORMANCE</b> <b>(ACCOUNTABILITY SUBSET)</b> 58% Standard		
	Total Students	Number Participating	→	Number Tested	Met Standard <u>or</u> TPM	
<b>TAKS</b>	Yes	If participant	→	If in the Accountability subset	If standard is met <u>or</u> if projected to meet standard by TPM	
<b>TAKS (Accommodated)</b>	Yes	If participant	→	If in the Accountability subset	If standard is met <u>or</u> if projected to meet standard by TPM	
<b>TAKS-M / LAT TAKS-M</b>	Yes	If participant	→	If in the Accountability subset	If standard is met (subject to 2% cap)	No TPM available
<b>TAKS-Alt</b>	Yes	If participant	→	If in the Accountability subset	If standard is met (subject to 1% cap)	No TPM available
<b>LAT version of TAKS*</b>	Yes	If participant	→	If in the Accountability subset	If standard is met <u>or</u> if projected to meet standard by TPM	

\* Students in their first year in U. S. schools are counted as participants, but excluded from the performance calculation.

## **Participation**

The participation component of the Reading/English Language Arts and Mathematics Indicators is required for all districts and campuses to meet AYP. As stated earlier, the performance and participation components are determined from the same set of assessment information for each district and campus. Likewise, the single assessment result determined for each student is used on both the performance and participation components for that subject area. All test results begin in the first AYP data table category, and only if certain criteria are met will the test proceed to the next category. More information on AYP Data Table categories is provided in *Appendix C*. This section describes the first two categories:

- Count of students enrolled on the day of testing, or the **Participation** count of **Total Students** (participation denominator),
- If participant in an assessment, include in Participation calculation of **Number Participating** (participation numerator).

### **Calculating Participation Measures**

Districts are required to submit test answer documents for every student enrolled in the grades tested on the test date. Students are counted as participants (numerator of the participation rate) if they were tested on any of the following assessments. Participants also include students who were tested but the test answer document was not scored for other reasons.

TAKS;

TAKS (Accommodated) for students served by special education who meet the eligibility requirements for certain specific accommodations;

TAKS–M for students served by special education who meet participation requirements for TAKS–M and for whom TAKS is not appropriate;

TAKS–Alt for students served by special education with significant cognitive disabilities who meet the participation requirements;

TELPAS (for Reading only) for recent immigrant LEP students exempted from TAKS or TAKS–M by the LPAC and in their first school year of enrollment in U.S. schools; or

LAT for recent immigrant LEP students exempted from TAKS or TAKS–M by the LPAC.

The participation measures are calculated as the number of students participating divided by the Participation count of students enrolled at the time of testing. Counts are summed across grades for Grades 3–8 and 10 for each subject (Reading/English Language Arts and Mathematics). Participation measures are calculated for all students and each student group. All calculations are rounded to the nearest whole percent.

### **Participation Count of Students Enrolled at the Time of Testing**

Participation measures are based on all students enrolled at the time of testing defined as the total number of assessment documents submitted by each school district (denominator of the participation rate). The calculation is *not* limited to

students enrolled for the full academic year. Participation counts include students with answer documents submitted from the first and second administrations of TAKS Grade 3 Reading, TAKS Grade 5 Reading, TAKS Grade 5 Mathematics, TAKS Grade 8 Reading, and TAKS Grade 8 Mathematics. Students who were administered a make-up test within the testing window are also included in the participation rate calculation. School districts provide student test answer documents for all eligible students enrolled, and are required by oath to follow prescribed testing procedures as described in the *2009 District and Campus Coordinator Manual*. The answer documents are coded to show which test is administered to each student and whether the test is scored.

### **Identification of Participants**

Student test results included as participants are based on the approved amendments to the 2009 Texas AYP Workbook. The test document score code is used to determine whether a student is counted as a participant after determining the single assessment result used for AYP. For most assessments, students coded as absent on the test answer document are not counted as participants and are therefore not included in the participation numerator. Other situations exist that may cause student test results to be excluded from the participation numerator. Below is a summary of each assessment and unique situations that may cause student test results to be counted as a non-participant and excluded from the participation numerator.

#### **TAKS, TAKS (Accommodated), and TAKS–Modified (TAKS–M)**

Students coded as absent on the test answer document are not counted as participants and are therefore not included in the participation numerator.

#### **TAKS–Alternate (TAKS–Alt)**

Student results for Reading and Mathematics TAKS–Alt online submission are used in AYP. Students in the TAKS–Alt submission who have a TAKS–Alt assessment category of “Not Assessed” are not counted as participants. However, TAKS–Alt student results with an assessment category of “No Response Observed”, “Complete Score”, or “Partial Score” are counted as participants and included in the participation numerator.

#### **Linguistically Accommodated Testing (LAT) for TAKS and TAKS–M**

TAKS and LAT TAKS–M administrations are available to eligible recent immigrant LEP students who have been granted an exemption to the state assessments by the LPAC on the basis of limited English proficiency. Eligible students LEP-exempt from the Reading or Mathematics TAKS or TAKS–M assessment are considered participants for AYP if they were tested with linguistic accommodations and their test answer document indicates such testing.

In order to be considered a participant and included in the participation numerator, one of the following must occur:

- Column B of the LAT INFO section of the TAKS answer document must not indicate that the student was absent,
- Column B indicates that the test was incomplete, or
- At least one bubble is gridded in Column A of the LAT INFO section.

### **TELPAS Reading**

Federal regulations allow recent immigrant students in their first school year of enrollment in U.S. schools and who are LEP-exempt from TAKS to be counted as participants in AYP through TELPAS Reading. In order to remain compliant with the ESEA/NCLB standards and assessment requirements, Texas is not allowed to use TELPAS Reading for recent immigrant students in their second or third year of enrollment in U.S. schools for AYP purposes. Recent immigrant students enrolled in their second or third school year in U.S. schools will not be counted as participants in AYP if TELPAS Reading is the only test taken. Any other test taken along with TELPAS Reading will be subject to AYP assessments processing rules. The use of other assessments in AYP for recent immigrant students is based on matching student identification information on both test answer documents.

LEP students who arrived in the United States for the first time during the second semester of the current school year and are deemed to be non-English readers by the LPAC are coded on the TELPAS Reading answer document (“N”). These students receive a Beginning proficiency rating on TELPAS Reading, are considered participants, and are included in the participation numerator. Students coded as absent on the test answer document are not counted as participants and are therefore not included in the participation numerator.

The following Exhibit shows how the TELPAS Reading results are required to be included in the 2009 AYP calculations.

### Exhibit 4: TELPAS Reading and LAT TAKS Included in 2009 AYP Calculations

Texas English Language Proficiency Assessment System (TELPAS) Reading					
	Participation 95% Standard			Performance/Accountability Subset 67% Standard	
	Total Students	Number Participating		Number Tested	Met Standard
First year of enrollment in U.S. schools	Yes	If participant	➔	Not Included	Not Included
Second or Third year (or more) of enrollment in U.S. schools	Yes	Non-Participant	N/A	Not Included	Not Included

Linguistically Accommodated Testing (LAT) for TAKS Reading/ELA and Mathematics					
	Participation 95% Standard			Performance/Accountability Subset Reading/ELA: 67% Standard Mathematics: 58% Standard	
	Total Students	Number Participating		Number Tested	Met Standard or TPM
First year of enrollment in U.S. schools *	Yes	If participant	➔	Not Included	Not Included
Second or Third year (or more) of enrollment in U.S. schools	Yes	If participant	➔	If in the Accountability subset	If standard is met or if projected to meet standard by TPM

\* Students test results are only excluded if there is a matching TELPAS Reading answer documents indicating first year in U. S. schools.

#### Participation Student Groups Evaluated

In addition to all students, the student groups for which AYP participation measures are calculated are African American, Hispanic, White, economically disadvantaged, special education, and LEP students. Student information coded on the test answer

documents is used to assign students to groups. Student groups are presented as a percentage of all students on AYP data tables rounded to the nearest whole percent.

## **All Students**

### **Minimum Size Requirements**

For the participation measure to be included in the AYP calculation at the all students level, the district or campus must have at least 40 students enrolled at the time of testing. Districts and campuses with fewer than 40 students enrolled at the time of testing are not required to meet the participation rate measures.

## **Student Groups**

### **Minimum Size Requirements**

For student groups' participation measures to be evaluated for AYP, a district or campus must have:

- 50 or more students in the group enrolled on the test date (summed across Grades 3–8 and 10) for the subject, and the student group must comprise at least 10 percent of all students enrolled on the test date; *or*
- 200 or more students in the group enrolled on the test date, even if that group represents less than 10 percent of all students enrolled on the test date.

### **Special Education**

If a student is tested on TAKS (Accommodated), TAKS–M, LAT TAKS–M, or TAKS–Alt for either Reading/English Language Arts or Mathematics, the student is included in the special education student group for both subjects. If a student is identified as a special education student on any test document, including TAKS, for either Reading/English Language Arts or Mathematics, the student is included in the special education student group for both subjects.

### **LEP**

Only students identified as LEP in 2008-09 are included in the LEP group for participation. If a student is identified as a current year LEP student on the TAKS answer documents for either Reading/English Language Arts or Mathematics, the student is included in the LEP group for both subjects. If the student is tested on TELPAS Reading, the student is included in the LEP student group for both subjects. If the student is not tested on TELPAS Reading, and the LEP field is blank on the TAKS answer documents, the student is assumed to be non-LEP.

## Participation Target

### 95% Standard

For each district and campus, measures meeting the minimum size requirement for students enrolled on the test date must have **95** percent of students participating for Reading/English Language Arts and Mathematics.

### Average Participation Rate

For each district and campus, measures meeting minimum size requirements for students enrolled on the test date that do not meet the 95 percent participation standard will be reevaluated using the aggregate participation results for two years. Reading/English Language Arts and Mathematics participation results for 2008-09 will be combined with the 2007-08 participation results. The numerators of both school years are summed and the denominators of both school years are summed and the resulting totals are divided to get the average for two years.

## Performance

Like participation, the performance component of the Reading/English Language Arts and Mathematics Indicators is required for all districts and campuses to meet AYP. The performance and participation components are determined from the same set of assessment information for each district and campus, therefore, the single assessment result determined for each student is used on both the performance and participation components for that subject area. The previous Participation section described the first two AYP data table categories that make up the participation component of AYP. Test results included as participants (in the participation numerator) are the only results considered for the performance component. This section describes the next two categories:

- If a valid, scored test result meets the Full Academic Year (accountability subset) definition, include in **Performance** calculation of **Number Tested** (performance denominator),
- If the student passing standard is met on regular assessments (TAKS, TAKS (Accommodated), or LAT TAKS), or for alternate assessments, the standard is met and is selected for the federal cap (TAKS–M, TAKS–Alt), or if the student passing standard for the test given is not met but the student is projected to meet the passing standard based on the TPM; include in **Performance** calculation of **Met Standard** (performance numerator).

## Calculating Performance Measures

In order to meet the AYP performance component of the Reading/English Language Arts and Mathematics indicators, all districts and campuses must meet the performance standard for percent proficient or the performance improvement/safe harbor provision for all students and each student group meeting minimum size requirements.

The Reading/English Language Arts and Mathematics performance measures are defined as the percent of students counted as proficient. The measure is calculated as the number of students counted as proficient by the performance count of total students tested, by subject. All calculations are rounded to the nearest whole percent.

### **Performance Count of Total Students Tested**

Performance measures are based on the number of student test results included as participants for AYP (in the participation numerator). The count of the total number of students tested include valid, scored test results for AYP participants who meet the definition of full academic year, or accountability subset.

### **Performance Full Academic Year**

Only participating students enrolled in the district or on the campus for the full academic year are included in the performance measure. TELPAS Reading assessment results are excluded from performance measure calculations (refer to the Assessments Included in 2009 AYP Calculations chart for more information). Foreign exchange students with scored test results on TAKS or other assessments are not excluded from the performance measure.

*Districts* Test results are included in the district-level measure for students enrolled in the district on the PEIMS fall enrollment snapshot date. For 2008-09, the snapshot date was October 31, 2008.

*Campuses* Test results are included in the campus-level measure for students enrolled on the campus on the PEIMS fall enrollment snapshot date.

### **Identification of Proficient Students**

#### **TAKS and TAKS (Accommodated)**

The student passing standard used for the 2009 AYP calculation is the *Met Standard* level (scale score of 2100) for students in grades 3-8 and 10. TAKS and TAKS (Accommodated) student test results included as participants for AYP (in the participation numerator) are the only results considered for the performance component.

If the student passing standard for TAKS and TAKS (Accommodated) is not met and the student is projected to meet the passing standard based on the TPM, the student is included in the performance numerator.

#### **TAKS–Modified (TAKS–M)**

The student passing standard for TAKS–M was determined in August, 2008. The *Met Standard* student passing level for students in grades 3-8 and 10 was applied for 2009 AYP. TAKS–M student test results included as participants for AYP (in the participation numerator) are the only results considered for the performance component.

TAKS–M student passing results are subject to the 2% Federal Cap and are included in the performance numerator only after the federal cap process determines that the result can be counted as proficient for AYP.

