

# **Adequate Yearly Progress (AYP) under No Child Left Behind (NCLB) Guidance Revised for the Reporting of 2004-05 Results**

Guidance for the STARS assessments has been provided through regular STARS Updates. Instructions for entering data for STARS and AYP reporting has been provided. These are available on the Department's homepage: <http://www.nde.state.ne.us>

**The purpose of this guidance is to help districts understand the process and procedures of the new requirement in No Child Left Behind called Adequate Yearly Progress or AYP.**

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## **A. Introduction**

### *A-1. What is Adequate Yearly Progress (AYP)?*

As a condition of receiving federal funds under No Child Left Behind (NCLB), all states are required to define a process for identifying groups of students, schools, districts and the State as being in need of improvement. This requirement is called adequate yearly progress or AYP. It is an annual status check of identified data elements to determine whether or not buildings and districts are meeting State progress goals. In Nebraska, AYP will be one component of our State Accountability system under STARS that is designed to encompass a broader picture of school performance.

### *A-2. How is the State Accountability under the STARS (School-based Teacher-led Assessment and Reporting System) assessments different than the No Child Left Behind (NCLB) requirements for Adequate Yearly Progress?*

Improving student achievement and learning is the goal of Nebraska's STARS and NCLB. The accountability component of NCLB takes a different approach to measuring progress toward improving learning. The reporting of student performance in the STARS assessment system has been designed to identify how well the school and district is doing, at benchmarked grades, in providing an education for all students as demonstrated by their proficiency on defined expectations or standards and the quality of the assessments in the district. NCLB requires a look at student performance by examining how well all students and groups of students are doing in mastering the standards. In the STARS system, the focus and reporting is on the standards. In NCLB, the focus and reporting is on the performance of groups of students. In order to integrate NCLB into the STARS system, we added a reporting requirement. We are not changing the STARS assessment and reporting system, only adding an additional report of the results of student performance.

No Child Left Behind demands a continued emphasis on the basics and accelerating the performance of all children to address the achievement gaps between students of different racial groups, income groups, students with special needs, and students with limited English proficiency. NCLB requires student performance results to be separated or disaggregated for these groups of students whose performance is annually compared to goals set for the State in both Reading and Mathematics. The State goals and intermediate objectives are established based on NCLB requirements with an ultimate goal of 100% of the students attaining at least a proficient level by 2013-14.

A-3. *What will it mean if a school doesn't make AYP in No Child Left Behind?*

AYP is but one indicator of a school or district's performance. It focuses solely on whether any group of students is meeting the expectations for growth. A school will be able to identify and address the instruction and services for that group of students. AYP does NOT mean a "failing school", but it does mean that schools must address the needs of the group of students or subject area that is not showing progress.

A-4. *What happens to schools and districts that do not "make" AYP?*

All schools and districts in the State are accountable under both STARS and the AYP requirements of No Child Left Behind. State Accountability requires all districts to meet the goal of having a Good, Very Good or Exemplary rating on both the quality of the STARS assessments (portfolio) and on student performance. This requirement is included in the accreditation rule (Rule 10). The NCLB consequences for not making AYP targets only schools and districts that have Title I. The federal law prescribes graduated sanctions for Title I schools beginning with the second consecutive year of not making AYP. Title I schools must provide students with the option to transfer to another school in their district in the first year of "school improvement". In the second year, supplemental services (tutoring) must be provided in addition to the option to transfer. Additional sanctions apply the longer a Title I school does not make adequate yearly progress.

A-5. *How can we ensure that some children are not seen as a deterrent to the overall achievement of their school under NCLB?*

NCLB's requirement to look at student performance by group is designed to provide information for teachers and school administrators about the needs of students. The entire school and community should be concerned if there is a group of students who are not making progress and should allocate resources and emphasis to ensure the school is taking appropriate steps to address the needs of those students. Research has proven that when only some students within a school are not achieving, it is possible for the school to effectively address those needs and ensure that ALL students are achieving.

