TEXAS
Consolidated State Application Accountability Workbook

for State Grants under Title IX, Part C, Section 9302 of the Elementary and Secondary Education Act (Public Law 107-110)

DUE: May 1, 2003

U. S. Department of Education
Office of Elementary and Secondary Education
Washington, D.C. 20202

April 30, 2003

Instructions for Completing Consolidated State Application Accountability Workbook

By January 31, 2003, States must complete and submit to the Department this Consolidated State Application Accountability Workbook. We understand that some of the critical elements for the key principles may still be under consideration and may not yet be final State policy by the January 31 due date. States that do not have final approval for some of these elements or that have not finalized a decision on these elements by January 31 should, when completing the Workbook, indicate the status of each element which is not yet official State policy and provide the anticipated date by which the proposed policy will become effective. In each of these cases, States must include a timeline of steps to complete to ensure that such elements are in place by May 1, 2003, and implemented during the 2002-2003 school year. By no later than May 1, 2003, States must submit to the Department final information for all sections of the Consolidated State Application Accountability Workbook.

Transmittal Instructions

To expedite the receipt of this Consolidated State Application Accountability Workbook, please send your submission via the Internet as a .doc file, pdf file, rtf or .txt file or provide the URL for the site where your submission is posted on the Internet. Send electronic submissions to conapp@ed.gov.

A State that submits only a paper submission should mail the submission by express courier to:

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U.S. Department of Education
400 Maryland Ave., SW
Room 3W300
Washington, D.C. 20202-6400
(202) 401-0113

PART I: Summary of Required Elements for State Accountability Systems

Instructions

The following chart is an overview of States' implementation of the critical elements required for approval of their State accountability systems. States must provide detailed implementation information for each of these elements in Part II of this Consolidated State Application Accountability Workbook.

For each of the elements listed in the following chart, States should indicate the current implementation status in their State using the following legend:

F: State has a final policy, approved by all the required entities in the State (e.g., State Board of Education, State Legislature), for implementing this element in its accountability system.

P: State has a proposed policy for implementing this element in its accountability system, but must still receive approval by required entities in the State (e.g., State Board of Education, State Legislature).

W: State is still working on formulating a policy to implement this element in its accountability system.

Summary of Implementation Status for Required Elements of State Accountability Systems

Status		State Accountability System Element
Principle 1: All Schools		
F	1.1	Accountability system includes *all schools and districts in the state*.
F	1.2	Accountability system holds *all schools to the same criteria*.
F	1.3	Accountability system incorporates the *academic achievement standards*.
F	1.4	Accountability system provides *information in a timely manner*.
F	1.5	Accountability system includes *report cards*.
F	1.6	Accountability system includes *rewards and sanctions*.
Principle 2: All Students		
F	2.1	The accountability system includes *all students*
F	2.2	The accountability system has a consistent definition of *full academic year*.
F	2.3	The accountability system properly includes *mobile students*.
Principle 3: Method of AYP Determinations		
F	3.1	Accountability system expects *all student subgroups, public schools, and LEAs to reach proficiency by 2013-14*.
F	3.2	Accountability system has a method for determining whether *student subgroups, public schools, and LEAs made adequate yearly progress.*
F	3.2a	Accountability system establishes a *starting point*.
F	3.2b	Accountability system establishes *statewide annual measurable objectives*.
F	3.2c	Accountability system establishes *intermediate goals*.
Principle 4: Annual Decisions		
F	4.1	The accountability system *determines annually the progress* of schools and districts.

STATUS Legend:
F – Final state policy
P – Proposed policy, awaiting State approval
W – Working to formulate policy

Principle 5: Subgroup Accountability

F	5.1	The accountability system *includes all the required student subgroups*.
F	5.2	The accountability system holds *schools and LEAs accountable for the progress of student subgroups*.
F	5.3	The accountability system includes *students with disabilities*.
F	5.4	The accountability system includes *limited English proficient students*.
F	5.5	The State has determined the minimum number of students sufficient to yield statistically reliable information for each purpose for which disaggregated data are used.
F	5.6	The State has strategies to protect the privacy of individual students in reporting achievement results and in determining whether schools and LEAs are making adequate yearly progress on the basis of disaggregated subgroups.

Principle 6: Based on Academic Assessments

F	6.1	Accountability system is based *primarily on academic assessments*.

Principle 7: Additional Indicators

F	7.1	Accountability system includes *graduation rate for high school*s.
F	7.2	Accountability system includes an *additional academic indicator for elementary and middle school*s.
F	7.3	Additional indicators are valid and reliable.

Principle 8: Separate Decisions for Reading/Language Arts and Mathematics

F	8.1	Accountability system holds students, schools and districts separately accountable for *reading/language arts* and *mathematics*.

Principle 9: System Validity and Reliability

F	9.1	Accountability system produces *reliable decisions*.
F	9.2	Accountability system produces *valid decisions*.
F	9.3	State has a plan for addressing *changes in assessment and student population*.

Principle 10: Participation Rate

F	10.1	Accountability system has a means for calculating the *rate of participation* in the statewide assessment.
F	10.2	Accountability system has a means for *applying the 95% assessment criteria to student subgroups and small schools.*

STATUS Legend:
F – Final policy
P – Proposed Policy, awaiting State approval
W– Working to formulate policy

PART II: State Response and Activities for Meeting State Accountability System Requirements

Instructions

In Part II of this Workbook, States are to provide detailed information for each of the critical elements required for State accountability systems. States should answer the questions asked about each of the critical elements in the State's accountability system. States that do not have final approval for any of these elements or that have not finalized a decision on these elements by January 31, 2003, should, when completing this section of the Workbook, indicate the status of each element that is not yet official State policy and provide the anticipated date by which the proposed policy will become effective. In each of these cases, States must include a timeline of steps to complete to ensure that such elements are in place by May 1, 2003, and implemented during the 2002-2003 school year. By no later than May 1, 2003, States must submit to the Department final information for all sections of the Consolidated State Application Accountability Workbook.

PRINCIPLE 1. A single statewide Accountability System applied to all public schools and LEAs.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
1.1 How does the State Accountability System include every public school and LEA in the State?	Every public school and LEA is required to make adequate yearly progress and is included in the State Accountability System. State has a definition of "public school" and "LEA" for AYP accountability purposes. • The State Accountability System produces AYP decisions for all public schools, including public schools with variant grade configurations (e.g., K-12), public schools that serve special populations (e.g., alternative public schools, juvenile institutions, state public schools for the blind) and public charter schools. It also holds accountable public schools with no grades assessed (e.g., K-2).	A public school or LEA is not required to make adequate yearly progress and is not included in the State Accountability System. State policy systematically excludes certain public schools and/or LEAs.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

LEAs

Texas public school districts are classified according to governance structure and their ability to raise local revenue.

- Regular Foundation School Program (FSP) districts. These are districts created under general statutory authority that are eligible for state funding assistance under the FSP. These districts may also tax property within their geographic boundaries. Regular FSP districts will be evaluated for Adequate Yearly Progress (AYP).
- Special statutory districts. These are districts created by special legislative act but not administered by a state government agency. These districts have no taxable property and are almost wholly supported with state and federal money. They include the public schools associated with military bases in the San Antonio area and the Masonic Home in Fort Worth. Special statutory districts will be evaluated for AYP.

- Open-enrollment charter schools. These are charters granted by the State Board of Education (SBOE) to operate in a facility of a commercial or nonprofit entity or a school district. Charters have no taxable property and are almost wholly supported with state and federal money. Open-enrollment charter schools will be evaluated as campuses for AYP in 2002-03. In the future charters will be evaluated for accountability purposes as districts as well as campuses. Charter district evaluations will be based on aggregate data for the campuses operated by the charter. Details regarding charter district accountability will be determined as part of the development process for the state accountability system for 2004 and beyond.
- State-administered districts. These are districts, created by a legislative act, that are both funded and administered by a state government agency. There are two state-administered districts in Texas: the Texas School for the Blind and Visually Impaired (TSBVI) and the Texas School for the Deaf (TSD). As provided by statute, TSBVI and TSD are each evaluated and held accountable for student performance on an annual basis. The specific indicators and performance objectives used to determine the accreditation status of TSBVI and TSD are established pursuant memoranda of understanding between the Texas Education Agency and TSBVI and TSD, respectively. Each memorandum of understanding has been adopted by rule.

By state statute, schools within the state's prison systems are not included as part of the public schools of the State of Texas. These include schools operated by the Texas Youth Commission (TYC) and schools operated by Windham School District (the entity that is statutorily authorized to establish and operate schools at the various facilities of the Texas Department of Criminal Justice). Schools operated by TYC or the Windham School District are, by statute, exempt from the state's accountability system for student performance.

Campuses
All campuses and open-enrollment charter schools that report enrollment in the fall will be evaluated for AYP, with the following exceptions.

- New campuses. New campuses and open-enrollment charter schools are not evaluated for AYP the first year they report fall enrollment.
- Campuses that close mid-year. Campuses that close before the Texas Assessment of Knowledge and Skills (TAKS) testing date in the spring are not evaluated for accountability purposes. Performance of students on these campuses is included in the district AYP evaluation. Campuses that close after the end of the school year are evaluated for AYP for that school year.
- JJAEP and DAEP campuses. State statute and statutory intent prohibit the attribution of student performance results to Juvenile Justice Alternative Education Programs (JJAEPs) and Disciplinary Alternative Education Programs (DAEPs). Attendance and performance data for students served in JJAEPs and DAEPs will be attributed back to the sending district for public school accountability purposes.

Links to Supporting Evidence:
TEC §39.073 http://www.capitol.state.tx.us/statutes/ed/ed0003900toc.html

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
1.2 How are all public schools and LEAs held to the same criteria when making an AYP determination?	All public schools and LEAs are systematically judged on the basis of the same criteria when making an AYP determination. If applicable, the AYP definition is integrated into the State Accountability System.	Some public schools and LEAs are systematically judged on the basis of alternate criteria when making an AYP determination.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Assessment Measure

To meet AYP, for all districts and campuses, all students and each student group (African American, Hispanic, white, economically disadvantaged, special education, and limited English proficient) meeting minimum size requirements must meet (1) either the performance standard for percent proficient or performance gains criteria, and (2) the standard for participation in the assessment program.

- ***Results evaluated***. Test results evaluated for calculation of AYP include reading/language arts and mathematics performance on the following assessments.
  - Texas Assessment of Knowledge and Skills (TAKS) English and Spanish versions: Performance at or above the student performance requirement for the Met Standard level adopted by the SBOE for the year. Only results from the first administration of the test for the grade and subject in the current school year are included.
  - State-Developed Alternative Assessment (SDAA) for students receiving special education services: This assessment is only administered to a special education student when the student is receiving instruction in the general curriculum (Texas Essential Knowledge and Skills – TEKS) and when it is determined by the student's admission, review, and dismissal (ARD) committee (IEP Team) that the TAKS is not an appropriate measure of the student's academic performance. SDAA yields three achievement levels: Level I, minimum skills in TEKS; Level II, moderate skills in TEKS; and Level III, significant skills in TEKS. It is designed to show academic growth over time, requiring two consecutive administrations to show growth from one administration to the next. The individual student performance standard on the SDAA is determined by the ARD committee. For 2003, students taking SDAA for at least the second time (where an ARD expectation is set) will be considered proficient if they meet the performance/achievement standard determined by their individual ARD committee and documented in their IEP. For students taking SDAA for the first time (where no ARD expectation is set because it is the student's baseline administration), achievement levels II and III will be considered proficient. For 2004, the agency will examine the possibility of providing additional guidance to ARD committees with regard to procedures for determining the appropriate performance standard for each student. As longitudinal data become available, the potential for establishing expected performance and rates of growth may increase.

- Locally Developed/Determined Alternate Assessment (LDAA) for students receiving special education services: The LDAA provides an alternate assessment for students who receive special education services to the extent that the state curriculum is appropriate to meet the unique needs of the individual student. This assessment is only administered to a special education student when it is determined by the student's admission, review, and dismissal (ARD) committee (IEP Team) that the TAKS or SDAA are not appropriate measures of the student's academic performance. The individual student performance standard on the LDAA is determined by the ARD committee.

  The performance results for students tested only on the LDAA will not be evaluated as part of the AYP assessment measures in 2003. Provisions related to students with the most significant cognitive disabilities were not established pending publication of proposed regulations. The proposed regulations were published March 20, 2003. As proposed, the regulations will require changes in state and local test administration policies, including State Board of Education and commissioner of education rules, and modification of the data collection instrument and timelines. (The proposed regulations are addressed under Critical Element 5.3.) It was not possible to complete the substantial research and planning required to support such changes between March 20 and May 1 and it would be inappropriate to incorporate the proposed regulations into the state assessment program until they are published in final form.

  Students tested only on the LDAA will not be considered as "failing" for purposes of the AYP performance measure for the following reasons:

  (1) ARD committees established individual student standards on the LDAA for 2002-03 in accordance with state assessment policy and guidelines designed to individually and accurately monitor students' learning growth.

  (2) The students were assessed appropriately under federally approved state assessment policies for students with disabilities in place at the time the 2002-03 tests were administered.

  (3) Test results will be reported to the state by districts under data collection instruments and timelines designed to meet IDEA and state reporting requirements in place for 2002-03.

  It would be unfair to schools and districts, and undermine the credibility of the AYP determinations, to unilaterally count students as "failing" who were tested in accordance with federal and state assessment requirements, based on proposed changes in administrative rules that were published too late to be implemented for 2003.

  For 2003, students tested only on the LDAA will be included in the participation calculation. Texas will make the necessary and appropriate changes pertaining to the final regulations for the 2004 AYP calculations and address the requirements related to use of alternate achievement standards for no more than 1% of students at that time.

