

# 2007-08 AYP POLICY AND TECHNICAL MANUAL

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- P. 6: Graduation: High Schools and Schools with Grade 12**  
"If the minimum student count of 40 is met, ...."  
Correction to minimum student count
- P. 12: Table 4 Minimum Cell Sizes for Inclusion in Accountability**  
Attendance – Add "on the first school day in May"  
Graduation – Add "on the first school day in May"
- P. 16: Table 7 Non-Participants Identified by Test Administration Codes**  
Administration Code 6 – Add "Out-of-State" to Definition
- P. 17: Table 8 Margins of Error for Selected Numbers of Tests**  
Margin of Error adjusted from .25 to .24 due to changes in Academic Performance Targets
- P. 32: Table 11 Comparison of AYP and Report Card Data Sources and Definitions**  
Academic Assessments – 2007-2008 School and District Report Card Definitions – "Student test scores from extended assessments are not included."

## Revisions Version 1.2

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| <b>Appendix A:</b> | OAR AYP Substantive Appeal – 581-022-1065             | P. 39 |
| <b>Appendix B:</b> | 1% Cap on Alternative Assessments Notice to Districts | P. 41 |
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## **I. Introduction**

### **What is Adequate Yearly Progress?**

The No Child Left Behind Act of 2001 (NCLB, Public Law 107–110) requires the state of Oregon to annually determine whether schools, districts, and the state have made adequate yearly progress (AYP) toward the goal of having all students meet rigorous state academic standards by the 2013-2014 school year. Each year, the performance of all students in the school, district, and state as well as demographic subgroups of students, is measured using the Oregon State Assessment Test (OSAT) and the results are compared against annual performance targets.

At the school level, if the school as a whole and all demographic subgroups meet the statewide participation and academic achievement targets in English/Language Arts and Mathematics, and the school meets the statewide target for either attendance (in elementary and middle schools) or graduation rates (for schools with grade 12), the school is designated as meeting AYP. The same requirements apply to each district and to the state.

If any subgroup of students or the student body as a whole in a school does not meet the targets, or does not make sufficient progress toward the targets, the school is designated as not meeting AYP. The same requirements apply to each district and to the state.

A requirement of the federal law is that all schools and districts, whether they receive Title I funding or not, must now receive AYP determinations. In addition, prescribed sanctions are applied to schools and districts that do not meet AYP if they are receiving Title I funds. Non-Title I schools are accountable for meeting AYP, although they are not subject to the sanctions outlined in NCLB.

### **Is AYP Something New?**

AYP is not a new concept. NCLB has simply changed some of the requirements. Since 1994, with the reauthorization of the Elementary and Secondary Education Act, districts have been required to determine the adequate yearly progress of their Title I schools through the use of a prescribed formula. When the first Oregon School and District Report Cards were issued in January 2000, a transition was made, and the overall rating on the report card was used to determine AYP for Title I schools. Schools receiving ratings of Satisfactory, Strong, or Exceptional overall on the school report cards were designated as having met adequate yearly progress. The report cards distributed in January 2000, 2001, and 2002 were used to measure AYP for Title I schools.

With the passage of NCLB and the prescription of common principles for determining AYP in schools throughout the nation, the Oregon School and District Report Cards can no longer be used to determine AYP. The last AYP rating that was based on the Oregon School and District Report Cards was issued in January 2002. The report card ratings issued to districts and schools since January 2003 have no bearing on AYP. Schools have “held” their 2002 rating since January 2002, and the new AYP designation, distributed in November 2003, continues the AYP cycle for schools and districts.

### **What does it mean to say a school or district does not meet AYP this year?**

A school or district that does not meet AYP should not be labeled as failing. The designation of not meeting AYP signals that, based on a number of indicators, the school or district is not on track for meeting the national goals for student achievement by the target year of 2014. The school or district as a whole may have strong academic performance, but the designation may be based on a single factor or a single subgroup.

### **What happens if schools or districts do not meet AYP?**

Under NCLB, schools and districts that are designated as not meeting AYP in the first year face no sanctions. Sanctions begin at the end of the second year for Title I schools or districts that are designated as not meeting AYP for the second consecutive year in the same area (i.e. English/language arts, mathematics, or

other indicator). Consequences outlined in NCLB progress with each year's designation of not meeting AYP and range from offering school choice to restructuring of the school or district. Section XI (page 24) provides a description of sanctions for Title I schools and districts.

If a Title I school or district identified for sanctions meets AYP in a subsequent year in the area that caused the identification, that school or district stays at the previous year's sanctions level. If that same school or district meets AYP for a second consecutive year in the area that caused the school or district to be identified for improvement, that school or district is no longer identified for improvement.

Even though mandatory consequences contained in the No Child Left Behind Act do not apply to schools not receiving Title I funds, all schools are expected to help all students reach state standards. The Oregon Department of Education is developing policy and processes for assisting schools not receiving federal Title I funds and not meeting Adequate Yearly Progress. These policies and processes will include assistance in revising their school and district improvement plans to address targets identified in the AYP analysis.

## **Are there any changes in determining AYP for 2007-08?**

Changes for AYP determinations for this year include:

- **Changes in Academic Status and AYP determination**

Schools and districts can meet AYP based on the current year alone or an average of two years. Specifically:

- ODE will calculate AYP for the overall school/district for each subgroup first based on an average of two years of data when there are a sufficient number of tests. If two years of data does not provide a sufficient number of tests for the overall school/district, ODE will use up to four years of data.
- In addition, if an overall school/district or subgroup is determined to have in the current year a minimum of 21 scores, and does not meet AYP via the 2 or 4 year average years, ODE will calculate AYP based on the most recent year of test data. However, in these circumstances, ODE will use the margin of error established for the two years of data to ensure that the rigor of AYP determinations is not reduced.

- **Changes in Academic Performance Targets**

- For any school or subgroup within a school to be designated as meeting AYP, the percentage of assessments in each content area meeting state standards plus the margin of error must exceed the state's academic target. All subgroups must meet the performance target of 60% for Reading and 59% for mathematics.

## Significant Events in AYP Determination Process

Date	Event
July 31	Preliminary school and district AYP designations with supporting data for preview on ODE district website
August 4	Public release of preliminary AYP designations on the ODE website
August 4-21	Requests by districts for AYP data reviews prior to final designation of AYP
August 25	Last date for changes to assessment test records and data collections Changes made after this date to these data elements will not be reflected in Final AYP determinations, Report Card or Assessment Group report results.
August 29	Requested AYP data reviews completed for all schools and districts and final list of schools and districts identified for improvement posted to public website
September 4	Final AYP details available to public on ODE website
October 1	District preview of 2007-08 school and district report cards, including final AYP designations and supporting detail sheets, on ODE district website
October 7	2007-08 school and district report cards, including final AYP designations and supporting detail sheets, available to public on ODE website

## II. Guiding Principles

The federal government established principles to be used in guiding the individual states in the development of their accountability systems. The guiding principles include the methods and means for determining AYP. These principles are summarized below.

1. **The accountability system includes all schools and districts in the state**, and holds them to the same criteria. All schools and districts receive timely information on AYP reports, and the system includes rewards and sanctions based on school or district performance.
2. **The accountability system includes all students**. All students are expected to participate in the statewide assessment system, and schools and districts are accountable for students who have been served for the majority of the school year.
3. **All students including subgroups are expected to make continuous and substantial growth so that all students are proficient on the state's academic standards by 2013-2014**. Schools, districts, and the state are accountable for having students meet the annual targets, including the students who are English language learners, students in poverty, and students with disabilities.
4. **Accountability is based primarily on academic assessments in reading and mathematics, and accountability also identifies additional measures, all of which are to be assessed annually**. In the accountability system, assessments measure student achievement of state content standards in reading and math. Additional factors of attendance or graduation rates will be included in the determination of AYP.
5. **The accountability system is valid and reliable** and produces reliable and valid decisions about whether a group of students, a school, or a district meets AYP. These decisions include provisions for allowing for changes in a school's population and also protection of student confidentiality.

These principles are among the 10 used by the U.S. Department of Education in developing the Consolidated State Application Accountability Workbook used by each of the states in applying for federal approval of accountability plans. The 10 are embedded in the workbook and can be found in Oregon's submission at: <http://www.ode.state.or.us/search/page/?id=218>.

### III. Data Sources

#### Academic Indicators: Academic Achievement and Participation

NCLB requires that states establish academic achievement targets. The determination of AYP for all schools and districts in the state is required by law to be based on assessments in English/language arts and mathematics. The statewide assessments listed in Table 1 are used in determining school, district, and state performance relative to the academic targets and school participation requirements of No Child Left Behind.

**Table 1 Academic Indicators: Academic Achievement and Participation**

Assessment	Assessed Grade Levels By School Year		For Small Schools and Districts If Additional Data is Necessary	
	2007-2008 <sup>1</sup>	2006-2007 <sup>1</sup>	2005-2006 <sup>1</sup>	2004-2005 <sup>1</sup>
Reading Knowledge and Skills	3-8 & 10	3-8 & 10	3, 5, 8, & 10	3, 5, 8, & 10
Math Knowledge and Skills	3-8 & 10	3-8 & 10	3, 5, 8, & 10	3, 5, 8, & 10

<sup>1</sup> The scores of students enrolled in grade 10 who took and passed the High School level test the previous school year or targeted up and passed the test as an 8th grade student and did not test again in grade 10 are included.

#### Other Academic Indicators: Attendance and Graduation Rates

Under NCLB, the other required academic indicator for determining AYP for districts and schools with grade 12 is the graduation rate. For all other schools and districts, Oregon selected attendance as the other indicator. Table 2 Other Academic Indicators: Attendance and Graduation Rates identify the data sources. States are required to establish targets for the other academic indicators used to determine whether a school or district has met adequate yearly progress, but the targets for the other indicators are not required to increase over time.

**Table 2 Other Academic Indicators: Attendance and Graduation Rates**

Indicator	Data Source	Contact
Attendance in elementary and middle schools	Annual ADM Collection	Joy Blackwell 503-947-5767 <a href="mailto:joy.blackwell@ode.state.or.us">joy.blackwell@ode.state.or.us</a>
Graduation rate in high schools and schools with grade 12	Early Leavers Collection High School Completers Collection	Linda Burgin 503-947-5878 <a href="mailto:linda.burgin@ode.state.or.us">linda.burgin@ode.state.or.us</a>

Please note that graduation rates are based on data for school years 2005-06 and 2006-07. Data for 2007-08 are not available until March 2009.

### IV. Data Definitions: AYP Indicators

#### Participation in Statewide Assessments

Student participation on statewide assessments is calculated as the number of valid test scores from all students enrolled in the school on the first school day in May for whom public funds are expended divided by the expected number of tests from students enrolled on the first school day in May minus the number of students without test scores that were not enrolled or had a medical emergency during the testing window(s)

for the assessment minus the number of records from students Home Schooled or Foreign Exchange students.

The participation indicator for schools subtracts from the denominator records for students participating in district special education programs, while the district participation indicator includes these students.

For English Language Arts (ELA) reported in AYP, the Limited English Proficient (LEP) students in their first year of their LEP program are not required to participate in the Reading test if they have taken the English Language Proficiency Assessment provided (ELPA) by the State. These students will have their ELPA test credit toward the participation of Reading test. First year LEP students without an ELPA test will be considered a non-participant if no other Reading test exists. (See ELA participation example below.)

### **MATH Participation Calculation Example**

For example, a school has 74 valid scores for third grade students enrolled on the first school day in May and all of whom are supported by public funds. They reported 84 total students enrolled on the first school day in May. Of those 84 students, 3 were not enrolled during the testing window and one had a medical emergency during the testing window. Two additional students are enrolled in the school as third graders but are served by the district's special education program.

This would result in a 94.8% participation rate through the following calculation:

$$\frac{74 \text{ valid scores}}{84 \text{ students} - 3 \text{ new students} - 1 \text{ medical emergency} - 2 \text{ students in district special education}} = 94.8\%$$

### **ELA Participation Calculation Example**

For example, a school has 74 valid scores for third grade students enrolled on the first school day in May and all of whom are supported by public funds. They reported 84 total students enrolled on the first school day in May. Of those 84 students, 4 were beginning first-year LEP students without a reading test but 3 had taken the ELPA. Another 3 of the 84 students were not enrolled during the testing window and one had a medical emergency during the testing window. Two additional students are enrolled in the school as third graders but are served by the district's special education program.

This would result in a 94.8% participation rate through the following calculation:

$$\frac{74 \text{ valid scores} + 3 \text{ Beginning LEP students each with ELPA test and without Reading test}}{84 \text{ students (including 4 Beginning LEP students )} - 3 \text{ new students} - 1 \text{ medical emergency} - 2 \text{ students in district special education}} = 98.7\%$$

Students who do not answer enough questions to arrive at a valid score will be counted as non-participants. Statistical analysis and expert evaluation indicates that valid scores can be assigned for all TESA tests with 5 or more responses and all paper and pencil tests with 10 or more responses. Students submitting tests meeting the minimum response counts will be included as participants. Those with fewer answers will be counted as non-participants.

Students who take an assessment at a higher grade level than their enrolled grade (target-up) will count as participants for the purposes of AYP calculations (and therefore Report Cards). In the case of students enrolled in 8<sup>th</sup> grade, however, the student must take the 8<sup>th</sup> grade test which would be included in accountability reports for the current year to be counted as a participant. Students in 8<sup>th</sup> grade may also take the High School level test and if they meet the standard, the score will be "banked" and will be included in

accountability reports when the student is enrolled in grade 10. In all cases, only the achievement levels associated with the grade level of the test will be used to determine whether students have met standard.

