2008 Federal Accountability:
Development of the Federal Cap on
Proficient Results from TAKS-M and TAKS-Alt

Introduction

This document outlines research-based options for implementation of the No Child Left Behind Act of 2001 (NCLB) Adequate Yearly Progress (AYP) federal cap limit on proficient results of students with disabilities taking alternate assessments in spring 2008.

Texas Education Agency Goals for the NCLB Federal Cap Process

- Promotes ARD decisions that ensure that appropriate assessments are selected and administered to students with disabilities
- Meets requirements and intent of federal regulations pertaining to NCLB
- Minimizes unintended consequences
- Understandable and easy to replicate by districts
- Provides the most equitable distribution of exceeders across campuses
- Matches the resources available and timelines required to implement

Background

NCLB regulations limit the number of proficient assessment results from alternate assessments that may be included in evaluating AYP. The limit on proficient alternate assessment results is referred to as the AYP federal cap. The federal cap is applied to two types of assessment results: alternate assessments based on modified academic achievement standards that are subject to a 2% cap, and alternate assessments for students with the most significant cognitive disabilities that are subject to a 1% cap. For Texas, the alternate assessments with modified achievement standards are the Texas Assessment of Knowledge and Skills (TAKS) Modified. The TAKS-Alternate (TAKS-Alt) assessments are for students with the most significant cognitive disabilities. The limit is calculated for each school district and applies to proficient results on TAKS-M and TAKS-Alt only. Proficient results over the district limit are reclassified as non-proficient and reported as such in AYP performance results at the campus, district, and state levels. School districts with results from alternate assessments that do not exceed the district limit are not affected by the cap and all student proficient results remain proficient.

Note that the federal cap does not limit the number of students with disabilities who can take alternate assessments. Decisions regarding the appropriate assessment for students with disabilities should be made based on state policies and procedures outlined in the *Admission, Review, and Dismissal (ARD) Committee Decision-Making Process for the Texas Assessment Program*. Also note that students are reclassified from proficient to non-proficient status only for use in AYP performance results that are specifically used to evaluate AYP. There is no effect on the AYP participation calculations. Other state performance results and state accountability ratings are not affected by the federal cap. There are no student level consequences (for graduation or other assessment requirements) for exceeding the cap limit.

A school district's federal cap limit is based on the total number of students enrolled in the district in Grades 3 – 8 and 10 on the day of testing (AYP District Participation denominator by Subject). The federal cap limit is calculated by subject area for Reading/English Language Arts (ELA) and Mathematics.

The federal cap limits are calculated for each type of alternate assessment, as shown below.

District Participation Denominator x .01 = TAKS-Alternate Federal Cap Limit

District Participation Denominator x .02 = TAKS-Modified Federal Cap Limit

All students assessed on TAKS-M and TAKS-Alt who meet the student passing standard are counted as proficient in the AYP performance results up to the federal cap limit. A ranking or sort order for students is necessary to determine which students to include within the federal cap limit and identify the students designated to exceed the cap limit.

The US Department of Education (USDE) federal regulations released in April 2007, and federal regulations issued in December 2003, provide specific guidelines on the implementation of the federal cap:

- o   Students exceeding the school district limit are reclassified from proficient to non-proficient.

- o   The State has flexibility in determining how to select which proficient scores are counted as non-proficient.

- o   A State may identify a particular method that all school districts must use to identify and reclassify student scores that exceed the federal cap limit. Under any cap option chosen, TEA will implement the process uniformly to all school districts.

- o   A State must be consistent in its use of the scores of students; for example, if student scores are reclassified to non-proficient, they must be included as non-proficient in the AYP campus, AYP district, and AYP state performance results.

- o   Each student's score for calculating AYP must remain the same for each student group of which the student is a member for calculating AYP.

- o   School districts cannot exceed the 1% cap on alternate assessments for students with the most significant cognitive disabilities (TAKS-Alt). However, if they do not fully use the 1% cap, then districts can exceed the 2% cap on alternate assessments based on modified academic achievement standards (TAKS-M) up to 3%. Therefore, under any cap option chosen, TEA will process the 1% cap for school districts to determine if there is available space for proficient results that may exceed the 2% cap up to the 3% limit.