## **SSI Requirements**

Beginning in 2009, students taking TAKS–M are subject to SSI requirements.

### *Grade 3 Reading*

Grade 3 Reading performance is the cumulative percent passing calculated by combining the March and April administrations of TAKS, TAKS (Accommodated), and TAKS–M.

### *Grades 5 & 8 Reading and Mathematics*

Grades 5 & 8 Reading performance is the cumulative percent passing calculated by combining the March and April administrations of TAKS, TAKS (Accommodated), and TAKS–M. Grades 5 & 8 Mathematics performance is the cumulative percent passing calculated by combining the April and May administrations of TAKS, TAKS (Accommodated), and TAKS–M.

TAKS–M student passing results are subject to the 2% Federal Cap and are included in the performance numerator only after the federal cap process determines the result can be counted as proficient for AYP. For more information, see page 28 "Students Tested on More than One Assessment."

### **TAKS–Alternate (TAKS–Alt)**

Student results from the Reading and Mathematics TAKS–Alt online submission with a TAKS–Alt assessment category of “Complete Score” and “Partial Score” are included in the performance measure. TAKS–Alt student test results included as participants for AYP (in the participation numerator) are the only results considered for the performance component. TAKS–Alt student results with an assessment category of “No Response Observed” are counted as participants but are not considered scored tests; the results are not included in the performance measure (denominator of the performance rate).

TAKS–Alt student passing results are subject to the 1% Federal Cap and are included in the performance numerator only after the federal cap process determines the result can be counted as proficient for AYP.

### **Linguistically Accommodated Testing (LAT) for TAKS and TAKS–M**

The LAT TAKS and LAT TAKS–M administrations for Reading/ELA and Mathematics are available to recent immigrant LEP students granted an exemption by the LPAC on the basis of limited English proficiency. The LAT TAKS Reading/ELA and Mathematics results are used for performance for students in their second or third year of enrollment in U.S. schools who are LEP-exempt from the TAKS and TAKS–M by the LPAC.

The LAT TAKS Mathematics tests results for students in their first year in U.S. schools are not included in the performance measure calculation as allowed by federal regulation. Student information on the number of school

years of enrollment in U.S. schools is found on the TELPAS Reading answer document. In order for student LAT results to be excluded from the AYP performance measure based on the number of years of enrollment in U.S. schools, the student identification information on the TELPAS Reading answer document must match the TAKS/TAKS–M answer document used for the LAT administration. The only LAT TAKS results excluded from AYP performance measures are those with matching TELPAS Reading answer documents with Years in U.S. Schools values indicating “Enrolled in 1st semester” or “Enrolled in 2nd semester” of the 2008-09 school year.

Student LAT TAKS and LAT TAKS–M test results included as participants for AYP (in the participation numerator) are the only results considered for the performance component. In order to be included in the performance calculation, the LAT INFO section of the TAKS answer document must have a value and column B must not indicate that the student was absent or that the test was incomplete. See the Participation discussion in this section for more information on determining the participation status of students with LAT results.

If the student passing standard for LAT TAKS is not met and the student is projected to meet the passing standard based on the TPM, the student is included in the performance numerator. TPM is not available on LAT TAKS–M tests.

### **TELPAS Reading**

Federal regulations allow recent immigrant students in their first school year of enrollment in U.S. schools and who are exempted from TAKS to be counted as participants in AYP through TELPAS Reading, and excluded from the performance measures. However, Texas is not allowed to use TELPAS Reading for recent immigrant students in their second or third year of enrollment in U.S. schools for AYP purposes; therefore, if this is the student’s only test, they will be considered a non-participant. As in 2008, the TELPAS Reading assessment results for students in their first school year of enrollment in U.S. schools will be counted appropriately for participation and will not be included in the *performance* component. See the Participation discussion in this section for more information on determining the participation status of students with TELPAS Reading results.

### **Federal Cap on Alternate Assessment (TAKS–M and TAKS–Alt)**

NCLB regulations limit the number of proficient assessment results from alternate assessments that may be counted as such in evaluating AYP. The limit on proficient alternate assessment results is referred to as the AYP federal cap. The federal cap is applied to two types of assessment results: alternate assessments based on modified academic achievement standards that are subject to a 2% cap, and alternate assessments for students with the most significant cognitive disabilities that are subject to a 1% cap.

### **General Guidelines Related to the Federal Cap**

USDE final federal regulations issued on April 9, 2007, require two separate caps for including the results of students taking alternate assessments. The number of proficient students taking alternate assessments based on *alternate achievement standards* may not exceed 1% of each district's total participation. The number of students taking alternate assessments based on *modified achievement standards* and being counted as proficient for AYP may not exceed 2% of each district's total participation plus any unfilled 1% cap slots.

For Texas, the alternate assessments with modified achievement standards are the TAKS–Modified (TAKS–M). The TAKS–Alternate (TAKS–Alt) assessments are for students with the most significant cognitive disabilities. The limit is calculated for each school district and applies to student passing results on TAKS–M and TAKS–Alt only. If the number of TAKS–Alt student passing results in a school district falls below the 1% cap, the unfilled slots may be used by student passing results from TAKS–M. The TAKS–M 2% cap limit is calculated as 2% plus any unused slots from TAKS–Alt. The overall federal limit on student passing results from both TAKS–M and TAKS–Alt must be no more than 3%. The district limit on TAKS–Alt student passing results must not exceed the 1% cap and unfilled slots below the 2% cap may not be added to the 1% cap.

After the federal cap process is completed, the student passing results over the district federal cap limit are reclassified as *non-proficient* and reported as such in AYP performance results in the AYP campus, district, and state levels data tables. Texas school districts with passing results from TAKS–Alt and TAKS–M that do not exceed the district limit are not affected by the cap and all student passing results remain *proficient*. Maintaining the federal cap limits is not required in order to Meet AYP. School districts with student passing results from TAKS–Alt and TAKS–M that exceed the district limit may meet AYP based on their performance on all other assessments. Even with reclassified students included as non-proficient, a district or campus may still have sufficient performance results to meet the standards and receive a designation of *Meets AYP*.

#### **How to calculate the 1% and 2% Federal Cap Limit**

A school district's federal cap limit is based on the total number of students enrolled in the district in Grades 3 – 8 and 10 on the day of testing, reported as the AYP District Participation denominator by subject. The participation denominator can be found in the participation section of the school district AYP data table (Total Students in All Students column; see *Appendix C*). The federal cap limit is calculated by subject area for Reading/English Language Arts (ELA) and Mathematics and each subject may have a different participation denominator.

The federal cap limits are calculated for each type of alternate assessment, as shown below.

**District Participation Denominator x .01 = TAKS–Alt Federal Cap Limit**

**District Participation Denominator x .02 = TAKS–M Federal Cap Limit**

Note that the federal cap does not limit the number of students with disabilities who can take alternate assessments. Decisions regarding the appropriate assessment for students with disabilities should be made based on state policies and procedures outlined in the *Admission, Review, and Dismissal (ARD) Committee Decision-Making Process for the Texas Assessment Program*. Also note that student passing results that exceed the cap limits are reclassified to non-proficient for use in AYP proficiency rates that are used to evaluate AYP status. There is no effect on the AYP participation calculations. Other state performance results and state accountability ratings are not affected by the federal cap. There are no student level consequences (for graduation or other assessment requirements) for exceeding the cap limit.

It should be emphasized that the federal cap relates to counting students as proficient for AYP purposes only and **does not** provide direction to ARD committees regarding how students with disabilities should be assessed. **It is important that local school districts ensure that appropriate assessments are selected and administered to students with disabilities.**

### **1% Cap on TAKS–Alt**

#### *Selection of Students: Random Selection of TAKS–Alt results*

For 2009, the TAKS–Alt student passing results are limited to the federal cap level by applying a random assignment of results to be included in the 1% cap. School district passing TAKS–Alt results are randomly identified up to the federal cap limit and are counted as proficient. Student results that remain unselected are considered over the federal cap limit and reclassified as non-proficient. Note that the random assignment of proficient results for AYP makes it impossible for districts to project the outcome of this selection process. After determining the number of students in each campus included in the 1% federal cap, TEA begins the cap processing for the 2% cap.

### **Exceptions Applied prior to the Preliminary Release**

Before preliminary release of 2009 AYP information, exceptions to the 1% cap will be processed for districts who registered facilities through the TEA Residential Facilities (RF) Monitoring system, using the application known as RF Tracker. Exceptions to the 1% cap will also include districts identified and included in the *2008-2009 Directory for Services for the Deaf in Texas, Regional Day School Programs for the Deaf (RDSPD)*. This directory includes school districts that serve students who are referred to the RDSPD in their school district.

Districts identified through RF Tracker or the RDSPD Directory will be initially granted an exception to the 1% cap, which will increase the district's cap by the total number of students passing the TAKS–Alt who exceed the 1% cap limit. Federal regulation allows school districts to exceed the overall 3% federal cap only if granted an exception to the 1% cap and only by the amount of the exception. Therefore, districts that are granted an exception prior to the preliminary release must be limited to the 2% federal cap on TAKS–M proficient results. The overall

district cap on both the TAKS–Alt and TAKS–M proficient results may exceed 3% only by the amount of the exception to the 1% cap.

Please see *Section IV: Exceptions* for more information on the exception process applied prior to the preliminary release of AYP.

### **Federal Cap Recapture**

Federal regulations clearly indicate that the state as a whole cannot exceed the 1% cap under any circumstances. Therefore, a statewide comparison of the number of students counted as proficient in AYP must be conducted before the federal cap process is concluded.

### **2% Cap on TAKS–M**

The 2% federal cap on TAKS–M student passing results requires two steps: 1) a campus priority or ranking, and 2) the selection of students from each campus only to the extent needed for the campus to meet AYP. School districts have the opportunity to review and modify the campus priority that will direct the selection of students. Once the list is finalized, the process begins with the campuses assigned the highest priority. Student results are selected in order to maximize the number of campuses that Meet AYP.

### **Campus Rankings**

The campus priority or ranking list is originally developed by TEA and provided to school districts for review and modification. The TEA campus ranking prioritizes campuses by grades served and proportion of students with disabilities enrolled. The TEA campus ranking order is specifically sorted by the following Fall 2008-09 PEIMS information for each campus. These data will match the information reported in the 2008-09 AEIS Reports issued in November 2009.

- 1st Sort: School Type  
(sort order: Secondary, Both, Middle, Elementary)
- 2nd Sort: Highest Grade Served on the Campus  
(as shown by the grade span value, with sort order: highest to lowest)
- 3rd Sort: Student Enrollment in Special Education Program  
(percent special education, sort order: highest to lowest)

The TEA campus ranking is provided to school districts in late May, 2009, through the Texas Education Agency Secure Environment (TEASE) Accountability Website. School districts have the opportunity to review and modify the campus ranking using any method they wish without justification provided to TEA. Instructions are provided to school districts on the TEASE Accountability Campus Ranking application. The school district deadline for providing modified campus rankings for 2009 AYP evaluations to TEA is June 24, 2009. **School districts that**

**have not provided any campus ranking changes by the June 24, 2009 deadline agree to accept the TEA campus ranking.** After June 24, 2009, there are no further opportunities to change the campus priority rankings that are used to select students to be included in the 2% federal cap.

### **Student Selection Process**

The 2009 AYP federal cap process is designed to maximize the number of campuses in the district that Meet AYP and include the maximum number of TAKS–M student passing results in the allowable cap limit for each school district. The 2% federal cap process begins after completion of the 1% cap process in which TAKS–Alt results have been assigned to the campuses and school districts. School districts have either provided their campus rankings or have chosen to accept the TEA default ranking. In addition, the TAKS–M student passing standard determined in August, 2008 is used in the 2009 AYP calculations. TEA uses these standards to identify the total number of students in each school district that meet the TAKS–M passing standard.

For each school district, TAKS–M student passing tests form a ‘pool’ from which students’ results are selected to be included in the 2% cap. If the total pool count is less than or equal to the district cap limit, then all TAKS–M student passing results will be classified as proficient for AYP. If the total pool count is larger than the cap, then some student passing results will have to be reclassified as non-proficient for AYP, while the student results that can be included up to the 2% limit are classified as proficient. The student passing results from TAKS–M, referred to as the “pool” of proficient results, are the only student results considered for inclusion in the 2% federal cap. The student selection process is conducted by subject.

The process to select students from each campus within a school district is conducted in three stages. Student results selected at each stage that are included in the federal cap will increase the AYP proficiency rates of both the campus and district. For each of the stages described below, students are only selected up to the federal cap limit. Once the cap limit is reached, the process ends and the 2009 AYP results are determined for the campus and school district.

#### ***Stages of student selection***

- I. Students are selected beginning with the first campus in the campus ranking to the extent needed for the campus to Meet AYP.
- II. If additional proficient students can be included under the federal cap, students are selected to the extent needed for the district to Meet AYP.
- III. If additional proficient students can be included under the federal cap, students are selected randomly up to the federal cap limit.

*Stage I: Students are selected beginning with the first campus in the campus ranking to the extent needed for the campus to Meet AYP.*

The student selection process will select TAKS–M student passing results in campus ranking priority order only to the extent needed for the campus to meet AYP. To optimize the space available in the cap, students from the pool are selected to be included as proficient only when doing so will make a difference in whether or not the campus meets AYP for the subject. The decision to select student results from a given campus is determined by a comparison of two AYP outcome scenarios.

