
2006 AYP EXCEPTIONS GUIDELINES

Decision Guidelines for Exceptions and Special Circumstance Appeals

All exception requests received after the AYP Preliminary release are evaluated as Requests for Exceptions based on Other Circumstances.

Evaluation of exceptions to the Federal 3% Cap for previously processed Residential Care Treatment Facilities (RCTF) school districts

Allowable exceptions to the federal cap based on the existence of a RCTF within the school district boundaries were evaluated prior to the release of the Preliminary AYP results.

Prior identification of Exceptions to the Federal Cap

School districts identified on the Division of Program Monitoring and Interventions Residential Facilities (RF) Tracker system were allowed additional room in the 3% federal cap based on the number of special education students served at the Residential Facility. The additional number added above the 3% cap was equal to the total number of students identified in PEIMS as being served by Residential Care and Treatment Facilities who were assessed on an alternative assessment (LDAA, or SDAA II below grade level) and proficient on that assessment. Like last year, school district proficient alternative assessment student results were sorted (as described on page 25 of the 2006 AYP Guide) to determine which students are within the federal cap and those "exceeding" the federal cap. Student results for those identified as exceeding the federal cap were modified to reflect non-proficiency and used in the performance calculation to determine the AYP preliminary status.

Districts submitting a request for an additional exception to the federal cap that previously received RCTF exceptions will be evaluated as an exception request based on other circumstances. Appropriate justification and documentation of other circumstances will be considered, as described below.

Justification:

- States have limited flexibility to grant exceptions to the federal cap for reasons other than those addressed in the federal regulation on alternate assessments based on alternate achievement standards which is available from the USDE website at the following link.

<http://www.ed.gov/legislation/FedRegister/finrule/2003-4/120903a.pdf>

- Per the December 1, 2005, flexibility agreement with the USDE, Texas may grant exceptions to the cap based on the following conditions.
 1. The approval of school district appeals for additional students allowed in the federal cap is based on the availability of statewide slots within the cap that allow the state to maintain a 3% cap limit on proficient results on alternative assessments.
 2. The district provides justification that school, community, or health programs in the district's service area, or special arrangements with

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surrounding districts, account for a higher incidence of students with disabilities in the district.

Evaluation of exceptions to the Federal 3% Cap based on Other Circumstances

1. Evaluate the explanation of why the prevalence of students with disabilities exceeds the 3% cap.

Reasons favorable for granting the exception:

- Community or health programs in the district attendance boundaries draw families of students with disabilities.
- These are special arrangements with surrounding districts to serve special education students from outside the district boundaries.
- Special programs offered by the district for students with certain disabilities draw families of students with disabilities.
- Quality of the special education program in the district draws families of students with disabilities.

Reasons not favorable for granting the exception:

- Appropriate testing of students under state assessment policy.
- Factors such as student race/ethnicity, socioeconomic status, or mobility putting students at a disadvantage academically.
- Reasons related to distribution of students with disabilities among campuses within a district such as cluster arrangements or special purpose campuses.

2. Generate the following information for each exception request:

- a. AYP appeal cover sheet.
- b. Appeal letter from district and any additional narrative documents.
- c. AYP data table.
- d. PBMAS data table for special education. The criteria for granting an exception is:
The school district PBMAS special education indicator results show Performance Level (PL) = 3 on less than **three** PBMAS special education indicators; or, the combination of PL = 3 on less than **two** indicators and PL =2 on less than **four** indicators.
- e. Frequency table of student disability for the district population of: all special education students, students below the federal cap limit, students above the federal cap limit.
- f. Frequency table of student instructional arrangement for the district population of: all special education students, students below the federal cap limit, students above the federal cap limit.
- g. Number of students needed to meet the standard for all seven student groups to meet AYP for each indicator (Reading and Mathematics).

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- h. List in priority order (AYP sort) of all students whose test results are subject to the cap.
3. Determine whether there is enough justification for an exception based on Other Circumstances.
4. Extend the federal cap applied to proficient below grade-level assessment results using the following method:
 - a. Determine the total number the special education students identified as exceeding the federal cap who received instruction in the following instructional settings:
 - o Students identified with a Mild, Moderate or Severe disability and served on a Regular Campus in a Self Contained classroom for >60% of the school day (Instructional Setting Code 44)
 - o State School – Mentally Retarded (Instructional Setting Code 30)
 - o Texas School for the Blind (Instructional Setting Code 70)
 - o Texas School for the Deaf (Instructional Setting Code 71)

Students in this category had one of the following Disability Categories:

1. DESIGNATED AS MULTIPLY DISABLED
 2. AUDITORY IMPAIRMENT
 3. AUTISM
 4. DEAF/BLIND
 5. EMOTIONAL DISTURBANCE
 6. LEARNING DISABILITY
 7. MENTAL RETARDATION
 8. ORTHOPEDIC IMPAIRMENT
 9. OTHER HEALTH IMPAIRMENT
 10. SPEECH IMPAIRMENT
 11. TRAUMATIC BRAIN INJURY
 12. VISUAL IMPAIRMENT
- b. Add the number identified above to the current federal cap limit to extend the federal cap. Students previously sorted and ranked that are within the extended cap limit are considered proficient.
 - c. Determine whether the additional proficient students allow the district or campus in question to meet AYP.
 - d. Determine whether inclusion of students with the extended cap continues to maintain the statewide 3% cap limit.
5. Staff will review the exception request, data, any other research and make a recommendation.

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Justification:

- If the district is claiming that they serve an unusual number of students with a certain disability, that should be reflected in the data.
- It is difficult to compile evidence that a special education program is effective and draws students from surrounding areas. If a district is making this claim, the data should minimally reflect a special education program that is not subject to any monitoring and meets the highest standards in the PBMAS system.
- If the district is claiming that there are unusual numbers of students with disabilities in individual family foster homes, student listings provided by the district will be evaluated.
- The approval of school district appeals for additional students allowed in the federal cap is based on the availability of statewide slots within the cap that allow the state to maintain a 3% cap limit on proficient results from alternative assessments.

Evaluation of appeal based on the Special Circumstance: Regional Day School Program for the Deaf (RDSPD)

Evaluate the explanation of why the prevalence of students served in a RDSPD prevented the school or district from meeting the AYP performance standard. Reasons favorable for granting the exception:

- District has been approved for Other Circumstance exception.
- District size results in a small number of students with disabilities representing over 3% of all students.
- Students served by RDSPD are included within the federal cap causing other severely cognitively disabled students to exceed the cap limit.

Generate the following information for each appeal request:

- a. Confirm the RDSPD with the Division of IDEA Coordination (2004-2005 Directory for Services for the Deaf in Texas)
- b. Extend the federal cap to determine whether the extension of the cap allows the district or campus in question to meet AYP. The cap is extended using the same methodology for Other Circumstance exception (described on page 3).
- c. Determine whether the extension of the cap continues to maintain the statewide 3% cap.

Justification:

- The Division of IDEA Coordination current statewide list of all Regional Day School Programs for the Deaf is used to confirm the existence of the RDSPD.

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- The approval of exceptions due to a RDSPD program is based on the availability of statewide slots within the cap that allow the state to maintain a 3% cap limit on proficient results from alternative assessments.