- Reading Proficiency Tests in English (RPTE) The following RPTE performance requirements apply for recent immigrant students with limited English proficiency (LEP) who do not reach the Met Standard level on the TAKS reading/language arts tests or who are granted an exemption or postponement by the language proficiency assessment committee (LPAC).

  a. Baseline RPTE Examinees

  Performance results for students reported on the answer document in the category of first school year in U.S. meet the AYP proficiency standard if they score Beginning or better.

Students reported on the answer document in the category of second school year in U.S. meet the AYP proficiency standard if they score Intermediate or Advanced.

Students reported on the answer document in the category of third school year in U.S. meet the AYP proficiency standard if they score Advanced.

Students for whom no years in U.S. schools information is provided meet the AYP proficiency standard only if they score Advanced.

Students reported on the answer document as absent are included in the total number of Texas public school students who are reported as absent in the designated grade.

b. Previous RPTE Testers

Students reported on the answer document in the category of second school year in the U.S. meet the AYP proficiency standard if they score Advanced or progressed to Intermediate from a previous score of Beginning.

Students reported on the answer document in the category of third school year in the U.S. meet the AYP proficiency standard if they score Advanced.

In regard to participation requirements, students reported on the answer document as absent are included in the total number of Texas public school students who are reported as absent in the designated grade.

c. Mathematics

For 2003, recent immigrant students who are not assessed in mathematics will not be included in the mathematics performance measure for the AYP calculation. Districts are encouraged to locally assess mathematics proficiency of LEP students who are exempt from the TAAS/TAKS mathematics tests in order to guide instruction. However, appropriate mathematics tests are not always available given the different combinations of home language, age, former schooling, English proficiency, and instructional level represented by this small group of students. For this reason, the former state assessment policy requiring that all LEP students be assessed in mathematics was modified following issuance of an Attorney General's Opinion related to use of valid and reliable assessments for LEP students. (The future of mathematics assessment for recent immigrant LEP students is addressed under Critical Issue 5.4.)

Students tested only on the RPTE will not be considered as "failing" for purposes of the AYP mathematics performance measure. As with students tested only on the LDAA, it would be unfair to schools and districts, and undermine the credibility of the AYP determinations, to unilaterally count students as "failing" who were tested in accordance with federal and state assessment requirements.

- ***Mobility subset***.
  - Districts. Results for students enrolled in the district on the fall enrollment snapshot date will be considered in district AYP evaluations.
  - Campuses. Results for students enrolled on the campus on the fall enrollment snapshot date will be considered in the campus AYP evaluation.

Performance standard for percent proficient. For all students and each student group, AYP requirements are met if the percent proficient, based on all available assessment results, for grades 3-8 and 10 summed across grades by subject for reading/language arts and mathematics, meets or exceeds the AYP targets. All calculations are rounded to one decimal place.

	AYP Targets								
	Target 2002-03 2003-04	Target 2004-05 2005-06	Target 2006-07 2007-08	Target 2008-09	Target 2009-10	Target 2010-11	Target 2011-12	Target 2012-13	Target 2013-14
Reading/English Language Arts	46.8%	53.5%	60.1%	66.8%	73.4%	80.1%	86.7%	93.4%	100%
Mathematics	33.4%	41.7%	50.0%	58.3%	66.6%	74.9%	83.2%	91.5%	100%

Performance gains. For all students and each student group that fails to meet the performance standard on the assessment measure, AYP performance requirements are met if there is (1) a 10-percent decrease from the prior year in percentage of students failing to perform at the proficient level on the assessment measure and (2) improvement on the other performance measure. **NOTE:** In 2002-03, performance gains on the assessment measure will include comparison of 2002-03 TAKS performance with performance on the converted 2001-02 Texas Assessment of Academic Skills (TAAS) file used to set the baseline targets.

Alternatively, for all students and each student group that fails to meet the performance standard on the assessment measure, AYP performance requirements are met if there is (1) improvement on the assessment measure at a rate that, projected forward, puts the school or district on target to reach proficiency standards by 2013-14 and (2) improvement on the other performance measure. This alternative to safe harbor is intended to address the importance of each school and district making sufficient gains on all measures to reach 100% proficiency by the year 2013-14. Like safe harbor, it requires that improvement be made on the other performance measure in order for the provision to take effect.

The following chart compares performance growth required under the two safe harbor measures. If a district, school, or student group fails to meet the performance target for percent proficient in the current year, performance gains from prior year percent proficient are evaluated. The highlighted line on the table below illustrates the gains required if prior year percent proficient is 40.0 percent. Under the NCLB safe harbor provision, an increase of 6.0 percentage points in percent proficient is required in order for there to be 10 percent fewer students failing (10% of (100 – 40)). The same gain is required to meet safe harbor in any year. Under the second safe harbor provision, the amount of improvement required at any proficiency level increases each year depending on how many years are left to reach 100 percent proficiency. For example, a 5.0 percentage point gain in 2003 represents the difference between 40.0 percent proficient and 100 percent proficient, divided by the number of years from 2002 to 2014 ((100 – 40) / 12). In 2012, a 20.0 percentage point gain from 2011 would be required to reach 100 percent by 2014 ((100 – 40) / 3).

Prior Year Percent Proficient	Increase From Prior Year in Percent Proficient Required to Meet AYP Safe Harbor Provisions												
	NCLB Safe Harbor	Texas Education Agency Required Improvement Safe Harbor											
	All Years	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
10.0	9.0	7.5	8.2	9.0	10.0	11.3	12.9	15.0	18.0	22.5	30.0	45.0	90.0
20.0	8.0	6.7	7.3	8.0	8.9	10.0	11.4	13.3	16.0	20.0	26.7	40.0	80.0
30.0	7.0	5.8	6.4	7.0	7.8	8.8	10.0	11.7	14.0	17.5	23.3	35.0	70.0
40.0	**6.0**	**5.0**	**5.5**	**6.0**	**6.7**	**7.5**	**8.6**	**10.0**	**12.0**	**15.0**	**20.0**	**30.0**	**60.0**
50.0	5.0	4.2	4.5	5.0	5.6	6.3	7.1	8.3	10.0	12.5	16.7	25.0	50.0
60.0	4.0	3.3	3.6	4.0	4.4	5.0	5.7	6.7	8.0	10.0	13.3	20.0	40.0
70.0	3.0	2.5	2.7	3.0	3.3	3.8	4.3	5.0	6.0	7.5	10.0	15.0	30.0
80.0	2.0	1.7	1.8	2.0	2.2	2.5	2.9	3.3	4.0	5.0	6.7	10.0	20.0
90.0	1.0	0.8	0.9	1.0	1.1	1.3	1.4	1.7	2.0	2.5	3.3	5.0	10.0

Participation. In addition to meeting the performance requirement on the assessment measures, for all districts and campuses, all students and each student group (African American, Hispanic, white, economically disadvantaged, special education, and limited English proficient) meeting minimum size requirements must meet a participation standard. The AYP requirements are met if the percent tested on a state-administered test or state-approved locally administered test, for grades 3-8 and 10 summed across grades by subject for reading/language arts and mathematics, is at least 95 percent. The participation requirement will be fully implemented in 2004.

Students with significant cognitive disabilities. In 2003, TEA will conduct the following activities to incorporate alternative assessment results for students with the most significant cognitive disabilities into the AYP calculation in 2004:

- develop criteria for evaluating waiver requests from districts that test more than 1% of students on the LDAA
- identify districts that exceed the 1% and determine whether they are eligible for waivers
- evaluate the impact of grade 10 where only TAKS and LDAA are available as testing options until the SDAA becomes available at this grade in 2005
- conduct research to establish the relationship between significantly cognitively disabled and students that are only assessed with LDAA
- study the implementation implications of only alternately assessing the most significant cognitively disabled students
- modify data collection instruments and timelines to meet the AYP requirements and calendar
- develop a policy for addressing districts that exceed 1% of students tested on alternative assessments for purposes of calculating AYP
- propose changes to SBOE and commissioner of education rules required to implement new federal regulations

In 2004, districts that do not receive waivers will be required to meet the 1% (or the percentage in the final regulations) for students in grades 3-8. The LDAA results for students in grades 3-8 and 10 will be incorporated into the assessment measure evaluated for AYP. A statewide field test of SDAA for grades 9 and 10 will be conducted in the spring of 2004.

The first statewide administration of the SDAA for grades 9 and 10 will be in spring of 2005. At that time,

districts that do not receive waivers will be required to meet the 1% for students in grades 3-8 and 10.

Other Performance Measure

In addition to meeting the performance and participation requirements on the assessment measure, all districts and campuses must meet a performance standard for all students on one additional measure.

- **High school graduation rate.** The high school graduation rate is the other performance measure for all high school campuses and districts.
  - ***Measure evaluated and calculation.*** The high school graduation rate is the *graduates* component of the longitudinal completion/student status rate. Due to the timing of the availability of data, the completion/student status rate is a prior-year measure. For example, the graduation rate evaluated as part of the 2002-03 AYP calculation is the graduation rate for the class of 2002.
  - ***Standards.*** 70 percent of students in the cohort classified as graduates.

- **Attendance rate.** The attendance rate is the other performance measure for elementary and middle school campuses and districts.
  - ***Measure evaluated and calculation.*** The attendance rate is based on attendance of all students in grades 1 and above for the entire school year. Due to the timing of the availability of data, the attendance rate is a prior-year measure. For example, the attendance rate evaluated as part of the 2002-03 AYP calculation is the 2001-02 attendance rate.
  - ***Standards.*** 90 percent average attendance rate.

- **Performance gains**. This measure is calculated only for districts and campuses that meet all participation and performance requirements on the assessment measure, but fail to meet the performance requirement on the other performance measure. The AYP performance requirements on the other performance measure are met if there is improvement on the other performance measure at the all-students level.

Small Districts and Campuses

The following guidelines were used in establishing rules for evaluation of very small districts and campuses. See the state response to Critical Element 5.5 for more information on factors considered in establishing minimum size criteria for purposes of determining AYP.

- Assessment results will not be evaluated for fewer than 30 students.
- Assignment of AYP status will be based minimally on evaluation of assessment results in reading/language arts and mathematics.
- Campuses will be evaluated based on their own performance data to the extent possible. Data will be aggregated across years rather than pairing campuses or assigning district AYP status to small campuses.
- Data will be aggregated for as many years as necessary to reach a minimum of 30 total students.
- In the first year, efforts will be made to avoid type 2 errors (incorrectly identifying campuses or districts as failing to meet AYP) at the cost of increasing the number of type 1 errors (incorrectly identifying campuses or districts as meeting AYP).

- **Assessment Measure.**
  - Districts with fewer than 30 total students in the grades tested (summed across grades 3-8 and 10) for either reading/language arts or mathematics will be evaluated based on uniform averaging across multiple years for that subject. District test results will be combined across as many years as necessary to reach a minimum of 30 total students. NOTE: Because 2002-03 is the first year of testing under the TAKS, performance of districts with fewer than 30 total students tested will not be evaluated for AYP in 2002-03. These very small districts will be evaluated for AYP the first year that sufficient data are available.
  - Campuses with fewer than 30 total students in the grades tested (summed across grades 3-8 and 10) for either reading/language arts or mathematics will be evaluated based on uniform averaging across multiple years for that subject. Campus test results will be combined across as many years as necessary to reach a minimum of 30 total students. NOTE: Because 2002-03 is the first year of testing under the TAKS, campuses with fewer than 30 total students tested will not be evaluated for AYP in 2002-03. These very small campuses will be evaluated for AYP the first year that sufficient data are available.
  - Campuses with no students in the grades tested will not be evaluated for AYP in 2002-03 pending decisions about accountability for small campuses in the state accountability system.
  - In 2002-03, open-enrollment charter schools with no students tested or fewer than 30 total students tested in either reading/language arts or mathematics will not be evaluated. In the future charters will be evaluated for accountability purposes as districts as well as campuses. Details regarding charter district accountability will be determined as part of the development process for the state accountability system for 2004 and beyond. At that time decisions will be made about accountability for small charter schools and districts.

- **Performance gains.** A district or campus evaluated based on uniform averaging across multiple years will be eligible to meet AYP requirements under the safe harbor provisions available to other districts and campuses. Performance gains will be calculated by comparing the uniform average used for AYP in the current year with the uniform average used in the prior year. For example, in Year 3 a uniform average derived by combining assessment results from Year 2 and Year 3 would be compared to the prior year uniform average derived by combining assessment results from Year 1 and Year 2.

- **Participation.** Districts and campuses with fewer than 40 total students enrolled in the grades tested (summed across grades 3-8 and 10) on the test date will not be required to meet the test participation standard. The AYP determination for these districts and campuses will be based on performance on the assessment measure and the other performance measure.

- **Other performance measure.** Districts and campuses that do not meet the minimum size criteria for all students on the other performance measure will not be required to meet the performance standard or performance gains on the other performance measure. The AYP determination for these districts and campuses will be based on performance on the assessment measure and the participation requirement.

Links to Supporting Evidence:
State law and administrative rules governing the assessment and accountability system, along with additional administrative materials, are found on the agency web site located at http://www.tea.state.tx.us/ (TEA), http://www.tea.state.tx.us/student.assessment/index.html (Student Assessment), and http://www.tea.state.tx.us/accountability.html (Accountability). Specific information related to students receiving special education services is found at http://www.tea.state.tx.us/special.ed/
The direct link to the Texas Education Code (TEC), Chapter 39, governing assessment and accountability is http://www.capitol.state.tx.us/statutes/ed/ed0003900toc.html.