**AYP Scenarios**

Scenario 1 treats all TAKS–M student passing results as *non-proficient (failing)*; Scenario 2 treats all TAKS–M student passing results as *proficient (passing)*. The table below describes how these two AYP scenarios provide information on the extent to which the school district and each campus will Meet AYP through the assignment of TAKS–M student passing results within the federal cap. Campuses identified in Group B in the table below are campuses for whom TAKS–M results will make the difference in whether or not the campus meets AYP for the subject. The first stage of the student selection process will only select students from these campuses and will select only those TAKS–M proficient student results that are necessary for the campus to Meet AYP. Group A includes campuses that meet AYP for the subject even if all TAKS–M passers are counted as non-proficient—they do not need any TAKS–M proficient results in order to meet AYP for the subject. Group C includes campuses that will not meet AYP for the subject even if all TAKS–M passers are counted as proficient—TAKS–M proficient results will not help these campuses meet AYP for the subject.

**Exhibit 5: AYP 2% Federal Cap Scenarios**

<b>AYP Outcome Comparison</b>			
	Scenario 1: All TAKS–M passers assigned <i>non-proficient (failing)</i>	Scenario 2: All TAKS–M passers remain <i>proficient (passing)</i>	Priority Given to Campus or District for student selection within the federal cap
Group A	Subject meets AYP	Subject meets AYP or Subject missed AYP	Students are not selected
<b>Group B</b>	<b>Subject missed AYP</b>	<b>Subject meets AYP</b>	<b>Students are selected</b>
Group C	Subject missed AYP	Subject missed AYP	Students are not selected

Within each Group B campus, students are sorted in an order that prioritizes students based on the number of students and student groups needed for the subject to meet AYP. Students are selected until the campus meets AYP for the subject, or the district cap limit is reached.

In order to maximize the space available in the cap, campuses will not initially be assigned proficient students (in Stage I) if:

- the campus fails participation for the subject,
- the campus misses AYP for the subject even if all its passing TAKS–M students are counted as proficient,
- the campus meets AYP for the subject without any of its passing TAKS–M students counted as proficient, or
- the campus is not evaluated.

If meeting AYP through performance improvement/safe harbor requires fewer students to be selected than meeting the standard, the number of students needed to meet safe harbor will be used. If meeting AYP through the inclusion of TPM requires fewer students to be selected, the number of students needed to meet AYP with TPM will be used. The above processes optimize the use of the cap to positively affect the most campuses in the district.

*Stage II: If additional proficient students can be included under the federal cap, students are selected to the extent needed for the **district** to Meet AYP.*

The student selection process for both the campus and school district stages are similar. The AYP outcome comparison is conducted for the school district to determine whether the district benefits from the use of TAKS–M students passing results. Only school districts in AYP outcome comparison Group B (see table above) will have students selected at this stage. Students are not selected for a school district that may have the same conditions described above:

- the district fails participation for the subject,
- the district misses AYP for the subject even if all its passing TAKS–M students are counted as proficient,
- the district meets AYP for the subject without any of its passing TAKS–M students counted as proficient, or
- the district is not evaluated.

As in Stage I, if meeting AYP through performance improvement/safe harbor requires fewer students to be selected than meeting the standard, the number of students needed to meet safe harbor will be used. If meeting AYP through the inclusion of TPM requires fewer students to be selected, the number of students needed to meet AYP with TPM will be used.

All previously unselected student passing results are sorted in an order that prioritizes students based on the number of students and student groups needed for the district to meet AYP for the subject. However, once the cap limit is reached, the student selection process ends and the 2009 AYP results are determined for the school district. If student passing results are selected for the federal cap, the TAKS–M results are considered proficient for AYP for both the campus and district. Each student result is only selected once for the federal cap, so any remaining previously unselected student passing results in the “pool” of TAKS–M tests are available for selection in the final stage of the selection process.

*Stage III: Students are selected randomly up to the federal cap limit.*

The final stage of the student selection process will occur only for school districts who have not yet reached the federal cap limit. Of the remaining previously unselected student passing results in the “pool” of TAKS–M tests, student results are selected randomly up to the 2% federal cap limit. Once the cap limit is reached, the student selection process ends. Student passing results that remain unselected at this final stage are considered over the federal cap limit and reclassified as *non-proficient* for AYP.

At the completion of the student selection process for the 2% cap, student results for the federal cap processes are reported as assigned in AYP performance results in the AYP campus, district, and state levels data tables.

### **Final Federal Cap Recapture**

The final statewide results are evaluated to determine if the state as a whole exceeds the 3% cap limit on both TAKS–Alt and TAKS–M proficient results. If it is determined that the state exceeds the 3% cap, a recapture process will be initiated. Recapture to meet the 3% cap limit will identify TAKS–M proficient student results that were selected in the final stage of the student selection process. Stage III TAKS–M proficient results are selected randomly and removed from the federal cap until the statewide 3% cap is reached. Results selected during the recapture process will be counted as non-proficient in all AYP calculations for campus, district, and state level results. If the number of proficient scores in the state is less than the statewide cap, all results within the district cap remain unchanged. The recapture process is necessary to ensure that the state will not exceed the 3% cap on proficient results.

### **Performance Student Groups Evaluated**

In addition to all students, performance measures are calculated for the African American, Hispanic, White, economically disadvantaged, special education, and LEP student groups. Student information coded on the test answer documents is used to assign students to groups. Student groups are reported as a percentage of all students, rounded to the nearest whole percent.

The federal cap process limits the number of proficient alternate assessments that may be counted as such in evaluating AYP, and the assignment of proficient or non-proficient for both TAKS–Alt and TAKS–M is the same result used in every student group of which the student is a member. Similarly, for students who did not meet the passing standard and are projected to meet the passing standard through TPM and therefore included in the AYP performance numerator, the student is included in the numerator for every student group for which the student is a member.

### **All Students**

Small districts and campuses, even those with very few students tested in Grades 3–8 and 10, are evaluated based on their own assessment results to the greatest extent possible.

### **Student Groups**

#### **Special Education**

If a student is tested on TAKS (Accommodated), TAKS–M, LAT TAKS–M, or TAKS–Alt for either Reading/English Language Arts or Mathematics, the student is included in the special education student group for both subjects. If a student is identified as a special education student on any test document, including TAKS, for either Reading/English Language Arts or Mathematics, the student is included in the special education student group for both subjects.

#### **LEP**

If a student is identified as a current year LEP student on the TAKS answer documents for either Reading/English Language Arts or Mathematics, the student is considered current year LEP for both subjects. If the student is tested on TELPAS Reading, the student is considered current year LEP for both subjects. If the student is not tested on TELPAS Reading, and the LEP field is blank on the TAKS answer documents, the student is assumed to be non-LEP.

In addition, students remain in the LEP student group for two years after they enter a regular, all-English instructional program. For all students included in the AYP Reading/English Language Arts and Mathematics performance measures for 2009, performance is included in the LEP student group if the student has been identified as a current or monitored LEP student and has been appropriately coded on the assessment answer document.

Beginning with the 2008-09 school year, the PEIMS data requirements were expanded to include additional coding of former LEP students who are no longer classified as LEP and are in their first year or second year of academic monitoring. PEIMS data reported by districts in the fall 2008 initial PEIMS submission may have been used by the state testing contractor to pre-code test answer documents for the spring 2009 test administrations. Students are

coded as either 1) a currently identified LEP student (“C”), or 2) the student has met the criteria for bilingual/ESL program exit, is no longer classified as LEP in PEIMS and is in the first or second year of monitoring as required by statute (“M1” or “M2”).

### **Minimum Size Requirements**

For student groups to be included in the AYP performance calculation, a district or campus must have:

- Test results for 50 or more students in the student group (summed across Grades 3–8 and 10) for the subject, and the student group must comprise at least 10 percent of all test takers in the subject, *or*
- Test results for 200 or more students in the student group, even if that group represents less than 10 percent of all test takers in the subject.

For the LEP student group, minimum size is evaluated based on students currently identified as LEP in 2008–09 only. If the LEP student group meets the minimum size requirement based on current-year identification, the performance evaluated will include additional students who were identified as LEP in the prior two years as described above.

The addition of TPM in 2009 AYP calculations does not change the total number of students tested; therefore, the evaluation of minimum size for the performance measures remains the same as in prior years.

## **Performance Target**

### **Reading and Mathematics Standards**

For each district and campus, performance measures for all students and each student group meeting the minimum size requirement for students enrolled the full academic year must meet the following performance standards for Reading/English Language Arts and Mathematics.

- Reading/English Language Arts: **67** percent of students counted as proficient
- Mathematics: **58** percent of students counted as proficient

### **Performance Improvement/Safe Harbor**

For Reading/English Language Arts and Mathematics, performance measures for all students and each student group must meet *either* the performance standard *or* performance improvement/safe harbor. For measures that meet the performance standard, it is not necessary for these measures to also demonstrate performance improvement/safe harbor. For this reason, performance improvement/safe harbor is considered a “safe harbor” for measures that do not meet the performance standard. The safe harbor requires 1) that measures show performance improvement/safe harbor for the student group on

which they do not meet the standard (Reading/English Language Arts or Mathematics) and 2) the relevant other measure requirement for the student group. In 2008, the USDE approved an amendment to the requirement of the other measure in Safe Harbor for 2008 AYP that allows districts and campuses to meet the absolute standard for the other measure in order to satisfy performance improvement/safe harbor.

The addition of TPM in 2009 AYP calculations does not change the way the performance improvement/safe harbor calculations are applied. Federal regulation 34 CFR 200.20(b)(1) requires states to define successfully meeting the AYP safe harbor calculation as “the percentage of students [in a student group] below the State's proficient achievement level decreased by at least 10 percent from the preceding year.” The actual change used to determine the decrease in the performance improvement/safe harbor calculation remains AYP proficiency without the addition of TPM.

**Calculating Performance Improvement/Safe Harbor**

Performance Improvement/Safe Harbor for the measure is met if there is:

- a 10 percent decrease from the prior year in percentage of students counted as not proficient in the subject (Reading/English Language Arts or Mathematics), *and*
- meet the absolute standard for the pertinent other measure *or* achieve at least one-tenth of a percent (0.1) improvement for the group on the Graduation Rate or Attendance Rate.

The performance improvement portion of the Safe Harbor calculation requires the calculation of Actual Change, defined as:

<i><b>2009 AYP Proficiency Rate</b></i>		<i><b>2008 AYP Proficiency Rate</b></i>
Students who Met the Passing Standard (subject to the 1% and 2% caps)	-	Students who Met the Passing Standard (subject to the 1% and 2% caps)
Total Number of Students Tested		Total Number of Students Tested

The actual change must be equal to or greater than the minimum Required Improvement needed to reach a standard of 100 percent over a ten-year period. In this case, the methodology may be illustrated as the following:

***Actual Change***

***AYP Required Improvement***

$$\frac{[\text{current year proficiency without TPM}] - [\text{prior year proficiency without TPM}]}{10} \geq \frac{[\text{standard of 100 \%}] - [\text{prior year proficiency without TPM}]}{10}$$

**Minimum Size Requirements**

Performance improvement/safe harbor is calculated even if the measure does not meet the minimum size requirement the prior year. However, performance improvement/safe harbor is not calculated if there are no prior-year test results for the measure. If performance improvement/safe harbor cannot be calculated due to lack of prior-year results, the campus or district cannot use safe harbor to meet the performance requirement and receives an AYP status of *Missed AYP* for that measure.

The addition of TPM in 2009 AYP calculations does not change the total number of students tested; therefore, the evaluation of minimum size for performance improvement/safe harbor remains the same as in prior years.

The other measurement requirement for Graduation Rate or Attendance Rate is calculated at the student group level for the purpose of applying performance improvement/safe harbor only. If the other measure does not meet the minimum size requirement for the Graduation Rate or Attendance Rate for *both* the current year and the prior year, the other measure requirement is not evaluated. In this situation, the district or campus is not required to meet the other measure requirement in order to meet Safe Harbor. If the other measure meets the minimum size requirements for both the current year and prior year, the other measure requirement of 1) meeting the absolute standard, or 2) improving at least 0.1 in the Graduation Rate or Attendance Rate must be satisfied.

**Determining the AYP Performance Outcome**

The AYP Performance outcome for Reading/English Language Arts and Mathematics is determined by meeting the performance measures for all students and each student group. The performance measures include the performance standard or performance improvement/safe harbor. As described above, the performance improvement/safe harbor may only be met by the AYP proficiency rate without TPM. However, the performance standard may be met by the AYP proficiency rate with or without TPM. The performance outcome for each student group meets AYP if:

1. The AYP Proficiency Rate (without TPM) meets the performance standard,
2. Performance Improvement/Safe Harbor (without TPM) requirement is met, or
3. The AYP Proficiency Rate including TPM meets the performance standard.