## Academic Achievement Status

Academic achievement status for schools and districts is calculated as the number of valid test scores meeting standard from students enrolled for a full academic year in the school or district on the first school day in May divided by the number of valid test scores from students enrolled for a full academic year in the school or district on the first school day in May.

Performance standards by test can be found at: <http://www.ode.state.or.us/search/results/?id=223>

- Scores from targeted up assessments are counted as Meeting the standard if the student's score meets or exceeds the benchmark standard for the assessment.
- Up to 1% of total test scores in the district used to determine AYP may be from extended assessments if the scores meet or exceed the alternate achievement standards adopted by the state.
- Beginning first year LEP students are excluded from the calculation of Academic Status.

## Attendance: Elementary and Middle Schools, and Schools without Grade 12

The attendance for a school or district is the weighted average of enrollment multiplied by the attendance rate for each year. The attendance rate represents the percentage of students attending in grades 1-12 and is calculated as the total number of days students are present divided by total number of days students are present plus total number of days students are absent.

Enrollment is the number of students in membership on the first school day in May. District special education students are included in the calculation of district, but not school, attendance rate.

For example, a school reported 431 students enrolled in one year with an attendance rate of 89%. For a second year, the school reported 481 students enrolled with an attendance rate of 93%. This would result in an attendance figure of 91.1% through the following calculation. Because of the higher enrollment the second year, the weighted average is higher than the average of the two attendance rates.

$$\frac{431 * .89 + 481 * .93}{431 + 481} = 91.1\%$$

## Graduation: High Schools and Schools with Grade 12

If the combined student count meets the minimum (enrollment of 84 over the 2 most recent years), then graduation rate is used as the other academic indicator for schools serving 12th grade. The combined graduation rate is calculated as the weighted average of enrollment times the graduation rate for each year. (The graduation rate equals graduates divided by graduates + dropouts.)

In this case, if a school issues 256 regular diplomas one year with an enrollment of 1220 grades 9 through 12 and 277 regular diplomas the next with an enrollment of 1236 grades 9 through 12 and has 18 dropouts the first year and 12 the second, the following calculation would result in a graduation rate of 94.65%.

$$\frac{1220 * \left( \frac{256}{256 + 18} \right) + 1236 * \left( \frac{277}{277 + 12} \right)}{1220 + 1236} = 94.65\%$$

## Who are graduates

- Students are counted as graduates if they receive a regular high school diploma, including an adult high school diploma. The Oregon high school diploma requires at least 22 credits to earn.

## Who are not graduates

- Students are not counted as graduates if they receive modified diplomas based on completion of a special education individualized education program (IEP).
- Students are not counted as graduates if they receive credentials that require less than 22 credits to earn.
- Students are not counted as graduates if they finish their senior year without receiving any credentials.
- Students are not counted as graduates if they pass a Test of General Educational Development to earn a General Education Development (GED) certificate.

Oregon's definition of graduates meets the requirements of the U.S. Department of Education for calculating a graduation rate.

Enrollment is the number of students in membership in grades 9 –12 on October 1. Net enrollment is used for alternative and charter schools.

**Dropouts** are students who were enrolled during the current school year and have withdrawn from school, or were enrolled in the previous school year but not in the current school year, and **did not** meet any of these conditions:

- Transferred to another school that leads to graduation.
- Moved, and enrollment is verified by contact with the student's new school.
- Received a high school diploma issued by a school district.
- Received a modified diploma based on completion of an IEP.
- Received home instruction paid for by the district.
- Temporarily absent because of suspension, long-term illness, or family emergency.
- Enrolled in an approved, district-sponsored alternative education program.
- Enrolled in a foreign exchange program.
- Moved out of the United States and enrollment status is unknown.
- Enrolled in an adult high school diploma program sponsored by the district.
- In protective custody and the location of the student is not legally available.
- Placed in a corrections facility, substance abuse facility, or mental health facility, or a CSD certified shelter care program, or legally deported.
- Deceased.
- Withdrew to be taught at home by a parent or private tutor and registered with the Education Service District (ESD).
- Received an adult high school diploma at a community college.
- Received a GED certificate.

**Please note: A student who has withdrawn from school and who meets any one of the conditions above is not classified as a dropout.**

The following special cases constitute dropping out. This is a list of the most common cases and does not describe every circumstance of dropping out.

- Left school without notice and cannot be located.
- Withdrew from a district-sponsored alternative program.
- Moved with a migrant family and is not known to be in school.

- Moved to another district or state and is not known to be in school.
- Suspended or expelled and did not return to school when scheduled to.
- Expelled and did not enroll in the alternative education program that was offered.
- Reported for active duty in military service before receiving a high school diploma or GED.
- Withdrew for home schooling and did not register with the ESD.
- Was sent back from home schooling by the ESD and did not re-enroll.
- Withdrew near the end of the school year before full credit for classes was awarded.
- Withdrew from a GED program without earning a GED.
- Received a certificate of completion based on completion of an IEP.
- Enrolled independently in an alternative education program.
- Enrolled independently in a community college without having received a high school diploma.
- Was released from compulsory attendance and did not stay in school.
- Received a completion credential requiring less than 22 credits to earn.

A dropout is defined by Oregon Revised Statute ORS 339.505. This definition of dropout is consistent with the definition used by the National Center for Education Statistics and is calculated following the regular definitions published by the Oregon Department of Education. For further information on dropouts in Oregon, see <http://www.ode.state.or.us/search/page/?id=1>.

## V. Data Definitions: Demographic Subgroups

### Identified Subgroups

Under NCLB, students are included in non-exclusive subgroups for determining AYP. The subgroups are: (1) students with disabilities, (2) students determined to be Limited English Proficient, (3) students from economically disadvantaged families, and (4) the student membership in major racial/ethnic groups in the state (i.e. white, black, Hispanic, Asian/Pacific islander, American Indian/Alaskan native, and multi-racial/multi-ethnic).

### Group and Subgroup Membership Definitions

#### All Students

The All Students group includes all students enrolled in the school or district on the first school day in May except the following:

- home schooled, tuitioned, or foreign exchange students,
- students enrolled in private alternative programs that are not receiving instruction in core academic content areas assessed by the state assessments,
- students identified by the school or district as transferring in without a test score after the testing window has closed, or
- (for schools) students enrolled in district special education programs.

#### Students with Disabilities

The students with disabilities group includes all students served at any time during the school year by special education programs in which students are instructed and monitored based on decisions defined by Individualized Education Programs (IEP).

## Limited English Proficient

Included in the Limited English Proficient group is any student who is identified by the district in the NCLB Limited English Proficiency collection as either:

1. Limited English Proficient (LEP), an individual who:
  - is aged 3 through 21;
  - is enrolled or preparing to enroll in an elementary school or secondary school;
  - was not born in the United States or whose native language is a language other than English;
  - is a Native American or Alaska Native, or a native resident of the outlying areas; and
  - comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
  - is migratory, whose native language is a language other than English, and
  - comes from an environment where a language other than English is dominant; and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:
    - the ability to meet the State's proficient level of achievement on State assessments (described in section 1111(b)(3) of the No Child Left Behind Act);
    - the ability to successfully achieve in classrooms where the language of instruction is English; or
    - the opportunity to participate fully in society.

or

2. Former LEP students (see Memorandum No. 010-2006-07) who are identified as exiting an LEP program in either of the two previous school years. Beginning with reporting for 2006-07, these students may only be included in the LEP subgroup only for AYP reporting.

See **Table 13** for LEP Subgroup Definitions and technical business rules.

## Economically Disadvantaged

The eligibility application for free and reduced price meal programs will be used to determine membership in this subgroup. Students eligible for free and reduced price lunch are identified by the district in the Spring Membership Collection. For further information about the use of free and reduced price meal data for this purpose, please see [https://district.ode.state.or.us/docs/datacollect/2003\\_04/](https://district.ode.state.or.us/docs/datacollect/2003_04/). Schools and districts that do not administer school lunch programs may identify economically disadvantaged students by other means.

## Race/Ethnicity

Race/ethnicity is classified into one of six categories:

- American Indian/Alaskan native: A student having origins in any of the original peoples of North America,
- Asian/Pacific islander: A student having origins in any of the original peoples of the Far East, Southeast Asia, the Pacific islands, or the Indian subcontinent,
- black (not of Hispanic origin): A student having origins in any of the black racial groups of Africa
- Hispanic origin: A student of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race,
- White (not of Hispanic origin): A student having origins in any of the original peoples of Europe, North Africa, or the Middle East, or
- Multi-racial/multi-ethnic: A student having origins in more than one race or ethnicity.

Please note that students whose ethnicity is not identified by the district are not included in any ethnicity subgroup calculations for the AYP determination.

## Data Sources for Subgroup Membership

Subgroup membership information is collected from a number of data sources as described below and outlined in Table 3.

### Academic Achievement

Academic Achievement data are flagged from the following sources:

- Students with disabilities are identified based on district pre-coding of student assessment answer sheets and/or the SSID file indicating special education program participation and/or the special education program flag in the Spring Membership Collection.
- Limited English Proficient students are identified in the NCLB English Language Proficiency Collection as:
  - served by an LEP program and have not scored proficient on a district assessment of English Language Proficiency or
  - have reached proficiency in English and exited an ELL program within the previous two academic years (see *Executive Numbered Memorandum 010-2006-07*).
- Economically disadvantaged students are students identified by the district as eligible for free or reduced price lunch in the Spring Membership Collection. In schools and districts that do not administer school lunch programs, students may be identified as economically disadvantaged by other means.
- Race/ethnicity is based on ethnicity information in the SSID file.

### Attendance

Attendance data by subgroup membership is collected from districts and schools through the Annual Average Daily Membership (ADM) Collection. Economically disadvantaged students are identified using the Spring Membership Collection and Limited English Proficient students are identified using the NCLB English Proficiency Collection.

### Enrollment and Graduation

Subgroup membership for enrollment is collected from Fall Membership in conjunction with the High School Completers and Early Leavers collections when reporting Graduates.

**Table 3 Subgroup Membership**

Subgroup	Enrollment	Graduates	Dropouts
All Students	Fall Membership	High School Completers	Early Leavers
Economically Disadvantaged	Spring Membership applied to collection shown above		
Limited English Proficient	NCLB English Language Proficiency applied to collection shown above		
Students with Disabilities	SECC ChildCount, Special Ed Child Find, and Special Ed Exit Collections applied to collections shown above.		
Ethnicity	Fall Membership	High School Completers	Early Leavers

### Full Academic Year

In Oregon, the term “full academic year” describes enrollment in a school or district for more than one-half of the instructional days in the school or district prior to the first school day in May. This definition does not require that enrollment be continuous nor do the enrolled days have to be consecutive. Enrollment may be part time or full time.

Districts identify all students enrolled in the school and district on the first school day in May through the Spring Membership Collection. In this collection, the district or school also identifies those students enrolled on the first school day in May who have been enrolled for a full academic year. Scores from all students enrolled on the first school day in May are included in determining school and district AYP participation rates. Only the scores of those students enrolled in the school or district on the first school day in May and for a full academic year are included in determining student academic achievement status.

## **District Special Education Programs**

In the Spring Membership Collection, districts identify students enrolled in schools but served in district-wide special education programs. The assessment results and attendance for students served by district special education programs are excluded from calculations determining a school's AYP status. The district remains accountable for the attendance and performance of these students and the scores are included in the district's AYP determination.

Students with disabilities who are instructed in a general education setting, regular classroom, and/or resource room, for 40% of their time or more are included in the school AYP reports with other students in the same grade, class, and school. These are students reported on the December Special Education Child Count (SECC) in the special education federal placement categories of:

- "instruction in regular classes" (including special education and related services instruction and support provided in a resource room for less than 21% of the student's instructional day) [Federal Placement Code = 30] or
- "instruction in regular class, with resource room support" (including special education and related services instruction and support provided in a resource room environment for 21-60% of the student's instructional day) [Federal Placement Code = 31].

Students with disabilities who are instructed in a general education classroom for less than 40% of their time will be included only in district level AYP reports where the district is the district of residence. These are students who are reported in one of the district special education placements (Federal Placement Code = 32 or higher). These include separate class placements in which students are served more than 60% of their school day away from the general education classroom environment, special schools including public and private residential and day placements, hospitals and institutions, and homebound (not home-schooled) placements.

## **Minimum Cell Size for Accountability Purposes**

In order to be certain that AYP determinations are valid and reliable, a minimum cell size (minimum n) has been established by the state. The minimum cell size for each indicator is listed in Table 4. To calculate a school or district cell size, use the data from the past two school years and combine results from all included tests in the school or district.

**Table 4 Minimum Cell Sizes for Inclusion in Accountability**

AYP Decision	Minimum Cell Size (Minimum n) Required
Participation: English/language arts and mathematics	40 expected tests from benchmark grades = All required tests for all benchmark grades combined for the two most recent years combined
Academic Achievement: English language arts and mathematics	42 tests from benchmark grades = All tests for all benchmark grades combined for the two most recent years combined  Or  21 tests from benchmark grades = All tests for all benchmark grades combined for the most recent test data (See policy change listed in "Are there any changes in determining AYP for 2007-08?" section on page 2.)
Attendance	84 students enrolled on the first school day in May in grades 1 – 12 during the two most recent years combined
Graduation	84 students enrolled on the first school day in May in grades 9 – 12 during the two most recent years combined

For schools and districts that do not meet the minimum n of 42 tests in each content area in the two most current years, ODE will “look back” and include assessment results from the two years prior to the two most current years. After the release of preliminary AYP designations in August, the Department will work with very small schools and districts for which there are insufficient data to produce a final AYP designation. It will be necessary to identify additional assessment results from tests that are aligned with Oregon’s academic standards in English/language arts and mathematics, as well as other data, to calculate a valid AYP designation. Districts are required to also submit additional data for schools that do not enroll students at grades in which Oregon Statewide Assessments are administered.