Supporting evidence also includes information on the assessment of LEP students found at http://www.tea.state.tx.us/student.assessment/admin/rpte/index.html; information related to the RPTE found at http://www.tea.state.tx.us/student.assessment/admin/rpte/index.html; and information related to the SDAA found at http://www.tea.state.tx.us/student.assessment/admin/sdaa/index.html.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
1.3 Does the State have, at a minimum, a definition of *basic*, *proficient* and *advanced* student achievement levels in reading/language arts and mathematics?	State has defined three levels of student achievement: *basic*, *proficient* and *advanced*.[1] Student achievement levels of *proficient* and *advanced* determine how well students are mastering the materials in the State's academic content standards; and the *basic* level of achievement provides complete information about the progress of lower-achieving students toward mastering the *proficient* and *advanced* levels.	Standards do not meet the legislated requirements.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The state has defined three levels of student achievement: "Did Not Meet the Standard" (basic); "Met the Standard" (proficient); and "Commended Performance" (advanced).

State law charges the State Board of Education (SBOE) with the responsibility to establish performance standards for TAKS, to be first implemented the 2002-03 school year. Since standard setting is such a critical component of the development of a new test, the SBOE adopted a plan in January 2002 authorizing a series of research and training activities over the last year to ensure that the board is fully informed in establishing standards that meet the needs of the State of Texas. These activities included creating broad-based advisory standard-setting panels, each comprised of 15-22 people who are stakeholders, such as teachers, administrators, community and business leaders, parents, and others. These panels, convened for every grade and subject area tested, received thorough training in the standard-setting process, discussed the performance standards in a systematic way, and recommended specific performance standard(s) to the SBOE. In addition, a national Technical Advisory Committee (TAC) was assembled to advise the board on standard-setting issues related to TAKS; this committee was composed of prominent educational testing experts with experience in standard-setting for other major testing programs across the country. The SBOE set standards for student achievement in November 2002.

Student achievement levels for the SDAA and RPTE are described in the response under Critical Element 1.2.

[1] System of State achievement standards will be reviewed by the Standards and Assessments Peer Review. The Accountability Peer Review will determine that achievement levels are used in determining AYP.

Links to Supporting Evidence:
State law and administrative rules governing the assessment and accountability system, along with additional administrative materials, are found on the agency web site located at http://www.tea.state.tx.us/ (TEA), http://www.tea.state.tx.us/student.assessment/index.html (Student Assessment), and http://www.tea.state.tx.us/accountability.html (Accountability).
The direct link to the Texas Education Code (TEC), Chapter 39, governing assessment and accountability is http://www.capitol.state.tx.us/statutes/ed/ed0003900toc.html.

Information related to the performance standards set by the State Board of Education is found at http://www.tea.state.tx.us/student.assessment/taks/standards/board111402.html.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
1.4 How does the State provide accountability and adequate yearly progress decisions and information in a timely manner?	State provides decisions about adequate yearly progress in time for LEAs to implement the required provisions before the beginning of the next academic year. State allows enough time to notify parents about public school choice or supplemental educational service options, time for parents to make an informed decision, and time to implement public school choice and supplemental educational services.	Timeline does not provide sufficient time for LEAs to fulfill their responsibilities before the beginning of the next academic year.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

LEAs and campuses will be notified of their AYP status and whether they have been identified for Title I, Part A School Improvement as early as possible following receipt of assessment results each year. The goal for 2002-03 is to issue the notification before August 18, 2003. This date is the earliest date that school districts can begin the 2002-03 school year without an approved waiver from the commissioner of education. (See TEC §25.0811) The State will use the following criteria to identify campuses and LEAs for Title I, Part A School Improvement:

- all students or any student group (African American, Hispanic, white, economically disadvantaged, special education, and limited English proficient) fails to meet the AYP performance targets, using the student assessment standards set by the State Board of Education, in the same subject (reading or mathematics) for two consecutive years; or

  fails to meet the performance gains provisions under safe harbor; or
- the campus or LEA fails to meet the standard or show progress in meeting the standard for the appropriate other indicators for two consecutive years; or
- any student group has less than 95% participation in the same subject (reading or mathematics) for two consecutive years.

Supporting Evidence:
TEC §25.0811 at http://www.capitol.state.tx.us/statutes/ed/ed0002500toc.html.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
1.5 Does the State Accountability System produce an annual State Report Card?	The State Report Card includes all the required data elements [see Appendix A for the list of required data elements]. The State Report Card is available to the public at the beginning of the academic year. The State Report Card is accessible in languages of major populations in the State, to the extent possible. Assessment results and other academic indicators (including graduation rates) are reported by student subgroups	The State Report Card does not include all the required data elements. The State Report Card is not available to the public.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The State will produce annual reports that incorporate all the required reporting elements listed in Appendix A as required data elements for the State Report Card to be made available to the public at the beginning of the academic year.

Assessment Information

Annual state, district, and campus assessment reports will provide information for each test by grade and subject on percentage of students tested and results at each proficiency level. Assessment information will be reported for all students and disaggregated for the following student groups.

- Gender (male, female)
- Race/Ethnicity (African American, Asian/Pacific Islander, Hispanic, Native American/Alaskan Native, White)
- Limited English Proficient (including information on acquisition of English proficiency)
- Migrant
- Special Education (students with disabilities, non-disabled students)
- Socioeconomic Status (economically disadvantaged, non-economically disadvantaged)

Only one year of assessment information will be reported in 2003 because this is the first year of testing under a new state assessment program. Assessment information will include results for all students enrolled on the date of testing.

Accountability Information

Annual state, district, and campus accountability reports will provide information on the state's annual objectives for each indicator evaluated for adequate yearly progress (AYP), percentage of students meeting

the objectives, and performance gains on each indicator. Indicators evaluated for AYP are reading performance, mathematics performance, reading participation, mathematics participation, graduation rates (high schools), and attendance rates (elementary and middle/junior high schools). Accountability information will be reported for all students and disaggregated for the following student groups, which are evaluated for AYP.

African American
Hispanic
White
Limited English Proficient
Special Education
Economically Disadvantaged

Accountability assessment results at the state and district levels will include results for all students enrolled in the district for the full academic year (students enrolled in the district on the date of testing who were enrolled in the district on the fall enrollment snapshot date). Accountability assessment results at the campus level will include results for all students enrolled on the campus for the full academic year (students enrolled on the campus on the date of testing who were enrolled on the campus on the fall enrollment snapshot date). Accountability reports will also identify schools needing School Improvement, the reasons, and how long they have been identified; and report the names of schools and districts identified for School Improvement, and the number and percentage of schools in each district.

Teacher Information

The State is still developing a process for collecting the data necessary to respond to #8 in Appendix A, as related to Highly Qualified teachers. In the interim, the State will report teacher data based on teacher certification records.

Links to Supporting Evidence:

TEC §§39.052 and 39.053 (http://www.capitol.state.tx.us/statutes/ed/ed0003900toc.html)

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
1.6 How does the State Accountability System include rewards and sanctions for public schools and LEAs?[2]	State uses one or more types of rewards and sanctions, where the criteria are: • Set by the State; • Based on adequate yearly progress decisions; and, • Applied uniformly across public schools and LEAs.	State does not implement rewards or sanctions for public schools and LEAs based on adequate yearly progress.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Sanctions

If a campus or LEA receives funding under Title I, Part A and fails to make AYP for two consecutive years, the campus or LEA is identified for School Improvement as required in Section 1116. Campuses and LEAs must comply with the requirements of School Improvement for Year 1, Year 2, etc., as appropriate, including the provision of the School Choice Option and Supplemental Educational Services as required in Section 1116.

State sanctions/interventions will be reevaluated in 2004 as decisions are made related to the state accountability system to ensure alignment with federal requirements.

Rewards

For campuses that receive Title I, Part A funds, the State has established two categories of Distinguished Schools based on the criteria established in statute: Distinguished Progress Schools and Distinguished Performance Schools. These schools will be recognized for their outstanding achievement.

Links to Supporting Evidence:

For School Improvement— http://www.tea.state.tx.us/nclb/sip/sip.html

For Title I Distinguished Schools— http://www.tea.state.tx.us/student.support/titleia/distingschools.html

[2] The state must provide rewards and sanctions for all public schools and LEAs for making adequate yearly progress, except that the State is not required to hold schools and LEAs not receiving Title I funds to the requirements of section 1116 of NCLB [§200.12(b)(40)].

PRINCIPLE 2. All students are included in the State Accountability System.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
2.1 How does the State Accountability System include all students in the State?	All students in the State are included in the State Accountability System. The definitions of "public school" and "LEA" account for all students enrolled in the public school district, regardless of program or type of public school.	Public school students exist in the State for whom the State Accountability System makes no provision.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The definitions of public school and public school district provided under the state response to Critical Element 1.1 account for all students enrolled in the public school district regardless of program or type of public school. The annual AYP calculation for campuses and districts described in response to Critical Element 1.2 includes the following students.

- Performance of students enrolled in grades 3-8 and 10 is evaluated as part of the AYP calculation.
- Performance of students enrolled in the district on the fall enrollment snapshot date is evaluated as part of the AYP calculation.
- Performance of students in districts and open-enrollment charter schools with fewer than 30 total students enrolled is evaluated as part of the AYP calculation based on uniform averaging as soon as enough years of test results are available to evaluate performance on the basis of results of at least 30 students.
- Performance of special education students tested on the TAKS or SDAA is evaluated as part of the AYP calculation.
- Performance of special education students tested on the LDAA is evaluated as part of the AYP calculation beginning in 2004.
- Performance of limited English proficient (LEP) students tested on the English and Spanish versions of the TAKS or the RPTE is evaluated as part of the AYP calculation, and options for inclusion of mathematics results for LEP students who take only the RPTE will be explored for possible inclusion in 2004.

Links to Supporting Evidence:

TEC §§39.023, 39.025, 39.027, 39.051, and 39.073.
(http://www.capitol.state.tx.us/statutes/ed/ed0003900toc.html)

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
2.2 How does the State define "full academic year" for identifying students in AYP decisions?	The State has a definition of "full academic year" for determining which students are to be included in decisions about AYP. The definition of full academic year is consistent and applied statewide.	LEAs have varying definitions of "full academic year." The State's definition excludes students who must transfer from one district to another as they advance to the next grade. The definition of full academic year is not applied consistently.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Full academic year is defined as follows for AYP purposes.

- Districts. Performance of students enrolled in the district on the fall enrollment snapshot date will be considered in district AYP evaluations.
- Campuses. Performance of students enrolled on the campus on the fall enrollment snapshot date will be considered in the campus AYP evaluations.

The fall enrollment snapshot date is defined in the annual Public Education Information Management System (PEIMS) Data Standards. Fall enrollment records submitted by each district represent students enrolled in the district on the snapshot date. The snapshot date is typically the last Friday in October. The fall enrollment snapshot date is the date the enrollment count is taken for the National Center for Education Statistics (NCES) Common Core of Data (CCD).

Links to Supporting Evidence
Public Education Information Management System (PEIMS) Data Standards published annually with school district data reporting requirements are found on the agency website located at http://www.tea.state.tx.us/peims/standards/index.html.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
2.3 How does the State Accountability System determine which students have attended the same public school and/or LEA for a full academic year?	State holds public schools accountable for students who were enrolled at the same public school for a full academic year. State holds LEAs accountable for students who transfer during the full academic year from one public school within the district to another public school within the district.	State definition requires students to attend the same public school for more than a full academic year to be included in public school accountability. State definition requires students to attend school in the same district for more than a full academic year to be included in district accountability. State holds public schools accountable for students who have not attended the same public school for a full academic year.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The PEIMS enrollment record submitted by the district for each student enrolled on the fall snapshot date includes as data elements the district unique identification number and the unique identification number of the campus on which the student is enrolled or on which the student receives the majority of her or his instruction.

The test answer document submitted for each student enrolled in the grades tested on the test date also includes the district unique identification number and the campus unique identification number.

Performance of students with the same district identification number on the fall enrollment record and the test answer document are included in the AYP evaluation of the district, even if the campus identification numbers show that the student was enrolled on one campus in the district in the fall and tested at a different campus in the district in the spring.

Performance of students with the same campus identification number on the fall enrollment record and the test answer document are included in the AYP evaluation of the campus.

Links to Supporting Evidence
PEIMS Data Standards are found on the agency website located at
http://www.tea.state.tx.us/peims/standards/index.html.
District and Campus Coordinator Manual explaining responsibilities of testing coordinators and administrators is found on the agency website located at
http://www.tea.state.tx.us/student.assessment/resources/guides/coormanual/index.html.

PRINCIPLE 3. State definition of AYP is based on expectations for growth in student achievement that is continuous and substantial, such that all students are proficient in reading/language arts and mathematics no later than 2013-2014.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
3.1 How does the State's definition of adequate yearly progress require all students to be proficient in reading/language arts and mathematics by the 2013-2014 academic year?	The State has a timeline for ensuring that all students will meet or exceed the State's proficient level of academic achievement in reading/language arts[3] and mathematics, not later than 2013-2014.	State definition does not require all students to achieve proficiency by 2013-2014. State extends the timeline past the 2013-2014 academic year.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Timeline

The performance targets for the assessment measure shown in the table below are the intermediate goals that identify the minimum percentage of students who must meet or exceed the proficient level of academic achievement on the assessment performance measure. The timeline ensures that all students will meet or exceed the proficient level of academic achievement in reading/language arts and mathematics by 2013-14. The same targets are used for all districts and campuses and for all student groups.