A-6. *As a federal law, isn't NCLB taking over a key role in education?*

It is the role of the federal government to set the goals for the nation. *No Child Left Behind* is very prescriptive in setting overall goals and processes for schools and districts. The STARS system is based on local control of curriculum, instruction and assessments. In addition, there are many important decisions for local districts to address: How local, state, and federal funds are used; what professional development is offered; how students

and staff are assigned; what staff are hired; which students are promoted; how the STARS assessment system is being implemented -- these are just some of the decisions that are still very much under the control of district.

*A-7. In Nebraska, who is making decisions about how AYP will be defined?*

A task force of over 30 district, ESU and NDE staff are providing recommendations for the AYP decisions. Other advisory groups have also had input into the development of the State Accountability Plan.

*A-8. Will the definition of AYP stay the same until 2013-14?*

The definition should stay the same, unless the law changes, but the interpretation of guidance and the manner of collecting data may change. For example, when the State implements a student record system, calculations can be determined without an additional collection of data from the districts.

## **B. Components of AYP**

*B-1. How is Adequate Yearly Progress determined?*

To determine if a group of students, a school, district or the State has made AYP under NCLB, the following is applied:

- a) The performance of all students and groups of students, who have been enrolled in a district for a full academic year, must equal or exceed the State goal in Reading and Math, and
- b) At least 95% of the students at that grade level must participate in the assessments, and
- c) The school and district must meet a State goal for one other indicator for elementary and middle schools (the statewide writing assessments) and a State goal for a graduation rate at the high school.
- d) Nebraska is adding a requirement to those of NCLB's listed above -- the Quality of Assessment rating received by that grade level must be a Good, Very Good or Exemplary.

Although AYP status is checked on an annual basis, a group of students, a school, a district or the State must not meet the State goals for AYP in the same subject area and grade span for two consecutive years in order to be considered as being in need of improvement. The subject area includes both the student performance and the participation rate.

*B-2. What assessments will be used for Reading and Mathematics?*

Districts use and report their STARS assessments for Reading and Math. The Statewide Writing assessment results are now the "other academic indicator" required for adequate yearly progress under NCLB.

B-3. *How are the performance levels determined for STARS assessments and the norm-referenced tests?*

Districts define the proficient and advanced levels of performance for each assessment as part of Quality Indicator 6 for STARS. When norm-referenced tests are used in the STARS assessments, the proficient level is defined as National Percentile Rank of 50 – 74 %ile; the advanced level of performance is defined as 75-99%ile.

B-4. *What is the AYP definition of “MET” for student performance in Reading and Math?*

To show progress for AYP purposes, the percentage of the students, who have been enrolled a full academic year, with an average performance on all standards at the proficient or advanced levels must equal or exceed the State goal for that grade level for all students and for each of the required groups of students: all students, race/ethnicity, socio-economic status (low-income), English Language Learners, and students with disabilities. Additional information on how AYP determinations are made is found in Section E of this guidance.

B-5. *How were the State Goals for AYP determined for student performance in Reading and Math?*

NCLB specifies the method for establishing the starting points for the State goals for mastery level for each subject area and grade level. The starting point must be the higher of: a) the lowest performing subgroup in the State, or b) the percent of students at mastery level in the school that represents 20% of the enrollment when all the schools are ranked from highest to lowest in performance. (All schools are ranked by subject and grade level. Starting with the lowest performing school and moving up, enrollments were added together until 20 percent of the State’s enrollment for that grade was captured.)

The State goals for the 2004-05 reporting are listed below. Goals for every year until 2013-14 are provided on the next page.

	Reading	Math
Grade 4	72%	74%
Grade 8	71%	69%
Grade 11	75%	72%

B-6. *What are the NCLB annual measurable goals and intermediate objectives for Nebraska?*

NCLB requires each State to set intermediate objectives for the goals so that the State, districts, schools and groups will reach 100% proficient by the 2013-14 school year. NCLB allows States to set the intermediate objectives at intervals not exceeding three years. The following charts provide the intermediate goals for Nebraska.