### **District Level Performance Results**

By state statute, the performance of students served in certain campuses cannot be used in evaluating the district where the campus is located. Texas statute TEC §39.072(d) and §39.073(f) require that performance data reported on any campuses designated as TYC or Texas Juvenile Probation Commission (TJPC) campuses not be included in the district results for the district where the campus is located. The 2009 Texas AYP Workbook, approved by the USDE, allows the exclusion of performance data reported on campuses designated as TYC or TJPC campuses from the district results. For more information, see the 2009 State Accountability Manual, Chapter 6 – Special Issues and Circumstances.

For 2009 AYP evaluations, the exclusion of 2009 performance data from a school district occurs after the evaluation of the federal cap process. The federal cap process will continue to include the results of all campuses located with the school district boundaries. The prior year performance data for these school districts will not be reconstructed in order to avoid unintended outcomes of the 2008 federal cap process on district level results. For the 2009 AYP calculation of performance improvement/safe harbor, the current year district level 2009 performance results (with applicable exclusions) are compared to the prior year 2008 performance results as they were reported in 2008.

### **The Other Indicator**

In addition to Reading/English Language Arts and Mathematics, each district and campus is required to meet AYP standards on one additional Other Indicator—Graduation Rate or Attendance Rate. The Other Indicator evaluated for a district or campus is based on the grades offered. The Graduation Rate is the Other Indicator used in AYP for high schools, combined elementary/secondary campuses offering Grade 12, and districts offering Grade 12. Attendance Rate is the Other Indicator for elementary schools, middle/junior high schools, combined elementary/secondary schools not offering Grade 12, and districts not offering Grade 12.

### **Graduation Rate**

#### **Calculating Graduation Rate Measures**

The high school Graduation Rate is the *graduates* component of the longitudinal completion/student status rate. The longitudinal completion rate is the same rate used for the Texas state accountability system. For more information about the longitudinal completion/student status rate calculation, see *Secondary School Completion and Dropouts in Texas Public Schools 2006–07* at [http://www.tea.state.tx.us/research/pdfs/dropcomp\\_2006-07.pdf](http://www.tea.state.tx.us/research/pdfs/dropcomp_2006-07.pdf). Due to the timing of the availability of data, the completion/student status rate is a prior-year measure. For example, the Graduation Rate evaluated as part of the 2009 AYP calculations is the rate for the Class of 2008.

### **Graduation Rate Standard**

The Graduation Rate is defined as the graduates component of the completion/student status as a percent of all four components (graduates, continuers, GED recipients, dropouts) of the Class of 2008. The standard is **70.0** percent of students classified as graduates. Districts and campuses are required to meet the 70.0 percent standard at the all students level only. Student group Graduation Rates are not evaluated for the additional Other Indicator.

### **Graduation Rate Improvement Standard**

For districts and campuses not meeting the Graduation Rate standard at the all students level, the AYP criteria for Graduation Rate is met if there is improvement from the prior year on the Graduation Rate. The district or campus shows improvement on the Graduation Rate if the Class of 2008 Graduation Rate is higher than the Class of 2007 Graduation Rate at the all students level. Graduation Rates are rounded to one decimal place before improvement is calculated. Therefore, 0.1 is the minimum improvement required. Districts and campuses that meet the 70.0% Graduation Rate standard are not required to show improvement.

### **Graduation Rate Minimum Size Requirement**

#### **All Students**

For the Graduation Rate to be evaluated as the additional Other Indicator for AYP at the all students level, the district or campus must have at least 40 students in the completion/student status rate class. Districts and campuses with fewer than 40 students in the completion/student status rate class are not required to meet the Graduation Rate measures. If a district or campus meets the minimum size requirement for the Graduation Rate for the current year, improvement from the prior year is calculated even if the district or campus does not meet the minimum size requirement on the Graduation Rate for the prior year. Improvement is *not* calculated if the district or campus *does not* have a Graduation Rate for the prior year. If Graduation Rate Improvement cannot be calculated due to lack of prior year results, the district or campus cannot use the improvement standard to meet the Other Indicator requirement and receives an AYP status of *Missed AYP* for that measure.

#### **Student Groups**

Districts and campuses are not required to meet the Graduation Rate standard for student groups for the additional Other Indicator. Graduation Rates for student groups are only included in the AYP calculation in the event they are evaluated as part of performance improvement/safe harbor.

### **Performance Improvement/Safe Harbor**

For Reading/English Language Arts and Mathematics performance improvement/safe harbor, the district or campus is not required to show improvement on the Graduation Rate unless minimum size requirements are met for both the current year and prior year.

### **All Students**

For the Graduation measure to be included in the AYP calculation at the all students level for performance improvement/safe harbor, the district or campus must have at least 40 students in the completion/student status rate class.

### **Student Groups**

Student group identifications are based on student characteristics and program participation used to report the longitudinal secondary school completion rates for the state. Where student groups are reported as a percentage of all students for Graduation Rate, the percentages are rounded to the nearest whole percent.

For student groups' graduation measure to be evaluated for AYP, a district or campus must have:

- 50 or more students in the student group in the completion/student status rate class, and the student group must comprise at least 10 percent of all students in the completion/student status rate class; *or*
- 200 or more students in the student group in the completion/student status rate class, even if that group represents less than 10 percent of all students in the completion/student status rate class.

## **Attendance Rate**

### **Calculating Attendance Rate Measures**

The Attendance Rate is based on attendance of all students in Grades 1 through 12 for the entire school year. Due to the timing of the availability of data, the Attendance Rate is a prior-year measure. For example, the Attendance Rate evaluated as part of the 2009 AYP calculation is the 2007–08 Attendance Rate. The Attendance Rate is calculated as follows:

$$\frac{\text{Total number of days students were present in 2007–08}}{\text{Total number of days students were in membership in 2007–08}} \times 100$$

The primary source of student group identification for the Attendance Rate is the demographic record submitted with the PEIMS attendance record. Student race/ethnicity is reported for each student as part of the attendance data submission. Students are included in the special education student group if they have special education attendance reported for any six-week reporting period. Students are included in the LEP student group if they are identified as LEP for any six-week reporting period. Students are included in the economically disadvantaged student group if they have a matching fall enrollment record coded as economically disadvantaged.

### **Attendance Rate Standard**

The standard for Attendance Rate is an average attendance rate of **90.0** percent. Districts and campuses are required to meet the 90.0 percent standard at the all students level only. Student group Attendance Rates are not evaluated for the additional Other Indicator.

### **Attendance Rate Improvement Standard**

For districts and campuses that do not meet the Attendance Rate standard at the all students level, the AYP requirements for Attendance Rate are met if there is improvement from the prior year on the Attendance Rate. The district or campus shows improvement on the Attendance Rate if the 2007–08 Attendance Rate is higher than the 2006–07 Attendance Rate at the all students level. Attendance rates are rounded to one decimal place before improvement is calculated. Therefore, 0.1 is the minimum improvement required. Improvement on the Attendance Rate is not required for districts and campuses that meet the 90.0% standard.

### **Attendance Rate Minimum Size Requirement**

The minimum size requirements for Attendance Rates are based on total days in membership rather than individual student counts.

#### **All Students**

For the Attendance Rate to be evaluated as the additional Other Indicator for AYP at the all students level, the district or campus must have at least 7,200 total days in membership (40 students x 180 school days). Districts and campuses with fewer than 7,200 total days in membership are not required to meet the Attendance Rate standard. If a district or campus meets the minimum size requirement for the Attendance Rate for the current year, improvement from the prior year is calculated even if the district or campus does not meet the minimum size requirement on the Attendance Rate for the prior year. Improvement is not calculated if the district or campus does not have an Attendance Rate for the prior year. If Attendance Rate Improvement cannot be calculated due to lack of prior year results, the district or campus cannot use the improvement standard to meet the Other Indicator requirement and receives an AYP status of *Missed AYP* for that measure.

#### **Student Groups**

Districts and campuses are not required to meet the Attendance Rate standard for student groups for the additional Other Indicator. Attendance Rates for student groups are only included in the AYP calculation in the event they are evaluated as part of performance improvement/safe harbor.

### **Performance Improvement (Safe Harbor)**

For Reading/English Language Arts and Mathematics performance improvement/safe harbor, the district or campus is not required to show improvement on the Attendance Rate for all students unless minimum size requirements are met for both the current year and prior year.

### **All Students**

For the Attendance Rate to be included in the AYP calculation at the all students level for performance improvement/safe harbor the district or campus must have at least 7200 total days in membership (40 students x 180 days).

### **Student Groups**

Student group identifications are based on student characteristics and program participation used to report attendance rates for the state where student groups are reported as a percentage of all students for Attendance Rate, the percentages are rounded to the nearest whole percent.

For student groups' attendance rate measure to be evaluated for AYP, a district or campus must have:

- 9,000 or more total days in membership (50 students x 180 school days), and the student group must comprise at least 10 percent of total days in membership for all students; *or*
- 36,000 or more total days in membership (200 students x 180 school days), even if the group represents less than 10 percent of total days in membership for all students.

### **Rounding**

The rules for rounding measures that were applied in 2008 will also apply in 2009.

#### **Performance**

Performance-related measures are rounded to the nearest whole percent. For example, a school obtaining a 59.5% on Reading/English Language Arts will have its performance rounded up to 60%. On the other hand, another school obtaining a 59.4% on the same measure will have its performance rounded down to 59%. It is the rounded performance number that is compared to performance standards.

Performance improvement/safe harbor calculations are performed *after* rounding each year's performance. For example, a school obtaining 32.4% on a Mathematics Performance measure in 2009 and 28.5% on the same measure in 2008 would achieve a performance improvement of 3% (32% in 2009 minus 29% in 2008; note that if the subtraction was performed before the rounding, we would get  $32.4 - 28.5 = 3.9\%$ , which rounds to a performance improvement of 4%).

#### **Participation**

As with performance, participation-related measures are rounded to the nearest whole percent. For example, a school obtaining a 94.5% on Mathematics participation will have its participation rounded up to 95%, while another school obtaining a 94.4% on the same measure will have its participation rounded down to 94%. The participation measure is compared to the participation standard after rounding.

The average participation is calculated based on the total number of students in the combined results of both years. The total number of students participating is divided by the total number of students in the participation measure for both 2007-08 and 2008-09 combined. The resulting rate is rounded to the nearest whole percent.

### **Federal Cap**

Since 2004, the federal cap calculation has been based on the percentage of total students enrolled on the day of testing in Grades 3 - 8 and 10 for Reading and Mathematics rounded up to the next whole number for any decimal value.

### **Other Indicator**

Unlike performance and participation, measures related to the Other Indicator are rounded to the nearest one-tenth of a percent. For example, a high school with a Graduation Rate of 69.95% would have its other measure rounded up to 70.0%, while another high school with a Graduation Rate of 69.94% would have its other measure rounded down to 69.9%. The other measure is compared to the standard after rounding. Also note that improvement calculations for performance improvement/safe harbor determinations are made after rounding. For example, an elementary school obtaining a 90.95% Attendance Rate in 2009 and having a 90.94% Attendance Rate in 2008 would achieve an Attendance Rate improvement of 0.1% (91.0% minus 90.9%; note that if the subtraction was performed before rounding, we would get  $90.95 - 90.94 = 0.01\%$ , which rounds to an improvement of 0.0%).

### **Student Groups for all Indicators**

Student group percentages are rounded to the nearest whole percent for all measures prior to determining whether the student group meets the minimum size requirement. The *Student Group* percentage is calculated as the number of students in the student group measure divided by the number of students in the All Students measure, then rounded to the nearest whole percent. For example, to determine the rounded whole percent of 40 students in a group out of a total of 421 students, 40 is divided by 421 ( $40 / 421 = 0.09501$ ), then multiplied by 100 to determine the percentage ( $0.09501 \times 100 = 9.501$ ). Rounding is then applied to the nearest whole percent, in this case 9.501 rounds to the whole percent 10 and therefore the student group will be evaluated.

## **Special Circumstances**

Under the NCLB accountability provisions, all districts, campuses, and the state are evaluated for AYP. Each district or campus is evaluated based on its own data to the greatest extent possible. However, special circumstances exist that may require additional analysis or rules in order to determine an AYP outcome, and they are described in the following section.

### **Hurricane Ike Provision**

The USDE approved amendments allow Texas to apply a special Hurricane Ike Provision to districts and campuses that were forced to suspend classes for an extended period of time due to Hurricane Ike. Districts and campuses eligible for the Hurricane Ike Provision are defined to be both:

- Located in a county designated by Federal Emergency Management Agency (FEMA) as a disaster area that qualifies for public assistance due to Hurricane Ike; and,
- Closed for **ten** or more instructional days due to Hurricane Ike.

ESC Directors in Regions impacted by Hurricane Ike were asked to provide information on school district closure and re-opening dates due to Hurricane Ike. A final list of districts and campuses eligible for the Hurricane Ike Provision is available on the AYP website at: <http://ritter.tea.state.tx.us/hurricane/schclosings.html>. If a district is identified under this provision, all of its campuses are also identified. Districts and campuses in this group that miss AYP for either the Reading or Mathematics indicators only will not be evaluated on those indicators in 2009. Any district or campus not identified as eligible for this provision may appeal under the regular AYP appeals process.