	AYP Targets								
	Target 2002-03 2003-04	Target 2004-05 2005-06	Target 2006-07 2007-08	Target 2008-09	Target 2009-10	Target 2010-11	Target 2011-12	Target 2012-13	Target 2013-14
Reading/English Language Arts	46.8%	53.5%	60.1%	66.8%	73.4%	80.1%	86.7%	93.4%	100%
Mathematics	33.4%	41.7%	50.0%	58.3%	66.6%	74.9%	83.2%	91.5%	100%

Links to Supporting Evidence:
TEC §§39.051(b) and 39.073(e) (http://www.capitol.state.tx.us/statutes/ed/ed0003900toc.html)

[3] If the state has separate assessments to cover its language arts standards (e.g., reading and writing), the State must create a method to include scores from all the relevant assessments.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
3.2 How does the State Accountability System determine whether each student subgroup, public school and LEA makes AYP?	For a public school and LEA to make adequate yearly progress, each student subgroup must meet or exceed the State annual measurable objectives, each student subgroup must have at least a 95% participation rate in the statewide assessments, and the school must meet the State's requirement for other academic indicators. However, if in any particular year the student subgroup does not meet those annual measurable objectives, the public school or LEA may be considered to have made AYP, if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the State assessments for that year decreased by 10% of that percentage from the preceding public school year; that group made progress on one or more of the State's academic indicators; and that group had at least 95% participation rate on the statewide assessment.	State uses different method for calculating how public schools and LEAs make AYP.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

AYP Determination

The method of calculating AYP described in the state response under Critical Element 1.2 is consistent with the requirements in federal statute and regulations. For a school or district to make AYP, all students and each student group that meets minimum size criteria must—

- meet or exceed the annual measurable objectives on the assessment measure or the performance gains provisions under safe harbor, and
- have at least a 95-percent participation rate in the state assessments (beginning in 2004), and
- meet the state requirements for performance or performance gains on one other academic indicator.

Links to Supporting Evidence:

TEC §39.073(b)(2) and (3) (http://www.capitol.state.tx.us/statutes/ed/ed0003900toc.html)

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
3.2a What is the State's starting point for calculating Adequate Yearly Progress?	Using data from the 2001-2002 school year, the State established separate starting points in reading/language arts and mathematics for measuring the percentage of students meeting or exceeding the State's proficient level of academic achievement. Each starting point is based, at a minimum, on the higher of the following percentages of students at the proficient level: (1) the percentage in the State of proficient students in the lowest-achieving student subgroup; or, (2) the percentage of proficient students in a public school at the 20th percentile of the State's total enrollment among all schools ranked by the percentage of students at the proficient level. A State may use these procedures to establish separate starting points by grade span; however, the starting point must be the same for all like schools (e.g., one same starting point for all elementary schools, one same starting point for all middle schools…).	The State Accountability System uses a different method for calculating the starting point (or baseline data).

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Baseline Standards

Baseline standards for 2002-03 are set at the 20th percentile of performance based on student enrollment in grades tested (grades 3-8 and 10) on the test date. Performance at the 20th percentile was identified by sorting campuses by percent proficient, counting up to reach 20 percent of enrollment in the grades tested on test date, and identifying the percent proficient of the campus on which the student at the 20th percentile was enrolled. Separate starting points were identified for reading/language arts and mathematics. As shown on the table below, this method produced a higher starting point than the percentage of proficient students in the lowest-achieving student group.

Data used to identify the baseline were the 2001-02 performance results on the TAAS converted to reflect estimated proficiencies on the TAKS at the panel recommended passing standards for reading/language arts and mathematics adopted by the SBOE in November 2002. The TAKS results from the field test and a special study that tested a sample of students statewide were used to make the conversion.

	Reading	**Mathematics**
20th percentile of performance	**46.8**	**33.4**
Percent proficient by student group:		
African American	48.3	33.3
Hispanic	49.8	40.5
White	74.3	61.9
Economically Disadvantaged	48.7	38.8
Special Education	40.2	30.1
Limited English Proficient	28.8	30.7

Supporting Evidence:
Documentation of the process used to set baseline standards will be provided at the time of the peer review visit.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
3.2b What are the State's annual measurable objectives for determining adequate yearly progress?	State has annual measurable objectives that are consistent with a state's intermediate goals and that identify for each year a minimum percentage of students who must meet or exceed the proficient level of academic achievement on the State's academic assessments. The State's annual measurable objectives ensure that all students meet or exceed the State's proficient level of academic achievement within the timeline. The State's annual measurable objectives are the same throughout the State for each public school, each LEA, and each subgroup of students.	The State Accountability System uses another method for calculating annual measurable objectives. The State Accountability System does not include annual measurable objectives.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The State's annual measurable objectives for determining adequate yearly progress are the same as the intermediate goals.

The performance targets for the assessment measure shown in the table below are the intermediate goals that identify the minimum percentage of students who must meet or exceed the proficient level of academic achievement on the assessment performance measure. The timeline ensures that all students will meet or exceed the proficient level of academic achievement in reading/language arts and mathematics by 2013-14. The same targets are used for all districts and campuses and for all student groups.

	AYP Targets								
	Target 2002-03 2003-04	Target 2004-05 2005-06	Target 2006-07 2007-08	Target 2008-09	Target 2009-10	Target 2010-11	Target 2011-12	Target 2012-13	Target 2013-14
Reading/English Language Arts	46.8%	53.5%	60.1%	66.8%	73.4%	80.1%	86.7%	93.4%	100%
Mathematics	33.4%	41.7%	50.0%	58.3%	66.6%	74.9%	83.2%	91.5%	100%

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
3.2c What are the State's intermediate goals for determining adequate yearly progress?	State has established intermediate goals that increase in equal increments over the period covered by the State timeline. • The first incremental increase takes effect not later than the 2004-2005 academic year. • Each following incremental increase occurs within three years.	The State uses another method for calculating intermediate goals. The State does not include intermediate goals in its definition of adequate yearly progress.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The performance targets for the assessment measure shown in the table below are the intermediate goals that identify the minimum percentage of students who must meet or exceed the proficient level of academic achievement on the assessment performance measure. The timeline ensures that all students will meet or exceed the proficient level of academic achievement in reading/language arts and mathematics by 2013-14. The same targets are used for all districts and campuses and for all student groups.

	AYP Targets								
	Target 2002-03 2003-04	Target 2004-05 2005-06	Target 2006-07 2007-08	Target 2008-09	Target 2009-10	Target 2010-11	Target 2011-12	Target 2012-13	Target 2013-14
Reading/English Language Arts	46.8%	53.5%	60.1%	66.8%	73.4%	80.1%	86.7%	93.4%	100%
Mathematics	33.4%	41.7%	50.0%	58.3%	66.6%	74.9%	83.2%	91.5%	100%

PRINCIPLE 4. State makes annual decisions about the achievement of all public schools and LEAs.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
4.1 How does the State Accountability System make an annual determination of whether each public school and LEA in the State made AYP?	AYP decisions for each public school and LEA are made annually.[4]	AYP decisions for public schools and LEAs are not made annually.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Annual Determinations

The state will make an annual determination of whether each public school campus and district made AYP based on the criteria described in the response under Critical Element 1.2.

Links to Supporting Evidence:
TEC §39.073(b) (http://www.capitol.state.tx.us/statutes/ed/ed0003900toc.html)

[4] Decisions may be based upon several years of data and data may be averaged across grades within a public school [§1111(b)(2)(J)].

PRINCIPLE 5. All public schools and LEAs are held accountable for the achievement of individual subgroups.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
5.1 How does the definition of adequate yearly progress include all the required student subgroups?	Identifies subgroups for defining adequate yearly progress: economically disadvantaged, major racial and ethnic groups, students with disabilities, and students with limited English proficiency. Provides definition and data source of subgroups for adequate yearly progress.	State does not disaggregate data by each required student subgroup.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Student Group Definitions and Data Sources

The method of calculating AYP described in the state response to Critical Element 1.2 applies the same standards to all students and each student group (African American, Hispanic, White, economically disadvantaged, special education, and limited English proficient). Following are definitions and data sources for the student groups.

Ethnicity

- Assessment measure. Student ethnicity is reported on all test answer documents. For the assessment measure, ethnicity coded on the test answer document is used.
- Other performance measures. Student ethnicity is reported on all student records submitted through PEIMS. For the graduation rate, ethnicity of a student who graduates is determined from the demographic record submitted with the student leaver data the year the student graduates. For the attendance measure, ethnicity coded on the demographic record submitted with the student attendance data is used.

Ethnicity is coded as one of five mutually exclusive groups, shown on the following table. Student groups evaluated for AYP include African American, Hispanic, and white students. These three groups accounted for 97 percent of the students enrolled in Texas public schools in 2001-02.

Ethnicity	Percent of Enrollment
African American: A non-Hispanic person having origins in any of the Black racial groups of Africa.	14.4%
Hispanic: A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.	41.7%
White: A non-Hispanic person having origins in any of the original peoples of Europe, North Africa, or the Middle East.	40.9%
Asian/Pacific Islander: A person having origins in any of the original peoples of the Far East, Southeast Asia, Indian subcontinent, Polynesian Islands, Micronesian Islands, Melanesian Islands, or Philippine Islands.	2.8%
Native American: A person having origin in any of the original peoples of North America and who maintains cultural identification through affiliation or community recognition.	0.3%

Economically Disadvantaged

- Assessment measure. Economically disadvantaged status is coded on all test answer documents. For the assessment measure, economically disadvantaged status coded on the test answer document is used.
- Other performance measures. Economically disadvantaged status is not reported on the PEIMS attendance record. For the attendance rate indicator, economically disadvantaged status is taken from the PEIMS fall enrollment record if the student attendance record can be matched to an enrollment record. Those that cannot be matched are assumed not to be economically disadvantaged.

  Economically disadvantaged status for graduates is derived from the PEIMS fall enrollment record if the student attendance record can be matched to an enrollment record. Those that cannot be matched are assumed not to be economically disadvantaged. Economically disadvantaged status is taken from the year the student graduates.

A student may be identified as economically disadvantaged by the district if she or he meets any of the following criteria.

- Eligibility for free or reduced price meals under the National School Lunch and Child Nutrition Program
- From a family with an annual income at or below the official federal poverty line
- Eligible for Temporary Assistance to Needy Families (TANF) or other public assistance
- Received a Pell Grant or comparable state program of need-based financial assistance
- Eligible for programs assisted under Title II of the Job Training Partnership Act (JTPA)
- Eligible for benefits under the Food Stamp Act of 1977

Special Education

- Assessment measure. Special education status is coded on the test answer documents. For the assessment measure, special education status coded on the test answer documents is used. If the special education status field of the answer document is left blank, the student is assumed to be non-special education. All SDAA test answer documents are considered as special education. LDAA performance is submitted to TEA through a paper collection. Only students with disabilities receiving special education services may be administered the LDAA. All LDAA data collection forms are considered as those for special education students.
- Other performance measures. Special education status is reported on the PEIMS attendance record. For the attendance rate indicator, a student reported as special education in any six-week reporting period is considered as special education. For the graduation rate indicator, a student reported as special education in any six-week reporting period in the year the student graduates is considered special education.

  Special education status coded on test answer documents and PEIMS data records is consistent with ESEA 9101 (5). The term "child with a disability" has the same meaning as found in section 602 of the Individuals with Disabilities Education Act (IDEA) in all school districts and charter schools in Texas. The implementing regulations (34 CFR §300.7) specific to section 602 of IDEA can be found referenced in Texas Administrative Code (TAC) §89.1040, relating to eligibility criteria.

Limited English Proficient

- Assessment measures. Limited English proficient (LEP) status is coded on the test answer documents. For the assessment measure, LEP status coded on the English and Spanish test answer documents is used. If the LEP indicator field of the English answer document is left blank, the student is assumed to be non-LEP. If the LEP indicator field on the Spanish answer document is left blank, the student is assumed to be LEP. For purposes of determining if the LEP student population on the campus or district meets the minimum size criteria, the number of students with answer documents for the current school year coded as LEP will be used. For purposes of evaluating LEP student performance for campuses and districts that meet minimum size criteria for LEP students, current year results will be included if the student is identified as LEP for the current school year or either of the preceding two years.

  State policy (19 TAC §89.1220(l)) requires the language proficiency assessment committee to monitor and provide appropriate support for the academic progress of each student who has exited from a bilingual education or English as second language (ESL) program for two years to determine whether the student is academically successful. Those students who are not academically successful due to limited English proficiency are placed in bilingual education, ESL, compensatory, accelerated instruction, or other special language programs that address their needs.
- Other performance measures. LEP status is not reported on the PEIMS attendance record. For the attendance rate indicator, students with attendance in a bilingual education or English as a second language (ESL) program, and students with no attendance in a bilingual/ESL program who have a matching fall enrollment record coded as LEP, are considered to be LEP. LEP status for graduates is derived from the PEIMS fall enrollment record if the student attendance record for the graduate can be matched to an enrollment record. Those that cannot be matched are assumed not to be LEP. LEP

status is taken from the year the student graduates. NOTE: Beginning in 2003-04, LEP status will be reported on the PEIMS attendance record. Source of data for the LEP designation for the attendance rate indicator will be reevaluated at that time.

The State criteria for determining limited English proficiency for the LEP status codes are consistent with ESEA 9101(25), as required by federal regulations.

Links to Supporting Evidence:

PEIMS Data Standards are found on the agency website located at http://www.tea.state.tx.us/peims/standards/index.html.

TEC §§39.051(b) and 39.073(e) (http://www.capitol.state.tx.us/statutes/ed/ed0003900toc.html)

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
5.2 How are public schools and LEAs held accountable for the progress of student subgroups in the determination of adequate yearly progress?	Public schools and LEAs are held accountable for student subgroup achievement: economically disadvantaged, major ethnic and racial groups, students with disabilities, and limited English proficient students.	State does not include student subgroups in its State Accountability System.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Campus and district student performance data are disaggregated by student group, as the groups are defined in the response to Critical Element 5.1. The disaggregated results for each student group at each campus and each LEA are compared to the Intermediate Goals described in Critical Element 3.2c to determine whether AYP has been made.