Year	Read 4	Year	Read 8	Year	Read 11
	Goal		Goal		Goal
Baseline	62	Baseline	61	Baseline	66
2002-03	62	2002-03	61	2002-03	66
2003-04	62	2003-04	61	2003-04	66
2004-05	72	2004-05	71	2004-05	75
2005-06	72	2005-06	71	2005-06	75
2006-07	72	2006-07	71	2006-07	75
2007-08	81	2007-08	81	2007-08	83
2008-09	81	2008-09	81	2008-09	83
2009-10	81	2009-10	81	2009-10	83
2010-11	91	2010-11	91	2010-11	92
2011-12	91	2011-12	91	2011-12	92
2012-13	91	2012-13	91	2012-13	92
2013-14	100	2013-14	100	2013-14	100

Year	Math 4	Year	Math 8	Year	Math 11
	Goal		Goal		Goal
Baseline	65	Baseline	58	Baseline	62
2002-03	65	2002-03	58	2002-03	62
2003-04	65	2003-04	58	2003-04	62
2004-05	74	2004-05	69	2004-05	72
2005-06	74	2005-06	69	2005-06	72
2006-07	74	2006-07	69	2006-07	72
2007-08	83	2007-08	79	2007-08	81
2008-09	83	2008-09	79	2008-09	81
2009-10	83	2009-10	79	2009-10	81
2010-11	92	2010-11	90	2010-11	91
2011-12	92	2011-12	90	2011-12	91
2012-13	92	2012-13	90	2012-13	91
2013-14	100	2013-14	100	2013-14	100

*B-7. What is a “full academic year” and why is it included in AYP?*

NCLB requires the determination of AYP to be made only for students who have been enrolled for a *full academic year*. Nebraska’s definition of a full academic year is that a student would need to have been enrolled from the last Friday in September (the official enrollment date for the State) through the time when all the STARS assessments are given or until the end of the school year. Districts are required to track students that are enrolled within the district but attend different schools throughout the year but these students will not be reported until the State student record system is implemented.

NCLB’s guidance allows a student who has had a medical emergency that prevented him/her from participating in the assessments to be excluded from AYP reporting. Before a student can be excluded for a medical emergency, the district must receive approval in writing from the Assessment Office of the Department of Education.

*B-8. How is the participation rate defined?*

Nebraska has defined the students to be counted as “participants” as those who were assessed on 75% of the standards or who participated in at least 75% of the assessments.

*B-9. What is the other academic indicator at elementary and middle schools?*

The other academic indicator for the elementary and middle schools is the statewide writing assessment.

*B-10. What is the State goal for the other academic indicator at elementary and middle schools?*

The State goal for the other academic indicator, the statewide writing assessment, at Grade 4 is 62%; at Grade 8 the State goal is 61%. (The State goal is the percent of students at the proficient and advanced levels of performance.) Each school and district must meet the State goal or demonstrate progress (any increase in the percentage of students at the proficient level from the previous year) to have made AYP for this other academic indicator. See Section E for information on the use of confidence intervals in determining if the State goal for the writing results has been met.

*B-11. How is the graduation rate determined?*

Local school boards are responsible for establishing the requirements for high school graduation. For AYP reporting, NCLB requires a cumulative graduation rate that considers the number of students who actually graduate as a percent of those who were in membership and could have graduated over a 4-year period from grade 9 through 12. The definition does not allow for the inclusion of dropouts and does not allow the use of transfer to avoid counting a student as a dropout.

The State goal for the graduation rate will be the State average graduation rate of 83.97%. For AYP purposes, the group of “all students” will need to meet or exceed the State goal or show progress, after the initial year, toward reaching the State goal.

**New for 2004-05 Reporting**

NCLB requires a definition of graduation rate that does not allow districts to include any students who take longer than four years to graduate. Nebraska has received approval to include the following students in the calculation of the graduation rate. Districts who reported students in these categories in their Completer Report will be notified of the option to submit revised data.