## **Small Districts and Campuses**

### **Reading and Mathematics Indicators**

#### **Performance**

Small districts and campuses, those with fewer than 50 total students tested in Grades 3–8 and 10, are evaluated based on their own assessment results to the greatest extent possible. Small districts and campuses are evaluated first against the same standards (performance standard or performance improvement/safe harbor) as larger districts and campuses. If a small district or campus meets AYP under either the performance standard or performance improvement/safe harbor, the district or campus is rated as *Meets AYP* and no further special analyses are employed. On the other hand, if a small district or campus misses AYP under both the performance standard and performance improvement/safe harbor, additional special analyses are employed.

Beginning in 2009, confidence intervals and uniform averaging in the AYP performance measure calculations for small districts and campuses are discontinued. The USDE approved the use of TPM for 2009 AYP calculations contingent on the state discontinuing these measures for AYP evaluations of small districts and campuses. As a result of this change, additional analysis for campuses is conducted through the application of pairing. Small district performance results are not included nor modified in the pairing process.

#### **Pairing**

Campuses that miss AYP with fewer than 50 total students tested in Grades 3–8 and 10 are evaluated based on the all students performance results of an assigned pairing relationship for the subject if available. Campuses that have a pairing relationship established with another campus or the district for state accountability ratings will use that pairing relationship for AYP. Results at the all students level will be applied to the paired campus. Campuses that do not have such a pairing relationship will have their district's performance (again, at the all students level)

applied to the campus. If the district or campus with which it is paired is not evaluated, the paired campus receives a 2009 AYP Status of *Not Evaluated*.

### **AYP Special Analysis**

Small districts with fewer than 50 total students tested in Grades 3–8 and 10 that miss AYP under both the performance standard and performance improvement/safe harbor and campuses that miss AYP as a result of pairing undergo AYP special analysis. Similar to the state accountability special analysis, AYP special analysis consists of a professional review of historical performance data to determine if the AYP performance measure outcome is an indication of consistent performance. TEA professional staff review the data from 2003 to the current year on AYP performance measures both with and without the federal cap, AYP and SIP statuses, and other statistical information. AYP special analysis provides an AYP outcome for the Reading/English Language Arts or Mathematics performance measure alone.

### **Participation**

Districts and campuses with fewer than 40 total students enrolled in the grades evaluated for AYP (summed across Grades 3–8 and 10) on the test date are not required to meet the test participation standard. The AYP status for these districts and campuses is based on meeting the performance standards for the Reading/English Language Arts and Mathematics measures and for the Graduation Rate or Attendance Rate measures if minimum size requirements for those measures are met.

Districts and campuses with at least 40 total students enrolled in Grades 3–8 and 10 on the test date are required to meet the participation standard.

### **Other Indicators**

Small districts and campuses are required to meet AYP for the Other Indicator (Graduation Rate or Attendance Rate) if they meet the minimum size requirement for the all students measure. Districts and campuses not meeting the minimum size requirement for the all students measure are not evaluated on the Other Indicator. AYP Status for these campuses is based on the Reading/English Language Arts and Mathematics Indicators.

### **AYP Status for Small Districts and Campuses**

As required by federal regulation, the AYP status for districts and campuses is based primarily on the Reading/English Language Arts and Mathematics Indicators. Therefore, if the performance measures cannot be evaluated due to small numbers of students for a district or campus resulting in Reading/English Language Arts and Mathematics Performance of *Not Evaluated*, the overall AYP status is *Not Evaluated*.

## **Districts and Campuses with No Students in Grades Evaluated For AYP**

### **Districts**

Districts with no students in grades evaluated for AYP (Grades 3–8 and 10) receive a 2009 AYP Status of *Not Evaluated*.

### **Campuses**

#### **Performance**

Campuses with students in Grades 1–12 but no students in the grades evaluated for AYP (Grades 3–8 and 10) are evaluated based on the all students performance results of an assigned pairing relationship for the subject. Campuses that have a pairing relationship established with another campus or the district for state accountability ratings will use that pairing relationship for AYP. Campuses that do not have a state accountability pairing relationship will have their district’s performance results applied to the campus. For campuses that are paired, only the all students performance results are shared. If the district or campus with which it is paired meets the performance standard or performance improvement/safe harbor at the all students level, the paired campus is considered to have met the performance standard for the subject. If the district or campus with which it is paired is not evaluated, the paired campus receives a 2009 AYP Status of *Not Evaluated*.

#### **Participation**

Campuses with no students in Grades 3–8 and 10 are not required to meet the AYP participation standard for 2009.

#### **Other Indicators**

Campuses with no students in Grades 3–8 and 10 are required to meet AYP for the Other Indicator (Graduation Rate or Attendance Rate) if they meet the minimum size requirement for the all students measure. Campuses not meeting the minimum size requirement for the all students measure are not evaluated on the Other Indicator. AYP Status for these campuses is based on the Reading/English Language Arts and Mathematics Indicators.

## Section IV: Exceptions

Federal regulations issued in December, 2003 (34 CFR 200.13 *et seq.*) requiring TEA to apply a cap to proficient alternative assessment results also allow each state to permit an exception in limited circumstances to school districts that may exceed this cap. Although the exceptions process changed significantly in 2008, exceptions continue to be processed in two stages: before the preliminary AYP Status release and during the appeals window.

### **Exception to the 1% Federal Cap on TAKS–Alt**

Federal regulations governing exceptions to the cap on proficient results that may be included in AYP determinations apply only to the 1% cap on TAKS–Alt results. The federal regulation allows school districts with a granted exception to exceed the 1% cap, however, districts must maintain a 2% cap on TAKS–M proficient results. Each school district may only exceed the overall 3% cap on both TAKS–Alt and TAKS–M proficient results by the amount of the exception to the 1% cap.

At the state level, Texas cannot exceed the 1% cap on TAKS–Alt proficient results; however, if the state does not fully use the 1% cap, then the state may exceed the 2% cap up to a total of 3% on both TAKS–Alt and TAKS–M. These state limits must be maintained even with school district exceptions to the 1% cap.

### **Exception Applications Prior to Preliminary Release**

Districts with residential treatment facilities (including group foster homes that serve students with disabilities) in their attendance zones must register those facilities with the Division of Program Monitoring and Intervention’s residential facilities data collection application (called “RF Tracker”) on the agency’s secure website. RF Tracker was available to districts to complete this registration from October, 2008 through early June, 2009. A district that registered facilities on RF Tracker is automatically assumed to be applying for an exception to the 1% cap for AYP purposes. No separate exception application needs to be filled out for districts registered through RF Tracker.

TEA recognizes that the existence of a Regional Day School Program for the Deaf (RDSPD) within school district boundaries requires districts to provide educational services for higher numbers of students with auditory impairments or other areas of disability. Therefore, in addition to school districts registered in the RF Tracker system, school districts with RDSPD that are included in the 2008-2009 Directory for Services for the Deaf in Texas automatically apply for an exception. A district that provides deaf services in Texas through a RDSPD recognized by the Division of Individuals With Disabilities Education Act-IDEA Coordination, is automatically assumed to be applying for an exception to the 1% cap for AYP purposes. No separate exception application needs to be filled out for districts included in the 2008-2009 Directory for Services for the Deaf in Texas.

**Exception Process**

School districts identified through RF Tracker or the RDSPD Directory will be initially granted an exception to the 1% cap, which will increase the district's federal cap by the total number of students tested and passing TAKS–Alt who exceed the 1% cap limit. Before the preliminary release of AYP information on July 30, exceptions will be processed for districts who registered facilities through RF Tracker or the RDSPD Directory, and the results of the exceptions will be applied to the preliminary AYP results. There is no other student calculation used to process exceptions to the 1% cap for 2009 AYP.

**Unused slots from the 1% cap on TAKS–Alt**

As discussed in *Section III: Indicators, Components, Measures, and Standards*, if the number of TAKS–Alt student passing results in a school district falls below the 1% cap, the unfilled slots may be used by student passing results from TAKS–M. TAKS–M proficient results may “spill over” to unused slots from the 1% cap on TAKS–Alt only if unused slots exist. This is allowed to occur only if the number of proficient results from TAKS–Alt was below the 1% federal cap limit. Exceptions to the 1% cap are not needed for districts with a total number of proficient results from TAKS–Alt below the 1% federal cap limit. The table below provides a summary of the relationship between Exceptions and the allowance for spill over from the 2% cap onto unused slots from the 1% cap.

<b>RELATIONSHIP BETWEEN EXCEPTION TO THE 1% CAP AND SPILL OVER FROM THE 2% CAP</b>		
<b>Possible 1% Federal Cap Limits</b>	<b>Are Exceptions to the 1% Cap applied?</b>	<b>Are TAKS –M results allowed to spill over to the 1% cap?</b>
The number of TAKS–Alt passing (met standard) results <b>exceeds</b> the 1% Federal Cap Limit.	Yes, <b>exceptions are applied</b> which will increase the district's federal cap by the total number of students tested and passing TAKS–Alt who exceed the 1% cap limit.	No, <b>spill over from the 2% cap is not possible</b> since the 1% cap was exceeded by number of TAKS–Alt passing (met standard) results.
The number of TAKS–Alt passing (met standard) results <b>does not exceed</b> the 1% Federal Cap Limit.	No, an exception is <b>not necessary since</b> there is no need to increase the district's federal cap by the total number of students tested and passing TAKS–Alt who exceed the 1% cap limit.	Yes, <b>spill over from the 2% cap can occur</b> since the 1% cap was not reached by the number of TAKS–Alt passing (met standard) results.
The number of TAKS–Alt passing (met standard) results <b>is equal to</b> the 1% Federal Cap Limit.	No, an exception is <b>not necessary</b> .	No, <b>spill over from the 2% cap is not possible</b> .

### **Federal Cap**

Federal regulation states that the state as a whole may not exceed the 1% cap under any circumstances. As with the original process for each school district, the statewide participation denominator for each subject area is used to determine the 1% cap on proficient results. To determine if recapture is necessary, after exceptions are processed the total number of proficient student results on TAKS–Alt across the state is divided by the statewide AYP participation denominator. If proficient results exceed the statewide 1% cap for either subject, a statewide recapture process will be performed. TAKS–Alt student passing results will be randomly excluded from the cap and reclassified to non-proficient until the 1% statewide cap limit is satisfied.

Proficient results selected during recapture will be counted as non-proficient in all AYP calculations for campus, district, and state level results. If the number of proficient scores in the state is less than the statewide cap, all results within the district cap remain unchanged and recapture is not used.

### **Other Circumstance Exceptions**

USDE regulations allow exceptions to the federal cap for circumstances other than serving students in residential treatment facilities or Regional Day School Programs for the Deaf. However, other exceptions are limited by federal regulation to address unique circumstances where a district or campus serves a disproportionate number of students with significant cognitive disabilities assessed on TAKS–Alt. Districts who did not qualify for an exception prior to preliminary release will be allowed to apply for an exception based on other circumstances during the appeals window. **Districts should be sure to check the TEASE Accountability website after the preliminary release on July 30 to see whether other circumstance exceptions will be allowed based on available space in the statewide 1% cap.**

### **Other Circumstance Exceptions Application Process**

Applications for Other Circumstance Exceptions may be submitted online via the TEASE Accountability website (see *Section VI*) by school districts from July 30th through September 4th. Districts that submit Other Circumstance Exceptions applications online will also need to submit an appeal letter with a request for other circumstance exception during the appeals process window. Districts appealing for other reasons can include the exception request along with the letter detailing their other appeals. Districts should also include a copy of the exception application confirmation page that will appear when the online exception application is submitted. Districts should be sure to include the rationale for the exception request and any documentation necessary to support the request. It is not necessary to submit any other student level data to support the exception request. As with exceptions processed prior to the preliminary results, a recapture process may be employed to ensure that the state as a whole does not exceed the 1% cap after all exception requests have been evaluated. *Section V* has further information about the needed steps for submitting the required appeal letter.

### **Evaluation of Other Circumstance Exceptions to the Federal 1% Cap**

Exception requests to the 1% cap based upon a higher than normal district population of students with disabilities should include documentation to support the reason for the request. The following is a general guideline for exception requests.

Reasons favorable for granting the exception include, but are not limited to:

1. Community or health programs in the district attendance boundaries draw families of students with disabilities.
2. There are special arrangements with surrounding districts to serve special education students from outside the district boundaries.
3. Special programs offered by the district for students with certain disabilities draw families of students with disabilities.
4. Quality of the special education program in the district draws families of students with disabilities.

Reasons not favorable for granting the exception include, but are not limited to:

1. Appropriate testing of students under state assessment policy.
2. Factors such as student race/ethnicity, socioeconomic status, or mobility putting students at a disadvantage academically.
3. Reasons related to distribution of students with disabilities among campuses within a district such as cluster arrangements or special purpose campuses.

### **Justification for Other Circumstance Exceptions**

If the district is claiming that it serves an unusual number of students with a certain disability, it is expected that should be reflected in the data. It may be difficult to compile evidence that a special education program is effective and draws students from surrounding areas. If a district is making this claim, the data should minimally reflect a special education program that is not subject to any monitoring and meets the highest standards in the Performance-Based Monitoring Analysis System (PBMAS) system. If the district is claiming that there are unusual numbers of students with disabilities in individual family foster homes, student lists with identifying information should be provided with the exception request.