Links to Supporting Evidence:

TEC §§39.051(b) and 39.073(e) (http://www.capitol.state.tx.us/statutes/ed/ed0003900toc.html)

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
5.3 How are students with disabilities included in the State's definition of adequate yearly progress?	All students with disabilities participate in statewide assessments: general assessments with or without accommodations or an alternate assessment based on grade level standards for the grade in which students are enrolled. State demonstrates that students with disabilities are fully included in the State Accountability System.	The State Accountability System or State policy excludes students with disabilities from participating in the statewide assessments. State cannot demonstrate that alternate assessments measure grade-level standards for the grade in which students are enrolled.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

All students with disabilities are included in the state assessment system. As required by Texas Education Code (TEC) §39.023, students receiving special education services are assessed annually as follows:

- students for whom TAKS is an appropriate measure of their academic achievement take TAKS;
- students who are being instructed in the state-mandated curriculum in an area tested by TAKS, but for whom TAKS is not an appropriate measure of academic progress, even with allowable accommodations, take the State-Developed Alternative Assessment (SDAA); and
- students who are being instructed in the state curriculum to the extent that is appropriate to meet their needs, but for whom neither TAKS nor SDAA is an appropriate measure of academic progress-take Locally Developed/Determined Alternate Assessments (LDAAs).

The admission, review, and dismissal (ARD) committee determines which assessment is appropriate for the student based on the student's Individualized Education Plan (IEP).

Background

Texas has a long history of assessing students with disabilities using alternative and alternate assessments. Since 1995-96, Texas Administrative Code has required school districts to select a locally-determined alternate assessment (LDAA) for students that were not administered the TAAS because the student's admission, review, and dismissal (ARD) committee (IEP Team) determined that the TAAS was not an appropriate measure of the student's academic performance. Just prior to the reauthorization of the Individuals with Disabilities Education Act (IDEA) Amendments of 1997, the Texas Legislature passed into law the requirement for the Texas Education Agency to develop and administer the state-developed alternative assessment (SDAA). The creation of the SDAA provided an additional assessment tool to appropriately assess the academic performance of students with disabilities. The basis for the creation of multiple assessment tools has been grounded in the principles of non-discriminatory assessment, while providing valid and reliable assessments to accurately inform instruction and ensure access to and progress in the general curriculum.

Throughout the development, field testing, and full implementation of the SDAA, LEAs continued to administer the LDAA as determined by the student's ARD committee. Although the number of students assessed using the LDAA is relatively small, consistent with federal intent, Texas has never limited, by disability type or characteristics, which students should be administered the LDAA. The decision about which students participate in any combination of the TAAS or LDAA; TAAS, SDAA, or LDAA; or TAKS, SDAA, or LDAA for reading/language arts and mathematics has always been determined by the student's ARD committee based on which assessment provided an appropriate measure of the student's academic performance. The Texas methodology is consistent with the IDEA statute and implementing regulations. Current federal special education law and implementing regulations do not require states or LEAs to limit/narrow alternate assessment administration to the most significant cognitively disabled students. Although the LDAA meets the federal requirements pertaining to special education, changes will be required to fully comply with the requirements of NCLB. Therefore, it is necessary for our State to study the implementation implications of assessing the most significant cognitively disabled students and to begin the redesign of the LDAA consistent with the final Title I regulations.

TEA personnel evaluated the feasibility of modifying the 2002-2003 LDAA data collection tool relative to the Notice of Proposed Rule Making. It was determined that any changes to the data collection tool should occur after the regulations are published in final form. This is due in part to the timing of the data collection in 2002-03, which was scheduled to meet IDEA reporting requirements rather than the AYP calendar. The additional requirements relative to AYP will be incorporated into the 2003-2004 LDAA data collection tool.

Alignment with Academic Standards

The State-Developed Alternative Assessment (SDAA) is aligned with the state's grade level standards. The state assessment program is designed to measure the knowledge and skills from the state curriculum, the Texas Essential Knowledge and Skills (TEKS) that each student is required to be taught. This curriculum features a careful vertical alignment so that the knowledge and skills build from grade to grade. Test objectives represent the strands of learning from the curriculum that are deemed critical to assess across grade levels. The test objectives for the alternative assessment and the regular assessment are identical. Under Texas law, the SDAA provides an alternative assessment for students who receive special education services whose Admission Review and Dismissal (ARD) committees (IEP teams) determine that Texas Assessment of Academic Skills/Texas Assessment of Knowledge and Skills (TAAS/TAKS), even with allowable accommodations, is an inappropriate assessment. (See Texas Education Code, Section 39.023(b).) The LDAA provides an alternate assessment to the extent that the state curriculum is appropriate to meet the unique needs of the individual special education student. Currently local school districts are required to assess the same grade levels and the same content areas as the state assessment program. In addition, local school districts also assess some students' functional skills with the LDAA.

Each student's ARD committee is responsible for determining annual instructional goals and objectives based on the TEKS. Based on the student's evaluation conducted in accordance with 34 C.F.R. Sections 300.321 and 300.532, the student's instructional objectives and the student's individual needs, the committee determines the appropriate assessment: TAAS/TAKS, SDAA or LDAA, or a combination thereof. Special training is provided to ARD committees that guides the assessment decision and to ensure that the decision is made in conformance with 34 C.F.R. Section 300.347. The use of TAAS/TAKS is the first consideration, however, committees are advised that instructional decisions must always guide assessment decisions.

The SDAA is not an "off-level" test. The SDAA measures the *same* state curriculum and is built using the same high-quality test development process as the TAAS/TAKS. The SDAA is designed to yield three achievement levels: Level I, minimum skills in TEKS; Level II, moderate skills in TEKS; and Level III, significant skills in TEKS. However, SDAA allows for the selection of an appropriate assessment for students with cognitive disabilities to the extent that their IEP contains significant instructional modifications/adaptations that would render TAAS/TAKS invalid. The SDAA allows these students, nevertheless, to be assessed on the state standards with items that are appropriate to their individual instructional programs. If this were not allowed, students would be inappropriately tested on instructional content they had not had the opportunity to learn. In addition, special consideration has been given to universal design and the format of SDAA tests in order to accommodate the needs of students with disabilities. There is more white space per page, and illustrations frequently accompany passages to provide additional context. The type size and leading have been increased from that of TAAS/TAKS. Item writers have also avoided using complex sentence constructions that may confuse students. These differences, which reflect adaptations frequently made in classroom instruction for students with disabilities, alter the *format* of the test to some degree but do not impact the *content* of the assessment.

As with all components of the Texas student assessment program, committees of Texas educators helped develop and review test item guidelines in order to ensure that every SDAA subject-area test is a valid and reliable measure of student learning. Educator committees have also reviewed potential SDAA test items for appropriateness of content and difficulty, as well as for cultural, ethnic, or gender bias, before field-testing.

ARD committees determine performance goals for each student taking the SDAA, so acceptable levels of performance on the SDAA may vary from student to student. In selecting the annual performance goal for each student, the ARD committee takes into consideration the student's most recent IEP, the TEKS instruction the student is receiving, and previous performance on the SDAA. This target becomes the student's achievement standard and is used to determine proficiency for each student.

Each spring, the SDAA is administered on the same day and test results are reported at the same time as TAAS/TAKS. At the student-level, the SDAA results are reported by enrolled grade level for the instructional level tested. The results include the performance level the student achieved and indicate whether the student met the performance target set by the ARD committee. The SDAA scale score is also included to indicate how high or low the student performed within an achievement level and to allow for evaluations of annual growth from year to year. In addition, raw scores, which indicate the number of items each student answered correctly within tested objectives and on the overall test, are reported as they are for the TAAS/TAKS. At the aggregate level, each campus and district receives summary reports which show performance results by achievement level and by the percent of students meeting their performance target by enrolled grade level.

With regard to the LDAA, the ARD committee, using professional judgment and based on the student's IEP, determines the highest learning standards possible for the student. This standard then becomes the achievement standard for the student from which proficiency is determined.

Links to Supporting Evidence:
State law and administrative rules governing the assessment and accountability system, along with additional administrative materials, are found on the agency web site located at http://www.tea.state.tx.us/ (TEA), http://www.tea.state.tx.us/student.assessment/index.html (Student Assessment), and http://www.tea.state.tx.us/accountability.html (Accountability).

TEC §§39.023(b) and 39.073(3). The direct link to the Texas Education Code (TEC), Chapter 39, governing assessment and accountability is http://www.capitol.state.tx.us/statutes/ed/ed0003900toc.html.

Supporting evidence also includes specific information related to students receiving special education services which is found at http://www.tea.state.tx.us/special.ed/; and information related to SDAA found at http://www.tea.state.tx.us/student.assessment/admin/sdaa/index.html.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
5.4 How are students with limited English proficiency included in the State's definition of adequate yearly progress?	All LEP student participate in statewide assessments: general assessments with or without accommodations or a native language version of the general assessment based on grade level standards. State demonstrates that LEP students are fully included in the State Accountability System.	LEP students are not fully included in the State Accountability System.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

LEP students participate in the state assessment system by taking TAKS in English, TAKS in Spanish (available in Grades 3–6), and/or RPTE. Recent immigrant students eligible for a LEP exemption from TAKS take RPTE, which measures growth in the state reading standards in a manner that takes second language learning into account. Exempted LEP students begin taking TAKS after attaining a rating of Advanced on RPTE or when their exemption period expires, whichever occurs first. A LEP student may begin taking TAKS before either of these conditions are met if the language proficiency assessment committee (LPAC) determines earlier participation to be appropriate according to state participation criteria.

Reading Proficiency Tests in English

RPTE is aligned to the academic content standards for reading/language arts in the state-mandated reading curriculum, the Texas Essential Knowledge and Skills.

RPTE is aligned with the achievement standards for reading/language arts in the following manner. The TAKS reading tests measure reading skills using English texts that students with native or native-like language proficiency in English can be expected to understand. RPTE measures the same reading skills but uses English texts that second-language learners can be expected to understand.

Each RPTE reading text is written at one of three reading levels—Beginning, Intermediate, or Advanced. Each level reflects a distinct stage of second-language acquisition. The reading selections and test questions at each level are written to be comprehensible to students at those stages of English language acquisition. The advanced level reading texts on RPTE differ from TAKS in that the advanced RPTE texts adapt for linguistic features that take the longest for limited English proficient (LEP) students to learn and internalize. The cognitive demands in terms of the reading skills assessed are, nevertheless, very comparable.

RPTE test results provide information about how much English LEP students understand and how well they are developing the reading skills that are required by the TEKS. A student scores at the Advanced level on

RPTE if the student can consistently perform the reading skills of the Texas curriculum for reading/language arts while reading texts that can be understood by students at this stage of English acquisition.

The achievement expectations between RPTE and TAKS in English are integrally linked. When instructional programs are effective, LEP students are able to make significant annual progress through the various stages of English acquisition. RPTE provides an appropriate reading assessment for recent immigrant students. However, to reinforce the need to ensure that LEP students make steady progress in English acquisition, the Texas participation policy is such that TAKS cannot be deferred beyond an immigrant LEP student's third school year in the U.S.

In the Texas system, all LEP students who are not immigrants take TAKS beginning in Grade 3. Immigrants with inadequate schooling outside the U.S. who are within their first three school years in the U.S. and for whom TAKS in Spanish is not appropriate may take RPTE instead of TAKS if their language proficiency assessment committee (LPAC) deems TAKS to be unable to provide a valid and reliable measure of their academic progress. This determination is made on an individual student basis and in accordance with specific state inclusion criteria. If, however, an immigrant student scores *Advanced* on RPTE sooner than the third school year in the U.S., the student must take the regular state assessment.

In summary, RPTE accommodates for the varying degrees of English language proficiency of LEP students as they proceed through the stages of English acquisition. It provides valid and reliable information about the reading skills of second-language learners during the time they are acquiring the English needed to understand texts read by their native English-speaking peers. TAKS and RPTE participation policies also require schools to ensure that students make steady annual progress in learning the English language.

Mathematics

LEP students take the TAKS mathematics tests beginning in third grade if they are nonimmigrant.

If students are immigrants within their first three school years in the U.S. and the TAKS mathematics tests in English or Spanish are not appropriate as determined by the LPAC, then the committee may determine that the RPTE is the only valid measure of achievement available.

The committee's decision is based on an understanding and documentation of the immigrant's educational experiences outside the U.S. and whether the TAKS mathematics test in English can provide valid and reliable information about the student's mathematics skills given the student's stage of English language development.

Districts are encouraged to locally assess mathematics proficiency of LEP students who are exempt from the TAAS/TAKS mathematics tests in order to guide instruction. However, appropriate mathematics tests are not always available given the different combinations of home language, age, former schooling, English proficiency, and instructional level represented by this small group of students. For this reason, the former state assessment policy requiring that all LEP students be assessed in mathematics was modified following issuance of an Attorney General's Opinion related to use of valid and reliable assessments for LEP students.

If the immigrant receives a score of Advanced on RPTE within the first three school years in the U.S., the student does not take RPTE and must take the TAKS mathematics test in English.