In the case of very small schools and districts in which four years of data for grades 9 -12 does not produce a minimum cell size of 84 students for the graduation indicator attendance data will be used and the attendance indicator will replace the graduation indicator.

Please see section X. Special Situations for more information relating to small schools and districts.

## VI. AYP Calculations and Determinations

### Statewide Targets for All Schools and Districts

The school or district as a whole must meet each indicator target for the school or district to be designated as meeting AYP, except as noted. In each subject, a total of 42 test scores from the two most recent years combined is required to make the determination of AYP. Schools and districts with fewer than 42 test scores or fewer than a total of 84 students enrolled during the two most recent years combined will require additional data in order to determine their AYP designations. Table 6 presents a summary of all of the indicators used to determine a school or district’s AYP status.

### Participation

For any school or subgroup within a school to be designated as meeting AYP, the school participation in statewide assessments must be 95% or greater. If the participation rate falls below the 95% level for the school as a whole or for any subgroup the school is designated as not meeting AYP. Districts, schools, and disaggregated groups may meet the participation target if the participation rate in either the most current year

exceeds the state target or if the combined (current year and prior year) participation rate exceeds the state target. These same requirements apply when determining if a district or the state meet AYP.

## Academic Status Indicators

To meet the requirements of the NCLB, Oregon set the statewide baseline for determining AYP as the percentage of students at the 20th percentile who were meeting or exceeding state standards. Data from the 2000-01 and 2001-02 statewide assessments were combined across grade levels and used to determine the baseline. For 2007-08 AYP determinations:

- The single English/language arts target for all schools in the state and also all subgroups is 60% of test scores meeting or exceeding standards. Statewide assessments in Reading Knowledge and Skills is used to measure the progress toward this goal.
- The single mathematics target for all schools in the state and also all subgroups is 59% of test scores meeting or exceeding standards. Statewide assessments in Math Knowledge and Skills is used to measure the progress toward this goal.

With the establishment of the goal that all students nationwide will meet or exceed academic standards in the 2013-14 academic year as measured by statewide assessments, each state was required by federal law to set annual targets for the percentage of students meeting or exceeding state academic performance standards. The targets are required to increase over time and at equal intervals, but not necessarily to increase annually. The annual academic targets for all Oregon schools are listed in Table 5 by content area and school year.

**Table 5 Academic Performance Targets**

School Year	English/ Language Arts	Mathematics	School Year	English/ Language Arts	Mathematics
2002-03	40%	39%	2008-09	60%	59%
2003-04	40%	39%	2009-10	60%	59%
2004-05	50%	49%	2010-11	70%	70%
2005-06	50%	49%	2011-12	80%	80%
2006-07	50%	49%	2012-13	90%	90%
2007-08	60%	59%	2013-14	100%	100%

## Statewide Academic Status Targets for All Schools

The school or district and all subgroups must have the target percentage of students meeting or exceeding the standards to be designated as meeting AYP. The same requirements apply to the district and the state.

## Academic Growth: Safe Harbor

Schools and districts that do not meet the academic status targets may qualify as meeting AYP under another provision of the NCLB law called safe harbor. Using safe harbor, a school or district or any subgroup that reduces its percentage of student test scores not meeting the standards by 10% or more, from the prior year to the current year, will be designated as meeting AYP, as long as the school, district, or subgroup also meets the target for the other academic indicator of graduation or attendance and the participation target.

## Other Academic Indicators: Attendance and Graduation

States are required to establish targets for the other academic indicators used to determine whether a school has met adequate yearly progress. NCLB requires states to include graduation in determining AYP for high schools. This is also the other academic indicator used to determine district AYP. Oregon selected

attendance as the other required indicator for elementary and middle schools. Under NCLB, states are not required to increase the targets for the other indicators over time. In the future, Oregon will review statewide attendance and graduation rates and may adjust the targets for these other academic indicators.

- Attendance for elementary and middle schools: The attendance target is set at 92.0%. This target is equivalent to a student behavior rating of satisfactory on the current school and district report cards.
- Schools with grade 12: The graduation target is set at 68.1%. This is Oregon's historical statewide average of the percentage of 9th grade students receiving regular diplomas within four years.

Note that graduation data are from 2005-2006 and 2006-2007. Data for 2007-2008 are not available until March 2009.

**Table 6 AYP Designation Indicators and Targets**

Indicator	NCLB Requirement	Oregon Target and Definition	Data Source
<b>Participation</b> in statewide assessments	95%	95% of all students in school, district, or state.  Number of valid test scores from all students enrolled in the school on the first school day in May divided by the expected number of tests from students enrolled on the first school day in May minus the number of students without test scores that were not enrolled during the testing window(s) for the assessment minus the number of records from students with administration code of 6 (Home Schooled/Foreign Exchange students)	Spring Membership Collection and OAKS results for 2007-2008 and 2006-2007
<b>Academic Status</b>	Baseline: 2000-2001 + 2001-2002 performance of students at the 20th percentile statewide	ELA 60% = Reading OAKS  Math 59% = Math OAKS  Number of test scores that meet or exceed state standards divided by number of test scores from students enrolled for a full academic year on the first school day in May	Spring Membership Collection and OAKS results for 2007-2008 and 2006-2007 from students enrolled for a full academic year
<b>Academic Growth</b>  (Required only if Academic Status target is not met.)	Safe Harbor	From prior year to current year, reduce by 10% the percentage of test scores not meeting standards.  The percentage of 2007-2008 test scores meeting standards compared to the percentage of 2006-2007 test scores meeting standards	Spring Membership Collection and OAKS results for 2007-2008 and 2006-2007 from students enrolled for a full academic year
<b>Attendance</b> for elementary and middle schools.  (Required for subgroups only if Academic Status target is not met.)	Other Academic Indicator	92.0% Equivalent to Satisfactory student behavior rating on Oregon School and District Report Cards.  Total days students in grades 1- 12 are present divided by total days present plus total days absent	Annual ADM collections for 2006-2007 and 2007-2008
<b>Graduation Rate</b> for schools with grade 12 and for districts.  (Required for subgroups only if Academic Status target is not met.)	Other Academic Indicator	68.1% Equivalent to percentage of Oregon 9th grade students who receive a regular diploma within 4 years.  Number of students graduating with a regular diploma divided by number of students graduating with a regular diploma plus number of dropouts in grades 9 – 12	Early Leavers and High School Completers surveys for 2005-2006 and 2006-2007*

\* Data for 2007-08 are not available for determining AYP for this indicator.

## How AYP is Determined for Schools, Districts, or the State

If the school as a whole (the group “all students”) meets

- the participation requirement,
- the yearly academic achievement targets in English/language arts and mathematics, and
- the target for other academic indicator of attendance (for schools without grade 12) or graduation rate (for schools with grade 12)

### AND

All subgroups of students meeting the minimum cell sizes meet the participation and yearly academic achievement targets in English/language arts and mathematics, the school is designated as meeting AYP.

If the school as a whole, or any subgroup of students, does not meet any one of the targets for any one indicator, the school is designated as not meeting AYP, unless the school or subgroup makes “safe harbor” as described below. These same requirements apply when determining if a district or the state met AYP.

### Participation Requirement

A student is expected to participate in all required state tests that assess the content areas in which the student received instruction paid for by public funds. This includes registered home schooled students, privately schooled students, tuitioned students, and any other students who are exempted from compulsory school attendance and who are attending public schools or programs part time including students receiving tutoring or small group instruction if the student’s education is paid for by public funds and the student received instruction provided by the district in the state content standards during the 2007-2008 school year.

For any school or subgroup within a school to be designated as meeting AYP, the school participation in statewide assessments must be 95% or greater. If the participation rate falls below the 95% level for the school as a whole or for any subgroup, the school is designated as not meeting AYP. These same requirements apply when determining if a district or the state meet AYP.

The AYP participation denominator is based on students enrolled on the first school day in May as identified in the Spring Membership Collection. A participation record is generated for each required test at the grade at which the student is enrolled and filled with the highest test score for the student. Records with an administration code of 6 (home schooled/foreign exchange student) are removed from the participation denominator. Any record without a valid test score that the district identifies in Student Staging as from a student enrolled on the first school day in May who was not enrolled during the testing window(s) (administration code of 8) or had a medical emergency (administration code of 9) will also be removed from the participation denominator. The records for students identified in the Participation Collection as enrolled in district special education programs are removed from the school’s participation denominator but retained for the district calculations.

Registered home schooled students, private school students, tuitioned students, and students attending public or private alternative programs who are not claimed by any district for ADM or did not receive instruction from the district in the state content standards during the 2007-08 school year are not required to be tested. Test scores or virtual records indicating non-participation from these students are excluded from district and school report card and AYP calculations by marking the student’s answer sheet or test record in Student Staging with Administration Code 6. Any student may request to participate in state tests. The scores of registered home schooled, private school students, or tuitioned students for whom any district does not claim or receive ADM are excluded from a district’s assessment, AYP, or report card calculations or reports when the student’s answer sheet or test record in Student Staging is marked with Administration Code 6. (See **Table 7** below for a list of Test Administration codes indicating non-participation.)

**Table 7 Non-Participants Identified by Test Administration Codes**

Administration Code	Definition	Participation Indicator	Academic Achievement Indicator
1	Absent (for an extended period of time) or Student Refusal = A student who is absent during the entire testing window and make-up testing period.	Non-participant	Not used
3	Modified – Language = A student who is non-literate in the language of the test and participates in the assessment under modified conditions.	Non-participant	Not used
5	Modified – Disability = A student with a disability who participates in the assessment under modified conditions.	Non-participant	Not used
6	Home Schooled Student/Foreign Exchange Student/Out-of-State	Not used	Not used
7	Parent Request = A student whose parents request that the student not participate in testing for religious or disability related reasons.	Non-participant	Not used
8	Not Enrolled During Test Window = A student without a valid test score that was enrolled on the first school day in May but not during the school's testing window.	Not used	Not used
9	Medical Emergency = A student who cannot take the State assessment during the entire testing window, including the make-up dates, because of a significant medical emergency.	Not used	Not used

## Valid Test Scores

Students who attempt but do not complete enough test items to yield a valid score (as described in *Inclusion Rules for Accountability Reports 2007-08*) will not be counted as participating. Among those not included as participants are those who initiate a test but complete fewer than 5 questions on a TESA examination or fewer than 10 questions on a paper and pencil examination. Students with incomplete extended assessments are also counted as non-participants. Students in any of these three conditions are not included in performance calculations. See **Table 15** for technical business rules of how to determine valid tests.

LEP students during their first year of enrollment in U.S. schools may, but are not required to, participate in the state's language arts assessments. These students are required to participate in the state's mathematics and science assessments. Those LEP students in their first year of enrollment in U.S. schools (enrolling after the first school day in May, 2007) who take an English Language Proficiency Assessment will be counted as participating in the reading and writing assessments. Additional technical details can be found on **Table 13** related to identifying LEP students who are in their first year.

## Margin of Error

In applying the principle that decisions designating AYP are valid and reliable, Oregon is among a number of states that include margin of error in determining whether a school met the annual targets. Other states have chosen not to use margin of error in their AYP calculations, instead increasing the minimum cell size necessary to make decisions about AYP. While either approach is statistically acceptable, the many small schools in Oregon make increasing the minimum cell size difficult as it would eliminate small subgroups of students in schools from AYP calculations and thereby eliminate these subgroups from school and district accountability. Using margin of error ensures that the final decision about whether a school or subgroup of students did not meet the academic status targets is statistically accurate with 99% confidence.

Given that the school and each subgroup of students returning 42 or more tests over two years must meet the state targets in both English/language arts and mathematics, a school may have to reach as many as 20 or more academic targets in order to be designated as meeting AYP. It is critical that each of these decisions be as reliable as possible. If a school or group of students in a school does not score within the margin of error of the target for the given size of the group, it is only then determined to not meet the achievement status target. For reporting purposes, the margin of error is added to the achievement status of the school or subgroup. If the “adjusted status” exceeds the state target, the school or subgroup is designated as meeting the achievement status target.

The margin of error is large for groups that barely surpass the minimum 42 tests required to determine AYP, and the margin of error is smaller as the number of tests increases. **Table 8** present examples of margins of error based on various numbers of tests returned.

**Table 8 Margins of Error for Selected Numbers of Tests**

Number of Tests (n)	Margin of Error*	Number of Tests (n)	Margin of Error*
42	24.91	500	7.22
100	16.14	600	6.59
200	11.41	700	6.10
300	9.32	800	5.71
400	8.07	900	5.38

\* The margins of error used are calculated as  $233 * \sqrt{\frac{0.24}{(n/2)}}$ .