- o   The AYP results based on these regulations are also used to determine the School Improvement Program (SIP) status of school districts and campuses each year.

On April, 2007, the USDE also provided non-regulatory guidance to states on the implementation of the federal cap that included research released in 2004 by Tiffany Martinez and Ken Olsen of the Mid-South Regional Resource Center funded by the federal Office of Special Education Programs (OSEP). The paper explains methods used by states to implement the federal cap and is summarized in Appendix A.

General Considerations and Timelines

- • Decisions about processing the federal cap for 2008 AYP must be made independent of knowledge of any AYP results based on performance on the TAKS-M and TAKS-Alt assessments, since spring 2008 is the first live test administration for these assessments. In addition, the standard setting process for TAKS-M will conclude in August 2008 leaving insufficient time to reevaluate the methodology to be used for 2008 AYP.

- • Following the release of the final 2008 AYP results, the agency will be able to reevaluate the federal cap process using the spring 2008 assessment data to determine if modifications are needed for 2009 AYP.

- • While TAKS-M standards have not been determined, it is anticipated that student performance on the TAKS-Modified assessment may be a greater factor in determining 2008 AYP status than the impact of a federal cap limit on proficient results.

Timeline for Federal Cap Development

September – December, 2007	Ideas and suggestions were taken from the field through Texas Statewide Network of Assessment Professionals (TSNAP), Fall Academy for District Testing Coordinators, Accountability Texas Education Telecommunications Network (TETN) sessions, and Education Service Center (ESC) Title I meetings.
	TEA staff researched methodologies used or planned to be used by other states.
January, 2008	First draft of options are presented for review by the Title I Committee of Practitioners (COP).
February - March	Draft of options for the federal cap is available on the AYP website for educator input.
March	Final federal cap process options are developed for review by the Title I COP and state accountability advisory groups.
April	Final decision on the federal cap process is available on the AYP website.
June	2008 AYP Guide will include the final decisions and description of the federal cap process.

Options for the Texas Federal Cap for 2008 AYP

Options for 1% cap on TAKS-Alternate Assessment Results

1. *By Random Assignment* – Students are randomly selected up to the federal cap limit.

2. *By Disability Category* – Identify students to include in the cap by selecting students in specific disability categories that are aligned with the assessment participation criteria for TAKS-Alt. Sort students by disability category and lowest to highest scale score up to the federal cap limit.

Options for 2% cap on TAKS-Modified Assessment Results

1. *By Random Assignment* – Students are randomly selected up to the federal cap limit.

2. *By Test Score* – Sort students by lowest to highest scale score and include students in this order up to the federal cap limit.

3. *By Grade Level* – Sort students by highest to lowest grade level, and lowest to highest scale score. Students in the highest grade (Grade 10 for most districts) are the first to be included under the federal cap limit.

4. *By Campus Proportion of Students with Disabilities* – Determine a campus level federal cap proportion based on the campus percentage of school district students with disabilities tested on alternate assessments, and sort students by lowest to highest scale score up to the campus limit.

5. *Strategic Method with School District Input* – TEA identifies one method to use statewide to prioritize campuses strategically by SIP status. School districts have the opportunity to review and/or modify the campus rankings. Student results are selected in order to maximize the number of campuses that Meet AYP beginning with the campuses assigned the highest priority.

6. *Combination Method* – TEA prioritizes campuses by grades served and proportion of students with disabilities enrolled. School districts have the opportunity to review and/or modify the campus rankings. Student results are selected in order to maximize the number of campuses that Meet AYP beginning with the campuses assigned the highest priority.

General comments regarding Federal Cap Options

- Each of these options are included in a paper funded by the federal Office of Special Education Programs that describes methods used by states to implement the federal cap and summarized in Appendix A.

- When combining two or more sorting orders, the first or primary sort order will be the greater factor in determining the order of the proficient results that may be included within the federal cap limits. For example, if sorting by grade from highest to lowest and test performance (lowest to highest score), students in the higher grade levels have a much higher probability of being included in the cap limit (regardless of test performance) than students in lower grade levels. The secondary sort order has a greater impact when determining the specific cut off point for students included in the cap.

2008 Federal Accountability: Development of the Federal Cap

- Each option includes a final sorting order of random assignment in order to rank students with the same sorting values and determine the federal cap cut off point. For example, if sorting by test performance, a random assignment will be used to rank students with the same score on the assessment.