- **Students with disabilities who graduate with a regular diploma in a program described in their Individualized Educational Program that may take more than four years.**
- **English Language Learners who enroll for the first time in a U. S. School at some point in the middle or high school grades and graduate with a regular diploma in the fifth year of high school. Inclusion of ELL students must be made on a case-by-case basis determined by the district.**

*B.12. Do the State goals for the other academic indicators increase each year?*

No, the State goals remain the same for writing at grades 4 and 8 and the graduation rate.

*B-13. What is the State goal for the STARS Quality of Assessments?*

Districts must have a rating of Good, Very Good, or Exemplary on the assessment portfolio in order to have met the State goal for this data element. The district rating, by grade level, is used for all schools whenever there are multiple buildings at the same grade span.

**NEW – Since most districts will not be submitting a portfolio for the 2004-05 school year, the AYP determinations will use the most recent available portfolio rating received for Reading and Mathematics portfolios.**

**C. Reporting Students for AYP**

*C-1. What students must be included for AYP reporting and determinations?*

Nebraska requires all students to participate in the STARS assessments. NCLB requires all students who have been enrolled a full academic year to be included in the AYP reporting although AYP determinations are based only on groups that meet a minimum number of students. (See C-4 below) The only exception is the medical emergency defined in question B-7 above.

*C-2. What about students who are contracted to another agency or school for special education purposes?*

They must be assessed and reported with the results of the school they would be attending based on their residence.

Although reported with the results of the school they would be attending based on their residence, students who are contracted to another agency or school for special education purposes may have been assessed on different standards using different assessments. For AYP reporting, the other agency or school receiving the contracted student(s) should provide an average level of performance for the student based on whatever standards and assessments are used for the district doing the contracting.

C-3. *What happens if a parent refuses to allow a child to be assessed?*

For AYP reporting, the student must be counted as performing on lowest level of proficiency (Beginning) and is **not** to be included as participating in the assessments when determining the participation rate.

C-4. *What are the minimum numbers and why have these numbers been established?*

The “minimum number” is the smallest number that will provide statistical reliability in making determinations about the progress reported. For Nebraska, the minimum number for statistical reliability has been defined as 30 for all groups at the school and district level based on the recommendations of the Buros Center for Testing and the National Center for Educational Statistics (NCES). The minimum number required for public reporting of student results remains at less than 10 (currently used for STARS).

**Note: Previous guidance set the minimum number of students in the group of students with disabilities at 45. The minimum number for this group has been changed to 30 because the State is using confidence intervals as explained in Section E of this guidance.**

In some cases, districts assign students with very special needs to specific schools (buildings) for programs or services that are offered only in selected buildings. Students who are assigned by the district to schools other than the one they would normally attend may be included in the results of their school of residence or the school they attend. Each district can decide where to include these students but all students must be reported.

C-5. *If only groups and schools with 30 students are included in the AYP determinations, why do all the numbers have to be reported?*

AYP data are aggregated up to the next level: school to district to State.

C-6. *What groups of students are included in AYP determinations?*

NCLB requires schools, districts and the State to disaggregate student performance by the following groups: all students, gender, race/ethnicity, socio-economic status (low-income), English Language Learners, students with disabilities and students served in Migrant programs. Disaggregated data for gender and Migrant students are required for the State Report Card but are not included in the AYP determinations.

C-7. *What students are counted as English Language Learners (ELL)?*

The definition of Limited English Proficient in NCLB is as follows: an individual whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual (i) the ability to meet the State’s proficient level of achievement on State assessments, (ii) the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society.

The children to be included in the determination of AYP for the group of English Language Learners are those who meet the definition of Limited English Proficient

(whether served in a specific program or not) and districts may choose to include students for up to two full years after they have exited a program or services.

The U. S. Department has issued guidance for English Language Learners who are enrolled in a U. S. Public School for the first time. These students are called “new immigrants”. Question D-7 addresses AYP reporting requirements for new immigrants.