The agency plans to examine the number of immigrant LEP students who are not assessed in mathematics in spring 2003 and consider ways more students might be included in appropriate mathematics assessments. The goal will be to ensure that the students will have had time to acquire enough English to be included in an English-language mathematics assessment in a valid, reliable, and legally defensible manner. Options under consideration for 2004 include additional accommodations such as reading assistance and use of dictionaries or glossaries at appropriate grades and/or separate versions of the TAKS mathematics tests written to take second language development into account. These tests are sometimes referred to as plain-language versions or simple-language versions. The regular TAKS mathematics test items will be reviewed to ensure that they are written in a way that is as understandable as possible for LEP students while maintaining necessary construct validity for native English speakers. Finally, the agency will consider whether schools should be required to administer locally determined/developed mathematics tests to students who are eligible for a LEP exemption from the TAKS mathematics tests.

The goal of these reviews will be to improve the accuracy of the assessment of LEP students' mathematics skills and, if appropriate, require earlier participation in the mathematics assessments, and therefore, inclusion in the AYP measures for performance and participation for mathematics beginning with the 2003-04 school year.

Links to Supporting Evidence:
State law and administrative rules governing the assessment and accountability system, along with additional administrative materials, are found on the agency web site located at http://www.tea.state.tx.us/ (TEA), http://www.tea.state.tx.us/student.assessment/index.html (Student Assessment), and http://www.tea.state.tx.us/accountability.html (Accountability).
TEC §39.023(l). The direct link to the Texas Education Code (TEC), Chapter 39, governing assessment and accountability is http://www.capitol.state.tx.us/statutes/ed/ed0003900toc.html.

Supporting evidence also includes information on the assessment of LEP students found at http://www.tea.state.tx.us/student.assessment/admin/rpte/index.html and information related to the RPTE found at http://www.tea.state.tx.us/student.assessment/admin/rpte/index.html.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
5.5 What is the State's definition of the minimum number of students in a subgroup required for reporting purposes? For accountability purposes?	State defines the number of students required in a subgroup for reporting and accountability purposes, and applies this definition consistently across the State.[5] Definition of subgroup will result in data that are statistically reliable.	State does not define the required number of students in a subgroup for reporting and accountability purposes. Definition is not applied consistently across the State. Definition does not result in data that are statistically reliable.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Accountability Minimum Size Criteria

The following factors were considered in determining the minimum size criteria for purposes of calculating AYP.

- Student confidentiality. Texas Education Agency operating procedures related to confidential, sensitive, and restricted enterprise information define any data element with fewer than five members as confidential student information.
- Face validity. Thirty students is widely accepted as the minimum number of observations for which evaluations of data are valid for a population or statistically sound for a sample. The National Center for Education Statistics (NCES) uses 30 as a minimum for reporting proportions. The Texas public school accountability rating system in place from 1994 through 2002 required that special analyses be conducted for districts and campuses with fewer than 30 total students.
- Test reliability. Test reliability is concerned with whether a student's score on a test consistently represents his or her true achievement level. Because tests provide observed scores that serve as a proxy for direct measurement of underlying achievement level, the scores contain some amount of measurement error, and test reliability quantifies this error. At the individual student level, test reliability is known to be a critical factor that affects decision consistency in classifying students into mastery/nonmastery categories based on performance standards. At the aggregate level, test reliability affects the accuracy of decisions made based on group performance of campus, district, or state (i.e., their AYP status in this case). The more reliable each student's score is, the higher the probability of making an accurate assessment in determining whether enough students truly perform at the proficient level to allow the school/district/state to meet its annual objective. The Texas Education Agency is implementing a new test program in 2003. From past test programs and preliminary results from the new test program, the reliabilities of the individual tests will likely be between 0.85 and 0.95. Empirical results reported by Subkoviak (1978) suggested that 30 examinees was considered sufficient to provide a fairly accurate estimate of reliability coefficients for criterion-referenced tests with as few as

[5] The minimum number is not required to be the same for reporting and accountability.

10 items. For an accurate and stable estimate, reliability coefficients based on student group performance may require a larger number because, based on historical performance patterns, scores for disaggregated student groups will be less likely to be centered around the proficiency standard than the all-students aggregate.

- Statistical reliability. For accountability purposes there is interest in the reliability of school mean scores or school proportions meeting a performance standard. The reliability of *school mean scores* is only minimally affected by the reliability of the student tests used in the accountability system; the primary factor driving the reliability of school mean scores is the number of students in the school. The mean and standard deviation of the test scores for each test in the new test program are unknown at present. However, the results of the first statewide administration will be standardized on a scale score system. On some of our past exams, a population mean scale score of 1500 and population scale score standard deviation of 100 were used. We believe the following assumptions are reasonable for estimating the sample size needed to attain a specified *school mean scale score* reliability: (1) the population mean scale score is 1500, (2) the population scale score standard deviation is 100, and (3) the reliability of the test is 0.90, and (4) the standard deviation of the school mean scores based on a sample of 50 students from each school is 40 (based on diversity in past performance of Texas public schools). The following can be computed based on the above information: (1) the reliability of school mean scores given each school's mean score was computed from a sample of 50 students is 0.89, (2) the reliability of school mean scores given each school's mean score was computed from a sample of 30 students is 0.83, and (3) the reliability of school mean scores given each school's mean score was computed from a sample of 10 students is 0.62. Given the desire of a minimum school mean reliability of 0.8, a minimum sample size of 30 is required. For a school mean reliability of 0.9 or higher, a sample size of at least 50 is required. The reliability for *school percent achieving a performance standard* typically requires sample sizes fifty percent greater or more than that required for the same value of school scale score mean reliability. For example, for a minimum *school proportion attaining proficiency* reliability of 0.8, a minimum sample size of 45-50 is in order.
- Effect on standards for small school districts and campuses. When evaluating performance of small numbers of students, the performance of one student can have a disproportionate effect on the percentage of students meeting the performance standard. This can have the effect of establishing higher standards for small school districts, campuses, or student groups. (If there are only 5 students, for example, an accountability target of 81 percent passing would require that 100 percent of the 5 students pass the test because one student failing would bring the average down to 80 percent passing.) With 50 students, one student's performance changes the percentage meeting or exceeding the standard by two percentage points.
- Representation for large schools and districts. Although 50 students represents a sufficiently large number for a group to meet standards of confidentiality and reliability, a group of 50 may represent a very small percentage of the total population in a large school district or campus. Assigning an AYP status on the basis of a small percentage of the students in a district or campus could undermine the credibility of the process if educators and policymakers believe the evaluation is unrepresentative of the school or district as a whole and therefore unfair. However, increasing the minimum size criteria for student groups above 50 would decrease the number of small campuses and districts for whom student group performance is evaluated. Instead, criteria can be established related to both size of the group and percentage of the total student population represented by the group.

Minimum Size Criteria for School District and Campus AYP Calculations

The minimum size criteria for evaluation of student performance for school district and campus AYP calculations described below is based on minimum number or percentage of students rather than performance of a statistical test as part of the AYP calculation. The same minimum size criteria apply to all school districts and campuses. The same student group criteria apply to all student groups.

All students. 30 students. Current year performance of school districts and campuses with at least 30 total students tested will be evaluated for AYP. No AYP calculations will be performed on the basis of fewer than 30 total students. Thirty students is the minimum number of students that meets criteria of student confidentiality, face validity, test reliability, and statistical reliability. As noted previously, 30 students is widely accepted as the minimum number of observations for which evaluations of data are valid for a population or statistically sound for a sample. Regarding test reliability, it has been suggested that 30 examinees is sufficient to provide a fairly accurate estimate of reliability coefficients for criterion-referenced tests. Based on reasonable assumptions for estimating sample size needed for statistical reliability, a minimum sample size of 30 is required for a school mean reliability of 0.8, and a larger sample is recommended for the same reliability level for school percent achieving a performance standard. At the all students level, increasing the number above 30 increases the number of small campuses that cannot be evaluated on current-year data. Use of current year data also becomes a district issue if the number increases above 30. Given the high performance standards campuses and districts are required to meet for AYP, and the high stakes associated with failing to meet AYP, the desire is for the minimum size criteria to represent the highest standard for reliability. The desire to maximize reliability and minimize the effect on standards for small school districts and campuses had to be balanced against the practical need to evaluate campuses and districts for AYP on current year data. Representation is not relevant at the all students level.

Current-year participation of school districts and campuses with at least 40 students enrolled on the date of testing will be evaluated for AYP. Forty students is also the minimum for the other performance measures (graduation rate and attendance rate). It is possible to demand a higher standard of reliability for the non-assessment measures because failure to meet the minimum size criteria would not prevent a campus or district from being evaluated.

Student groups. 50/10%/200. For a student group to be included in the AYP calculation, a district or campus must have the following: 50 or more students in the student group, and the student group must comprise at least 10.0 percent of all students; **or** 200 or more students in the student group, even if that group represents less than 10.0 percent of all students. Fifty students meets the criteria of student confidentiality and face validity, and meets a higher standard of test reliability and statistical reliability than 30 students. Based on reasonable assumptions for estimating sample size needed for statistical reliability, a minimum sample size of 50 is required for a school mean reliability of 0.9, and a larger sample is recommended for the same reliability level for school percent achieving a performance standard. The higher standard is desirable in part because the student group represents a subset of the total student population on the district or campus, but the same high performance standards must be met and the same high stakes are associated with failure to meet AYP. Also, based on historical performance patterns, student group performance for disaggregated groups is less likely to be centered around the student proficiency standard than the all students aggregate. To obtain an accurate estimate of the achievement level for student groups, a larger minimum size is needed. This is particularly true for students receiving

special education services and students with limited English proficiency, which represent especially diverse populations. Fifty students minimizes the effect on standards for small school districts and campuses– with 50 students, one student's performance changes the percentage meeting or failing to meet the standard by two percentage points.

Criteria related to percentage of the total student population were set at 10 percent or 200 students. Assigning an AYP status on the basis of a small percentage of the students in a large district or campus could undermine the credibility of the process if educators and policymakers believe the evaluation is unrepresentative of the school or district as a whole. Criteria related to both the size of the student group and percentage of the total student population represented by the group have been used in the Texas accountability system since 1994. Size parameters necessarily represent a combination of statistical considerations and professional judgment. Either 10 percent or 200 students is sufficiently large to be representative of the student population of even the largest districts and campuses without eliminating any student group from the AYP determinations. Special education students, which are the smallest student group evaluated for AYP, represented 12 percent of students statewide in 2001-02.

Because results for seven grades (grades 3-8 and 10) are included in the AYP calculation, rather than just one grade from each grade span as required, numbers of students are large enough that the higher standards of test reliability and statistical reliability can be used without eliminating any student group from the AYP calculation. More student groups are added by adding more grades, which offsets use of minimum size criteria that meet higher standards of reliability. As shown in the following table, more student groups are evaluated under the proposed plan that applies the 50/10%/200 minimum size criteria to assessment results for grades 3-8 & 10 (seven grades) than are evaluated under a model that applies a minimum size criteria of 30 to assessment results from grades 4, 8, & 10 (three grades).

Campus and District AYP Statistics	Texas Proposal Grades 3-8 & 10 (7 grades) Minimum size = 50/10%/200				Grades 4, 8 & 10 (3 grades) Minimum size = 30	
	Districts		Campuses		Campuses	
	Number	% of Total	Number	% of Total	Number	% of Total
Not Evaluated First Year:						
New Campuses	NA		182	3%	182	3%
Fewer than 30 Total Students	22	2%	379	5%	813	12%
No Students in Grades Tested	NA		293	4%	648	9%
Student Groups Evaluated:						
African American	250	24%	1,460	21%	950	14%
Hispanic	566	54%	3,573	51%	2,659	38%
White	895	86%	3,902	56%	2,963	43%
Economically Disadvantaged	883	85%	4,610	66%	3,372	49%
LEP	153	15%	1,367	20%	454	7%
Special Education	615	59%	1,644	24%	137	2%
Number of Student Groups Evaluated:	Cumulative Number	Cumulative % of Total	Cumulative Number*	Cumulative % of Total	Cumulative Number*	Cumulative % of Total
all students	1,040	100%	6,475	100%	6,120	100%
plus 1 or more student groups	973	94%	5,756	89%	4,939	81%
plus 2 or more student groups	889	85%	4,741	73%	3,342	55%
plus 3 or more student groups	706	68%	3,444	53%	1,571	26%
plus 4 or more student groups	504	48%	1,865	29%	530	9%
plus 5 or more student groups	213	20%	665	10%	127	2%
plus all 6 student groups	77	7%	85	1%	26	0%

* Excluding new campuses and campuses with no students in grades tested.

Under the proposed criteria, for example, over half (53%) of campuses have three or more student groups (in addition to all students) that meet the minimum size criteria compared to about one-fourth (26%) of campuses under the model that applies a minimum size criteria of 30 to results for three grades. The same pattern is seen for each of the six student groups. For example, performance of economically disadvantaged students is evaluated on 66 percent of campuses under the proposed criteria, compared to 49 percent of campuses when a minimum size criteria of 30 is applied to results for three grades.

Although three race/ethnicity groups are represented in Texas statewide, African American, Hispanic, and White students are not evenly distributed geographically across the state. Two of the 20 geographic regions in Texas that share a border with Mexico have student populations that are predominantly Hispanic. Many regions in west Texas and the Texas panhandle also have large Hispanic student populations, but few African American students. Many east Texas regions, on the other hand, have student populations that are African American and White with few Hispanic students. Students with limited English proficiency are also unevenly distributed with large numbers primarily in districts along the Texas/Mexico border and in major urban districts. Consequently, few campuses have sufficient numbers of students to evaluate in all six student groups under any minimum size criteria. However, it is for the most diverse campuses that the inclusion of test results for more grades makes the greatest difference. Under the proposed criteria, five times as many campuses have 5 or more student groups that meet the minimum size criteria compared to the model that applies a minimum size criteria of 30 to results for three grades (665

campuses compared to 127 campuses).