- The use of the scale score for any sorting order may not be appropriate due to the differences in student passing standards across grade levels for the TAKS-Alt and TAKS-M assessments. If the scale score is not appropriate for use across grade levels, the percent of correct answers achieved by each student will be used.

OPTIONS FOR 1% CAP ON TAKS-ALTERNATE ASSESSMENT RESULTS

OPTIONS FOR 1% CAP ON TAKS-ALTERNATE ASSESSMENT RESULTS

TAKS-Alt Option 1: Select Proficient Results by Random Assignment

This method is included in the USDE federal cap non-regulatory guidance research document, summarized in Appendix A, as "Random Assignment." School district proficient student results are randomly identified up to the federal cap limit. Student results that remain unselected are considered over the federal cap limit and reclassified as non-proficient.

The methodology for the federal cap is summarized as:

District Participation Denominator x .01 = TAKS-Alt Federal Cap Limit

Proficient students assessed on TAKS-Alt are ranked and included in the federal cap by
Sorting Order: None.

Additional Requirements: Random identification of students.

Students that exceed the federal cap limit are reclassified as non-proficient.

AYP performance rates are determined based on the reclassified results (for AYP purposes only).

TAKS-Alt Option 1: Select Proficient Results by Random Assignment	
Students are randomly selected up to the federal cap limit.	
Advantages	**Disadvantages**
Simple to understand and implement.	May not appear to be fair in any one year.
Impartial over time if student proficient results are evenly distributed across campuses.	May require a special distribution rule for small school districts.
Results in no unintended policy consequences.	Does not promote or deter the application of challenging educational standards.
	Random assignment makes it impossible for districts to project outcomes.
	Campuses that serve as cluster sites (where students with low incidence disabilities are clustered for services) may be negatively impacted in individual school years if the district percentage exceeds the 1% cap because those campuses will have the highest representation of TAKS-Alt students, but students at that campus may not be included in the 1% cap based on random assignment.

OPTIONS FOR 1% CAP ON TAKS-ALTERNATE ASSESSMENT RESULTS

TAKS-Alt Option 2: Select Proficient Results by Disability Category and Test Performance

Used for the 1% federal cap application by two other states (Michigan and Florida), this option requires the classification of disabilities into two categories: those that are more likely to be aligned with the assessment participation criteria for TAKS-Alt and those that are less likely to be aligned with the TAKS-Alt participation criteria. Students that are proficient on the TAKS-Alt with non-aligned disability categories are reclassified to non-proficient. The remaining proficient students are included in the federal cap by ranking of disability category. Within each disability category, students are sorted by lowest to highest scale score selected until the number of proficient students reaches the federal cap limit.

A hierarchy of specific student disability categories must be determined to implement this method.

One example of identifying disability categories for reclassification is shown below.

> 1. Learning Disability
> 2. Speech and Language Impairment
> 3. Emotional Disturbance
> 4. Other Health Impairment
> 5. Orthopedic Impairment

The methodology for the federal cap is summarized as:

> District Participation Denominator x .01 = TAKS- Alt Federal Cap Limit

Proficient students assessed on TAKS-Alt are ranked and included in the federal cap by
> **Preliminary Requirements**
> - Classify student disability categories as more likely to be aligned or non-aligned with the TAKS-Alt participation criteria.
> - Identify students by specific disability category for inclusion in the federal cap.
> - Requires an additional process to determine if the federal cap was exceeded.
>
> **Sorting Order:** Within the predetermined ranking of appropriate disability categories aligned with the participation criteria, sort students by lowest to highest scale score.

Students that exceed the federal cap limit are reclassified as non-proficient.

AYP performance rates are determined based on the reclassified results (for AYP purposes only).

TAKS-Alt Option 2 (continued)

TAKS-Alt Option 2: Select Proficient Results by Disability Category and Test Performance Determine disability categories that are more likely to be aligned or non-aligned with the TAKS-Alt participation criteria and sort students by disability categories and lowest to highest scale score for inclusion in the federal cap.	
Advantages	**Disadvantages**
Based on assessment participation criteria thereby consistently implementing state and federal assessment policy.	Difficult to understand and implement. May be difficult to make meaningful distinctions among disability categories particularly among students with multiple disabilities. Since TAKS-Alt participation criteria significantly limit the students assessed, further differentiation among these students may not be appropriate. Both the USDE and OSEP guidance on identifying students with the most significant cognitive disabilities refer to students with any student disability category. May lead to unintended consequences.