### Academic Status Requirement

For any school or subgroup within a school to be designated as meeting AYP, the percentage of assessments in each content area meeting state standards plus the margin of error must exceed the state’s academic target. Schools and districts can meet AYP based on the current year alone or an average of two years. Specifically:

- ODE will calculate AYP for the overall school/district for each subgroup first based on an average of two years of data when there are a sufficient number of tests. If two years of data does not provide a sufficient number of tests for the overall school/district, ODE will use up to four years of data.
- In addition, if an overall school/district or subgroup is determined to have in the current year a minimum of 21 scores, and does not meet AYP via the 2 or 4 year average years, ODE will calculate AYP based on the most recent year of test data. However, in these circumstances, ODE will use the margin of error established for the two years of data to ensure that the rigor of AYP determinations is not reduced.

Only the scores from students enrolled for a full academic year in the school or district on the first school day in May are included when calculating academic status. If the school as a whole or any subgroup does not meet the academic target in either area, the school is designated as not meeting AYP.

Students are offered multiple attempts at a single test in English/language arts and mathematics during the school year. For students enrolled in grades 3-8 with multiple scores for a single test during a school year, the highest score will be credited to the school and district where the student was enrolled on the first school day in May, even if the score was earned in another school and district.

For students enrolled at grade 10 with multiple scores for a test during the school year, with scores that meet the standard on tests administered during the prior school year, or with scores that meet the standard on a

High School Level test taken as an 8th grader two years prior to the current school year, the highest score will be credited to the school and district where the student was enrolled on the first school day in May, even if the score was earned in another school and district.

Extended assessment results meeting the alternative achievement standards can represent no more than 1% of the tests meeting the standard at the district level under Title I final regulations section 200.13 as amended December 9, 2003. Any proficient scores above the 1% cap must be reclassified as non-proficient once the 1% cap is exceeded by a district. To accommodate small populations, reclassification of proficient test scores as non-proficient will not occur unless the number of test scores in the district meeting the alternative assessment standards exceeds four.

Assessment results of LEP students during their first year of enrollment in U.S. schools (enrolling after May 1, 2007) are not included in calculating academic status of a school or district.

Assessments offered by the state in a student's native language are considered standard administration, and eligible student scores meeting the performance standard count as meeting standard in AYP calculations. Eligible students, as defined in NCLB Section 1111(b)(3)(C)(ix-x) are students who 1) have been educated in the United States for three or fewer consecutive years and 2) have not yet reached a sufficient level of English language proficiency such that being tested in English would produce a valid and reliable score. After three years, a district may determine on a case-by-case basis whether a student has reached a level of English language proficiency sufficient to yield valid and reliable information on what the student knows and can do on the English or English/native language side-by-side version of the assessment. If district staff determines that an English only or side-by-side test will not return valid results, the student may continue to respond in his/her native language for up to an additional two years. For 2007-08, only Reading in Spanish is offered as a native language assessment included in AYP calculations:

These same criteria apply when determining if a district or the state meet AYP.

### **Academic Growth: Safe Harbor**

Schools and districts identified as not meeting the academic status target may qualify as meeting AYP under another provision of the NCLB law called safe harbor. Using safe harbor, a school or district or any subgroup that reduces its percentage of tests not meeting the standards by 10% or more from the prior year to the current year will be designated as meeting AYP, as long as the school, district, or subgroup also meets the target for the other academic indicator of graduation or attendance.

Safe harbor requires the following improvement:

- In English/language arts and mathematics, from the previous year to the current year, the percentage of test scores not meeting state academic performance standards must decrease by 10% or more from the previous year AND
- For attendance or graduation rates, the percentage is at or above the target for the two most recent years combined OR for the most current year only.

These same requirements apply when determining if a district or the state met AYP.

### **Other Academic Indicator Requirement: Attendance or Graduation**

To meet the target requirement for the other indicator, the attendance or graduation rate for the school as a whole or the district as a whole must be at or above the target percentage as a two-year average or at or above the target percentage in the most current year.

- For elementary and middle schools, at or above 92% attendance
- For high schools and schools with grade 12, at or above 68.1% for graduation

Both of these indicators may be met by the two-year weighted average or the rate for the most current year.

## **Calculation Rules**

The general rule for calculations and displays is to display calculated percentages one decimal place beyond the number of decimal places in the target. This provides for clear determination of whether a group met or did not meet a specific target.

### **Assessment Data**

Percentages are calculated from whole numbers and are not rounded during subsequent calculations or prior to comparisons with targets. Participation rates are rounded and displayed to the nearest whole number. Final academic performance decimals and percentages are rounded and displayed to two decimal places in reports. Academic targets are expressed as whole numbers, except the growth target, which varies by school and subgroup, is expressed to two decimal places.

### **Attendance and Graduation Data**

The calculation of attendance rates and graduation rates (including combined rates) is rounded and displayed to one decimal place and compared to the respective targets, which are expressed to one decimal place.

## **VII. Preliminary AYP Designations and Additional Data**

In order to comply with NCLB requirements, the public release of preliminary designation of AYP for the 2007-2008 school year is scheduled for August 4, 2008. Districts may request a review of the preliminary determination for the district or any of its schools by providing additional data as outlined in the law. For the AYP designation for the 2007-08 school year, schools and districts will provide this information during the review period August 4-August 21, 2008.

### **Preliminary AYP Preview**

Prior to the official release of Preliminary AYP data and designations, there will be a three-day period when schools and districts will be given a courtesy preview of their preliminary AYP data and designations. During this short preview period, corrections to data will only be made if there is an error on the part of the Department. Requests to suppress public release of a school or district AYP information will not be considered.

### **Title I Targeted Assistance Programs**

Under NCLB, districts may choose to evaluate only the progress of students served in Title I-A Targeted Assistance programs to determine if a school met AYP. In the case of Title I schools operating Targeted Assistance programs, schools may elect to include only students served by those programs, unless such review determines that by applying the targeted assistance rule, the school or subgroup is removed from the statewide accountability system due to lack of minimum cell size or other exclusions.

During the review period after preliminary AYP designations, districts may request recalculation of AYP based on tests from students served by a targeted assistance program for any categories in which the school did not make AYP in the preliminary designation. Recalculations will only be made for a category in which the minimum cell size (minimum n) is maintained. Students served by Title I-A Targeted Assistance Programs are identified using the Title I flag in the Spring Membership Collection.

### **Schools with Insufficient Data**

During the August 4-21 review period, the Department will work with schools and districts for which there are insufficient data to produce a final AYP designation. It will be necessary to identify additional assessment results from tests that are aligned with Oregon's academic standards in English/language arts and mathematics, as well as other data, to calculate a valid AYP designation. Districts may also submit additional data for schools that do not enroll students at grades in which Oregon Statewide Assessments are administered. Please see section X. Special Situations for more information.

## **Compliance with the 1% Cap on Alternative Assessments**

Prior to August 25, the Department will work with districts to come into compliance with Title I regulations related to inclusion of assessments of the alternate achievement standards in the determination of AYP (34 CFR 200.13). According to these regulations, the state must count as non-proficient the number of scores that meet the state's alternate assessment standards in excess of 1.0% of all student tests used to determine AYP. Students may meet the alternate achievement standards on extended assessments.

## **Reviewing Demographic Information**

Prior to August 25, the Oregon Department of Education provides districts with the opportunity to correct student demographic data and supply missing demographic data or test administration codes. Through Student Staging, districts have the opportunity to review and make corrections affecting the 2007-08 assessment results. During the review period, districts will also have access to student level collections for corrections.

Districts will not have the opportunity to correct assessment, enrollment, graduation, and attendance data used in the 2007-08 AYP determinations. This data was reported and validated by schools and districts in prior years. A district must file a substantive appeal no later than August 21, 2008 with the Department of Education if it believes a preliminary AYP designation for a school or district in 2007-08 is inaccurate due to uncorrected errors.

## **VIII. Final AYP Designation**

After processing requests for review, and, where appropriate, re-determining of the percentage of students meeting AYP indicators, the Oregon Department of Education will notify schools and districts of final AYP designations by August 25th. Final AYP designations are also reported on school and district report cards issued on October 7, 2008.

### **AYP and Report Card Preview**

Prior to the official release of the school and district report cards, there will be a three-day period when schools and districts will be given a courtesy preview of their final AYP data and Report Cards. During this short preview period, corrections to data will only be made if there is an error on the part of the Department. New requests for data reviews will not be accepted during the preview period.

### **Release of the Report Card with AYP Designations**

School and District report cards with final AYP designations and data reflective of any changes during the review period will be released on October 7, 2008. It is the policy of the Oregon Department of Education that report cards will not be reissued following the official release day, unless the Department was in error. If a data error is discovered after the official release day, then data will be corrected only for inclusion on future report cards.

## **IX. Relationship of NCLB to Oregon's School and District Report Cards**

The AYP designations and ratings on the annual school and district report cards are based on data similar to that of NCLB designations but are calculated in different ways. A comparison of the similarities and differences between AYP and Report Card can be valuable in explaining the two systems. An abbreviated description of the similarities and differences is presented in **Table 11**.

## **NCLB AYP Designations**

AYP designations indicate whether students in the school as a whole and subgroups of students met the annual academic achievement targets established by the state, with the goal of all students demonstrating proficiency on statewide assessments by the 2013-2014 school year. The AYP determination is based on two years of data, and the ratings categories are either met AYP or did not meet AYP, as required under the No Child Left Behind Act. Only test results of students enrolled in the school or district on the first school day in May and for the full academic year are included in performance calculations.

## **Report Card Ratings**

Report Card ratings, on the other hand, reflect whether a school as a whole has achieved at a satisfactory level and has made significant improvement in student academic achievement during the past four years. Schools receive an overall rating and component ratings in student performance, student behavior, improvement, and school characteristics. Unlike the AYP designation which is based on the percentage of test scores meeting the state's academic standards, the report card ratings recognize the progress of schools in increasing the number of students exceeding state standards over time, as well as reducing the number of students farthest from meeting academic standards. The school report card ratings are based on a five-point scale ranging from exceptional to unacceptable and meet the requirements of Oregon law. Only test results of students taking a standard administration of a test at or above grade level are included in performance calculations.

## **Comparison of Ratings**

AYP designations and report card ratings provide schools, parents, and communities with different views of schools and districts based on similar data. For schools, districts, and the state to meet AYP, all students as a whole and all demographic subgroups must meet performance targets in each content area, participation requirements, and targets for attendance or graduation. If any one group misses a single target in any one category, this results in a designation of not meeting AYP. In contrast, the report card overall rating is based on performance and improvement over time in all categories by students in the school as a whole, and the ratings in each separate category are combined for an overall rating. The report card operates under a compensatory system while the AYP determination is based on a conjunctive system of AYP determinations. That is, on the report card schools and districts receive ratings with high scores in some areas compensating for low scores in other areas. With AYP, any missed target results in a does not meet determination regardless of how well the school or district is doing on other targets.

## **Reporting of AYP and Non-AYP Data**

NCLB requires states, districts, and schools to report a variety of data in report cards that are disseminated to parents and available to the general public. In addition to the data that are used to determine the AYP status of a school, district, or the state, additional information about the safety of schools, the quality of the staff, the availability of technology, and data on how well English Language Learners are acquiring proficiency in English is to be disseminated.

Because much of this data is already required by Oregon legislation for school report cards, or supplements data already reported on school and district report cards, the Department produces a consolidated report card meeting both state and federal timelines and requirements.

## **X. Special Situations**

### **Accountability for All Student Results**

Districts in Oregon provide students with a wide variety of educational settings to address the unique learning needs of individual students. Consistent with the guiding principle that all students and schools are included in the state's accountability system, Oregon's accountability system includes measurement of the achievement of all students from these diverse settings, as well as through diverse assessment options.

All public schools that are open on the first school day in May, have resident students, and have operated for two or more years, including charter schools, alternative schools, state operated schools, and correction facilities in Oregon, receive AYP reports each year with AYP designations. An AYP report without an AYP designation will be issued to schools operating only in the current school year.

District-administered programs, as well as other public and private programs including Magnet/Special Programs, Special Education, and Career Technical Education Programs do not receive AYP reports based specifically on the students enrolled in their programs. Data generated by students enrolled in these programs is included in the resident school and/or district determination of AYP based on whether the school or the district initiated student placement in the program. The achievement of these students is also included in the determination of whether the state met AYP. The following link will provide more information about the definitions of schools and programs and how to distinguish between programs from schools:  
<http://www.ode.state.or.us/pubs/instlD/institutions-definitions-081506.pdf>

Students enrolled in private schools, home schooled students, tuition students, first year foreign exchange students, and students in private alternative programs not receiving instruction in core academic areas assessed by the Oregon Statewide Assessments are not included in the determination of AYP.

## **AYP Reports for New Schools**

New schools will receive AYP ratings when they have operated for two years. High schools may have two years of assessment data (from 2006-2007 and 2007-2008) but only one year of graduation data (from 2006-2007, the most current data available). If the school has not administered state assessments in the first two years of operation, AYP determinations will be made based on feeder patterns (see **Schools without Benchmark Grades** below) or on the results of local assessments aligned to state standards. Districts must provide data for any school that does not administer benchmark assessments for which there is no clear feeder pattern. Preliminary AYP designations will be issued in each of these cases, and the Oregon Department of Education will work with districts to ensure that final AYP determinations for these schools are valid based on the data supplied by the district.