### **Federal Cap Extension for Other Circumstance Exceptions**

The approval of school district requests for exceptions to the federal cap is based on the availability of statewide slots within the cap that allow the state to maintain a 1% cap limit on proficient results from TAKS–Alt. The federal cap applied to proficient TAKS–Alt results will be extended to include an additional number of students up to the statewide 1% cap limit. In order to maintain that limit, TEA may employ a process in which only students who received instruction in the following instructional settings and disability categories are added to the district cap limit. The 2008-09 Fall PEIMS submission of special education student disability and instructional arrangement information is used to identify student categories for processing Other Circumstance exceptions.

#### Instructional Setting Categories:

1. Self-Contained, Mild/moderate/Severe, Regular Campus – More than 60% (Instructional Setting Code 44)
2. State School for Persons with Mental Retardation (Instructional Setting Code 30)
3. Texas School for the Blind and Visually Impaired (Instructional Setting Code 70)
4. Texas School for the Deaf (Instructional Setting Code 71)

#### Disability Categories:

1. Multiple disabilities
2. Auditory impairment (Disability Code 03)
3. Autism (Disability Code 10)
4. Deaf/Blind (Disability Code 05)
5. Emotional disturbance (Disability Code 07)
6. Learning disability (Disability Code 08)
7. Mental retardation (Disability Code 06)
8. Orthopedic impairment (Disability Code 01)
9. Other health impairment (Disability Code 02)
10. Speech impairment (Disability Code 09)
11. Traumatic brain injury (Disability Code 13)
12. Visual impairment (Disability Code 04)

**Approval of Exception Does Not Necessarily Change AYP Status**

Note that an approved exception for a district or campus who missed AYP solely due to the 1% cap may not result in that district or campus meeting AYP since there still may not be enough proficient students to meet the standard. In addition, if after applying exceptions the state as a whole exceeds the 1% cap and the federal cap recapture process is initiated, there may not be enough students counted as proficient in the school district AYP performance results to Meet AYP. Due to the required statewide federal caps, appeals are not considered solely on the basis that the district's exception was approved.

## Section V: Appeals

Superintendents (or the equivalent for charter operators) are provided the opportunity to appeal data used to determine 2009 AYP Status under a limited set of circumstances and within a defined time limit. The NCLB Act requires that state educational agencies provide local school districts an opportunity to review the data, including academic assessment data, on which the AYP and School Improvement identifications are based. The act also calls for the state agency to consider supporting evidence provided by any local educational agency that believes that the preliminary identification is in error for statistical or other substantive reasons before making a final determination.

### Calendar

Once the AYP data are available to districts on July 30, 2009, TEA will begin accepting appeals. Confidential unmasked data tables will be available to all campuses and districts on July 30th through the TEASE secure website. Superintendents may submit a letter of request for appeal to the commissioner of education through Friday, September 4, 2009. All letters must be postmarked no later than September 4, 2009. For districts and campuses that could be subject to Title I School Improvement Requirements, some additional information is provided below.

#### *Districts and Campuses Subject to Title I School Improvement Requirements*

The requirements for Title I districts and campuses for the 2009–10 school year are determined by the district or campus preliminary 2009 AYP results, the final 2008 AYP status, and the School Improvement Program (SIP) status in the 2008-09 school year. For information regarding districts and campuses that may be subject to or may exit Title I School Improvement Program Requirements, see *Appendix B: Title I School Improvement*.

### **Limitations on 2009 AYP Appeals**

School districts will have approximately four weeks to submit an appeal to the preliminary AYP status. TEA must limit the number of appeals requiring extensive student level research that can be considered in order to thoroughly evaluate all appeals prior to the release of the final AYP status in December. The limitation on the number of student records that can be submitted for appeal is discussed in the *Guidelines by Indicator for Appeals* section below.

### **General Considerations for Appeals**

#### **Data Relevant to the 2009 AYP result**

Appeals are considered for the 2009 AYP status based on data relevant to the 2009 evaluation. Appeals are not considered for data reported in the prior year for Performance and Participation measures, regardless of whether the prior year AYP results or

status may impact the outcome of the current year AYP status. Appeals are not considered for data reported for Graduation Rate results in the year following the school year relevant to AYP evaluations.

### **Appeals Are Not a Data Correction Opportunity!**

Appeals should be based upon a data or calculation error attributable to TEA, regional education service centers (ESCs), or the test contractor for the student assessment program. Problems due to district errors on PEIMS data submissions or on test answer documents may be considered on a case-by-case basis. However, repeated patterns of district errors on PEIMS data submissions or test answer documents are not favorable for appeal. TEA will review districts' previous history of submitting district data error appeals.

### **Allowable Appeals**

Appeals are allowed for all districts and campuses.

- Appeals are not considered for any indicators, components, or measures on which the district or campus does not miss AYP. For example, an appeal to reevaluate campus Reading/English Language Arts Performance or Participation is not considered for a campus that does not miss AYP for Reading/English Language Arts. These appeals are considered invalid.
- Appeals **are** allowed in circumstances that would result in the district or campus continuing to miss AYP for 2009. For example, an appeal to reevaluate campus Reading/English Language Arts Performance is considered for a campus that does not meet AYP for both Reading/English Language Arts Performance and Mathematics Performance, even though this appeal alone would not result in the campus meeting AYP for 2009. These appeals are allowed because even though granting them results in the district or campus continuing to miss AYP, they *would* potentially have an effect on the Title I School Improvement requirements.
- Appeals for only one component of an indicator that would continue to miss AYP for that indicator are not considered. Title I School Improvement Program (SIP) indicators Reading/English Language Arts and Mathematics combine both the Performance and Participation components for the subject area outcome. For example, an appeal to reevaluate campus Mathematics Performance alone from a campus that also missed the AYP Mathematics Participation component would continue to result in miss AYP for the Mathematics indicator. Appeals for one component of an indicator that would not result in a change to the indicator are not considered.

### **Determination of AYP Status**

AYP appeals for each indicator are determined independently. Appeals to one indicator will not negatively or positively affect another indicator meeting AYP standards. For example, students included as participants based on an appeal will not result in reevaluating performance to include these students. Likewise, an attendance rate appeal will not result in performance improvement/safe harbor being recalculated unless the performance measure is also appealed.

## **Guidelines by Indicator for Appeals**

The following guidelines describe the circumstances under which AYP data may be appealed and the documentation required in support of the appeal. Appeals applications submitted under these guidelines are not guaranteed to be granted. Each appeal will be evaluated based on the documentation provided and other information available at TEA.

### **Performance Results for Reading/English Language Arts and Mathematics**

If a problem is identified with data received from the test contractor, the assessment data may be appealed. An appeal of these measures should reflect a serious problem such as a missing grade level or campus. Coding errors on TAKS or any other assessment will be considered on a case-by-case basis.

- If the district has requested that the writing portion of the English Language Arts test be re-scored, the outcome of the re-score and a copy of the dated request to the test contractor should be provided with the appeal. If the rescored results impact the AYP status, an appeal is necessary since rescored results may not be processed in time to be included in the assessment data used to determine AYP.
- If other serious problems are involved in the appeal, copies of correspondence with the test contractor should be provided with the appeal.

### **Limitations on Performance Appeals**

A district or campus appeal to the performance component based on test results of more than **10** students will not be favorable for consideration. Appeals based on more than 10 students will only be considered in rare situations where extenuating circumstances can be documented to justify the inclusion of additional students in the appeal.

### **Data Quality**

For all appeals, data quality will continue to be a consideration in evaluating the merits of an appeal. Districts are responsible for providing accurate information to TEA, including information provided on student answer documents. Beginning in 2009, districts that submit appeal requests based on coding or submission errors that have repeated patterns of district coding errors should be prepared to submit a data improvement plan or other required monitoring intervention activities to address potential concerns related to data integrity. Clearly documented student identifying information is critical in the evaluation of performance rate appeals.

#### **Special Circumstance: Data quality of first time PEIMS collections**

The Public Education Information Management System (PEIMS) data requirements for the 2008-09 school year were expanded to include additional coding of former LEP students who are no longer classified as LEP and are in their first year or second year of academic monitoring. Districts were reminded by a letter dated February 27, 2009, of the critical nature of the LEP monitored status in AYP and encouraged to review the accuracy of the coding of former

students with limited English proficiency on the Spring 2009 TAKS answer documents. A district or campus appeal based on the inaccurate monitored LEP status coding on test answer documents of more than 25 students will not be favorable for consideration. Appeals of this type based on more than 25 students will only be considered in rare situations where extenuating circumstances can be documented to justify the inclusion of additional students in the appeal.

### **Texas Projection Measure (TPM)**

The TPM is a student projection measure that reports how student performance at the end of a school year positions a student to meet the performance standard in the future projection grade after receiving grade-level instruction. TPM information was reported on the Confidential Student Report (CSR) for administrations in which reading and mathematics scores were available. Not all students will have a Texas Projection Measure (TPM) value. For some, TPM values will not be calculated because of non-matching identification information between the current year and prior year student history. In cases where all demographic data within the current year can be matched, districts may appeal to use TPM values for these students. Districts must supply TPM values (the TPM Calculator provided on the TEA website may be used) and all supporting performance results for these students, including copies of the Confidential Student Reports.

Appeals to reevaluate the reported (non-missing) result of the TPM for a student are not favorable for consideration. Student test results that are included in the AYP performance measure will include the TPM projection for Reading and Mathematics only. Appeals requesting the TPM projection from an assessment other than the one used for AYP, review of the projection calculation, or the use of an alternative (locally determined) projection other than TPM cannot be considered.

### **Other Indicator Appeals and Safe Harbor**

A successful appeal of the Other Indicator (either Attendance Rate or Graduation Rate) may have an impact on the district or campus ability to meet the performance improvement/safe harbor standard on Reading and/or Mathematics Performance. However, Safe Harbor is *not* recalculated unless the performance measure is also appealed. Please refer to performance improvement/safe harbor in *Section III* for further information.

## **Participation**

### **Limitations on Participation Rate Appeals**

A district or campus appeal to the participation rate based on test results of more than 10 students are viewed unfavorably. Appeals based on more than 10 students will only be considered in rare situations where extenuating circumstances can be documented to justify the inclusion of additional students in the appeal.

For all appeals, data quality will continue to be a consideration in evaluating the merits of the appeal. Districts are responsible for providing accurate information to TEA, including information provided on student answer documents. Clearly documented student identifying information is critical in the evaluation of participation rate appeals.

**Extreme Medical Emergencies**

If the district or any campus did not meet the 95% standard for the Participation Component of the Reading/English Language Arts or Mathematics Indicators because of students who were not tested due to extreme medical emergencies, the appeal must include documentation (such as a note signed by a doctor or parent) showing that the student was unable to participate in the assessment at any time during the testing window due to medical reasons. NOTE: State assessment policy requires testing of medically fragile students who receive instruction in homebound or hospital settings unless they are unable to participate in the assessment at any time during the testing window.

**Students Ineligible for the Linguistically Accommodated Testing (LAT) of TAKS Reading/English Language Arts**

In accordance with federal NCLB regulations, LEP-exempt students are included in the AYP Reading/ELA Indicator through their participation in the Linguistically Accommodated Testing (LAT) of TAKS Reading/English Language Arts. The *2009 Texas Student Assessment Program Coordinator Manual* defines students eligible to take the LAT administrations in Reading or ELA as those in grades 3–8 or 10 who are identified as LEP-exempt in Reading or ELA in accordance with Texas policy, and in their second or third school year of enrollment in U.S. schools. LEP-exempt students in their first school year of enrollment in the U.S. do not take a LAT administration of Reading/ELA and are counted as participants in AYP through their TELPAS reading test. An appeal may be submitted for a district or any campus that did not meet the Participation Component of the Reading Indicators due to students counted as non-participants because they were not enrolled in the district or campus during the TELPAS Reading testing window. Commissioner rules for testing and classification of limited English proficient students state that school districts must administer the required oral language proficiency test within four weeks of their enrollment. The appeal must include documentation showing a student’s 1) date of initial enrollment and 2) LPAC documentation identifying the student as limited English proficient (LEP) and LPAC documentation indicating the number of years enrolled in U.S. schools.

**Performance and Participation Results**

**Linguistically Accommodated Testing (LAT) for Reading/English Language Arts and Mathematics**

If a problem is identified as miscoding of LAT info on test answer documents for Linguistically Accommodated tests administered to eligible students LEP-exempt from the TAKS Reading/ELA or Mathematics tests, the assessment data may be appealed. District appeals to the performance or participation status of students tested on the LAT tests must include proper documentation of a LAT administration or validation that the tested student was either a current or monitored LEP student during the time of testing.

### **TAKS–Alternate (TAKS–Alt) Online Submission Errors**

The TAKS–Alternate tests were submitted by all school districts in Spring 2009 using a secure online system designed for uploading electronic files results of the student's assessment. Appeals based on submission errors are favorable for consideration in order to prevent technical errors from affecting AYP status. District appeals to the performance or participation status of students tested on the TAKS–Alt online test must include proper documentation or validation of the administration of an assessment.