OPTIONS FOR 2% CAP ON TAKS-MODIFIED ASSESSMENT RESULTS

OPTIONS FOR 2% CAP ON TAKS-MODIFIED ASSESSMENT RESULTS

TAKS-M Option 1: Select Proficient Results by Random Assignment

This method is categorized on USDE federal guidance as "Random Assignment." Proficient student results on the TAKS-M assessment are identified for inclusion up to the federal cap limit by a random assignment. Student results that remain unselected are considered over the federal cap limit and reclassified as non-proficient.

The methodology for the federal cap is summarized as:

District Participation Denominator x .02 = TAKS-M Federal Cap Limit

Proficient students assessed on TAKS-M are ranked and included in the federal cap by
Sorting Order: None.

Additional Requirements: Random identification of students.

Students that exceed the federal cap limit are reclassified as non-proficient.

AYP performance rates are determined based on the reclassified results (for AYP purposes only).

TAKS-M Option 1: Select Proficient Results by Random Assignment	
Students are randomly selected up to the federal cap limit.	
Advantages	**Disadvantages**
Simple to understand and implement.	May not appear to be fair in any one year.
Impartial over time if student proficient results are evenly distributed across campuses.	May require a special distribution rule for small school districts.
Results in no unintended policy consequences.	Does not promote or deter the application of challenging educational standards.
	Random assignment makes it impossible for districts to project outcomes.
	Campuses that serve as cluster sites for students with special needs may be negatively impacted in individual school years if the district percentage exceeds the 2% cap because those campuses will have the highest representation of TAKS-M students, but students at that campus may not be included in the 2% cap based on random assignment.

OPTIONS FOR 2% CAP ON TAKS-MODIFIED ASSESSMENT RESULTS

TAKS-M Option 2: Select Proficient Results by Test Performance

From 2004 through 2007, the Texas federal cap process included ranking proficient results from alternative assessments (the State-Developed Alternative Assessment II) by instructional level and test performance. Student results were sorted by lowest to highest score which encouraged testing of higher performing students on a grade-level assessments. The general approach of this method is most similar to the federal cap process previously in place. Proficient student results on the TAKS-M assessment are identified for inclusion up to the federal cap limit by test performance. Student results are sorted by lowest to highest scale score allowing the lowest performing students to be included in the federal cap, followed by the higher performing students.

The methodology for the federal cap is summarized as:

> District Participation Denominator x .02 = TAKS-M Federal Cap Limit

Proficient students assessed on TAKS-M are ranked and included in the federal cap by
> **Sorting Order:** Sort student results by lowest to highest scale score.

> **Additional Requirements:** Random identification of students identifies the order of students with the same scale score.

Students that exceed the federal cap limit are reclassified as non-proficient.

AYP performance rates are determined based on the reclassified results (for AYP purposes only).

TAKS-M Option 2: Select Proficient Results by Test Performance	
Proficient results are selected by lowest to highest scale score up to the federal cap limit.	
Advantages	**Disadvantages**
Simple to understand and implement. Encourages testing of higher performing students on a grade-level assessment such as TAKS-Accommodated. Most similar to sorting order used in previous years.	Since the sorting occurs regardless of campus, this option may not result in a fair and equitable distribution across campuses. May be perceived as punitive toward campuses with strong instructional programs. May lead to unintended consequences.

OPTIONS FOR 2% CAP ON TAKS-MODIFIED ASSESSMENT RESULTS

TAKS-M Option 3: Select Proficient Results by Grade Level and Test Performance

Suggested in part by Education Service Center (ESC) staff, all student proficient results on TAKS-M are ranked by grade level followed by lowest to highest scale score. The sort order would allow all proficient 10th grade student results in the cap first, beginning with the lowest performers. Grade 8 proficient results follow, beginning with the lowest performers, etc. This sort order allows the lowest performing proficient students to be included in the federal cap, followed by the higher performing students within each grade.