Students enrolled in new or reconfigured schools will be included in the district's AYP determination during the first year of the schools' operation, but the school will not receive an AYP rating. Oregon Department of Education policy states that if the enrollment of a school changes by more than 40% due to boundary changes, consolidation of schools, or changes in benchmark grades in a school, it is considered a new school. Districts must request new school designations and provide supporting evidence for the designation prior to May 27, 2008. Directions for applying for a new school designation because of boundary changes can be found at: <http://www.ode.state.or.us/search/page/?id=677>

## **Very Small Schools and Districts**

A number of small schools and districts may not meet minimum cell size requirements for participation, assessments, and attendance or graduation, even after combining four years of data. In these cases, districts and schools will provide additional data during the review period in order to determine a final AYP designation.

For additional assessment data, schools or districts can submit:

- Two additional years OSA data or
- Local assessments that assess student achievement of state content standards and are reported on a scale aligned with the Oregon Statewide Assessments. The Oregon Department of Education will assist schools and districts in identifying local assessments that meet these criteria.

For additional graduation and attendance data, schools or districts can submit:

- two additional years of attendance or graduation data to reach the minimum cell size or
- data on other academic indicators approved by the Oregon Department of Education.

If the school or district is still unable to meet the minimum cell size after applying one of the options above, then the school or district may waive the minimum required cell sizes and request an AYP determination with the additional data included. In this circumstance, academic AYP targets will be based on the margin of error for 42 students.

Please note that AYP will be determined for any subgroups that meet the minimum cell size, after including additional assessments or years of data, by following the procedures described above. The additional assessment, attendance, or graduation data beyond the two most current years used to make an AYP determination for a school will not be used in determining the district's AYP designation unless needed to attain the minimum reliable cell size for the district.

Local assessment data must be received no later than the end of the review period. A spreadsheet for submitting data and accompanying directions can be found at:

<http://www.ode.state.or.us/search/page/?id=677>

### **Schools without Benchmark Grades**

The preliminary designation for the sending school will be the same preliminary designation as the single receiving school into which the largest group of students was promoted, as identified by the district.

During the review period, a district may request review of the preliminary AYP designation for the sending school using one of the alternatives listed below.

- The sending school's attendance plus the results of third grade assessments, of only the students sent to the receiving school by the sending school, may be used to determine AYP. The sending school may choose to limit the identified students to those who attended the sending school for a full academic year. K-2 Targeted Assistance Schools may also elect to look only at the third grade assessment results of students served by the sending school for any groups designated as not making AYP in the preliminary determination.
- For Kindergarten-only schools: The results of assessments of foundation skills in reading and mathematics that are administered locally and are aligned with the Oregon Statewide Content Standards and have pre-determined, standard passing levels may be used to determine AYP. The Department of Education will provide assistance to districts in identifying and determining which Kindergarten assessments meet these criteria.

For schools without a feeder-receiver pattern described above, local assessments that assess student achievement of state content standards and are reported on a scale aligned with the Oregon Statewide Assessments must be submitted by the district. The Oregon Department of Education will assist schools and districts in identifying local assessments that meet these criteria.

### **Other Substantive Reasons**

Per OAR 581-022-1065, substantive appeals for AYP designations will be considered when:

- the written request from the school district superintendent or the superintendent's designee is received at the Oregon Department of Education (ODE) within 18 calendar days of the public release of preliminary AYP reports;
- the school is determined to not meet AYP based on unique events that could not be predicted and/or controlled by the school or district; and
- the data issue contributing to the substantive appeal could not otherwise be remedied through district corrections of related data.

Substantive appeals will not be considered when based on:

- problems that could have been avoided based on correcting student level data during the validation window available for each data collection;

- challenges to state policy and rules, federal law, regulations or non-regulatory guidance or provisions described in the State's Accountability Workbook; or
- lack of knowledge of policies outlined in the AYP/Report Card manuals or the Assessment Administration Manual or numbered memos.

The Superintendent of Public Instruction will appoint a committee of at least eight members of the educational community to serve annually to review district requests for substantive appeals of school AYP determinations. The committee will review appeals based on:

- the district's description of the issue;
- the district's history related to the issue; and
- availability of alternatives to mitigate instances of the issue.

School districts must provide in a secure format, a data file containing individual student level data identified by Oregon's Secure Student Identifier (SSID) and a designation of each subgroup required for reports of AYP.

**Appeals are due to ODE no later than Thursday, August 21, 2008, 12:00 PM. The committee's decision regarding appeals will be final.** ODE will publish annually the list of approved appeals by November 15.

It should be acknowledged that an extraordinary school tragedy that occurs near or during a testing window (e.g., school fire, school shooting) could significantly impact the results of assessments, the participation rate, or the actual testing window. These extraordinary events will be evaluated by both the district and the Oregon Department of Education and considered on an individual basis.

Substantive appeals may be addressed to Cynthia Yee in the Office of Assessment and Information Services.

## **XI. Accountability for Schools and Districts Designated as Not Meeting AYP**

NCLB requires that a state must have a single accountability system and that the states hold schools and districts accountable for the academic achievement of their students. All schools, districts, and the state are accountable for meeting AYP each year. Mandatory consequences contained in the federal law apply only to schools that receive Title I funding. However, all schools and all districts not yet meeting Adequate Yearly Progress targets are expected to improve and school, district, and state plans will be revised to reflect the needs identified in the AYP analysis.

Title I of the No Child Left Behind Act provides funding on a per student basis based upon 2000 census percentages of low-income families in local districts. These funds must be targeted to schools with low-income students and are designed to provide supplemental services to students to assist them in meeting state academic standards. Schools receiving Title I funds and identified as not meeting Adequate Yearly Progress targets in all categories for the first time have one year to address the identified problems and to improve without intervention. The district may use its Title I and other federal funding sources to develop revised school and district improvement plans to address the targeted needs. In addition to Title I funds, districts receive federal funding under the No Child Left Behind Act for:

- professional development, enhancing teacher quality, and improving the use of technology (Title II),
- improving services to students with limited English skills (Title III), and
- development of innovative programs (Title V).

In addition, many districts receive additional No Child Left Behind Act funding through competitive grants for School Improvement funds, Comprehensive School Reform funds, School-University partnerships, Safe and Drug Free Schools, 21st Century Learning Community (after school) program; Reading First grants for early childhood literacy; Math-Science partnership program and others. Districts also receive other federal funding support in addition to No Child Left Behind in areas of Special Education and Career Technical Education. It is expected that local districts will use these funds to address the areas in need of improvement identified in the AYP analysis.

Under NCLB, schools and districts designated as not meeting AYP in the first year face no sanctions; however, sanctions begin at the end of the second year for Title I schools or districts that are designated as not meeting AYP for the second consecutive year in the same area. Schools that are identified for school improvement (that is, schools not meeting AYP in the same content area for two consecutive years) and their districts have an obligation to provide parents with information about AYP and improvement efforts. Note: ODE has submitted an amendment to the State's Accountability workbook to identify schools for improvement only on the basis of performance in the content areas of English/Language Arts and mathematics and not the other academic indicator of attendance or graduation. These required notifications include the following.

## Accountability for Title I Schools

The State is responsible for producing and disseminating district AYP reports as well as any corrective actions taken by the State. The determination of AYP designations for schools and the production of AYP reports are district responsibilities under NCLB. The Oregon Department of Education calculates the AYP designations for schools as a service to districts. Table 9 lists the deadlines and actions for school improvement.

**Table 9 Deadlines and Actions for School Improvement**

Deadline	Action
"Promptly" after identification for school improvement	<p>In a language the parents can understand, a district shall provide to parents of each student enrolled in a school identified for school improvement, corrective action, or restructuring:</p> <ul style="list-style-type: none"> <li>• an explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the district and the State,</li> <li>• reasons for the identification,</li> <li>• an explanation of what the school identified for school improvement is doing to address the problem of low achievement,</li> <li>• an explanation of what the district or state education agency is doing to help the school address the achievement problem,</li> <li>• an explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement, and</li> <li>• an explanation of the parents' option to transfer their child to another public school or to obtain supplemental educational services for their student.</li> </ul>
Before the first day of school	The district must offer public school choice to every student enrolled in the identified school.
After approval by the district of the school improvement plan	The district must publish and disseminate to the parents of each student in the identified school and to the general public, information about any action taken by the school and the district to address the problems that led to identifying the school for improvement. This plan must explain how the school or district will address the problem of low achievement in the school.

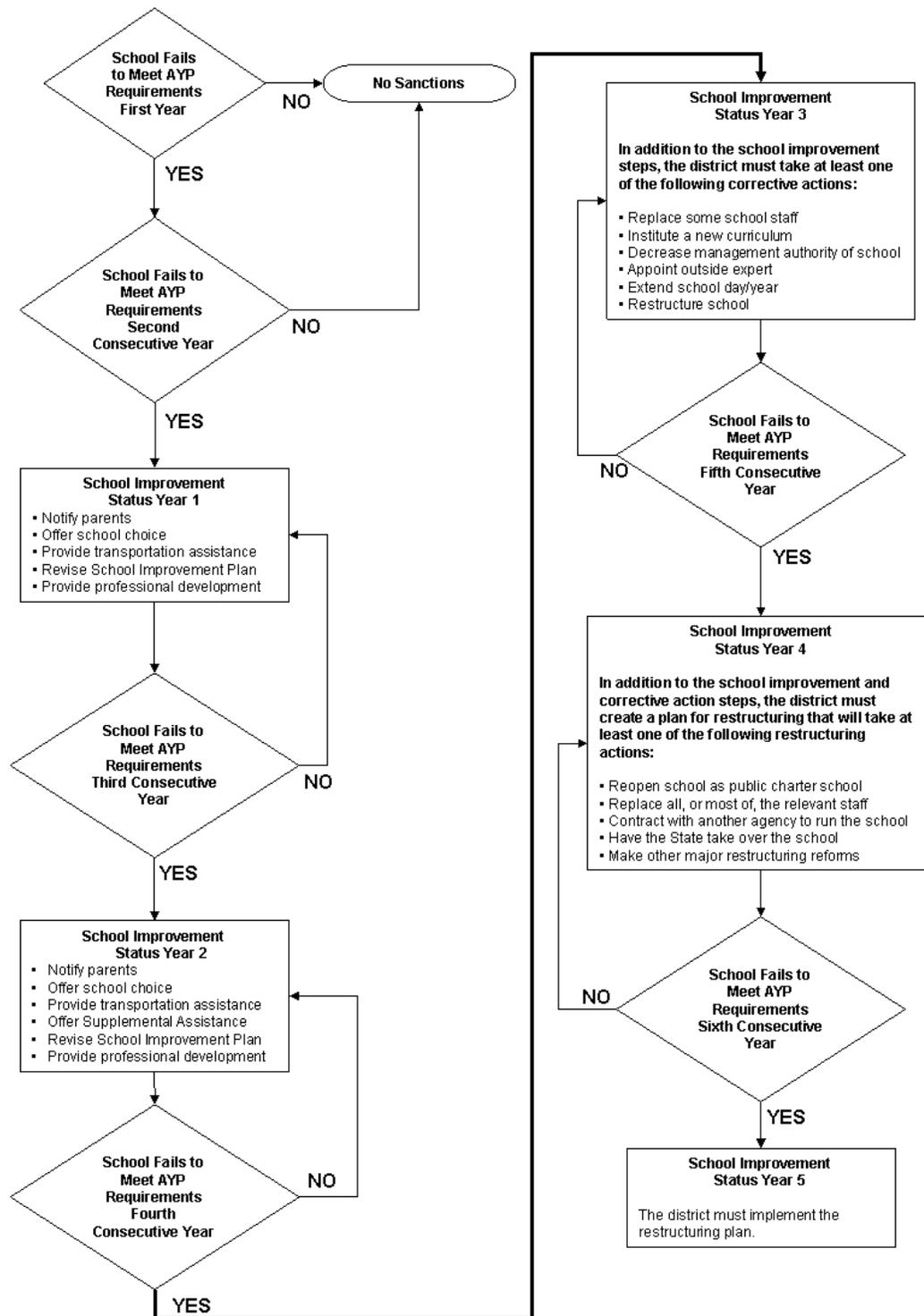
Title I schools not meeting AYP for one year are not required to implement mandatory sanctions, however, the district is required to provide assurance to the Oregon Department of Education that all federal requirements for implementation of the various provisions of the No Child Left Behind Act are in place. The district will be expected to revise its description of how it will use its federal funding to target the needs of the school or district identified in the AYP analysis. The revision of these plans is due in October. The Oregon Department of Education will monitor program compliance.

The Oregon Department of Education is required by the U.S. Department of Education to establish targets for expected rates of growth for every school in order to close the achievement gap. The Oregon Department of Education will provide technical assistance and support, along with other key partners such as Education Service Districts (ESDs), universities, community-based organizations, and professional organizations. Working in shared accountability partnerships among the Oregon Department of Education, districts, schools, and other partners, the education community will engage in a capacity building process that leads to better

understanding of the nature of student achievement in the districts, identification of effective strategies, and development of plans that will lead to student success. The expected outcome is a deeper organizational understanding of how to improve student achievement.

Under NCLB, sanctions begin at the end of the second year for Title I schools or districts designated as not meeting AYP for the second consecutive year. The level of intervention of the required sanctions increases with each subsequent year remaining constant if a school receives an AYP designation of meets and ending when the school receiving two consecutive designations of meets. These sanctions are outlined in **Figure 1**. Additional details about sanctions that apply to Title I schools that are designating as not meeting AYP may be found in **Table 12**.

Figure 1 Flowchart of Sanctions for Schools



(Section 1116 of No Child Left Behind)

**Important note:** If a Title I school identified for sanctions meets AYP the following year in the area for which the school was identified, then the school stays at the previous year's sanctions level. After two years of meeting AYP in the areas initiating sanctions, the sanctions will be eliminated.