## **Graduation Rate**

### **Graduation Rate Calculation**

In June, each school district is provided with a list of all students in their class of 2008 completion cohort that will include the final status of each student in that cohort. For the Graduation Rate, only students with a final status of “graduate” are counted in the numerator of the rate calculation. The denominator of the rate calculation is the sum of the students with a final status of “graduate”, “continue in school”, “GED”, or “dropout”. Note that the list also includes members of the cohort who left Texas public schools and students with identification errors. Only students shown in these lists may be appealed for the graduation rate indicator. Appeals to count continuing students or GED recipients as graduates will not be considered.

Accuracy of leaver data submitted to TEA by the district is a factor considered in evaluation of the merits of Graduation Rate appeals.

- If the district or any campus did not meet the AYP graduation rate indicator because of students with disabilities shown with a final status of “continue in school”, an appeal may be submitted based on students with individualized education programs (IEPs) containing needed transition services, indicating 5-year (or longer) graduation plans. These students will then be excluded from the Graduation Rate calculation.

Sufficient documentation for students developed in their earliest years of inclusion in the Class of 2008 cohort should be included. Students served in special education programs with IEPs developed during their fourth year (or Grade 12) of the longitudinal cohort will not be favorable for appeal.

- If the district or any campus did not meet the AYP graduation rate indicator because of recent immigrant students with limited English proficiency in U.S. schools for one year or less with, the appeal should include documentation showing the students’ recent immigrant LEP status. These students will then be excluded from the Graduation Rate calculation.

LPAC documentation of the student’s limited English proficient status during the students’ first year of enrollment should be included with each appeal.

Graduation rate appeals will also be considered for districts and campuses that do not initially meet the AYP performance criteria for Reading/English Language Arts and/or Mathematics for all students or any student group because they do not show the required level of improvement on the Graduation Rate required as part of the performance improvement/safe harbor standard. If an appeal is not made for the performance measure that might meet Safe Harbor consequent to a successful appeal for the Other Indicator (graduation rate), the status of the performance measure will remain unchanged.

### **Limitations on Graduation Rate Appeals**

Appeals to the Graduation Rate are evaluated on a case-by-case basis. A district or campus may not appeal the graduation rate calculation on the basis of more than **10** non-graduates (“GED”, “continue in school”, or “dropout”) **or** one percent of the number of non-graduates in the cohort of the longitudinal completion rate, whichever is larger.

Districts are responsible for providing accurate information to TEA, including the data used to determine the graduates component of the longitudinal secondary school completion rates. Appeals to the graduation rate cohort determination or longitudinal completion rates calculations are not considered.

For all appeals, data quality will continue to be a consideration in evaluating the merits of an appeal. Poor data quality is not a valid reason to appeal the graduation rate.

### **Graduation Rate Appeals from Alternative Education Campuses**

There are some additional considerations for alternative education campuses (AEC) and appeals related to Graduation Rate. TEA recognizes the unique students served by these campuses and the need for consideration in regard to the graduation rate used in AYP. For this reason, there is no limit to the number of students that can be included in an appeal to the graduation rate for alternative education campuses.

#### **School District Appeals**

School district appeal requests for a recalculation of the district graduation rate based on allowable appeals for alternative education campuses are not considered except for charter districts that are registered for evaluation under AEA procedures, or showing that they are eligible for registration as an AEA campus but have chosen not to register.

#### **Charter District or Campus Appeals**

Appeals for review of the Graduation Rate from alternative education campuses require that the campus provide evidence the campus serves “students at risk of dropping out of school.” They may do this by either having registered as an Alternative Education Accountability (AEA) campus under the state accountability alternative education campus registration process, or showing that they are eligible for registration as an AEA campus but have chosen not to register.

- Eligible charter districts or campuses may request the calculation of Graduation Rate for an alternative education campus using an alternative methodology that excludes the following students:
  - Students who received a GED certificate,
  - Continuing students, or
  - Continuing students who transferred to campus in the fall following their expected graduation date.
  
- Eligible charter districts or campuses may request that the Graduation Rate not be evaluated if the AEC did not have students enrolled in Grade 12 in the 2008-09 school year.

**Recalculated Graduation Rate**

Graduation rate appeals must meet the AYP requirements based on the requested recalculated graduation rate, and must result in either 1) meeting the 70% graduation rate standard, 2) an improvement in the rate, or 2) reducing the denominator below the minimum size criteria for the student group. The prior year graduation rate for the specific student group is also recalculated to exclude GED and/or continuing students for a consistent measure of improvement in the graduation rate.

**Attendance Rate**

**Current Year Attendance**

As described in *Section III*, the 2009 AYP Status is based on 2007–08 Attendance Rates for districts and campuses that have Attendance Rates as their Other Indicator. Districts can appeal to have their 2009 AYP Status reevaluated using 2008–09 Attendance Rates for districts and campuses not meeting one or more of the 2009 AYP measures due to Attendance Rates. Eligible districts and campuses include the following:

- those that do not initially meet the Attendance Rate standard or improvement on the Attendance Rate for all students; and
  
- those that do not initially meet the AYP performance criteria for Reading/English Language Arts and/or Mathematics for all students or any student group because they do not meet the standard or show the required level of improvement on the Attendance Rate required as part of the performance improvement/safe harbor standard, even though a 10% decrease in percent of students not meeting the performance standard is achieved. If an appeal is not made for the performance measure that might meet Safe Harbor consequent to a successful appeal for the Other Indicator (attendance rate), the status of the performance measure will remain unchanged.

Since the 2009 appeals process will occur before 2008-09 attendance rates can be calculated from PEIMS submission 3, districts will be required to supply the current year attendance data with their appeals. A notarized copy of 2008-09 attendance rates must be submitted as part of the appeal. Copies of each of the six-week totals as well as the yearly total must be included.

Attendance Rate for all students (90.0% standard) will be reevaluated using 2008–09 attendance data provided by the district. Improvement on the Attendance Rate for all students and student groups will be reevaluated using 2008–09 Attendance Rates compared to 2007–08 Attendance Rates. If attendance measures are reevaluated using current year attendance data, all measures based on attendance will be reevaluated. A district or campus cannot meet some 2009 AYP criteria using 2007–08 Attendance Rates and meet other criteria using 2008–09 Attendance Rates.

## **Special Circumstance Appeals**

### **Appeals Related to Hurricane Ike**

The following appeals will be considered for the Reading/English Language Arts or Mathematics indicators only. These appeals are not applicable to the Graduation Rate or Attendance Rate indicators.

#### **Hurricane Ike Displaced Students**

Section 1116(b) of the No Child Left Behind Act allows states to grant requests from school districts for a delay provision on SIP stage identification in limited circumstances subject to approval by the USDE. For 2009, a delay provision for the SIP stage identification has been approved by the USDE and will be applied to the 2009-2010 SIP stage identification for districts and campuses that were adversely affected by students displaced by Hurricane Ike. Districts and campuses that Missed AYP on the Reading or Mathematics indicators solely due to students displaced by Hurricane Ike will not be required to move forward in the school improvement timeline for the Reading or Mathematics indicators. The preliminary SIP stage identification will indicate the application of this delayed provision.

Due to the approved delay provision for SIP stage identification, appeals to the AYP status based on students displaced due to Hurricane Ike are not considered.

#### **Districts and Campuses Closed by Hurricane Ike**

The Hurricane Ike Provision, approved for the 2009 Texas AYP Workbook, allows for special AYP evaluations for eligible districts and campuses. A final list of districts and campuses eligible for the Hurricane Ike provision is available on the AYP website at: <http://ritter.tea.state.tx.us/hurricane/schclosings.html>. A district or campus directly impacted by Hurricane Ike, yet not identified as eligible may appeal to be afforded the same considerations as the identified districts and campuses if there are unique circumstances that warrant additional review.

### **Appeals Related to the H1N1 Flu Outbreak**

The following appeals will be considered for the Reading/English Language Arts or Mathematics indicators only. These appeals are not applicable to the Graduation Rate or Attendance Rate indicators.

#### **Participation Results**

Circumstances stemming from the H1N1 flu outbreak may have adversely affected the AYP Participation results due to high absenteeism during testing. Districts or campuses that did not meet the Participation Component of the Reading/English Language Arts or Mathematics indicators because of students who were not tested during the scheduled test week of April 27 or during the extended testing window may submit an appeal to their AYP participation results. Appeals granted based on the impact of the H1N1 flu outbreak on the AYP participation rates can result in a change to the AYP status.

#### **Performance Results**

Districts that were closed due to the H1N1 flu outbreak during the week of April 27 were allowed to administer the TAKS assessments the week following reopening. All testing was to be completed by Friday, May 22. Tests administered by that date were then included in the AYP evaluations with all of the other assessment results from the spring 2009 test administrations. Districts may believe that certain situations stemming from the flu outbreak adversely affected their AYP performance results. As allowed under Section 1116(b) of the No Child Left Behind Act, the USDE has approved a delay provision for the 2009-2010 SIP stage identification for districts and campuses that were adversely affected by situations stemming from the H1N1 flu outbreak. The approved delay provision only applies to the AYP Performance Component of the Reading and Mathematics indicators. Requests to reconsider a district or campus' reading/ELA or mathematics performance results based on situations such as high levels of student anxiety at the time of testing, or deflated performance presumed to be due to interruption of the test schedule, will only apply to the 2009-2010 SIP stage identification. Appeals granted based on the impact of the H1N1 flu outbreak on AYP performance results will only result in a delay provision for the SIP stage identification; the AYP status will remain unchanged.

#### **Appeal of the USDE approved Texas AYP Workbook requirements**

Appeals to the performance or participation indicators based on the results of TAKS–Modified (TAKS–M), TAKS–Alternate (TAKS–Alt), or TELPAS Reading as required by the United States Department of Education (USDE) approved 2009 Texas AYP Workbook, are not considered. In addition, appeals related to assessment results from the prior year that are used to calculate safe harbor in 2009 are not considered.

### **Appeals Related to the Federal Cap and Campus Rankings**

Appeals to the performance results due to the federal caps are not considered. TAKS–M student passing results used in AYP are subject to the 2% Federal Cap. In the case where the student’s passing result from the first or second administrations is from the TAKS–M test, the TAKS–M results are included in the AYP performance numerator after the federal cap process determines the result can be counted as proficient for AYP. In these cases, appeals to use a positive TPM projection from an assessment other than TAKS–M are not considered.

Appeals to the campus ranking submitted by school districts for the 2% federal cap are also not considered. For example, appeals requesting a campus ranking that differs from the campus ranking chosen by the district by the June 24, 2009, deadline are not considered. In addition, an appeal based solely on the basis that the district’s exception was approved will not be considered. Please refer to *Section IV* for information on reconsideration of performance results due to the application of the federal cap.

### **Spring 2009 TAKS Corrections Window**

As in 2008, in 2009 TEA offered districts the opportunity to correct the TEST TAKEN INFO field on test answer documents. This correction opportunity was available only for the primary administrations in the spring. Changes to the TEST TAKEN INFO field submitted within the correction window will be included in the TAKS data files used in determining the 2009 AYP status. Appeals from districts that missed this corrections window would likely be denied. Corrections to fields other than the TEST TAKEN INFO field will not be used in determining AYP results. For state or federal accountability purposes, student identification information, demographic or program participation, and score code status will be based on the information provided on the answer document at the time of testing.

### **Appeals Related to Hurricanes Katrina and Rita**

Due to the expiration of the May 23, 2006 Katrina/Rita flexibility agreement, appeals for any AYP indicator related to the inclusion of students displaced by Hurricanes Katrina and Rita will not be considered.

### **Title I Targeted Assistance Campuses**

All students were included in the calculations for Title I campuses with targeted assistance programs. Districts can appeal to have the 2009 AYP status of any targeted assistance campuses recalculated based on the results of only Title I students if test answer documents in both Reading/English Language Arts and Mathematics were submitted for at least 50 Title I students on the targeted assistance campus.

### **Grades 9 and 11 TAKS**

The AYP Reading/English Language Arts and Mathematics indicators are based on test results for Grades 3–8 and 10. Campuses with no students in Grades 3-11 are evaluated on the test results for the campus with which they are paired for state

accountability ratings. Campuses with no students in Grades 3–8 or 10 that are not paired for state accountability ratings are evaluated for 2009 AYP Status based on the test results of the district at the all students level. If a campus with no students in Grades 3–8 or 10 that has students tested in Grades 9 or 11 does not meet AYP on the Performance components of the Reading/English Language Arts or Mathematics indicators, the district may appeal to have the campus evaluated based on its own test results. The Reading/English Language Arts and Mathematics indicators are evaluated for all students and for each student group meeting the minimum size requirement based on all campus test results in Grades 9 and 11. The Other Indicator is also evaluated if the campus meets the minimum size requirement for all students.

## **How to Submit an Appeal Application**

Districts and campuses must submit written appeals on official district letterhead and under the signature of the district superintendent. See instructions that follow for submitting appeals. For any district or campus, only one opportunity to appeal is permitted on any single measure.