*C-8. What students are to be included in the group of students with disabilities?*

Only students identified under Section 601(c) of IDEA who have an Individualized Education Plan (IEP) are included. This includes students who qualified for Speech and Language services as well as special education students taking alternate assessments.

*C-9. How are special education students assessed?*

There are four levels of assessment practices for students with disabilities. The first level includes students with mild disabilities who participate in the general curriculum and activities on a daily basis. These students take the state and district-wide assessments in the same manner as their non-disabled peers without accommodations or modifications.

A second level includes students who take the state and district-wide assessments, but participate using individually determined accommodations. The accommodations must be consistent with the accommodations determined by the IEP team. An accommodation is a change in materials or procedures that enable students to participate in the curriculum and assessment in a way that allows their abilities and knowledge to be expressed and assessed. Some examples would be the use of large print, Braille, or extended time on assignments or assessments. Accommodations do not change what information is learned or measured, but are tools that enable a student to more readily access curricular content and to more easily demonstrate understanding of that content.

A third level includes students who take the state and district-wide assessments, but participate using individually determined modifications. The modifications must be consistent with the modifications determined by the IEP team. Modifications will change the content of the curriculum, such as, curriculum at a grade level significantly below the student’s age level. Examples include receiving a shortened assessment, limiting the number or choices, or providing out-of-level/instructional level assessment. Modifications directly or indirectly alter the curriculum and/or the assessment itself. Therefore, students assessed in this manner must be reported at the beginning level.

A fourth level of students with the most severe disabilities who participate in specialized functional curriculum and activities are assessed utilizing an alternate assessment.

*C-10. Who is eligible to take the Special Education alternate assessment?*

Special Education students whose disabilities are so severe that they are unable to participate in the regular curriculum and assessments even with accommodations and modifications are those individuals who should participate in alternate assessments. The alternate assessment is appropriate for those students who participate in a specialized functional curriculum. Typically, the number of special education students who participate in an alternate assessment is less than 1% of the total student population.

*C-11. How are Special Education Students taking an alternate assessment reported for AYP?*

All students including Special Education students who participate in the alternate assessment must be included in the AYP calculation. Within the AYP reporting chart, those Special Education students who scored at the proficient and/or advanced level on the Alternate Assessment must be added to and included with the number of proficient and/or advanced level scores of the other Special Education students.

*C-12. What alternate assessment standards are used for reporting math and reading?*

The alternate assessment standard for Math is Functional Academics Math (1.3.1). The alternate assessment standard Reading is Functional Academics Reading (1.2.1). Information about alternate assessments and the functional academic standards can be found in the technical assistance guide, *A System of Assessment and Accountability for Students with Disabilities*, published in September 2003. This guide can also be downloaded from the Nebraska Department of Education web-site.

*C-13. What is the 1% cap regarding the alternate assessment?*

Federal guidance regarding special education students states that only 1% or less of the total assessed student population may have results from alternate assessments reported at the proficient and/or advanced level. This is not a cap on the number of students who take alternate assessments but a cap on the number of scores that can be counted as proficient or advanced in AYP determinations. Unless an exception is granted from the State, any proficient and/or advanced level scores from alternate assessments beyond the 1% cap must be reported as non-proficient. The Department of Education will contact any district exceeding the 1% cap. The guidance from the U. S. Department of Education allows the State to waive the 1% cap for several criteria including small schools (REAP eligible) or communities with high numbers of students eligible for alternate assessments.

*C-14. What about Section 504 students?*

Section 504 students can be assessed with accommodations as defined in their Section 504 plan. They are not included in the group of special education students.

*C-15. What is SES and who should be included?*

SES means socio-economic status. All students who are eligible for the free or reduced lunch program are included even if they do not participate in the lunch program. The U. S. Department of Agriculture and the U. S. Department of Education have issued guidance that allows the sharing of information, on an as needed basis, between the lunch program and educators in order to disaggregate data by students who are eligible for free or reduced lunches.