## Accountability for Schools Not Receiving Title I Funds

Even though mandatory sanctions required in the No Child Left Behind Act do not apply to schools not receiving Title I funds, all schools are expected to help all students reach state standards. The Oregon Department of Education is developing policy and processes for schools not yet meeting Adequate Yearly Progress that do not receive federal Title I funds. These include assistance in revising school and district plans to address targets identified in the AYP analysis. While Title I funds may be used only in eligible schools, districts receive federal funds from a number of sources as described on **Table 12**. These funds are available on a district wide basis and should be used to move schools toward meeting the requirements of NCLB.

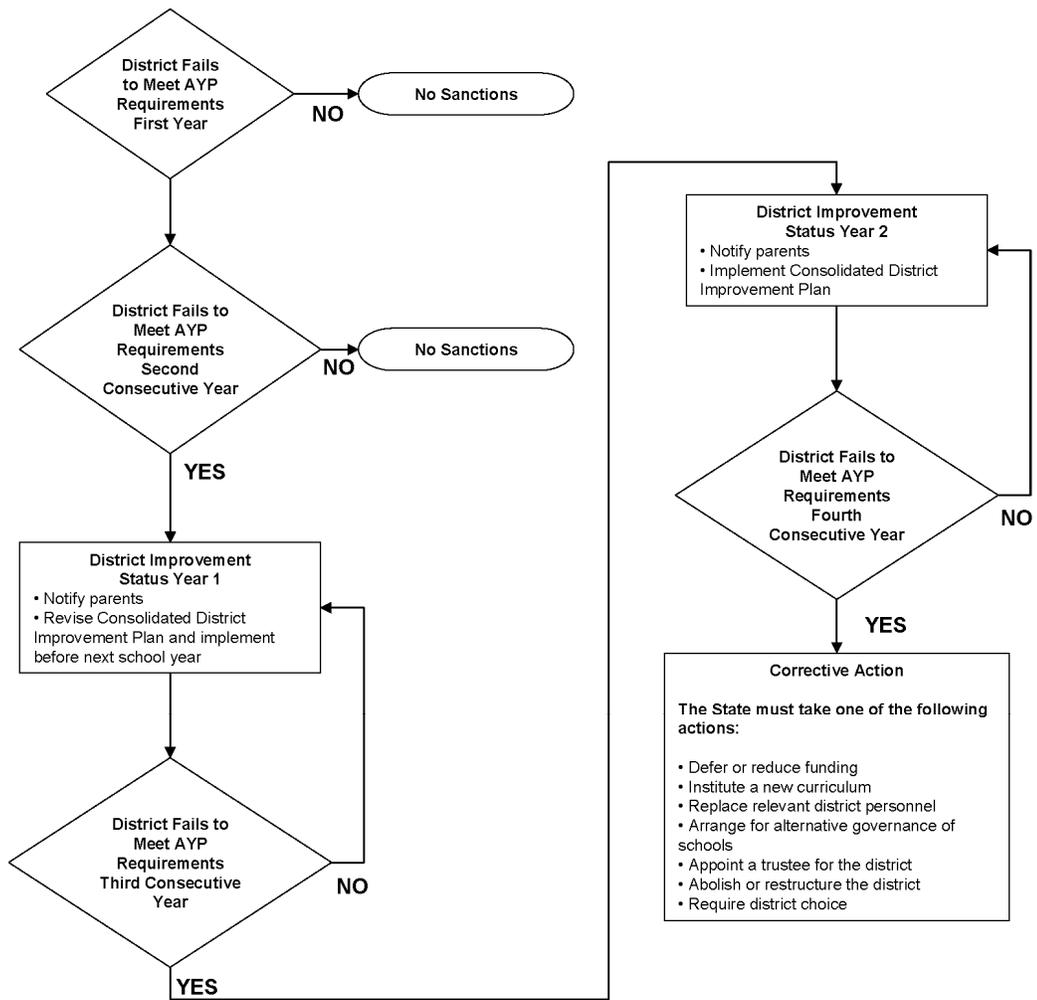
Expected growth targets for all schools will be identified in order for every school to close the achievement gap. The Oregon Department of Education will provide technical assistance to districts, in collaboration with other partners, to develop school and district improvement plans that target these resources to the identified needs. The Oregon Department of Education will offer suggestions for the use of federal funds that provide support for schools not eligible for Title I funds.

## Accountability for Districts

Under NCLB, sanctions begin at the end of the second year for Title I districts that are designated as not meeting AYP for a second consecutive year in the same content area. Note: ODE has submitted an amendment to the State's Accountability workbook to identify schools for improvement only on the basis of performance in the content areas of English/Language Arts and mathematics and not the other academic indicator of attendance or graduation. The level of intervention progresses each year the district continues to receive a not meets designation in the same area (see Figure 2).

For districts in which AYP is calculated by grade span, the district is designated as not meeting AYP in English/language arts or mathematics only when one or more groups of students do not meet AYP at the elementary grades span, the middle grades span, and the high school grades span. To meet AYP, the district must meet AYP in all grade spans in each content area as well as the other indicator of graduation.

**Figure 2 Flowchart of Sanctions for Districts**



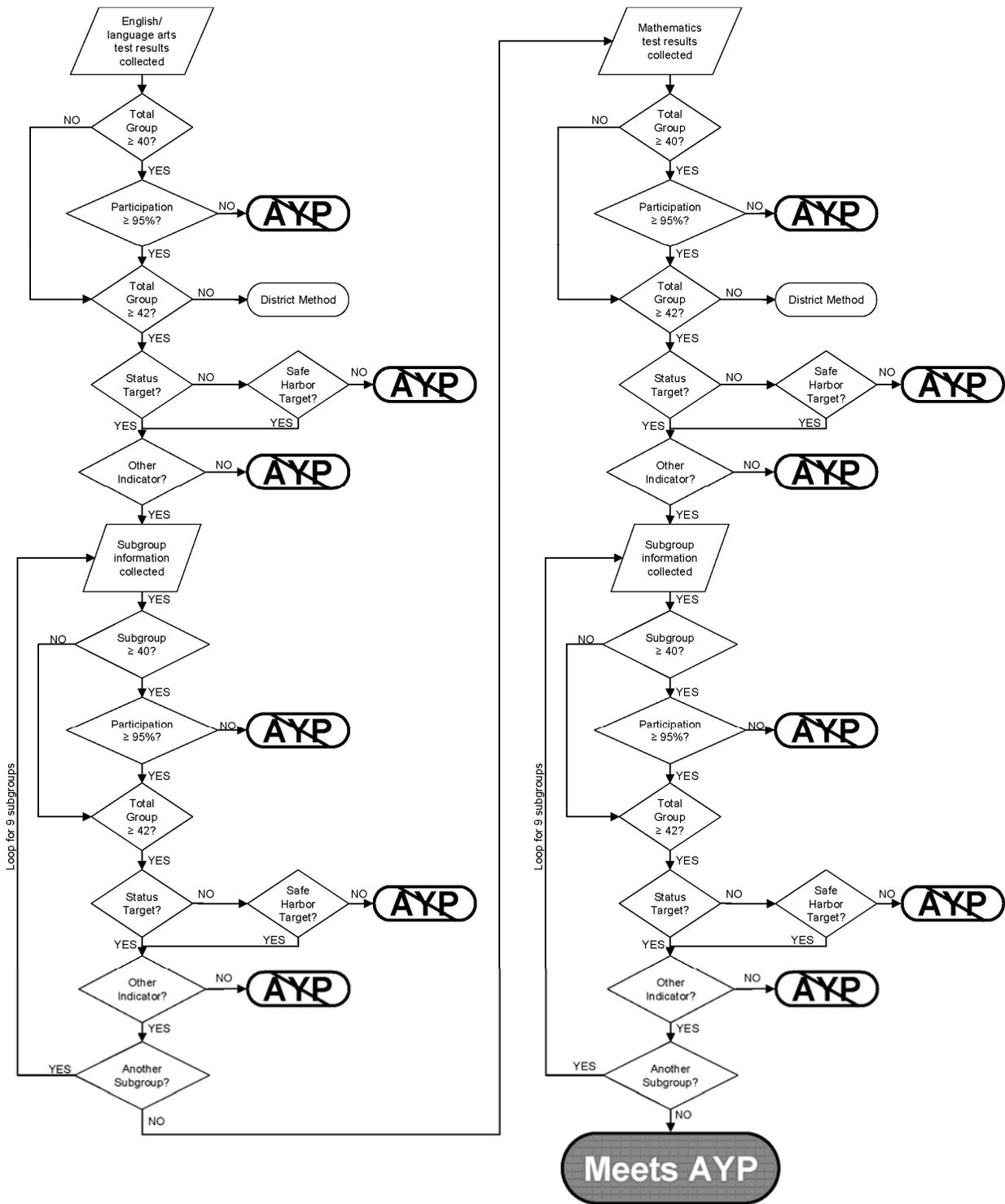
(Section 1116 of No Child Left Behind)

**Important note:**

- If a district receiving Title I funds identified for sanctions meets AYP in the area that caused the district to be identified for improvement the following year, then the district stays at the previous year's sanctions level.
- If a district meets AYP in the area that caused the district to be identified for improvement for two consecutive years, the district is no longer identified for improvement or corrective action.

**Figure 3** depicts the logic for determining AYP and the multiple requirements a school or district must meet in order to be designated as meeting AYP.

Figure 3 AYP Determination Flowchart



## XII. For Further Information

Additional information about AYP and NCLB can be found at the Oregon Department of Education's website: <http://www.ode.state.or.us/search/page/?id=1193>. Information includes links to federal guidance, Oregon's Accountability Workbook, sample reports, and other links.

A Toolkit For Communicating About Adequate Yearly Progress produced by the Oregon School Boards Association provides educational professionals, administrators, parents, and communities with relevant and reliable information regarding federal AYP requirements, details on how AYP relates specifically to Oregon's schools, and how to communicate school building results to a variety of audiences. The free toolkit can be downloaded at <http://www.osba.org/hotopics/funding/nclb/ayptk/index.htm>.

Email questions about AYP to [ayp.reports@state.or.us](mailto:ayp.reports@state.or.us).

Call the Oregon Department of Education at (503) 947-5780.

**Table 10 AYP Resources**

For a Live Person at ODE	To Send a Direct Message	To View or Download AYP Reports
<p>AYP Policy and Data Questions: Cynthia Yee, Accounting, Reporting Specialist 503.947.5780 <a href="mailto:cynthia.yee@state.or.us">cynthia.yee@state.or.us</a></p> <p>Technical Questions: ODE Help Desk 503.947.5715 <a href="mailto:ode.helpdesk@state.or.us">ode.helpdesk@state.or.us</a></p>	<p>To send a direct message or question to the AYP mailbox: <a href="mailto:ayp.reports@state.or.us">ayp.reports@state.or.us</a></p>	<p>Navigate to the ODE AYP and Report Card download page on the ODE Web Site: <a href="http://www.ode.state.or.us/data/reportcard/reports.aspx">http://www.ode.state.or.us/data/reportcard/reports.aspx</a> Select a school district from the drop down list Click the link for the desired AYP Report or Report Card</p>
For information about accountability and support to districts and schools	To Download or View AYP Supporting Documents and Tools	For Communication Materials
<p>Christina Reagle, Educ. Spec. 503.947.5622 <a href="mailto:Christina.reagle@state.or.us">Christina.reagle@state.or.us</a></p> <p>Helen Maguire, Director EII 503.947.5877 <a href="mailto:helen.maguire@state.or.us">helen.maguire@state.or.us</a></p> <p>Salam Noor, Assistant Supt. 503.947.5663 <a href="mailto:salam.noor@state.or.us">salam.noor@state.or.us</a></p>	<p>Navigate to the ODE AYP Home page on the ODE Web Site: <a href="http://www.ode.state.or.us/search/page/?=1193">http://www.ode.state.or.us/search/page/?=1193</a> Click the "AYP Tools" link for the desired resource</p>	<p>Navigate to the ODE AYP Home page on the ODE Web Site: <a href="http://www.ode.state.or.us/search/page/?=1193">http://www.ode.state.or.us/search/page/?=1193</a> Click the "AYP Tools" link or visit the Oregon School Boards Association: <a href="http://www.osba.org/">http://www.osba.org/</a></p>

