

**Virginia Department of Education  
APPEAL BY SCHOOL DIVISION OF ITS  
AYP ACCOUNTABILITY DECISION  
FOR SCHOOL YEAR 2008-2009**

**Based on Standards of Learning Tests Administered  
During School Year 2007-2008**

Based on approval by the United States Department of Education, school divisions will be identified for improvement if they miss AYP for two consecutive years in the same subject area across all grade spans. School divisions that have one data point toward division improvement will be advanced, if warranted.

The following policies and procedures shall apply to all appeals made by local school divisions.

A **school division** appeals directly to the Virginia Department of Education (VDOE) concerning its AYP accountability decision.

1. An appeal is limited to the following circumstances:

- When a school division believes that an error or omission was made in reporting the number of enrolled students or the designation of less than a 95 percent participation rate.
- When a school division believes that an error or omission occurred in the calculation of the passing rate, such as a failure to calculate safe harbor or a failure to consider a three-year cumulative pass rate.
- When a school division believes that the demographic information associated with the test scores is in error.
- When a school division believes that there was an omission of other information or data necessary for the determination of Adequate Yearly Progress.
- When a school division can document that it did not make AYP because its failure to meet the annual measurable objective in the other academic indicator (graduation rate, attendance rate, or student performance on science assessments) or make progress in that indicator is due to another verifiable, substantive reason.

2. Time period for appeals for claims of errors in scoring or reporting of data:

- The division superintendent is the person designated for filing any appeal made by a local school division.
- The school division should ensure appropriate record changes, if any, have been made before submitting an appeal. The Department of Education has sent instructions for online record changes to the division director of testing (DDOT).

- The Virginia Department of Education must receive appeals filed by the division superintendent within **15 business days** of the school receiving official notice of its AYP accountability decision or no later than **September 26, 2008**. Send the appeal packets to:

Virginia Department of Education  
Office of Program Administration and Accountability  
Attention: Becky Marable  
P.O. Box 2120  
Richmond, Virginia 23218-2120

- Submit six packets (an original and five copies) per school appeal. Include as the first document in each packet a copy of the appropriate school's AYP report. Highlight relevant data that would enhance the review of any of the documents submitted.

3. Review of information and data related to the appeal:

- The school division assumes the burden to demonstrate through supporting evidence that an error has occurred as a basis for appeal.
- In preparing a response to an appeal, the VDOE will audit data relative to the AYP accountability decision. The state reserves the right to investigate any irregularities that are identified in the process of reviewing information related to the appeal. The VDOE will designate the information to be used to review an appeal on a case-by-case basis.
- Results of the VDOE's review of the appeal will be provided to the division superintendent in writing within 15 business days of receipt of the appeal. If a site visit is required as a part of the review, notification will be made within 15 business days of the visit.
- The determination made by the VDOE shall be final.