

<b>Summary of Proposed Revisions to Virginia's Consolidated State Application Accountability Workbook Under the <i>No Child Left Behind Act of 2001</i> March 24, 2004</b>
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**Part I: Other Academic Indicators for Elementary and Middle Schools, and for School Divisions and the State When Determining Adequate Yearly Progress (AYP)**

**Part II: Determining Adequate Yearly Progress (AYP)**

The language related to other academic indicators and determining Adequate Yearly Progress (AYP) is repeated at several points throughout the Accountability Workbook. If the proposed revisions in Parts I and II are approved, the following sections of the Accountability Workbook will require language modifications to reflect these policy changes.

Critical Element Number	Description
1.2	Accountability system holds all schools and LEAs to the same criteria
1.5	Accountability system includes report cards which report assessment results and other academic indicators
3.2	Accountability system has a method for determining whether student subgroups, public schools, and LEAs make adequate yearly progress
3.2.b	State's annual measurable objectives for determining adequate yearly progress
4.1	State makes annual determination of whether each public school and LEA makes adequate yearly progress
5.2	Public schools and LEAs held accountable for progress of student subgroups in determination of adequate yearly progress
6.1	Description of how State's definition of adequate yearly progress is based primarily on academic assessments
7.2	State's additional academic indicator for elementary and middle schools
7.3	Validity and reliability of indicators
8.1	State's determination of AYP based on separate achievement measures in reading/language arts and mathematics

**Part III: Review or Appeals Process for Title I Schools or School Divisions**

9.2	Accountability system produces valid decisions
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**Part IV: Testing and Adequate Yearly Progress (AYP) Policies for Limited English Proficient Students**

5.4	Accountability system includes limited English proficient students
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Amendment:

**Part II: Determining Adequate Yearly Progress (AYP)**

3.2	Determining Adequate Yearly Progress (AYP) using expedited test scores
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**Part I - Other Academic Indicators for Elementary and Middle Schools, and for School Divisions and the State When Determining Adequate Yearly Progress (AYP)**

<b>Summary of Current Policy:</b>	<b>Summary of Proposed Policy:</b>
<p>Virginia selected attendance as the “other academic indicator” for elementary and middle schools and schools without a graduating class.  <i>Critical Elements: 1.2, 1.5, 3.2, 3.2b, 4.1, 5.2, 6.1, 7.2, 8.1</i></p> <p>The annual measurable objective for attendance increases from 94 percent in 2002-2003 to 97 percent in 2013-2014.  <i>Critical Elements: 3.2b, 5.2</i></p>	<p>Offer elementary and middle schools and schools without a graduating class the option of using either attendance or performance on state science assessments, whichever benefits them the most, as the other academic indicator. The choice of using either attendance rate or science state assessment results as the other academic indicator also will apply to the “safe harbor” AYP calculation methodology.</p> <p>The annual measurable objective for attendance rate will be maintained at 94 percent from 2002-2003 to 2013-2014. The annual measurable objective for statewide science assessments will be maintained at 70 percent from 2002-2003 to 2013-2014.</p> <p><b><i>Proposed policy language, to be reflected throughout the Accountability Workbook as required in the critical elements listed under “Summary of Current Policy”:</i></b></p> <p><u>Attendance or Science Assessments</u>  Annual measurable objectives will be established for both indicators, either of which will be applied to all schools without a graduating class, all school divisions and the state. Consistent with the “safe harbor” provision of 1111(b)(2)(I), the annual measurable objective used to determine if students have made progress in that indicator will be that which most benefits the school, school division or the state in determining AYP.</p> <p><u>Annual Measurable Objectives for Other Academic Indicator for Elementary and Middle Schools</u>  The annual measurable objectives for all students in the aggregate and for each subgroup identified in section 1111(b)(2)(c) of NCLB; for all schools; for all LEAs; and for the State, expressed as Average Daily Attendance (ADA) percents and science proficiency percents are as follows. Attendance rate will be maintained at 94 percent from 2002-2003 to 2013-2014. The annual measurable objective for statewide science assessments will be maintained at 70 percent from 2002-2003 to 2013-2014.</p>