**Table 11 Comparison of AYP and Report Card Data Sources and Definitions**

	2007-2008 AYP Designation		2007-2008 School and District Report Cards:	
	Definitions	Sources of Data	Definitions	Sources of Data
Participation	<p>Number of valid test scores from all students enrolled in the school on First school day in May divided by (The expected number of tests from students enrolled on First school day in May - the number of students without test scores that were not enrolled during the testing window(s) for the assessment – the number of records from students with administration code of 6 (Home Schooled/Foreign Exchange students))</p> <p>LEP students in their first year of the LEP program are credited with participation in Reading if they have taken the English Language Proficiency Assessment (ELPA).</p>	<p>Designations based on the following OSA tests administered in 2006-2007 and 2007-2008 to students enrolled in the school or district on the first school day in May:</p> <p>Reading grades 3, 4, 5, 6, 7, 8, 10</p> <p>Math grades 3, 4, 5, 6, 7, 8, 10</p>	<p>Number of valid test scores from all students enrolled in the school on First school day in May divided by (The expected number of tests from students enrolled on First school day in May - the number of students without test scores that were not enrolled during the testing window(s) for the assessment – the number of records from students with administration code of 6 (Home Schooled/Foreign Exchange students) – test records with administration code of 7 (parent refusal))</p> <p>LEP students in their first year of the LEP program are credited with participation in Reading if they have taken the English Language Proficiency Assessment (ELPA).</p>	<p>Designations based on the following OSA tests administered in 2007-2008 to students enrolled in the school on the first school day in May:</p> <p>Reading grades 3, 4, 5, 6, 7, 8, 10</p> <p>Math grades 3, 4, 5, 6, 7, 8, 10</p> <p>Writing grades 4, 7, 10</p>
Academic Assessments	<p>Number of tests meeting or exceeding standards divided by Total number of tests</p> <p>Student test scores from extended assessments* count as meet the standard.</p> <p>Scores of students who target up count as meeting the standard if RIT score meets or exceeds the benchmark standard of the grade in which the student is tested.</p> <p>Students targeting up are required to take the 8<sup>th</sup> grade assessment during their 8<sup>th</sup> grade year. The 8<sup>th</sup> grade score is included in accountability reports for the current year.</p>	<p>Designations based on the following OAKS tests administered in 2006-2007 and 2007-2008 to students enrolled for a full academic year in the school or district on the first school day in May:</p> <p>Reading grades 3, 4, 5, 6, 7, 8, 10</p> <p>Math grades 3, 4, 5, 6, 7, 8, 10</p>	<p>Index points assigned, based on number of students in each category of exceeding, meeting, nearly meeting, low, and very low.</p> <p>Note: Scores on writing performance assessments that are reported as Conditionally Meets are not counted as meeting the standard for the purposes of calculating report card ratings.</p> <p>Student test scores from extended assessments are not included.</p> <p>Scores of students who target up count as meeting the standard if RIT score meets or exceeds the benchmark standard of the grade in which the student is tested.</p> <p>Students targeting up are required to take the 8<sup>th</sup> grade assessment during their 8<sup>th</sup> grade year. The 8<sup>th</sup> grade score is included in accountability reports for the current year.</p>	<p>Schools without grade 10:</p> <p>Ratings based on Knowledge and Skills OSA administered in 2006-2007 and 2007-2008 to students enrolled for a full academic year in the school on the first school day in May:</p> <p>Reading grades 3, 4, 5, 6, 7, 8, 10</p> <p>Math grades 3, 4, 5, 6, 7, 8, 10</p> <p>Data from 2004-2005 and 2005-2006 also included in the Improvement rating.</p> <p>Reading grades 3, 4, 5, 6, 7, 8, 10</p> <p>Math grades 3, 4, 5, 6, 7, 8, 10</p> <p>Schools with grade 10:</p> <p>In addition to the above, ratings based also on Writing Performance Assessments from grade 10 students administered in 2006-2007 and 2007-2008</p>
Attendance	<p>Percentage of students attending in grades 1-12</p> <p>Calculated as the ratio of Total Days Present to (Total Days Present + Total Days Absent)</p>	<p>Data for 2006-2007 and 2007-2008</p>	<p>Percentage of students attending in grades 1-12</p> <p>Calculated as the ratio of Total Days Present to (Total Days Present + Total Days Absent)</p>	<p>Data for 2006-2007 and 2007-2008 used in calculating the Student Behavior rating.</p> <p>Data for 2004-2005 and 2005-2006 also included in the Improvement rating.</p>

	2007-2008 AYP Designation		2007-2008 School and District Report Cards:	
	Definitions	Sources of Data	Definitions	Sources of Data
Dropout Rates	<p>Dropout data are used to determine graduation rates.</p> <p>Dropouts are students who withdrew from school and did not graduate or transfer to another school that leads to graduation.</p> <p>Dropouts do not include students who: are deceased, are being home schooled, are enrolled in an alternative school or hospital education program, are enrolled in a juvenile detention facility, are enrolled in a foreign exchange program, are temporarily absent because of suspension, a family emergency, or severe health problems that prevent attendance at school, received a GED certificate, received an adult high school diploma from a community college.</p>	Data for 2005-2006 and 2006-2007	<p>Dropout rates are included in the report card ratings. The dropout rate is equal to the number of dropouts divided by the enrollment reported on October 1 each year.</p> <p>Dropouts are students who withdrew from school and did not graduate or transfer to another school that leads to graduation.</p> <p>Dropouts do not include students who: are deceased, are being home schooled, are enrolled in an alternative school or hospital education program, are enrolled in a juvenile detention facility, are enrolled in a foreign exchange program, are temporarily absent because of suspension, a family emergency, or severe health problems that prevent attendance at school, received a GED certificate, received an adult high school diploma from a community college.</p>	Data for 2005-2006 and 2006-2007 used in calculating the Student Behavior rating.  Additionally, data for 2003-2004 and 2004-2005 included in the Improvement rating.
Graduation Rates	<p>Graduation rates are included in the determination of AYP. The graduation rate is equal to the number of graduates divided by the number of graduates + dropouts.</p> <p>Graduates are students earning a regular diploma.</p> <p>Students who receive a regular high school diploma that requires at least 22 credits to earn are counted.</p> <p>Students who receive modified diplomas based on completion of a special education individualized education plan as well as students who receive credentials that require less than 22 credits to earn, or who finish their senior year but did not receive any credential are not graduates.</p>	Data for 2005-2006 and 2006-2007  Data used in AYP determination.	<p>Graduation rates displayed on the report card are for information only and are not included in ratings. Graduates are students earning regular diplomas.</p> <p>Students who receive a regular high school diploma that requires at least 22 credits to earn are counted.</p> <p>Students who receive modified diplomas based on completion of a special education individualized education plan as well as students who receive credentials that require less than 22 credits to earn, or who finish their senior year but did not receive any credential are not graduates.</p> <p>Also included is the count of graduates earning Certificates of Initial Mastery.</p>	Data for 2006-2007  Data not used in calculating ratings.

\* The number of Extended assessments that meet the alternative achievement standards that can be included in the percentage of tests meeting standard is limited to 1% of tests at the district level.

**Table 12 NCLB Sanctions for Title I Schools Continually Designated as Not Meeting AYP**

Fails to Meet AYP 1 <sup>st</sup> Year	Fails to Meet AYP 2 <sup>nd</sup> Year in Same Area(s)	Fails to Meet AYP 3 <sup>rd</sup> Year in Same Area(s)	Fails to Meet AYP 4 <sup>th</sup> Year in Same Area(s)	Fails to Meet AYP 5 <sup>th</sup> Year in Same Area(s)	Fails to Meet AYP 6 <sup>th</sup> Year in Same Area(s)
No sanctions for following year	Year 1 School Improvement begins following August	Year 2 School Improvement advances the following August	Year 3 School Improvement Corrective Action begins following August	Year 4 School Improvement Restructuring Planning begins following August	Year 5 School Improvement Restructuring Implemented with the following August
	<b>The school must:</b>	<b>The school must:</b>	<b>The school must:</b>	<b>The school must:</b>	
	<ul style="list-style-type: none"> <li>Notify Parents</li> <li>Offer School Choice</li> <li>Provide transportation assistance</li> <li>Revise and implement School Improvement Plan (SIP)</li> <li>Provide professional development</li> </ul>	<ul style="list-style-type: none"> <li>Notify Parents</li> <li>Offer School Choice</li> <li>Provide transportation assistance</li> <li>Offer Supplemental Educational Services (SES)</li> <li>Revise and implement the SIP</li> <li>Provide professional development</li> </ul>	<ul style="list-style-type: none"> <li>Notify Parents</li> <li>Offer School Choice</li> <li>Provide transportation assistance</li> <li>Offer Supplemental Educational Services (SES)</li> <li>Revise and implement the SIP</li> <li>Provide professional development</li> </ul>	<ul style="list-style-type: none"> <li>Notify Parents</li> <li>Offer School Choice</li> <li>Provide transportation assistance</li> <li>Offer Supplemental Educational Services (SES)</li> <li>Revise and implement the SIP</li> <li>Provide professional development</li> </ul>	
			<b>The district must:</b>	<b>The district must:</b>	<b>The district must:</b>
			<ul style="list-style-type: none"> <li>the district must take at least one of the following corrective actions                             <ul style="list-style-type: none"> <li>Replace some school staff</li> <li>Institute new curricula</li> <li>Decrease management authority of school</li> <li>Appoint outside expert</li> <li>Extend school day/year</li> <li>Restructure school</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Prepare a restructuring plan to implement at least one of the following:                             <ul style="list-style-type: none"> <li>Replace all or most of school staff</li> <li>Contract with an outside entity to operate the school as a public school</li> <li>Turn the school over to the SEA for operation</li> <li>Re-open the school as a public charter school</li> <li>Restructure the school's governance</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Implement the Restructuring Plan</li> </ul>

For more information on Title I School Improvement Requirements, see the Title I-A School Improvement Resource Manual posted at: <http://www.ode.state.or.us/search/results/?id=95>

**Table 13 LEP Subgroup Definition**

NCLB LEP collection Record Type Code (LEPRecTypCd)	ELPA required in 07-08	Inclusion in LEP subgroup	Student Centered Staging assigned AYP code (AYP_LEP)	Additional notes
<b>1A</b> – LEP student entered during 2007-08	YES*	YES	<b>B</b> – Beginning LEP with ELPA (Start > 5/1/07), or <b>A</b> – Beginning LEP without ELPA (Start > 5/1/07)	Eligible to use ELPA in place of participation in Reading or Writing test  Eligible to take Reading or Writing in Spanish if less than 5 years in LEP program (Start date <=5/1/07 and >5/1/03)
<b>1B</b> – LEP student continuing (Start date prior 2007-08)	YES*	YES	<b>Y</b> – Year 2-5 (Only if Start < =5/1/07 and > 5/1/03), or <b>E</b> – Experienced LEP (if Start <= 5/1/03)	Eligible to take Reading or Writing in Spanish if less than 5 years in LEP program (Start date <=5/1/07 and >5/1/03)
<b>1C</b> – LEP student exited during 2007-08	YES*	YES	<b>X</b> – Exited LEP with ELPA (Exit Date > 5/1/08), or <b>W</b> – Exited LEP with ELPA (Exit Date <= 5/1/08), or  NOTE: Exited LEP without ELPA will be identified as “not” exited for accountability reporting and assigned one of the following codes depending on LEP start date: AYP_LEP = A, Y or E (see above)	Eligible to take Reading or Writing in Spanish if less than 5 years in LEP program (Start date <=5/1/07 and >5/1/03) and if LEP Exit Date <= 5/1/08
<b>1D</b> – LEP student re-entered after exiting in a prior year	YES*	YES	<b>Y</b> – Year 2-5 (Only if Start < =5/1/07 and > 5/1/03), or <b>E</b> – Experienced LEP (if Start <= 5/1/03)	Eligible to take Reading or Writing in Spanish if less than 5 years in LEP program (Start date <=5/1/07 and >5/1/03)
<b>1E</b> – LEP student in an LEP program but did not take ELPA **	YES*	YES	<b>B</b> – Beginning LEP with ELPA (Start > 5/1/07), or <b>A</b> – Beginning LEP without ELPA (Start > 5/1/07), or <b>Y</b> – Year 2-5 (Only if Start < =5/1/07 and > 5/1/03), or <b>E</b> – Experienced LEP (if Start <= 5/1/03)	Eligible to take Reading or Writing in Spanish if less than 5 years in LEP program (Start date <=5/1/07 and >5/1/03)
<b>4N</b> – Eligible LEP student declined services	YES*	YES	<b>Z</b> – Eligible, not served	Not eligible to take Reading or Writing in Spanish since no Start Date was provided
<b>Prior 2 years of NCLB LEP Collections</b>				
<b>1C</b> – LEP student exited in prior 2 years (2005-06 or 2006-07) and not reentered 2007-08	NO	YES	<b>T</b> – Transitioning Former LEP student not re-entered in 2007-08 and in:  2005-06 LEP collection with Exit date > = 8/15/05 and < 8/15/06, or 2006-07 LEP collection with Exit date > = 8/15/06 and < 8/15/07	
<b>Not included LEP subgroup</b>				
<b>3H</b> – Not Eligible for LEP services (due to proficient score on placement test)	NO	NO	<b>N</b> – Not LEP student	

\* Virtual records will be created in the ELPA database to identify LEP students who were required to participate in the ELPA and did not take an ELPA in the 2007-08 year.

\*\* All LEP collection records claiming or disclaiming participation in an ELPA test are verified against the valid ELPA test records and will be reflected in the accountability reporting codes under the AYP\_LEP field in Student Staging.