Review of the minimum size criteria has been an ongoing part of the state accountability system, and will similarly be continually reassessed in the AYP process.

Following are details on application of the minimum size criteria for each measure.

Assessment Measure

- **Performance.**
  - All students. Current year performance of campuses and districts with at least 30 students tested at the all students level will be evaluated.
  - Student groups. For a student group to be included in the AYP calculation, a district or campus must have:
    - test results for 50 or more students in the student group (summed across grades 3-8 and 10) for the subject, and the student group must comprise at least 10.0 percent of all test takers in the subject; **or**
    - test results for 200 or more students in the student group, even if that group represents less than 10.0 percent of all test takers in the subject.
- **Performance gains.** For all students and each student group that fails to meet the performance standard on the assessment measure, performance gains will be calculated even if minimum size requirements in the prior year are not met.
- **Participation.**
  - All students. Participation of campuses and districts with 40 or more students enrolled on the test date will be evaluated.
  - Student groups. For a student group to be included in the AYP participation calculation, a district or campus must have:
    - 50 or more students in the student group enrolled on the test date (summed across grades 3-8 and 10), and the student group must comprise at least 10.0 percent of all students enrolled on the test date; **or**
    - 200 or more students in the student group enrolled on the test date, even if that group represents less than 10.0 percent of all students enrolled on the test date.

Other Performance Measures

- **Graduation rate.**
  - All students. Graduation rates of high school campuses and districts with 40 or more students in the completion/student status rate cohort will be evaluated for AYP performance.
  - Student groups. For a student group to be included in the AYP performance gains calculation, a district or campus must have:

  - 50 or more students in the student group in the completion/student status rate cohort, and the student group must comprise at least 10.0 percent of all students in the completion/student status rate cohort; **or**
  - 200 or more students in the student group in the completion/student status rate cohort, even if that group represents less than 10.0 percent of all students in the completion/student status rate cohort.

- **Attendance rate.**
  - All students. The minimum size requirements for attendance rates are based on total days in membership rather than individual student counts. Attendance rates of campuses and districts with at least 7,200 total days in membership (40 students x 180 school days) will be evaluated.
  - Student groups. For a student group to be included in the AYP performance gains calculation, a district or campus must have:
    - 9,000 or more total days in membership (50 students x 180 school days), and the student group must comprise at least 10.0 percent of total days in membership for all students; **or**
    - 36,000 or more total days in membership (200 students x 180 school days), even if the group represents less than 10.0 percent of total days in membership for all students.
- **Performance gains.** If the campus or district fails to meet the standard on the other performance measure for all students, gains will be calculated even if minimum size requirements are not met in the prior year.

Reporting Minimum Size Criteria

For reporting purposes, in order to maintain student confidentiality, if any student group contains fewer than five students, the results are masked and are indicated on campus and district report cards by an asterisk.

Supporting Evidence:

Subkoviak, M.J. (1978). Empirical investigation of procedures for estimating reliability for mastery tests. Journal of Educational Measurement, 15, 111-116.

Reporting and evaluation requirements are specified in an annual Accountability Manual, adopted by reference as an administrative regulation (19 TAC, Chapter 101, Subchapter AA). (http://www.tea.state.tx.us/perfreport/account/2002/manual/index.html)

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
5.6 How does the State Accountability System protect the privacy of students when reporting results and when determining AYP?	Definition does not reveal personally identifiable information.[6]	Definition reveals personally identifiable information.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The State Accountability System does not reveal personally identifiable information. State law, administrative rule, and policies and procedures require and enforce strict adherence to the protection of student confidentiality and privacy rights, as guaranteed under FERPA.

Section 39.030 (b) of the TEC requires:
The results of individual student performance on academic skills assessment instruments administered under this subchapter are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and district and made available to the public, with appropriate interpretations, at regularly scheduled meetings of the board of trustees of each school district. The information may not contain the names of individual students or teachers.

Section §101.63 of 19 TAC provides:
The contents of each test booklet and answer document are confidential in accordance with the Texas Government Code, Chapter 551, and the Family Educational Rights and Privacy Act of 1974. Individual student performance results are confidential as specified under the Texas Education Code (TEC), §39.030(b).

In regard to state policy and procedures, in the state reports of student performance data, results are not reported where the number tested is fewer than 5 for any student group.

Links to Supporting Evidence:
Student confidentiality is protected in state statute and rules. State law and administrative rules governing the assessment and accountability system, along with additional administrative materials, are found on the agency web site located at http://www.tea.state.tx.us/ (TEA), http://www.tea.state.tx.us/student.assessment/index.html (Student Assessment), and http://www.tea.state.tx.us/accountability.html (Accountability).
The direct link to the Texas Education Code (TEC), Chapter 39, governing assessment and accountability is http://www.capitol.state.tx.us/statutes/ed/ed0003900toc.html.

[6] The Family Education Rights and Privacy Act (FERPA) prohibits an LEA that receives Federal funds from releasing, without the prior written consent of a student's parents, any personally identifiable information contained in a student's education record.

Supporting evidence also includes administrative materials for the assessment program such as the District and Campus Test Coordinator Manuals available on the Student Assessment website at http://www.tea.state.tx.us/student.assessment/resources/guides/coormanual/index.html.

Texas Education Agency Operating Procedure 10-03—Confidential, Sensitive, and Restricted Enterprise Information will be provided at the time of the peer review visit.

PRINCIPLE 6. State definition of AYP is based primarily on the State's academic assessments.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
6.1 How is the State's definition of adequate yearly progress based primarily on academic assessments?	Formula for AYP shows that decisions are based primarily on assessments.[7] Plan clearly identifies which assessments are included in accountability.	Formula for AYP shows that decisions are based primarily on non-academic indicators or indicators other than the State assessments.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Academic Assessments in AYP Calculation

The formula for calculating AYP described in the state response under Critical Element 1.2 is based primarily on the state's academic assessment program. The assessments included in the evaluation are clearly identified under Critical Element 1.2. All schools and districts must meet a participation standard and annual measurable objectives for percent of students performing at or above the proficient level on the state assessments. Schools and districts are also evaluated on one other performance measure where required by federal statute. However, an AYP determination is never made based on performance on the other performance measure alone.

[7] State Assessment System will be reviewed by the Standards and Assessments Peer Review Team.

PRINCIPLE 7. State definition of AYP includes graduation rates for public High schools and an additional indicator selected by the State for public Middle and public Elementary schools (such as attendance rates).

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
7.1 What is the State definition for the public high school graduation rate?	State definition of graduation rate: • Calculates the percentage of students, measured from the beginning of the school year, who graduate from public high school with a regular diploma (not including a GED or any other diploma not fully aligned with the state's academic standards) in the standard number of years; or, • Uses another more accurate definition that has been approved by the Secretary; and • Must avoid counting a dropout as a transfer. Graduation rate is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause[8] to make AYP.	State definition of public high school graduation rate does not meet these criteria.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Graduation Rate Definition and Methodology

The graduation rate is a component of the longitudinal completion/student status rate. A longitudinal completion/student status rate is calculated for all districts and high school campuses with continuous enrollment in grades 9-12 for the preceding four years. The high school graduation rate is the other performance measure for all districts and high school campuses for which the longitudinal completion/student status rate is calculated.

Conceptual Approach. The PEIMS data collection makes it possible to calculate longitudinal rates by tracking students individually as they progress through school. The completion/student status rate is an adaptation of the Holding Power Index (HPI) (Hartzell, McKay, & Frymier, 1992). The HPI follows a class of students, or cohort, over a period of years, and determines the status of each student after the anticipated graduation date of the cohort. The TEA completion/student status rate provides complementary rates for graduates, recipients of a General Educational Development (GED) certificate, students still enrolled, and dropouts, which together add to 100 percent.

[8] See USC 6311(b)(2)(I)(i), and 34 C.F.R. 200.20(b)

The Cohorts. PEIMS attendance data are used to build each cohort of students for the completion/student status rate. Each cohort is identified by the starting grade and anticipated year of graduation. For example, members of the class of 2002 Grade 9 cohort were identified as students who attended Grade 9 for the first time in the 1998-99 school year. Cohort members are then tracked through the fall semester following their anticipated graduation date of spring 2002. This makes it possible to identify those who continue in school after their class graduates. Members who transfer out of the Texas public school system during the time period covered are removed from the cohort. Students who transfer into the system on grade are added to the cohort. Each student can belong to only one cohort. Students who are retained in grade or who skip grades remain members of the cohort they first joined.

Any student for whom one of the designated outcomes can be determined (graduates, GED recipients, continuing enrollment, and dropouts) is counted in the cohort. A student whose final status cannot be determined is removed from the status counts. In the vast majority of cases, these are students who transferred out of the Texas public school system. In a small number of cases, students are excluded because of exceptions in the state accountability system.

Student Status. The completion/student status rate focuses on selected long-term outcomes over a period of years. Each member of the cohort is assigned a final status by the year after anticipated graduation. A student is classified as a graduate in the year in which he or she is reported in PEIMS as a graduate. Only students receiving a regular diploma are counted as graduates. The definition of 'graduate' used for the completion/student status rate is the same definition used for submission of graduate counts for the Common Core of Data (CCD). Texas requires districts to code school leavers according to 30 leaver codes. These codes provide detailed information about why a student is leaving. Leaver data are subject to audit as part of the accountability system safeguards that have been designed to validate data integrity of data used in district and campus accountability ratings under the state accountability system. The Leaver Data Audit Plan includes broad analyses of leaver data quality, analyses of specific leaver reason codes, and random selection of districts for on-site investigation visits. In the past there have been accountability consequences for poor data quality. These data submission requirements and system safeguards procedures enable the state to avoid counting dropouts as transfers. In addition, for students coded as graduates on the leaver records, one of 17 graduation type codes is used.

Calculating the Rates. To determine completion/student status rates, the number of students in each status category is divided by the total number of students in the cohort. The graduation rate is number of graduates divided by the total number of students in the cohort. All calculations are rounded to one decimal place.

Hartzell, G., McKay, J., & Frymier, J. (1992). Calculating dropout rates locally and nationally with the Holding Power Index. (ERIC Document Reproduction Service No. ED 343 953)

Links to Supporting Evidence: Secondary School Completion and Dropouts in Texas Public Schools 2000-01 is found on the agency website located at http://www.tea.state.tx.us/research/dropout/0001/index.html.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
7.2 What is the State's additional academic indicator for public elementary schools for the definition of AYP? For public middle schools for the definition of AYP?	State defines the additional academic indicators, e.g., additional State or locally administered assessments not included in the State assessment system, grade-to-grade retention rates or attendance rates.[9] An additional academic indicator is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause to make AYP.	State has not defined an additional academic indicator for elementary and middle schools.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Attendance Rate Definition and Methodology

Attendance rate is the other performance indicator used for calculating AYP for elementary and middle/junior high school campuses and districts. This includes the small number of districts that only serve students in kindergarten through grade 6 or grade 8, and all elementary, middle school, and junior high campuses.

The attendance rate is calculated as the total number of days students were present in the school year divided by the total number of days students were in membership in the school year. All calculations are rounded to one decimal place.

Links to Supporting Evidence:
Annual Accountability Manuals and the Academic Excellence Indicator System (AEIS) Glossary are found on the agency website located at http://www.tea.state.tx.us/accountability.html.

[9] NCLB only lists these indicators as examples.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
7.3 Are the State's academic indicators valid and reliable?	State has defined academic indicators that are valid and reliable. State has defined academic indicators that are consistent with nationally recognized standards, if any.	State has an academic indicator that is not valid and reliable. State has an academic indicator that is not consistent with nationally recognized standards. State has an academic indicator that is not consistent within grade levels.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

State law and administrative rule have defined assessments that are valid and reliable. All state assessments follow a rigorous test development process to ensure that educational testing standards are met. Section 39.023 (i) of the TEC requires: "Each assessment instrument adopted under those rules must be reliable and valid and must meet any applicable federal requirements for measurement of student progress." Section 101.3 (b) of 19 TAC also requires: "Tests shall be reliable and valid measures of the essential knowledge and skills and shall be administered in a standardized manner."

The prime testing contractor for the Texas assessment program is required by contract to comply with educational testing standards. The applicable language of the contract reads as follows:
The highest technical quality must be maintained in the production and administration of tests and in the reporting of test results. To this end, the contractor should be cognizant of applicable sections of the standards for educational tests set by the American Psychological Association (APA), the American Educational Research Association (AERA), and the National Council of Measurement of Education (NCME).

In addition, the previous testing program, which informed the development of the current testing program, was upheld in a recent federal court ruling. On January 7, 2000, United States District Court Judge Edward Prado of San Antonio ruled in support of Texas in its use of standardized statewide testing. Judge Prado's ruling found that the test does not discriminate against minority students and that it is actually helping to erase past educational disparities. The ruling found that the TAAS exit-level test meets currently accepted standards for curricular validity. Judge Prado states, "The test measures what it purports to measure, and it does so with a sufficient degree of reliability." The same rigorous test development process that was used for the previous test program has also been followed for the new testing program.

The agency also is advised by a National Technical Advisory Committee, composed of prominent educational testing experts from across the country, to ensure full compliance with educational testing standards.

To be included in the Texas Academic Excellence Indicator System (AEIS), an indicator is held to six technical criteria. Both the longitudinal graduation rate and the annual attendance rate meet all six criteria.