**Part II - Determining Adequate Yearly Progress (AYP)**

<b>Summary of Current Policy:</b>	<b>Summary of Proposed Policy:</b>
<p>All students as well as each subgroup must meet or exceed the state’s annual measurable objectives for statewide assessments in reading, mathematics, and the other academic indicator in order for a school, a school division, or the state to make AYP.  <i>Critical Elements: 3.2, 6.1, 8.1</i></p>	<p>Consistent with NCLB law, decisions about AYP will be based primarily on participation rates and student achievement on reading and mathematics assessments. The state and any division or school that meets the 95 percent participation rate and meets or exceeds the annual measurable objectives on the reading and mathematics assessments for all students as well as each subgroup may be designated as making AYP. Once the academic assessment targets and participation rates are met for all students and each subgroup, consideration may be given to the other academic indicator in determining whether a school or a school division made AYP. If “safe harbor” is exercised in determining AYP, the other academic indicators must be considered.</p> <p><b><i>Proposed policy language, to be reflected throughout the Accountability Workbook as required in the critical elements listed under “Summary of Current Policy”:</i></b></p> <p><u>Determining Adequate Yearly Progress</u>  Specifically, for a public school and school division to make adequate yearly progress, all students and each subgroup must meet or exceed the State’s annual measurable objectives for statewide assessments in reading and mathematics, and all students and each student subgroup must have at least a 95 percent participation rate in these statewide assessments. Once the academic assessment targets and participation rates are met for all students and each subgroup, consideration may be given to the other academic indicator in determining whether a school or a school division made AYP. Consistent with the NCLB law, AYP decisions will be based primarily on reading and mathematics assessments.</p> <p>If in any particular year a student subgroup does not meet the annual measurable objectives for assessments, the state, the public school, or school division may be considered to have made AYP if that subgroup had at least 95 percent participation rate on statewide assessments; if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the statewide assessments for that year decreased by 10 percent of that percentage from the preceding public school year; and that group met or made progress on the additional indicator at the school level or, for the state and school divisions, in graduation rate and in attendance rate or science proficiency.</p>

**Part III - Review or Appeals Process for Title I Schools and School Divisions**

<b>Summary of Current Policy:</b>	<b>Summary of Proposed Policy:</b>
<p><i>School divisions</i> may appeal their designation as in improvement or the imposition of sanctions and corrective actions to the Virginia Department of Education. It is implicit in this policy that <i>Title I schools</i> would do the same. <i>Critical Element: 9.2</i></p>	<p><i>Title I schools</i> may appeal their designations of improvement, sanctions, or corrective action to the school division. Based on criteria and procedural guidelines established by the Department of Education, the school division will review the evidence provided by the school, and the division superintendent will make a determination as to whether to request a change in the AYP related accountability decision for the school. The division superintendent will forward the decision to the Department of Education with supporting evidence if a change in designation is requested. <i>School divisions</i> would continue to file a division appeal directly to the Department of Education for action within 15 days. Appeal decisions made by the department will be final.</p> <p><b><i>Proposed policy language, to be reflected throughout the Accountability Workbook as required in the critical elements listed under “Summary of Current Policy”:</i></b></p> <p>Upon meeting the appeals process criteria for the re-evaluation of an accountability determination or identification for improvement, sanctions, or corrective action, Title I schools may appeal to the division, and if a change is recommended, the division superintendent provides the AYP determination to the Department of Education within 15 calendar days for validation and inclusion in statewide data reports, consistent with the No Child Left Behind Act. School divisions appealing their AYP status or identification for sanctions or corrective action will appeal directly to the Department of Education. The Department of Education, on behalf of the Board of Education, will make a decision regarding the appeal within 15 calendar days. The decision by the department is final.</p>

## Part IV - Testing and Adequate Yearly Progress (AYP) Policies for Limited English Proficient Students

The language related to inclusion of limited English proficient (LEP) students in the state's testing program and AYP calculations is found in Critical Element 5.4. If the revision proposed below is approved, this critical element of the Accountability Workbook will require language modifications to reflect these policy changes. Additionally, corresponding changes will need to be made in the board-approved September 1, 2003, Virginia Consolidated State Application Submission. Upon board approval of NCLB accountability policy changes, both of these consolidated state application documents will be revised and forwarded to the U.S. Department of Education.