The methodology for the federal cap is summarized as:

District Participation Denominator x .02 = TAKS-M Federal Cap Limit

Proficient students assessed on TAKS-M are ranked and included in the federal cap by
Sorting Order: Sort students by highest to lowest grade level, followed by lowest to highest scale score within each grade level.

Additional Requirements: None needed.

Students that exceed the federal cap limit are reclassified as non-proficient.

AYP performance rates are determined based on the reclassified results (for AYP purposes only).

TAKS-M Option 3: Select Proficient Results by Grade Level and Test Performance	
Sort students by highest to lowest grade level, and lowest to highest scale score.	
Advantages	**Disadvantages**
Simple to understand and implement.	AYP results for elementary schools may be adversely affected disproportionately.
Rewards campuses that have successfully accelerated instruction for students in the highest grade levels in order to attain enrolled grade level proficiency.	May lead to unintended consequences.
High schools, which are overrepresented among campuses not meeting AYP, will be the least adversely affected by the federal cap.	
Encourages testing of higher performing students on a grade-level assessment such as TAKS-Accommodated.	
Provides a strong incentive for instruction in elementary schools to focus on maintaining grade-level student proficiency and testing on TAKS or TAKS (Accommodated).	

OPTIONS FOR 2% CAP ON TAKS-MODIFIED ASSESSMENT RESULTS

TAKS-M Option 4: Select Proficient Results by Campus Proportion of Students with Disabilities

Based on USDE federal guidance, this method may be categorized as a combination of "Proportional" and "Pre-determined School Cap." This method was suggested in part by the Director of Assessment in a local school district and requires the assignment of a limit for each campus based on the number of students tested on alternate assessments (number of TAKS-M and TAKS-Alt students tested at the campus divided by the total number of TAKS-M and TAKS-Alt students tested in the school district). For each campus, the students who are proficient on alternate assessments are ranked by scale score from the lowest score to the highest score and included in the federal cap up to the campus limit. A resorting may be required if campuses do not use meet their limits to allow all available students in the school district to be included in the overall district cap.

The methodology for the federal cap is summarized as:

District Participation Denominator x .02 = TAKS-M Federal Cap Limit

Proficient students assessed on TAKS-M are ranked and included in the federal cap by
Sorting Order: Within each campus, sort students by lowest to highest scale score.

Additional Requirements:
- Determine the campus level federal cap limit based on percent of students tested on alternate assessments. Alternatively, campus limits could be determined on the percent of students proficient on alternate assessments.
- Requires an additional recapture process in order to include as many students as possible within the federal cap limit at the school district level.

Students that exceed the federal cap limit are reclassified as non-proficient.

AYP performance rates are determined based on the reclassified results (for AYP purposes only).

OPTIONS FOR 2% CAP ON TAKS-MODIFIED ASSESSMENT RESULTS

TAKS-M Option 4 (continued)

| TAKS-M Option 4: Select Proficient Results by Campus Proportion of Students with Disabilities

Determine a campus level federal cap limit based on percent of students tested on alternate assessments, then sort students by lowest to highest scale score up to the campus limit. |
| :--- |

Advantages	Disadvantages
Potentially rewards campuses that have historically and appropriately served a high number of students with disabilities.	Potentially rewards campuses that over identify students with disabilities taking alternate assessments.
Within each campus, higher performing students may be disproportionately reclassified thereby encouraging their assessment on TAKS or TAKS-Accommodated.	Difficult to understand and implement.
	Slight variations in the number of students tested on alternate assessments may result in a different cap limit for a campus each year.
Campus limits reflect current local policy decisions on the selection of appropriate tests for students with disabilities.	May encourage the practice of concentrating programs on specific campuses and discourage mainstreaming of students with disabilities in order to maintain the campus limit.
	May lead to unintended consequences.

OPTIONS FOR **2%** CAP ON **TAKS-**MODIFIED ASSESSMENT RESULTS

TAKS-M Option 5: Select Proficient Results Strategically with School District Input

This method is categorized as "Strategic" in the summary of USDE federal guidance and similar methods are used by other states (Kansas and Oregon). The features of this method include 1) strategic prioritization of campuses, 2) allowing school districts to provide input to the federal cap process, and 3) selecting students to optimize the use of the federal cap. This method begins with a default campus ranking that prioritizes campuses within a school district. School districts have the opportunity to review and modify the default campus ranking. Student results are selected from campuses in priority order, and only to the extent needed for the campus to meet AYP.