**Table 14 Handling of Test Administration Errors**

Situation	Evidence/Notification to ODE required	Effect on Accountability for Performance	Effect on Accountability for Participation	ODE action on test record (i.e. invalidate or delete)
The test was administered in a manner that is inconsistent with parent request for refusal or request for a specific mode (i.e. paper or TESA).	Description of error with PADMID	Excluded	Counts as non-participation if no other test	Set TstValidFg to 'N'
The test was administered in a manner that is inconsistent with a student's IEP (or lack thereof)	Description of error with PADMID	Excluded	Counts as non-participation if no other test	Set TstValidFg to 'N'
The test was compromised by a teacher/administrator	Notify ODE with PADMIDs and circumstances	Excluded	Counts as non-participation if no other test	Set TstValidFg to 'N'
The test was compromised by a student	Notify ODE with PADMIDs and circumstances	Excluded	Counts as non-participation if no other test	Set TstValidFg to 'N'
Test not presented in a valid manner (e.g., TESA display issues)	Notify ODE with PADMIDs and circumstances	Excluded	Counts as non-participation if no other test	Set TstValidFg to 'N'
Test scored incorrectly	Notify ODE with PADMIDs and circumstances	Included (with rescore where possible)	Counts as participation	None
Student refused to complete test	None	Not met	Counts as participation	None
	Request AdminCd of '1'	Excluded	Non-participant	None
Student took wrong test	Description of error with PADMID	Excluded	Counts as non-participation if no other test	Set TstValidFg to 'N'

**Table 15 Definition of TSTVALID Field 2007-08**

Valid TSTVALID values	Test Type	Applicable Subjects	Definition	Valid values for PLG or PLB <sup>1</sup>	Valid values for PL5G or PL5B <sup>2</sup>	Valid Values for CalcAdminCd <sup>3</sup>	Use in AYP Participation Denominator	Use in AYP Participation Numerator	Eligible for use in AYP Performance Denominator
Y (Yes, Valid Attempt)	Paper	MA, RL, SC, SS, WR	At least 10 items answered per section for MA, RL, SC, SS or scorable response to prompt for WR (Special Code is blank or 9)  And if RL or WR is in Spanish, then AYP_LEP = "A", "B", "Y", "X"	D, M, E (& C for WR)	1, 2, 3, 4, 5	blank, 1, 3, 5, 6, 7	Yes except CalcAdminCd = 6	Yes except CalcAdminCd = 1, 6, 7	Yes except CalcAdminCd = 1, 6, 7
	TESA	MA, RL, SC, SS, WR	At least 5 items answered	D, M, E (& C for WR)	1, 2, 3, 4, 5	blank, 1, 3, 5, 6, 7	Yes except CalcAdminCd = 6	Yes except CalcAdminCd = 1, 6, 7	Yes except CalcAdminCd = 1, 6, 7
	Extended	Ext MA, Ext RL, Ext WR, Ext SC	All items must be answered	D, M, E	3, 4, 5	blank, 1, 3, 5, 6, 7	Yes except CalcAdminCd = 6	Yes except CalcAdminCd = 1, 6, 7	Yes except CalcAdminCd = 1, 6, 7
P (Partial Attempt)	Paper	MA, RL, SC, SS (Not applicable for WR)	1 to 9 items answered per section for MA, RL, SC, SS (Not applicable for WR)  And if RL or WR is in Spanish, then AYP_LEP = "A", "B", "Y", "X"	N	0	blank, 3, 5, 6	Yes except CalcAdminCd = 6	No	No
	TESA	MA, RL, SC, SS (Not applicable for WR)	Any incomplete (1 or more responses but fewer than 5 responses) test for MA, RL, SC, SS (Not applicable for WR)	N	0	blank, 3, 5, 6	Yes, except CalcAdminCd = 6	No	No

Valid TSTVALID values	Test Type	Applicable Subjects	Definition	Valid values for PLG or PLB <sup>1</sup>	Valid values for PL5G or PL5B <sup>2</sup>	Valid Values for CalcAdminCd <sup>3</sup>	Use in AYP Participation Denominator	Use in AYP Participation Numerator	Eligible for use in AYP Performance Denominator
	Extended	Ext MA, Ext RL, Ext WR, Ext SC	NA	NA	NA	NA	NA	NA	NA
N (Non-Attempt)	Paper	MA, RL, SC, SS, WR	No items answered Or if RL or WR is in Spanish, and AYP_LEP <> "A", "B", "Y", "X"	N	0	1, 3, 5, 6, 7, 8, 9 (If no Admin Code, Record deleted)	Yes, except CalcAdminCd = 6, 8, 9	No	No
	TESA		Not applicable (NA)	NA	NA	NA	NA	NA	NA
	Extended	Ext MA, Ext RL, Ext WR, Ext SC	Any incomplete test for MA, RL, SC, WR	N	0	1, 3, 5, 6, 7, 8, 9 (If no Admin Code, Record deleted)	Yes, except CalcAdminCd = 6, 8, 9	No	No
V (Virtual Record)	ODE created	MA, RL, SC, WR	Expected test matching Spring Membership Collection, but no test found or test was "not attempted"	blank	blank	blank, 1, 6, 7, 8, 9	Yes, except CalcAdminCd = 6, 8, 9	No [Exception in RL or WR where AYP_LEP ="B", which first year LEP can take ELPA in lieu of RL or WR.]	No

Notes:

- 1 Performance levels for Grade (PLG) and Performance levels for Benchmark (PLB) valid values: D = Does Not Meet; M = Meets; E = Exceeds; (C = Conditionally Meets for WR only)
- 2 Numeric 5-Level Performance levels for Grade (PL5G) and Performance levels for Benchmark (PL5B) valid values: 1=Very Low; 2=Low; 3=Nearly Meets; 4=Meets; 5=Exceeds
- 3 Calculated Administration Code (CalcAdminCd) valid values: 1 = Absent; 3 = Modified-Language; 5 = Modified-Disability 6 = Not Enrolled/Home schooled; 7 = Parent Refusal; 8 = Not enrolled at May 1 school during available testing window(s); 9 = Medical Emergency

## Appendix A

### OREGON DEPARTMENT OF EDUCATION

#### DIVISION 22

#### STANDARDS FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS

**581-022-1065**

#### **Substantive Appeals**

(1) The Superintendent of Public Instruction will appoint a committee of at least eight members of the educational community to serve annually to review district requests for substantive appeals of school Adequate Yearly Progress (AYP) determinations.

(2) Substantive appeals for AYP designations will be considered by the committee when:

(a) The written request from the school district superintendent or the superintendent's designee is received at the Oregon Department of Education (ODE) within 18 calendar days of the public release of preliminary AYP reports;

(b) The school is determined to not meet AYP based on unique events that could not be predicted and/or controlled by the school or district; and

(c) The data issue contributing to the substantive appeal could not otherwise be remedied through district corrections of related data.

(3) Substantive appeals will not be considered by the committee when based on:

(a) Problems that could have been avoided by correcting student level data during the validation window available for each data collection;

(b) Challenges to state policy and rules, federal law, regulations or non-regulatory guidance or provisions described in the State's Accountability Workbook; or

(c) Lack of knowledge of policies outlined in the AYP/Report Card manuals or the Assessment Administration Manual or numbered memos.

(4) The committee will review appeals based on:

(a) The district's description of the issue;

(b) The district's history related to the issue; and

(c) Availability of alternatives to mitigate instances of the issue.

(5) School districts must provide in a secure format, a data file containing individual student level data identified by Oregon's Secure Student Identifier (SSID) and a designation of each subgroup required for reports of Adequate Yearly Progress (AYP).

(6) Data submitted must be consistent with the AYP Manual produced by August 1.

(7) The committee's decision regarding appeals will be final.

(8) The ODE will publish annually the list of approved appeals by November 15. The list will designate those appeals that will not be approved in subsequent years.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051

Hist.: ODE 6-2007, f. & cert. ef. 2-21-07; ODE 4-2008, f. & cert. ef. 1-25-08

## Appendix B

TO: District Test Coordinators

August 8, 2008

Adequate Yearly Progress (AYP) Preliminary Reports were released to the public on August 4, 2008. The Academic Status computed for the AYP Preliminary Report includes test results from extended assessments based on alternate assessment standards.

In accordance with Title 1 final regulations section 200.13, extended assessment results meeting or exceeding the alternate achievement standards can represent no more than 1% of the combined total reading and math tests for the district and must apply to District and School AYP Final Reports due to be posted to the public on September 4, 2008.

In other words, districts with any proficient scores above the "1% cap" must be reclassified as non-proficient. To accommodate small populations, reclassification of proficient test scores as non-proficient will not occur unless the number of test scores in the district meeting the alternate assessment standards exceeds four.

### Districts exceeding 1% cap

The attached spreadsheet identifies the districts required to flag meeting or exceeding extended assessments as non-proficient **by August 25, 2008**. The spreadsheet includes:

- 1) Total number of all reading and math tests (column E)
- 2) Total number of extended assessments meeting/exceeding (column H)
- 3) 1% Maximum allowed extended assessments meeting/exceeding (column I)
- 4) Total number of tests in the district that need to be flagged (column L)

Note that the 1% cap applies at the district level ONLY; schools are allowed to count all students who met the standards as meeting. The 1% can be applied to either or both mathematics and reading as long as the total number of extended assessment tests meeting/exceeding is not greater than 1% of the total number of all tests used for the District AYP performance calculation.

### Determining which extended assessments should be flagged

There are no restrictions on which meeting or exceeding extended assessment tests the district identifies for the state to count as non-proficient. The tests may be from any grade spans, either or both test subjects, any students and any schools.

### How to flag extended assessments exceeding the 1% cap

In Student Centered Staging, view or download all extended assessment test records in reading and mathematics at grades 3, 4, 5, 6, 7, 8, and 10 used to determine AYP by selecting the AYP Performance District flag of Y and specifying the test type as "Extended Assmt."

- **Online editing:** To designate which scores among those that **met** or **exceeded** the alternate standards should be counted as **non-proficient** online, under Record Management, select "Edit Posted Records" and on the search page select the Test Subject and enter the student's SSID. When the record appears on the screen, set the AYP District 1% Flag to Y and then save the change.

#### OR

- **Download/Upload:** To designate which scores among those that **met** or **exceeded** the alternate standards should be counted as **non-proficient** using the Adjustments Download/Upload process, enter a Y in the AYP District 1% Flag (field 44) and then upload the file.

Please share this information with the Superintendent, Title I coordinator, special education director and others involved with the determination of AYP. For assistance in locating and editing student records, contact your regional ESD partner. For questions about the 1% cap on alternate assessments, please contact Cindy Barrick by e-mail at [cindy.barrick@state.or.us](mailto:cindy.barrick@state.or.us).

## Appendix C

August 12, 2008

TO: District Test Coordinators

Under No Child Left Behind Section 1111, states are required to make annual AYP determinations for all public schools and districts in the state. The preliminary AYP designation for one or more of your schools is "Pending" due to insufficient data for making a valid AYP determination. ODE applies minimum cell size rules in AYP designations to ensure the technical adequacy of the determinations.

Schools and districts received a "Pending" status if one or more content areas (English/Language Arts and Mathematics) had fewer than 42 tests and/or Attendance or Graduation had fewer than 84 enrolled students over the last 4 years of data. High schools would typically have graduation reported but use attendance when the enrollment is less than 84 students. (See attached spreadsheet for list of schools and districts with Pending status.)

### What to do

#### **For Assessment Data**

A submission of additional assessment tests to achieve the minimum participation count of 15 or more is required for small schools. For extremely small schools, the schools may have difficulty producing additional data across 4 years, but must have a minimum count of 6 or more assessment tests. The school/district may waive the opportunity to submit additional data and ODE will use the available data to make the AYP designation. Schools or districts with fewer than the minimum of 6 tests will receive a "Not Met" AYP designation.

Step 1 - Review the Preliminary AYP report to determine whether:

- a) the minimum count of 15 is already reported and
- b) the reported data has met the target for the content area

Step 2 - Determine your options for each Pending status depending on the minimum counts

- a) If the minimum reported count is 15 or more,

two options available:

**Option 1** - Waive submission of additional data and accept available data as reported

**Option 2** - Submit additional data to be added to current reported data

- b) If the minimum reported count is less than 15,

one option available:

**Option 2** - Submit additional data to be added to current reported data

- c) If your school is an extremely small school but have a minimum reported count of 6 or more and producing additional data would be a hardship,

one option available:

**Option 3** - Claim submission of additional data is a hardship and accept available data as reported

**d) If the school or district is below the minimum participation count of 6 or you do not return a form, the AYP designation will automatically be assigned as "Not Met."**

Step 3 - Fill out the attached form to identify the district and school, initial the option selected and provide additional data.

**For Other Indicator Data: Attendance or Graduation**

A submission of additional evidence is only required if you want to refute the reported data and provide additional information to support the determination that the school or district has MET the attendance or graduation target.

Step 1 - Review the Preliminary AYP report to determine if the reported data has met the target

Step 2 - Determine your options:

**Option 1** - District accepts available data as reported

**Option 2** - Submit additional evidence to be considered which supports the determination that the school or district has MET the AYP designation for the other academic indicator.

Step 3 - Fill out the attached form to identify the district and school, initial the option selected and provide additional evidence.

**What additional data is acceptable**

For additional assessment data, schools or districts may submit any assessment data similar to the Oregon Statewide Assessment of Knowledge and Skills for the content area (English/Language Arts and/or Mathematics) required.

For additional attendance data, schools or districts may submit attendance data that would identify students had higher attendance rates if other academic classes were included in the attendance rate. Additional graduation data may include evidence such as count of students who received a GED, modified or Adult HS diploma.

Additional data will not be accepted for any academic indicator which has been reported with an AYP designation on the Preliminary AYP.

**DEADLINE: August 22, 2008**

**You must submit one completed form per school or district with a Pending Status by August 22, 2008 at 5:00pm.**

**You may send it by e-mail or fax. (If a fax is sent, please print your name, your title and sign the fax.)**

ODE will provide one reminder to districts following this notification regarding their opportunity to submit additional data or waive the right to submit additional data.

**Contact if you have questions**

Cynthia Yee - 503-947-5780 or [cynthia.yee@state.or.us](mailto:cynthia.yee@state.or.us)