A joint letter of February 20, 2003 addressed the issues around schools that operate school lunch programs under Provision 2 and Provision 3 of the National School Lunch Program. These provisions allow schools that offer students lunches at no charge, regardless of individual students' economic status, to certify students as eligible for free and reduced price lunches once every four years and longer under certain conditions. Schools using Provision 2 and Provision 3 are prohibited from collecting eligibility data

and certifying students on an annual basis for other purposes. The following guidance is provided in the February 20 memo:

For purposes of disaggregating assessment data and for identifying students as “economically disadvantaged” in implementing (NCLB Title I requirements for) supplemental educational services and the priority for public school choice, school officials may deem all students in Provision 2 and Provision 3 schools as “economically disadvantaged”. In addition, when determining Title I eligibility and allocations for a Provision 2 or 3 school, LEA officials may assume that the school has the same percentage of students eligible for free and reduced price lunches as it had in the most recent year for which the school collected that information.

*C-16. What if a student has indicated “mixed” as a racial/ethnic group?*

Students must identify a primary race as one of the categories listed.

*C-17. Does the State Accountability Plan and AYP apply to nonpublic schools or home schooled students?*

No. However, students receiving services in nonpublic schools through Title I have program specific requirements regarding measuring student performance.

#### **D. Reporting Data to the State**

*D-1. What if the STARS assessments are given over multiple grade levels? (Example: some assessments at grade 3 and some at grade 4)*

For reporting for AYP, a district needs to include all of the students assessed and reported for STARS. In the example above, this would mean all 3<sup>rd</sup> and all 4<sup>th</sup> graders would be considered in determining the number of students enrolled a full academic year, etc.

*D-2. Do the grade levels for Reading and Math need to be the same?*

Some districts have been approved for reporting in grades other than 4, 8 and 11. As stated above, all students assessed and reported for STARS are to be considered for the AYP reporting. However, since STARS guidance does not have a “full academic year” requirement, not all students assessed with STARS will be included in the AYP determinations.

*D-3. How are schools that have no grades at the assessment level (i.e., K-2 buildings) being held accountable under NCLB’s AYP?*

They are being included with the schools to which their students would attend. Prekindergarten schools are not included since prekindergarten is not required.

*D-4. How will small schools and districts (those with less than 30 students) be held accountable when AYP, as defined in NCLB, will not apply?*

Many of Nebraska’s schools and Class I districts will not have a sufficient number of students assessed to meet the minimum number of 30 for statistical reliability. (See

Question C-4.) Under the State Board policy for State Assistance for School Performance, a district that received an Unacceptable or Needs Improvement rating on either Student Performance or the Quality of the STARS assessments needs to make progress. The consequences and timelines of the State system would be applied to these districts and schools. If the small school or district is operating a Title I program and does not meet the State's definition of progress and timelines, that school or district is considered to be in need of school improvement under NCLB.

*D-5. What data needs to be reported for the 2004-05 school year?*

Districts report a) the total number of students who were enrolled for a full academic year, b) of these students, the number who performed at the "mastery" level – proficient or advanced levels, and c) the number of the students who were enrolled for a full academic year who participated in at least 75% of the assessments or were assessed on at least 75% of the standards.

*D-6. How are alternate assessments for students with disabilities included?*

Alternate assessments are assessments given to students whose disabilities are so severe that they are unable to participate in the regular curriculum and assessments. The alternate assessments are appropriate for those students who participate in a specialized functional curriculum. Alternate assessments measure functional life skills based on alternate standards and do not include out-of-level tests.

For reporting for AYP, include all students taking alternative assessments. For determining individual student performance for the number of students at the proficient or advanced levels, use the same procedure as for converting STARS performance results given in the reporting guidance.

*D-7. What is the guidance for including English Language Learners for AYP?*

All English Language Learners must be included in the AYP reporting. New guidance from USDE allows districts to include "new immigrant" students, defined as students enrolled for the first time in a U. S. Public School, in the assessments and counted for participation but their assessment results are NOT reported for AYP purposes. A language proficiency test may be counted as "participating in the assessments" for new immigrant students only. The Standards Input screen will ask districts to report the number of "new immigrant" students who were included in the participation rate (Column C) but not the student performance (Column B). Since this is an option, districts should calculate the percentage of proficient both ways – including the new immigrant student results and not including the results to determine whether to follow this option.