The default campus sorting order identifies campuses in the following order:
  By Highest Stage Identification for SIP
  By Prior Year AYP Status (Missed AYP, Meets AYP)
  By Prior Year Title I identification (Received Title I funds, did not receive funds)
  By Percent of Students with Disabilities Enrolled

For example, a campus with a 2007-08 SIP Stage 5 Identification, who Missed AYP in 2007, received Title I funds, and with a high percentage of students with disabilities enrolled during the 2006-07 school year will be listed first.

School districts are provided a sorted list of campuses in Spring 2008 by TEA. Districts may modify the sorting order and change the ranking of the campuses using any method they choose. School districts must provide a final campus ranking (either the default ranking or modification) to TEA by July 1, 2008. (The date may be earlier in 2009.) Justification for the selected rankings will not be required. The Texas Education Agency Secure Environment (TEASE) Accountability website application will be used to provide lists to districts and receive feedback.

Students on each campus who are proficient on TAKS-M assessments are included in the federal cap to the extent needed for the campus to meet AYP. The campus ranking selected by school districts is used as the first sorting order for identifying proficient student results within the federal cap. The order in which students on each campus are included within the cap depends on the student groups for which the campus needs additional proficient students in order to meet AYP. <u>If the campus does not meet AYP even with all available proficient students, or meets AYP without any TAKS-M students counted as proficient, students from these campuses would be given the lowest priority for inclusion in the federal cap</u>. Proficient students are selected up to the 2% federal cap limit.

The methodology for the federal cap is summarized as:

District Participation Denominator x .02 = TAKS-M Federal Cap Limit

Proficient students assessed on TAKS-M are ranked and included in the federal cap by
  Sorting Order: By district, campuses are sorted strategically with district opportunity to modify; and within each campus students are selected to optimize use of the federal cap.

  Additional Requirements: District input for campus ranking order.

Students that exceed the federal cap limit are reclassified as non-proficient.

AYP performance rates are determined based on the reclassified results (for AYP purposes only).

TAKS-M Option 5 (continued)

TAKS-M Option 5: Select Proficient Results Strategically with School District Input Rank campuses strategically with district input. Select students from campuses in order to maximize the number of campuses that Meet AYP.	
Advantages	**Disadvantages**
The selection of students only to the extent needed for each campus to meet AYP minimizes the number of campuses that miss AYP solely due to the federal 2% cap. An approach that minimizes negative consequences may be appropriate for new policy that represents a very high standard on a new assessment. Since the 2% cap is a limit on district results, it is appropriate to allow district input. Districts have discretion to modify the campus sorting priority by grade level (similar to Options 3), by proportion of special education students (similar to Option 4), or by other local selection criteria. The default strategic sort may be seen as balancing perceived inequities in AYP interventions for Title I and non-Title I campuses.	Difficult to replicate by school districts. Prioritizing campus AYP performance could result in the district missing AYP due to the federal cap. The default strategic campus sorting order may be seen as rewarding campuses that are in SIP because of performance problems. Districts may be reluctant to modify rankings because of the potential for complaints from schools that are moved down in the ranking. Campuses that either Meet AYP or continue to Miss AYP even with all proficient students included are given the lowest priority within the federal cap and are likely to have students reclassified to non-proficient. Students included in the 2% cap may come only from student groups that do not meet the AYP standards, meaning that student groups that meet the AYP standards are likely to have students reclassified to non-proficient. The district input feature requires each school district to develop a methodology for analyzing the potential impact of the 2% federal cap and some districts may not have the technical ability to effectively analyze its implications. May lead to unintended consequences.

OPTIONS FOR 2% CAP ON TAKS-MODIFIED ASSESSMENT RESULTS

TAKS-M Option 6: Combination Method

This option combines features of Option 3 (prioritizing by Grade Level) and Option 4 (prioritizing by Proportion of Special Education) with features of Option 5 (school district input and optimizing the use of students in the federal cap). A campus ranking is provided to school districts with an opportunity for school districts to review and modify the default campus ranking. Students are selected for inclusion in the federal cap in campus priority order only to the extent needed for the campus to meet AYP.

