
2005 AYP APPEALS GUIDELINES

AYP appeals will generally request a review of one of the indicators used to determine the AYP status: Performance, Participation and the Other Indicator.

General Guidelines Related to All Appeals:

Appeals are only considered for the district or campuses specifically stated in the letter, even if circumstances appealed would result in a different AYP status for other campuses (or the district) if granted. Texas Education Agency (TEA) staff will not make assumptions about district intent to appeal other campuses (or the district).

TEA staff will not contact school districts for additional information if the documentation provided is not sufficient. The appeal will be evaluated based on information provided in the appeal letter.

Decision Guidelines for Performance Appeals:

Note that appeals of the results of the application of the Federal 5% cap will not be considered. Appeals to the performance indicators include the following categories.

Appeal of the Use of SDAA II:

Appeals to the performance indicators based on the results of SDAA II are found the following categories.

- Coding errors on Achievement Levels that defaulted to Level III. These appeals include sufficient documentation of the ARD Committee decision to assign an Achievement Level other than Level III and the documentation is dated prior to the administration of the SDAA II.

Each SDAA II appeal found in the above categories is recommended to be granted based on the following criteria:

- Review appeals in prior year. Districts must not have a similar appeal in the prior year.
- Recalculation of the proficiency rate to include changes to SDAA II outcomes results in meeting the AYP performance indicator requirements.

Justification: A new version of the SDAA (SDAAII) was administered statewide for the first time in 2005. The 2005 ARD assessment procedures and test coordinators manual instruct districts to establish expectations for students who are taking the SDAAII test for the first time, and to code the ARD expectations on the test answer document. However, the requirement to code ARD expectations for students the first time they were tested on SDAA II was a change from SDAA requirements, which considered the first test to be a benchmark.

- Special circumstances related to expectations and other reasons. These appeals include requests to appeal the results of SDAA II based on new ARD assessment procedures or the inability for districts to establish the appropriate expected achievement level for students who are taking the SDAAII test for the first time. They also include appeals requested on the basis that district staff set high expectations resulting in fewer students meeting those expectations, and therefore their results were unfairly impacted.

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SDAA II appeals under special circumstances are recommended to be denied.

Justification: Unlike state accountability, in AYP SDAA II results are an integral part of a single performance indicator. Therefore, SDAA II performance cannot be removed from the performance indicator, since regulations related to the Federal 5% cap require all students taking an alternate assessment be included in calculations of AYP as either proficient or nonproficient.

Appeal of student performance:

Appeals based on assessment document coding errors will be recommended to be granted based on the submission of sufficient documentation. Appeals based on coding errors that occurred due to the administration of TAKS mathematics tests using linguistic accommodations include the following.

- Appeal of mathematics performance based on the submission of documentation that LEP students exempt from the TAKS mathematics assessment by the Language Proficiency Assessment Committee (LPAC) were administered a TAKS mathematics test using linguistic accommodations.
- Appeal of reading and/or mathematics performance based on evidence that monitored LEP students were not appropriately identified. PEIMS data will be used to validate district documentation.

Justification: LEP students who are exempt from the TAKS mathematics test were tested with linguistic accommodations on the secured TAKS test. Also, monitored-LEP status was coded on the test answer document. The 2005 test coordinators manual provided instructions on the coding required on the TAKS test answer document. However, complicated changes to the coding requirements were introduced this year. Sufficient documentation regarding any miscoded answer documents must be included to grant this appeal.

Appeal of the Performance Improvement/Safe Harbor provision based on confidence intervals:

A district or campus that does not meet AYP performance standards due to not meeting the safe harbor provision may appeal. A recommendation to grant this appeal will be based on the recalculation of the required improvement to meet the safe harbor provision, resulting in meeting the AYP performance indicator requirements.

The application of the confidence interval is conducted as follows:

The districts and campuses must have shown improvement on both 1) the performance measure and 2) the other measure for the student group in question.

- Using the confidence interval methodology described in Attachment A, the upper limit of the confidence interval must meet or exceed the amount of improvement in performance required under the safe harbor provision.

Justification: USDE allows the use of confidence intervals in making AYP determinations for small districts and schools. The appeal provision for confidence intervals for use in safe harbor was available in 2004.

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Decision Guidelines for Participation Appeals:

Participation appeals will be recommended to be granted for each of the following reasons, given that sufficient documentation is provided:

- Absences due to medical emergencies with documentation provided of an excused absence for medical reasons.

Justification: USDE guidelines allow states to exclude students from the participation indicator if they were absent during the testing period due to a medical emergency. Information on reason for absence are not available at the state level; therefore, this provision can only be implemented through the appeals process.

- Appeals based on coding errors.

Justification: The test administration policies for the state assessment program do not allow districts to correct coding errors on the test answer documents after the documents have been submitted for scoring. The most common coding errors are students coded as absent who withdrew or transferred prior to testing, and special education students coded as absent on the TAKS answer document who were tested on SDAA or LDAA. If districts submit the proper documentation, appeals will be granted to prevent clerical errors from affecting AYP status.

- Linguistically Accommodated tests administered to LEP students exempt from the TAKS mathematics tests, or reading or mathematics tests administered to monitored LEP students, miscoded and not appropriately calculated in the participation indicator.