For LEP students who are the first year in a Nebraska school but not the first year in a U.S. Public School, performance results must be reported as well as included in determining participation rates for AYP. The STARS guidance allows these students to be assessed on content standards using an alternate method, such as portfolios.

Important: The new guidance for AYP reporting for English Language Learners also allows districts to include in the ELL group all students up to two full years after they have exited a program or services. This guidance increases the chances that the English Language Learners group to demonstrate progress.

**E. AYP Determinations**

*E-1. How is AYP determined?*

The following procedure will be used to make the annual AYP determinations:

Indicators used for AYP:

Student Performance

A determination of whether Reading and Mathematics student performance results for all groups of students has met the State goal for that subject using a 99% confidence interval for each group that contains at least the minimum number of 30. (See next question for information on confidence intervals)

Participation Rate of 95%

Participation rates will be determined using the higher rate of the current year or the average of current year and the previous year.

Other Academic Indicator

- a) Elementary and middle schools – A determination of whether Statewide writing results meet the State goal using a 99% confidence interval or demonstrate a higher percentage at proficient than the previous year.
- b) Graduation rate at high school – a determination of whether the graduation rate meets the State goal or demonstrates a higher percentage than the previous year.
- c) Quality of the STARS Assessments – The rating for the assessment portfolio must be at Good, Very Good or Exemplary.

*E-2. What are confidence intervals?*

A confidence interval is a statistically developed range of possible scores that replace the single score (percent proficient) to determine if the State goal was met. Confidence intervals are similar to the “sampling error” notation that accompanies the results of survey or poll (i.e.,  $\pm 4\%$ ). The range of possible scores is dependent upon the size of the group involved. The results of a large group is more likely to be more accurate in reflecting the real progress made than the results for a small group of students. A confidence interval will be applied to Reading, Mathematics and Writing (other academic indicator) results for each group, school and district (meeting the minimum number of 30 students) using a formula that involves both the size of the group and their score (percent proficient).

*E-3. Why the use of confidence intervals?*

Confidence intervals increase the likelihood that appropriate AYP decisions are being made about the progress of a group of students, school or district. The results reported one year might not be representative of the students in the same situation across other years. The confidence intervals are used to reduce the possibilities that a group, school or district was misidentified. A 99% confidence interval, in essence says, that we are 99% sure that the progress reported appropriately reflects the group, school or district.

The Safe Harbor procedure uses a 75% confidence interval since it will be applied to the “difference” between the current year percent of student performance below proficiency and that of the previous year. Safe Harbor is further defined below.

*E-4. What is the Safe Harbor provision of NCLB?*

Any group that does not meet or exceed the State goal for student performance but has decreased the percentage of students performing below mastery, from the previous year, by at least 10% and meets the participation rate is considered to have made adequate yearly progress. A 75% confidence interval will be used to ensure that the Safe Harbor decisions are made appropriately. The Safe Harbor calculations will be completed by NDE and applied to all districts and schools before the 10-day window for reviewing data.

*E-5. How is AYP determined at the school level?*

To make AYP, the school must have met the State goals and participation rates for Reading and Mathematics in all groups with at least 30 students, met the other academic indicator for the grade levels included in the school, and have a Good, Very Good, or Exemplary rating at that level on the Quality of the STARS assessments. The Federal Accountability rating on the State of the Schools Report will be a “MET”.

A “NOT MET” in any of the above indicators earns a “NOT MET” for the school on the Federal Accountability on the State of the Schools Report. For any Reading or Math results that do not meet the State goal, the Safe Harbor provision (as described above in Question E-4.) will be used. If the results of the applying the Safe Harbor indicate sufficient progress was made and the participation rate goal was at least 95%, the group will earn a “Met”.

