



TEXAS EDUCATION AGENCY

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July 12, 2004

Honorable Raymond Simon
Assistant Secretary
Office of Elementary and Secondary Education
United States Department of Education (USDE)
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Simon:

Attached are modifications to our April 1, 2004, proposal related to the 2004 calculation of Adequate Yearly Progress (AYP) for Texas school districts, campuses, and the state based on the agreements reached between the Texas Education Agency (TEA) and USDE when we met in Washington, DC on July 1, 2004. The attachments describe the 2004 AYP calculation for recent immigrant students with limited English proficiency (LEP) and students with disabilities tested on alternative assessments. These attachments reflect USDE decisions that would require Texas to count students Texas considers proficient on the State Developed Alternative Assessment (SDAA) as failures for AYP purposes under the following circumstances:

- (1) the percentage of students who met admission, review, and dismissal (ARD) expectations on the SDAA and Locally Determined Alternative Assessments (LDAA) exceeds 1% of students tested; and
- (2) baseline SDAA tests for which no ARD expectations are set, including Grade 3 SDAA-tested students who are being tested under the state assessment program for the first time.

At the July 1 meeting we discussed the option of Texas submitting a request for exception to the 1% cap on use of 2003-04 results from alternative assessments in the AYP performance measures. The TEA will not be submitting a request for exception. Current Texas statutes for identification and assessment of students with disabilities were not designed to address the new federal conception of "significantly cognitively disabled." The attached documents finalize our proposal for 2004. Once we receive written notification of approval of the 2004 plan, we will submit an amended Consolidated State Application Accountability Workbook that is consistent with the information contained in Attachments I and II.

We would like to request the required USDE peer review of our state assessment program this fall. This will allow us to inform the Texas legislature in the next regular legislative session of any findings from the peer review related to alignment of the state assessment program with assessment and accountability provisions of No Child Left Behind. One of the tests that will be reviewed is the new State Developed Alternative

Assessment (SDAA II) that will be administered statewide for the first time in spring 2005. We plan to administer the test to a study sample of students statewide in fall 2004. The fall study results will not be available until mid-November. Therefore, we would like to schedule the peer review for early December. We can provide all the other required information in advance, as requested in the Peer Review Guidance document, and follow with data from the fall study as soon as it is available.

If you have any questions concerning the attached documents, please contact Dr. Criss Cloudt, Associate Commissioner for Accountability and Data Quality, at (512) 463-9701. If you need additional information regarding scheduling of the peer review of the state assessment program, please contact Lisa Chandler, Director of Student Assessment, at (512) 463-9536.

Sincerely,



Shirley J. Neeley

Enclosures

Attachment 1: 2004 AYP Calculation for Recent Immigrant Students with Limited English Proficiency

Attachment 2: 2004 AYP Calculation for Students with Disabilities

cc: Criss Cloudt, Associate Commissioner, Accountability and Data Quality
Susan Barnes, Associate Commissioner, Standards and Programs
Gene Lenz, Deputy Associate Commissioner, Special Education
Nancy Stevens, Deputy Associate Commissioner, Accountability and Performance Monitoring
Lisa Chandler, Director, Student Assessment Division
Cory Green, Director, NCLB Program Coordination
Shannon Housson, Director, Performance Reporting Division
Kerri Briggs, United States Department of Education

Attachment I: 2004 AYP Calculation for Recent Immigrant Students with Limited English Proficiency

Only recent immigrants determined by the Language Proficiency Assessment Committee (LPAC) to be eligible for an exemption from Texas Assessment of Knowledge and Skills (TAKS) because of limited English proficiency (LEP) would be eligible for inclusion in the AYP participation and performance calculations through Reading Proficiency Tests in English (RPTE) and released TAKS mathematics tests administered with linguistic accommodations.

Reading Proficiency Tests in English (RPTE)

Participation Rate calculation:

- Count as participants those students with limited English proficiency (LEP) who are LEP-exempt from the Texas Assessment of Knowledge and Skills (TAKS) reading/ELA tests and who take RPTE in Grades 3-8 and 10.
- If these students are reported on the answer document as absent for RPTE, they are included in the total number of Texas public school students who are reported as absent in the designated grade.

Performance Rate calculation:

- **Baseline RPTE Examinees not Tested on TAKS:**
Students reported on the answer document in the category of first school year in the US are not included in the performance measure.
Students reported on the answer document in the category of second school year in the US meet the AYP performance standard if they score Intermediate or higher.
Students reported on the answer document in the category of third school year in the US meet the AYP performance standard if they score Advanced.
Students for whom no years in US schools information is provided meet the AYP performance standard only if they score Advanced.
- **Previous RPTE Examinees not Tested on TAKS:**
Students reported on the answer document in the category of second school year in the US meet the AYP performance 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 US meet the AYP performance standard if they score Advanced.

Alternative Assessment for Mathematics

Participation Rate calculation:

- Count as participants recent immigrants eligible for a LEP exemption from TAKS in Grades 3–8 and 10 if they take a TAKS released mathematics test with appropriate linguistic accommodations. If they are not tested, they will be counted as non-participants in the participation calculation.

Performance Rate calculation:

- Students reported on the answer document in the category of first school year in the US are not included in the performance measure.
- Students reported in the category of second or third year in US schools who are tested in mathematics are included in the performance measure and counted as *Not Proficient*.

Attachment II: 2004 AYP Calculation for Students with Disabilities

Participation Rate calculation. Count students receiving special education services as participants if tested or as non-participants if not tested on Texas Assessment of Knowledge and Skills (TAKS), State Developed Alternative Assessment (SDAA), or Locally Determined Alternative Assessment (LDAA).

Performance Rate calculation

- TAKS
 - Tests count as *Proficient* if scored at or above the *Met Standard* student passing standard.
- SDAA
 - Baseline administration (no Admission, Review, and Dismissal (ARD) committee expectations established): Tests count as *Not Proficient*.
 - ARD expectations established for students tested at enrolled grade level: Tests count as *Proficient* if *Met ARD Expectations*.
 - ARD expectations established for students tested below enrolled grade level: Tests count as *Proficient* if *Met ARD Expectations*, subject to the 1% cap.
- LDAA
 - Tests count as *Proficient* if *Met ARD Expectations*, subject to the 1% cap.

Cap on Use of Results from Alternative Assessments in AYP. A maximum of 1% of students tested can be counted as *Proficient* in the AYP performance rate calculation based on results of alternative assessments. The tests that are subject to this cap are (1) SDAA *Met ARD Expectations* for students tested below their enrolled grade level and (2) LDAA *Met ARD Expectations*.