Justification: Linguistically Accommodated tests were issued for the first time during 2004-05. Monitored LEP status was coded on the test answer document for the first time. Districts must submit proper documentation of a LAT administration or identifying a tested student as monitored LEP.

Decision Guidelines for Appeals on the Other Indicator:

AYP appeal for review of the other indicator (either Attendance or Graduation Rate) is recommended to be granted under the following conditions. These rules apply to evaluation of the other indicator and to use of the other indicator in the performance rate safe harbor provision.

Attendance Rate Appeals:

- The appeal requests review of current year Attendance information and it does affect the AYP results of the other indicator of the campus or district.

Justification: The prior year attendance data were used for the 2005 AYP indicator since the current year attendance data were not available when the preliminary AYP data were provided to districts. Current year attendance data may be substituted for the prior year data to ensure that the appeal decision is based on the most current data available. If the attendance indicator is reevaluated using 2004-05 attendance data, all measures based on attendance will be reevaluated. A district or campus cannot meet some 2005 AYP standards using 2003-04 Attendance Rates and meet other standards using 2004-05 Attendance Rates.

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Graduation Rate Appeals:

Accuracy of leaver data submitted to TEA by the district is a factor considered in evaluation of the merits of all Graduation Rate appeals.

- The appeal requests the exclusion of special education students with 5-year IEP plans from the graduation rate calculation and the change in the rate results in meeting the AYP requirement for other indicator or performance indicator (regardless of the results of the other indicator). A recalculated graduation rate is determined for specific student groups and must result in a) an improvement in the rate for specific student groups as required under performance improvement, or b) reduces the denominator below the minimum size criteria for the student group.

Justification: USDE approved exclusion of special education students with 5 year (or longer) IEP from the graduation rate calculation. Texas does not collect information related to student IEPs and can only implement this provision through the appeals process. Students must continue to be enrolled in school and districts must provide documentation from the IEP.

- The appeal requests the exclusion of recent immigrant students (students first year in a US school) from the graduation rate calculation and the change in the rate results in meeting the AYP requirement for other indicator or performance indicator (regardless of the results of the other indicator). A recalculated graduation rate is determined for specific student groups and must result in a) an improvement in the rate for specific student groups as required under performance improvement, or b) reduces the denominator below the minimum size criteria for the student group.

Justification: USDE approved exclusion of recent immigrant LEP students from the graduation rate calculation. This condition is not included in the completion rate methodology and the exclusion can only be implemented through the appeals process.

Decision Guidelines for Graduation Rate Appeals from Alternative Education Campuses:

AYP appeals for review of the Graduation Rate from alternative education campuses require that the campus provide evidence the campus serves “students at risk of dropping out of school.” They may do this by either having registered as an Alternative Education Accountability (AEA) campus under the state accountability alternative education campus registration process, or showing that they are eligible for registration as an AEA campus but have chosen not to register.

District Appeals

School district appeals are considered for appeal requests to remove students served in a Texas Youth Commission (TYC) facility who were included in the graduation rate calculation. Sufficient student identification information must be provided. The school district appeal is recommended to be granted when the recalculation excluding these students results in meeting the AYP graduation indicator requirements or the indicator no longer meeting minimum size requirements.

District appeal requests for a recalculation of the district graduation rate based on allowable appeals for alternative education campuses are not considered except for charters that are registered for evaluation under district AEA procedures.

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Campus Appeals

Alternative education campus appeals for a recalculation of the graduation rate are recommended to be granted when the recalculation results in meeting the AYP graduation indicator requirements. Appeal requests are considered for:

- An alternative education campus requests the exclusion of students who received a General Educational Development (GED) certificate.
- An alternative education campus requests the exclusion of continuing students.
- An alternative education campus requests the exclusion of continuing students transferred to the campus in the fall following their expected graduation date. These are students who enter a campus in the fall of the 2004-05 school year after their classmates in the Class of 2004 have completed school.
- An alternative education campus requests that the Graduation Rate not be evaluated if the AEC did not have students enrolled in Grade 12 in the 2004-05 school year.
- An alternative education campus requests the exclusion of either GED or continuing students from the graduation rate calculation *as an appeal for the performance indicator* (regardless of the results of the other indicator). A recalculated graduation rate is determined for specific student groups and must result in a) an improvement in the rate for specific student groups as required under performance improvement, or b) reduces the denominator below the minimum size criteria for the student group.

Justification: The completion/student status rate is a longitudinal indicator that tracks individual students from the time they enter grade 9 to the fall following their expected graduation date. Students are classified at the end of this period as 4-year graduates, continuing students, GED recipients, or dropouts – the four components add to 100 percent. Including continuing students and GED recipients in the graduation rate calculation has a negative impact on alternative education campuses. The USDE National Center for Education Statistics includes only graduates and dropouts in their estimated completion rate. [Note: In summer 2005, USDE endorsed a graduation rate definition developed by the National Governor's Association (NGA) that does not exclude GED and continuing students.] In addition, the longitudinal rate is calculated for campuses that serve grades 9 – 12 and classifies students as 4-year graduates. Alternative education campuses may not have any students enrolled in Grade 12 and as a result, the calculation of a 4-year longitudinal graduation rate is inappropriate.