Campuses are sorted by campus type, with high schools receiving the highest priority, followed by proportion of students with disabilities enrolled.
    By Campus Type (Highest Grade Served on the Campus)
    By Proportion of District Students with Disabilities Enrolled

For example, a campus serving Grade 12, with the highest percentage of students with disabilities enrolled during the 2006-07 school year will be listed first.

School districts are provided a sorted list of campuses in Spring 2008 by TEA. Districts may modify the sorting order and change the ranking of the campuses using any method they choose. School districts must provide a final campus ranking (either the default ranking or modification) to TEA by July 1, 2008. (The date may be earlier in 2009.) Justification for the selected rankings will not be required. The Texas Education Agency Secure Environment (TEASE) Accountability website application will be used to provide lists to districts and receive feedback.

Students on each campus who are proficient on TAKS-M assessments are included in the federal cap to the extent needed for the campus to meet AYP. The campus ranking selected by school districts is used as the first sorting order for identifying proficient student results within the federal cap. The order in which students on each campus are included within the cap depends on the student groups for which the campus needs additional proficient students in order to meet AYP. If the campus does not meet AYP even with all available proficient students, or meets AYP without any TAKS-M students counted as proficient, students from these campuses would be given the lowest priority for inclusion in the federal cap. Proficient students are selected up to the 2% federal cap limit.

The methodology for the federal cap is summarized as:

District Participation Denominator x .02 = TAKS-M Federal Cap Limit

Proficient students assessed on TAKS-M are ranked and included in the federal cap by
Sorting Order: By district, campuses are sorted by grades served and proportion of students with disabilities enrolled with district opportunity to modify; and within each campus students are selected to optimize use of the federal cap.

Additional Requirements: District input for campus ranking order.

Students that exceed the federal cap limit are reclassified as non-proficient.

AYP performance rates are determined based on the reclassified results (for AYP purposes only).

TAKS-M Option 6 (continued)

TAKS-M Option 6: Combination Method **Rank campuses by grades served and proportion of students with disabilities enrolled with district input. Select students from campuses in order to maximize the number of campuses that Meet AYP.**	
Advantages	**Disadvantages**
The default sort by campus type and proportion of students with disabilities enrolled: • provides a strong incentive for instruction in elementary schools to focus on maintaining grade-level student proficiency and testing on TAKS or TAKS (Accommodated) • least adversely affects high schools, which are overrepresented among campuses not meeting AYP • rewards campuses that have successfully accelerated instruction for students in the highest grade levels in order to attain enrolled grade level proficiency • potentially rewards campuses that have historically and appropriately served a high number of students with disabilities. Since the 2% cap is a limit on district results, it is appropriate to provide district input and thereby support local policy decisions on the selection of appropriate tests for students with disabilities. The selection of students only to the extent needed for each campus to meet AYP minimizes number of campuses that miss AYP solely due to the federal 2% cap. An approach that minimizes negative consequences may be appropriate for new policy that represents a very high standard on a new assessment.	Difficult to replicate by school districts. Prioritizing campus AYP performance could result in the district missing AYP due to the federal cap. Districts have discretion to modify the campus sorting priority and could do so in ways that: • may be seen as rewarding campuses that are in SIP because of performance problems • do not promote the application of challenging educational standards or reward appropriate testing. Potentially rewards campuses that over identify students with disabilities taking alternate assessments. Districts may be reluctant to modify rankings because of the potential for complaints from schools that are moved down in the ranking. Campuses that either Meet AYP or continue to Miss AYP even with all proficient students included are given the lowest priority within the federal cap. Students included in the 2% cap may come only from student groups that do not meet the AYP standards. Under the default sort, AYP results for elementary schools may be adversely affected. May lead to unintended consequences.