A school is identified as being in need of “Improvement” if it has a NOT MET in the same indicator, as defined in Question E-1 above, for two consecutive years. For Reading and Mathematics, the indicator includes both the student performance and the participation rate.

*E-6. How is AYP determined for Districts?*

Data from every building are aggregated to the grade spans of the district (elementary, middle and high school) and the AYP determinations are made on this data in the same manner as is done at the school level.

A “NOT MET” in any of the indicators, as defined in Question E-1 above, earns a “NOT MET” for the Federal Accountability on the State of the Schools Report.

Two consecutive years of not making AYP in the same indicator in all of the grade levels present in the district will be identified as being in need of improvement. Safe Harbor, as described above, will be used with the aggregated district data in making the AYP determinations.

A district could have buildings that have met all the AYP determinations but when the data are aggregated (added up) across all buildings, the district could not have met AYP.

E-7. *What is the appeal process?*

The STARS assessment system includes an opportunity for districts to review data submitted for student performance for STARS and AYP, and their portfolio ratings prior to finalizing the Report Card. In early October of each year, districts have an opportunity (a 10-day window) to view the data submitted before it appears on the final State of the Schools Report. The information provided in the 10-day window will also include the Federal Accountability (AYP) determinations. The STARS guidance includes the process to be followed for requesting any changes in data, including the data submitted for AYP.

Section 1116(b)(2) of No Child Left Behind provides an appeal process and timelines for schools and districts regarding AYP decisions. A school may appeal an AYP status determination to the district based on objective factors the school considers relevant such as significant demographic changes in the student population, errors in data or other significant issues. The district has 30 days to respond. The district may appeal an AYP status decision to the State during the 10-day window, based on objective data, and the State must make a final determination within 30 days of the date of appeal. An appeal of an AYP decision must be made to the Commissioner of Education.

E-8. *How will Title I schools report student performance under this new system?*

Title I schools will no longer be required to report student performance data on the Annual Performance Report (NDE 04-001). The data submitted for STARS and AYP will be used by the Title I program to meet the requirements for identifying schools as being in need of improvement.

**F. Sanctions and Rewards**

F-1. *Are there State sanctions for schools that persistently are identified as needing improvement?*

The State Board approved a policy in April, 2004 (State Assistance for School Performance) that addresses districts that persistently do not demonstrate progress on the STARS assessments. Rule 10 (accreditation) has been revised to incorporate the State Board's policy.

F-2. *Are there Federal sanctions for Title I schools and districts that are identified as needing improvement?*

Yes, *No Child Left Behind* has specific requirements for Title I schools and districts that have consecutive years of not making adequate yearly progress and are identified as being in "Improvement" status. The Title I office will contact the district and provide additional information.

F-3. *Are there funds for helping schools that are identified as needing improvement?*

Title I funds are available for Title I schools. These are known as Accountability Funds and districts will receive information from the Title I office about the application process and guidance on use of these funds.

*F-4. Are there rewards for high performing schools?*

The Board Policy, *State Assistance for School Performance*, provides recognition for schools that consistently demonstrate high performance in student achievement and the Quality of the STARS assessments.

**G. Reporting AYP to the Public on the Report Card**

*G-1. How will AYP status be reported to the public?*

Federal Accountability is one component of the State of the Schools Report. Each school, district, and the state will have a Federal Accountability (AYP) status. A school or district will have one of the following:

MET – all AYP goals have been met;

NOT MET – not all AYP goals have been met but not in the same subject area and grade level for two consecutive years;

The State of the Schools Report will provide results for the 2003-04 and 2004-05 school year as well as a chart showing the cumulative AYP determinations for all years.

Districts using Title I, Part A, funds are required to provide a report card to the parents, staff and the community that includes all of the information provided by the Department of Education on their State of the Schools Report. Districts are encouraged to use the Department's State of the Schools Report to meet this requirement. One way might be to add a link from the State of the Schools Report to district and building homepages. In addition, Title I schools must provide individual reports of student progress on standards to parents of children participating in Title I projects – both schoolwide and targeted assistance projects.