- It must be generally viewed as a measure of student/institutional excellence and equity. The graduation rate is a required indicator for the AYP calculation. The attendance rate is among the indicators given as examples of the type of indicator that is acceptable for inclusion in the AYP calculation.
- It must be quantifiable. Both indicators are expressed as percentages.
- It must have a standardized definition. The graduation rate and attendance rate definitions are standardized and adopted by reference as commissioner of education rules in annual accountability manuals.
- It must be reliable. The graduation rates and attendance rates are measured in the same way in every district, and the same way from year to year.
- It must be valid. The graduation rates and attendance rates show real change in the educational phenomenon measured (daily attendance and school completion) and the measures are not easily subject to distortion. The attendance data, which are also the basis for state FSP allocations, are subject to audit by the TEA School Financial Audits Division. Leaver data are subject to audit as part of the accountability system safeguards that have been designed to validate data integrity of data used in district and campus accountability ratings under the state accountability system. The Leaver Data Audit Plan includes broad analyses of leaver data quality, analyses of specific leaver reason codes, and random selection of districts for on-site data investigation visits. In addition, beginning in 2003, all districts must have their leaver data submissions audited by independent auditors. In the past, there have been accountability consequences for poor data quality.
- It must be reported to TEA in a standardized format. The underlying data for both the graduation rate and the attendance rate are submitted to TEA in accordance with instructions in the PEIMS Data Standards.

Links to Supporting Evidence:
The requirement for reliability and validity is set forth in state law and administrative rules governing the assessment and accountability system. These citations, along with additional administrative materials, are found on the agency web site located at http://www.tea.state.tx.us/ (TEA), http://www.tea.state.tx.us/student.assessment/index.html (Student Assessment), and http://www.tea.state.tx.us/accountability.html (Accountability).
The direct link to the Texas Education Code (TEC), Chapter 39, governing assessment and accountability is http://www.capitol.state.tx.us/statutes/ed/ed0003900toc.html.

PRINCIPLE 8. AYP is based on reading/language arts and mathematics achievement objectives.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
8.1 Does the state measure achievement in reading/language arts and mathematics separately for determining AYP?	State AYP determination for student subgroups, public schools and LEAs separately measures reading/language arts and mathematics. [10] AYP is a separate calculation for reading/language arts and mathematics for each group, public school, and LEA.	State AYP determination for student subgroups, public schools and LEAs averages or combines achievement across reading/language arts and mathematics.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Reading/Language Arts and Mathematics Evaluated Separately

The procedure for calculating AYP described in the state response under Critical Element 1.2 measures participation and achievement in reading/language arts and mathematics separately for all students and each student group on all public school districts and campuses:

- There are separate measures of performance on the reading/language arts test and the mathematics test.
- Schools and districts must meet the 95-percent participation rate for all students and each student group for both subjects.
- There are separate performance targets for the reading/language arts and mathematics assessments.
- Separate starting points were identified for reading/language arts and mathematics.
- Separate annual measurable objectives and intermediate goals were established for the two subjects.
- Schools and districts must meet the targets in both subjects for all students and each student group.

Links to Supporting Evidence:
TEC §§ 39.073, 28.025, and 28.0211. The direct link to the Texas Education Code (TEC), Chapter 39, governing assessment and accountability is http://www.capitol.state.tx.us/statutes/ed/ed0003900toc.html. The direct link to TEC, Chapter 28 is http://www.capitol.state.tx.us/statutes/ed/ed0002800toc.html.

[10] If the state has more than one assessment to cover its language arts standards, the State must create a method for including scores from all the relevant assessments.

PRINCIPLE 9. State Accountability System is statistically valid and reliable.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
9.1 How do AYP determinations meet the State's standard for acceptable reliability?	State has defined a method for determining an acceptable level of reliability (decision consistency) for AYP decisions. State provides evidence that decision consistency is (1) within the range deemed acceptable to the State, and (2) meets professional standards and practice. State publicly reports the estimate of decision consistency, and incorporates it appropriately into accountability decisions. State updates analysis and reporting of decision consistency at appropriate intervals.	State does not have an acceptable method for determining reliability (decision consistency) of accountability decisions, e.g., it reports only reliability coefficients for its assessments. State has parameters for acceptable reliability; however, the actual reliability (decision consistency) falls outside those parameters. State's evidence regarding accountability reliability (decision consistency) is not updated.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		
AYP determinations are made based on academic indicators that have met the state standard for data reliability as described in Critical Element 7.3. AYP determinations are made through a process that is applied uniformly to all campuses and LEAs in the State.		

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
9.2 What is the State's process for making valid AYP determinations?	State has established a process for public schools and LEAs to appeal an accountability decision.	State does not have a system for handling appeals of accountability decisions.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

AYP determinations will be made based on the criteria described in Critical Element 3.2, which will be applied uniformly to all campuses and LEAs in the State. Superintendents will be provided the opportunity to appeal data used to determine AYP under a limited set of circumstances and within a defined time limit. The State currently has a process in place for LEAs and campuses to appeal state accountability decisions. This process will be adapted and modified as needed to address appeals related to AYP.

Following are examples of types of special circumstances on which an appeal might be based.

- Use of current year attendance rates (current year attendance data are available in October following release of AYP determinations)
- Consideration of severe weather conditions on date of testing
- Evaluation of adverse effect of performance of students from outside the district who are served at a privately operated residential treatment center located within the geographic boundaries of the district
- Consideration of use of uniform averaging for AYP evaluations for campuses and districts that met AYP in the prior year but fail to meet AYP based on current year assessment results due to factors other than the quality of instruction on the campus or district

Evidence: The current appeals procedure is available online at http://www.tea.state.tx.us/perfreport/account/2002/manual/sec07.html.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
9.3 How has the State planned for incorporating into its definition of AYP anticipated changes in assessments?	State has a plan to maintain continuity in AYP decisions necessary for validity through planned assessment changes, and other changes necessary to comply fully with NCLB.[11] State has a plan for including new public schools in the State Accountability System. State has a plan for periodically reviewing its State Accountability System, so that unforeseen changes can be quickly addressed.	State's transition plan interrupts annual determination of AYP. State does not have a plan for handling changes: e.g., to its assessment system, or the addition of new public schools.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The 2003 state accountability system was designed to provide a transition from the 1994-2002 accountability rating system that used TAAS results and annual dropout rates to a new 2004 accountability rating system that will use TAKS results and longitudinal completion rates. The period from July through December 2003 will be devoted to development of the new state accountability system. Each component of the AYP calculation will be reevaluated as decisions are made related to the state accountability system to better align the AYP calculation with the new state accountability system. Any proposed alignments will be submitted as amendments to the State Plan. Annual determination of AYP will not be interrupted during this process.

The process for calculating AYP described in this plan includes all of the components that are required until the science assessment results are incorporated in 2007-08. The AYP calculation has been defined to accommodate the following types of changes to the system.

- New campuses and districts are automatically incorporated the second year they report fall enrollment.
- Proficiency on the TAKS is defined as the proficiency level for the year set by the SBOE that is in place at the time the test is administered. The TAKS, which is at the center of the state assessment program, will be administered statewide for the first time in the spring of the 2002-03

[11] Several events may occur which necessitate such a plan. For example, (1) the State may need to include additional assessments in grades 3-8 by 2005-2006; (2) the State may revise content and/or academic achievement standards; (3) the State may need to recalculate the starting point with the addition of new assessments; or (4) the State may need to incorporate the graduation rate or other indicators into its State Accountability System. These events may require new calculations of validity and reliability.

school year. The baseline standards are tied to student performance at the Met Standard level adopted by the SBOE in November 2002. When the SBOE adopted the student performance standards for the tests, it also adopted a phase-in calendar. Under that calendar, the student performance requirement in 2002-03 is set at two standard errors of measurement (SEMs) below the Met Standard level. The student performance requirement in 2003-04 is set at one SEM below the Met Standard level. The SBOE may revise the phase-in calendar following review of student performance results on the first statewide administration of the TAKS. The AYP calculation described in the state response under Critical Element 1.2 is linked to the SBOE phase-in of the student passing standard rather than a set performance requirement. Therefore, a change in the phase-in calendar will automatically be incorporated into the AYP calculation.

An annual review of the state accountability system is conducted each year following release of ratings. Focus groups of educators and an accountability advisory committee that includes representatives of the business community and state policymakers convene annually to review accountability issues and any proposed changes to the system.

The appeals process described in the state response under Critical Element 9.2 can also lead to proposed changes to the AYP determination.

Links to Supporting Evidence:
State law and administrative rules governing the assessment and accountability system, along with additional administrative materials, are found on the agency web site located at http://www.tea.state.tx.us/ (TEA), http://www.tea.state.tx.us/student.assessment/index.html (Student Assessment), and http://www.tea.state.tx.us/accountability.html (Accountability).
The direct link to the Texas Education Code (TEC), Chapter 39, governing assessment and accountability is http://www.capitol.state.tx.us/statutes/ed/ed0003900toc.html.

Information related to the performance standards set by the State Board of Education is found at http://www.tea.state.tx.us/student.assessment/taks/standards/board111402.html.

PRINCIPLE 10. In order for a public school or LEA to make AYP, the State ensures that it assessed at least 95% of the students enrolled in each subgroup.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
10.1 What is the State's method for calculating participation rates in the State assessments for use in AYP determinations?	State has a procedure to determine the number of absent or untested students (by subgroup and aggregate). State has a procedure to determine the denominator (total enrollment) for the 95% calculation (by subgroup and aggregate). Public schools and LEAs are held accountable for reaching the 95% assessed goal.	The state does not have a procedure for determining the rate of students participating in statewide assessments. Public schools and LEAs are not held accountable for testing at least 95% of their students.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Participation Rate Definition and Methodology

Participation rates are based on students enrolled at the time of testing. Districts are required to submit a TAKS or SDAA test answer document for every student enrolled in the grades tested on the test date for each test subject. If the student was not tested on the TAKS or SDAA, the answer document is coded to indicate if the student was absent or the test not scored for other reasons, or was determined by the LPAC or ARD committee to be tested locally using an approved alternative assessment (special education students) or RPTE (LEP students). The table below indicates if the answer document is included in the total count of students enrolled on test date (denominator of participation rate) and if it is included in the count of students tested (numerator of participation rate). Counts are summed across grades for grades 3-8 and 10 for each subject. The participation rates are calculated as total students tested divided by total students enrolled on test date. All calculations are rounded to one decimal place. The methodology used to create the test participation rates produces separate rates for reading/language arts and mathematics. Rates are calculated for each of the student groups. Definitions and data sources for the student groups are provided in the state response under Critical Elements 5.1 and 5.2. Minimum size criteria for the participation rates are described in the state response under Critical Element 5.5.

Score Code	Included in Total Count	Included in Tested Count
Scored: English TAKS grades 3-8 & 10 Spanish TAKS grades 3-6 SDAA grades 3-8	Yes	Yes
ARD: Special education student tested locally using approved alternative assessment	Yes	Yes
LPAC: Limited English proficient student tested on RPTE	Yes	Yes
Absent	Yes	No
Other (tested but not scored)	Yes	Yes

Links to Supporting Evidence:
Information related to test participation requirements and instructions for test administrators are found on the agency website at http://www.tea.state.tx.us/student.assessment/index.html.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
10.2 What is the State's policy for determining when the 95% assessed requirement should be applied?	State has a policy that implements the regulation regarding the use of 95% allowance when the group is statistically significant according to State rules.	State does not have a procedure for making this determination.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Participation Rate Criteria

Districts and campuses must meet participation criteria as part of the AYP calculation as described in the state response under Critical Element 1.2. For all students and each student group that meets minimum size criteria, districts and campuses must meet a 95-percent standard of participation in the test program for reading/language arts and for mathematics. The participation rate criteria will be fully implemented in 2004. Implementation of the participation rate criteria is postponed until 2004 for the following reasons:

(1) Under the state accountability system in place from 1994 through 2002, test participation rates were evaluated very differently from the requirements for AYP. Participation rates were subject to desk audit as part of accountability system safeguards designed to validate data integrity of data used in district and campus accountability ratings. The desk audits monitored excessive absences on the date of testing, excessive use of the state-developed alternative assessment (SDAA) for special education students, state statutory limitations on use of locally determined alternative assessments (LDAA) for special education students, and appropriate testing of students with limited English proficiency (LEP). However, districts and campuses were not required to meet a participation rate standard for all students and each student group. The AYP participation measure is different enough from the former approach to evaluating test participation for accountability purposes to represent a new requirement. Although other performance requirements are implemented differently under AYP, mathematics and reading/language arts performance, school completion, and attendance are all areas in which districts and campuses have been evaluated for state accountability.

(2) The state AYP proposal will not be finalized and approved until after testing for 2002-03 is completed. Consequently, details of the new participation requirement will not be communicated until after the opportunity for districts and campuses to bring about changes in this area has passed. Providing districts and campuses with advance notice of new accountability requirements was an important policy of the Texas accountability system from 1994 through 2002, and one that is credited with contributing to both the acceptance of the requirements by educators and the success of the system.

Appendix A
Required Data Elements for State Report Card

1111(h)(1)(C)

1. Information, in the aggregate, on student achievement at each proficiency level on the State academic assessments (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

2. Information that provides a comparison between the actual achievement levels of each student subgroup and the State's annual measurable objectives for each such group of students on each of the academic assessments.

3. The percentage of students not tested (disaggregated by the student subgroups), except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

4. The most recent 2-year trend in student achievement in each subject area, and for each grade level, for the required assessments.

5. Aggregate information on any other indicators used by the State to determine the adequate yearly progress of students in achieving State academic achievement standards disaggregated by student subgroups.

6. Graduation rates for secondary school students disaggregated by student subgroups.

7. Information on the performance of local educational agencies in the State regarding making adequate yearly progress, including the number and names of each school identified for school improvement under section 1116.

8. The professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which (for this purpose) means schools in the top quartile of poverty and the bottom quartile of poverty in the State.