Appendix A: Guidance from the USDE

Distribution of Proficient Scores that Exceed the 1% Cap:
Four Possible Approaches Determined by USDE to be consistent with
34 CFR Part 200 (Federal Regulation pertaining to AYP)

Potential Methods	Pros	Cons
Random assignment: This method randomly distributes scores, but only across schools that tested students against alternate achievement standards.	• Should be impartial over time. • Easy to computerize. • Easy to understand/ communicate.	• Seldom regarded as fair when distribution is uneven in a particular year. • Might be hard to implement in small districts.
Proportional: A proportional distribution method distributes non-proficient scores across schools in proportion to the number of students tested against alternate achievement standards.	• Might deter inappropriate assignment of students to alternate achievement standards.	• Might penalize a school that has a large number of students with significant cognitive disabilities appropriately tested and instructed.
For example, consider a district with 5000 students in which 100 students took the alternate assessment with alternate achievement standards. If 40 of those 100 students scored below proficient and 60 scored proficient and above, the district would have only 60% of 1% counted as proficient (i.e. 30 scores), not the full 1% (i.e. 50 of the 60 scores).		
Strategic: A strategic method identifies for distribution the scores of students who will result in maximum benefit for each school.	• Might be perceived as providing the maximum benefit for schools.	• Difficult to implement. • Can be perceived as unethical or as using favoritism. • Assumes "correct" students assessed.
Pre-determined School Cap: A State might also establish a cap or formula for each school based on that school's historical percentage of students with significant cognitive disabilities. Thus, the maximum number or proportion of proficient scores based on alternate achievement standards would be pre-determined for each school.	• Might be effective in LEAs with stable population and special education services when use of alternate achievement standards have been applied conservatively.	• Small population changes may result in an imbalance among schools. • May perpetuate historical problems.

Source:

Martinez, T. & Olsen, K. (March, 2004). *Distribution of Proficient Scores that Exceed the 1% Cap: Four Possible Approaches* (Report). Mid South Regional Resource Center. (ERIC Document Reproduction Service No. ED484423).

2008 Federal Accountability: Development of the Federal Cap

Appendix B: TAKS-Modified Assessment Development Schedule

The TAKS-Modified assessment will be administered for first time in Spring 2008. The student passing standard development process will be conducted in the months following the administration. The tentative schedule is shown below.

Tentative Student Passing Standard Development Schedule for TAKS-Modified

Proposed 2008 AYP Schedule for TAKS-Modified (TAKS-M)	
Date	**Activity**
Spring	TAKS-M test administrations
May	TAKS-M answer documents processed by test contractor and raw scores reported to districts
June-July	Standard Setting Preparation 　　　Calibrate and verify data 　　　Prepare item booklets and rating forms 　　　Analyze and prepare impact data 　　　Prepare program to calculate cut score options 　　　Train facilitators and data analysts
August	Texas school districts retain all SIP evaluations from the prior year (based on 2007 AYP results) and continue implementation of SIP requirements
August 1st - 15th	Standard setting process for AYP grades and subjects completed
October 8th	Public release of Preliminary 2008 AYP/SIP
October 17th	AYP Appeal Deadline
November – December	Process AYP Appeals
Mid-December	Issue Final AYP and SIP Results

Appendix C: Glossary of Terms

Accountability Subset or Full Academic Year. The district results for AYP performance calculations only include test results for students who were enrolled in the district on the Public Education Information Management System (PEIMS) fall enrollment snapshot date. The campus results for AYP performance calculations only include students who were enrolled on the campus on the PEIMS fall enrollment snapshot date.

Reclassification. The identification of proficient students on alternate assessments that exceed the federal cap limit and are deemed *non-proficient* for AYP purposes only.

Texas Assessment of Knowledge and Skills (TAKS). The statewide assessment designed to measure a student's mastery of the state-mandated curriculum, the Texas Essential Knowledge and Skills (TEKS).

TAKS (Accommodated). A separate form of the TAKS for students served by special education who meet the eligibility requirements for certain specific accommodations.

Texas Assessment of Knowledge and Skills–Alternate (TAKS–Alt). The statewide assessment based on alternate academic achievement standards designed for students with significant cognitive disabilities who meet the participation requirements. TAKS–Alt is administered in the same grades and subjects as TAKS.

Texas Assessment of Knowledge and Skills–Modified (TAKS–M). The alternate assessment based on modified academic achievement standards designed to meet (1) the requirements of the federal No Child Left Behind Act for those Adequate Yearly Progress (AYP) subjects and grades that are currently assessed with TAKS and (2) the requirements of the federal Individuals with Disabilities Act (IDEA) for non-AYP subjects and grades that are assessed with TAKS.