<b>Summary of Current Policy:</b>	<b>Summary of Proposed Policy:</b>
<p>Effective with the 2003-2004 academic year, all limited English proficient (LEP) students will participate in the Virginia state assessment program. LEP students in grades 3-8 at the lower levels (Level 1 and Level 2) of English language proficiency will take the Standards of Learning assessments for English/reading and mathematics, with or without accommodations, or state-approved assessments linked to the Standards of Learning. Virginia is one of 17 states that received funding as a consortium under a USED Enhanced Assessment Instruments Grant for development of an English Language Proficiency Assessment. The consortium, under the auspices of the Council of Chief State School Officers (CCSSO), is developing an English Language Proficiency Development Assessment (ELDA) that will be linked to the English Standards of Learning. The assessment instrument was expected to be available for implementation statewide by spring 2004. The Board of Education may approve the use of additional English Language Proficiency assessments that are linked to Standards of Learning grade-level content standards.</p> <p><i>Critical Element: 5.4</i></p>	<p>Revisions are being recommended to reflect increased flexibility related to the assessment of limited English proficient (LEP) students as provided in recent guidance from the U. S. Department of Education. In addition, a change must be made in the selection of the state-approved English language proficiency assessment for 2003-2004 because the ELDA test will not be ready until spring 2005.</p> <p><b><i>Proposed policy language, to be reflected throughout the Accountability Workbook as required in the critical element listed above:</i></b></p> <p>LEP students in their first year of enrollment in a U.S. school regardless of their English language proficiency level may take the Standards of Learning assessments for English/reading and mathematics, with or without accommodations, or state-approved assessments linked to the Standards of Learning. LEP students who were enrolled on the first day of school and in continuous membership until the test administration will be considered as in their first year of enrollment in a U.S. school.</p> <p>Beginning with the 2003-2004 school year, the scores of LEP students during their first year of enrollment in a U.S. school on the English/reading and mathematics Standards of Learning assessments or assessments linked to the Standards of Learning will be counted toward the 95% participation rate for the purposes of AYP, but they will not be included in the AYP calculations.</p> <p>Beginning with the 2003-2004 school year, for purposes of AYP calculations only, LEP students will be counted in the LEP subgroup for two years after they have been reclassified as non-LEP.</p> <p>For the 2003-2004 school year, the Stanford English Language Proficiency (SELP) test will be designated as the state-approved assessment instrument linked directly to the English/reading Standards of Learning.</p>

Amendment to Proposed Revisions to Consolidated State Application Accountability Workbook Under the *No Child Left Behind Act of 2001*

**Part II - Determining Adequate Yearly Progress (AYP) Using Expedited Test Scores**

<b>Summary of Current Policy:</b>	<b>Summary of Proposed Policy:</b>
<p>Consistent with current practice, assessment data for a content area will be combined across all tested grade levels or all tested courses in a school, LEA and the state to calculate the participation rate and percent of students (first-time test takers) who score at least proficient when determining whether or not AYP has been made in that content area. <i>Critical Element: 3.2</i></p>	<p>Revisions are being recommended to allow Virginia to count in the AYP calculation the scores of students who take a Standards of Learning (SOL) test under the expedited retesting policy and pass the test. Students taking a test under the expedited retest policy are administered a test composed of different items from the test they took during the previous administration. Each test is aligned with and scored against the same standards set for the end of the student's grade level or course.</p> <p>According to the Board of Education's Guidelines for Implementing Certain Provisions of the Standards of Accreditation (SOA) (November 2000), students may take an expedited SOL end-of-course test if the following criteria are met:</p> <p>The student must:</p> <ol style="list-style-type: none"> <li>1. Need the test for verified credit; and</li> <li>2. Have passed the course associated with the test; and</li> <li>3. One of the following:             <ol style="list-style-type: none"> <li>a. failed the test by a narrow margin; or</li> <li>b. failed the test by any margin and have extenuating circumstances that would warrant retesting, or</li> <li>c. did not sit for the regularly scheduled test for legitimate reasons</li> </ol> </li> </ol> <p>In addition at its February 2003 meeting the Board of Education amended the Guidelines for Implementing Certain Provisions of the Standards of Accreditation (SOA) to allow students who are pursuing the modified standard diploma the same opportunity for expedited testing on the grade 8 reading and mathematics tests in the same manner as prescribed in the guidelines for students earning verified credit.</p> <p><b><i>Proposed policy language, to be reflected throughout the Accountability Workbook as required in the critical elements listed under "Summary of Current Policy":</i></b> Critical Element 3.2: Consistent with current practice, assessment data for a content area will be combined across all tested grade levels or all tested courses in a school, LEA, and the state to calculate the participation rate (first-time test takers) and percent of students (first-time test takers and those who take a test and pass it under the board's expedited testing policy) who score at least proficient when determining whether or not AYP has been made in that content area. <u>Students taking a test under the expedited testing policy are administered a test composed of different items from the previous administration. Each test is aligned with and scored against the same standards set for the end of the student's grade level or course.</u></p>