Superintendents must prepare a written request (see Exhibit 6 for an example of an acceptable appeal) addressed to the commissioner of education that includes:

- A statement that the letter is an appeal for the 2009 AYP results.
- If an Other Circumstance exception was applied for, send the printed exception application confirmation.
- The 2009 AYP Request Form must be included with the letter for appeals applications. Exhibit 7 provides an example of the required form that will be available to districts on the TEASE website (see *Section VI*).
- Specification in the letter of the district and each campus for which the appeal is being submitted (including county-district-campus numbers for each campus). It is not necessary to have a separate letter for the district and each campus. However, it should not be assumed that a letter appealing the status of a district will also apply to any campuses within that district or vice versa, even if the district has only one campus.
- For the district and each campus, list ALL indicators, components, or measures for which the district/campus is being appealed. It is not necessary to have a separate letter for each indicator being appealed.
- For each indicator, component, or measure being appealed, the appeal must specify the perceived error (or reason why it is being appealed). If applicable, the reason the perceived error is attributable to the TEA, a regional ESC, or the test contractor for the student assessment program and the reason the perceived error resulted in the district and/or campuses not meeting the AYP standard for the measure must be included.

- The superintendent must certify that all information included in the letter is true and correct to the best of the superintendent's knowledge and belief.

It is insufficient to claim data are in error without providing information with which the appeal can be evaluated. When student-level information is in question, supporting information must be provided for review, i.e., a list of the students in question by name and identification number. Lists of students included in the AYP participation and performance measures will be available on the TEASE website at the time the AYP data tables are made available to school districts on July 30th. *Confidential student-level documentation included in the appeal packet will be processed and stored in a secure location and will be accessible only by TEA staff authorized to view confidential student information. TEA staff will adhere to federal FERPA requirements intended to protect individual student confidentiality; therefore, additional staff release forms are not necessary.*

Appeal letters and all supporting documentation should be shipped to the following address:

Your ISD Your address City, TX zip	
Division of Performance Reporting Texas Education Agency 1701 North Congress Avenue Austin, TX 78701-1494	
<u>Attn: AYP Appeal</u>	

Letters of appeal postmarked after the September 4<sup>th</sup> deadline will not be considered. These deadlines are final. To maintain a fair appeals process, no late appeals will be considered. TEA does not acknowledge receipt of any letters. Superintendents are encouraged to obtain delivery confirmation services from their courier and to retain confirmation of delivery until final 2009 AYP Status is released. Superintendents are encouraged to double-check that they have included all relevant supporting information with their letter prior to shipment. Exhibit 8 provides a suggested order for packing AYP letters for shipment. Appeals delivered directly to TEA by district staff must be time-stamped in the Division of Performance Reporting by 5:00

p.m. on September 4, 2009. Overnight courier tickets or tracking documentation must indicate package pickup on or before September 4.

TEA will not contact districts to acquire missing documentation or to discuss information provided in their request for appeal or exception. Appeals are evaluated on the circumstances described in their request on the basis of information provided by the district and research conducted by staff to validate the circumstances described.

### **How an Appeal Application Is Processed by the Agency**

All appeals will be resolved by December and the results will be reflected in the final 2009 AYP Status. If the district or campus receives a final 2009 AYP Status of *Meets AYP* based on their request, the status will be annotated with a comment. Prior to the release of final 2009 AYP Status, superintendents will be sent a letter from the commissioner notifying them of the results (see Exhibit 9 below). The notification letter will also be made available on the TEASE Accountability website.

The details of the request are entered into a database for tracking purposes and researchers evaluate the request using relevant agency data sources to validate the statements made to the extent possible. The agency examines all relevant data, not just the results for any students specifically named in the correspondence.

- Guidelines to be used to evaluate AYP appeals are reviewed by an independent panel that provides external oversight to the appeals process.
- Staff conducts research and prepares a recommendation that is forwarded to the commissioner.
- The commissioner of education makes a final decision.
- The superintendent is notified in writing of the commissioner’s decision and the rationale upon which the decision was made. The decision of the commissioner is final and is not subject to further negotiation.
- Data are never modified, even when the AYP results are changed.

### **Relationship Between AYP and PBMAS**

AYP staff will consider indicators from the Performance-Based Monitoring Analysis System (PBMAS) when making findings on AYP appeals, as well as other district data submitted through PEIMS or the state assessment contractor. In addition, beginning in 2009, the Program Monitoring and Interventions Division consider school districts’ repeated patterns of AYP appeals based on district coding errors when conducting monitoring intervention activities to address potential concerns related to data integrity.

## Exhibit 6: Sample AYP Request Letter

September 2 , 2009

Robert Scott  
 Commissioner of Education  
 Texas Education Agency  
 1701 North Congress Avenue  
 Austin, TX 78701-1494

Dear Commissioner Scott,

This letter is to appeal the 2009 AYP status for the Sample Independent School District and campuses named below.

District/Campus	Indicators Appealed	Reason
Sample ISD (999999)	Reading and Math Performance	Request for exception to the federal cap
Sample H S (999999001)	Math Participation	Absences on test dates due to medical emergencies
Sample J H (999999041)	Reading Participation	LEP-Exempt students enrolled after the TELPAS testing window
Sample Elementary School (999999101)	Attendance Rate	Campus would like to be evaluated on current year's attendance rate

By my signature below, I certify that all information included in this appeal is true and correct to the best of my knowledge and belief.

Sincerely,  
 [signature]  
 John Q. Educator  
 Superintendent  
 Sample Independent School District

*Documentation Attached*

This is an example of an acceptable format for the letter. Districts should provide as much detail as they need to explain their appeals. At a minimum, the letter should include the information below.

Statement that this is an appeal of 2009 AYP Status.

Specification of which district/campuses are being appealed, for which indicators/components/measures, and why.

Certification that all information is true and correct to the best of superintendent's knowledge.

Superintendent must sign!

## Exhibit 7: Sample AYP Request Form

*Texas Education Agency*

*2009 AYP Request Form*

*District: SAMPLE ISD*

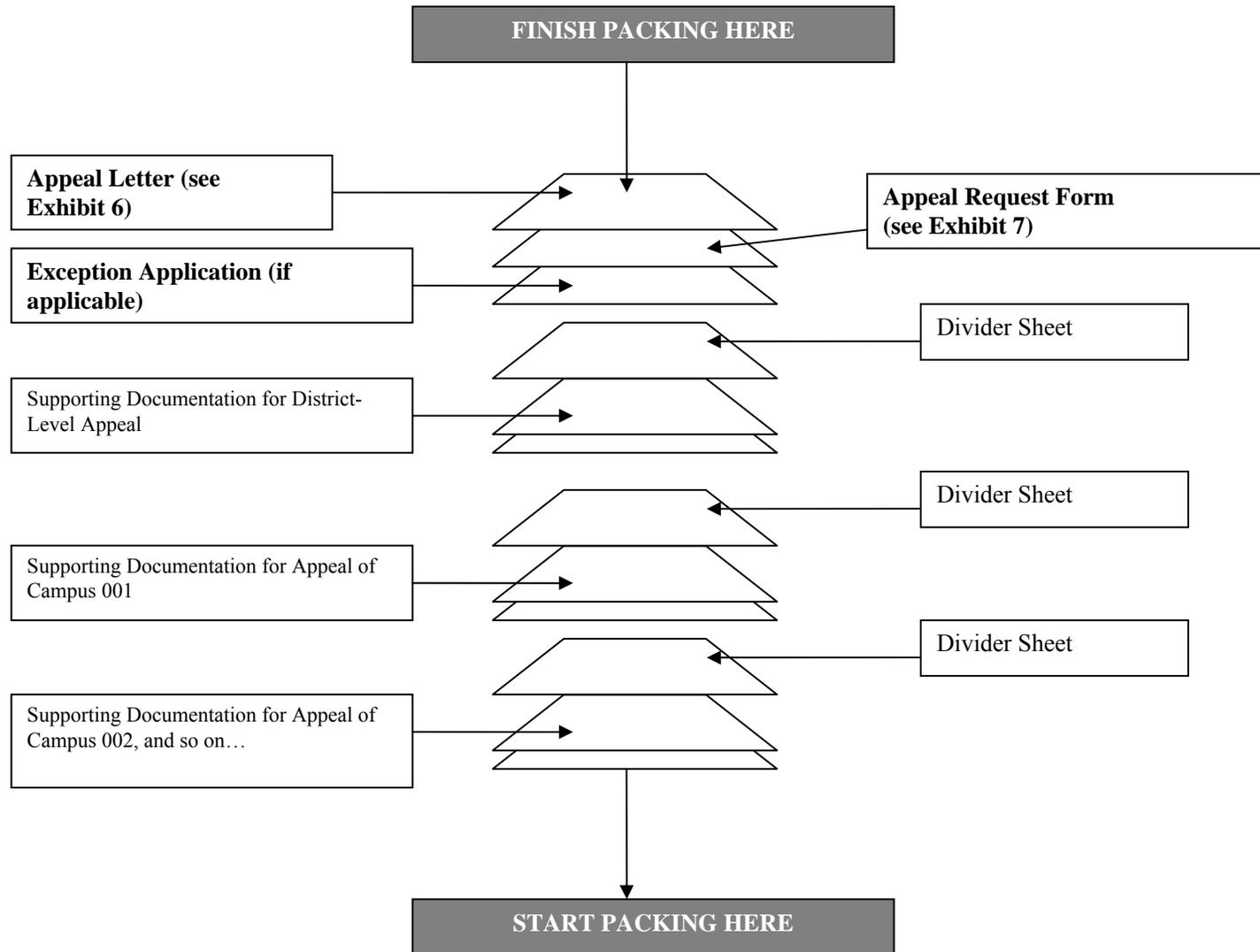
**DIRECTIONS:** Below is a list of the district and all campuses for which an appeal is possible.

- 1) For each district or campus, find the indicator(s) you wish to appeal and circle the word "Appeal."
- 2) Dashes (-----) for an indicator means it either *Meets AYP* or was *Not Evaluated* and an appeal will not be accepted.

**It should not be assumed that appealing the district will apply to any campuses, or vice versa. Please contact the Division of Performance Reporting at (512) 463-9704 with questions.**

District or Campus Number	District or Campus Name	Reading/ELA Performance	Mathematics Performance	Reading/ELA Participation	Mathematics Participation	Graduation Rate	Attendance Rate
99999	Sample ISD	Circle to Appeal	Circle to Appeal	-----	-----	-----	-----
999999001	Sample HS	-----	-----	-----	Circle to Appeal	-----	-----
999999041	Sample JH	-----	-----	-----	-----	-----	-----
999999101	Sample Elementary School	Circle to Appeal	-----	Circle to Appeal	-----	-----	Circle to Appeal

### Exhibit 8: Suggested Packing Order for Appeal Request



## Exhibit 9: Sample AYP Decision Notification Letter

Mr. John Q. Educator, Superintendent  
 Sample ISD  
 1001 Sample Road  
 Sampleville, Texas 77777

Dear Mr. Educator:

Thank you for your letter regarding preliminary 2009 Adequate Yearly Progress (AYP) results. For each campus referenced in your letter, we have reviewed the supporting documentation you provided, examined other relevant data available at the Texas Education Agency, and conducted research related to the circumstances described in your letter. A summary of our findings is shown below.

DISTRICT/CAMPUS NUMBER	NAME	RESULT OF REQUEST
999999	Sample ISD	<i>Meets AYP</i>
999999001	Sample H S	<i>Missed AYP</i>
999999041	Sample J H	<i>Meets AYP</i>
999999101	Sample Elementary School	<i>Missed AYP</i>

Exceptions to the Federal Cap

The U.S. Department of Education (USDE) regulations allow Texas to grant exceptions to the federal cap only in limited circumstances. Given that Texas did not reach its federally mandated federal cap on proficient results even with all exceptions approved prior to the preliminary release, and based on your district's unique circumstances, an additional number of students were allowed to exceed the federal cap and count as proficient in your district. Note that a granted exception application does not guarantee that your district or any campuses meet AYP. Please see the detailed results below for the final status of your district/campuses.

Sample ISD (999999)

As stated above, the exception request for Sample ISD was approved and an additional number of students were allowed to exceed the federal cap and count as proficient in your district. The performance measure for this campus was recalculated to include additional proficient student(s) and the AYP standard was met. The 2009 AYP status for Sample ISD is *Meets AYP*.

Sample H S (999999001)

Your appeal for mathematics has been denied since it did not include documentation for a sufficient number of students in order to meet the AYP participation standards in the appealed student group. The appeal for Mathematics Participation was denied. The 2009 AYP status for Sample H S is *Missed AYP*.

Sample J H (999999041)

Your appeal for Reading/English Language Arts Participation was not considered because Sample J H met AYP on this measure. The 2009 AYP status for Sample J H is *Meets AYP*.

Sample Elementary School (999999101)

Your appeal for Attendance Rate based upon current year data has been approved. The AYP results for Attendance Rate have been changed. The 2009 AYP status for Sample Elementary School is *Missed AYP*. Please note that the following measure(s) will be removed from the reasons Sample Elementary School missed AYP: Attendance Rate.

Although my decisions are final, any clarifying questions regarding this notification may be directed to the Division of Performance Reporting at (512) 463-9704.

Sincerely,  
 Robert Scott  
 Commissioner of Education