

Section VIII – Appealing the Ratings

Providing superintendents with the opportunity to appeal data used to determine accountability ratings has been a feature of the state accountability system since 1994. The opportunity to appeal is supported in the 2004 system as well. Superintendents may appeal within a defined time limit and under a specific set of circumstances.

APPEALS CALENDAR

Late July	<i>Dropout/Completion Lists.</i> Districts receive lists of official dropouts and lists of the completion cohort membership. These reports provide a preview of the data that will be used to calculate the annual dropout rate and completion rate base indicators.
Mid-September	<i>Preview Data Tables.</i> Districts receive preview accountability data tables for the district and each campus showing all accountability indicator data. Campuses and districts can use these data tables to predict their accountability ratings.
September 30, 2004	<i>Ratings Release.</i> Due to the short timeline between the transmittal of the preview data tables and the ratings release date, no appeals will be resolved before the ratings release.
October 14, 2004	<i>Appeals Deadline.</i> Appeals must be postmarked no later than October 14, 2004.
December 2004	<i>Ratings Update.</i> The outcome of all appeals will be reflected in the ratings update scheduled for December 2004. At that time the TEA website will be updated.

A more detailed calendar can be found in Section IX – Calendar.

General Considerations

APPEALS ARE NOT A DATA CORRECTION OPPORTUNITY!

The numbers shown on the data tables (and later on other agency products, such as the AEIS reports) are final and cannot be changed, even if an appeal is granted.

Appeals should be based upon a data or calculation error attributable to the Texas Education Agency, regional education service centers, or the test contractor for the student assessment program. However, problems due to *district* errors in PEIMS data submissions or on TAKS answer sheets are considered on a case-by-case basis. Also, statute permits consideration of data reporting quality when assigning ratings.

CHANGED RATINGS ONLY

Only appeals that may result in a changed rating will be considered.

SITUATIONS UNFAVORABLE FOR APPEAL

A strength of the accountability system is that the rules are applied uniformly to all campuses and districts. Petitions to make exceptions for how the rules are applied are viewed as unfavorable for appeal. Examples include:

- *Campus Mobility*. Requests to include the performance of students excluded due to the appropriate use of the new campus mobility subset criteria.
- *Grade 3 Cumulative*. Requests to alter the TEA methodology for combining the March and April grade 3 reading results.
- *Exceptions Provision*. Requests for additional exceptions or changes to the application of the Exceptions Provision.
- *Pairing*. Requests to alter pairing relationships that districts agreed to prior to April 30, 2004.
- *Rounding*. Requests to compute Required Improvement, student group percents, or indicator values using rounding methodology different from that described in this *Manual*.

Guidelines by Indicator

TAKS OR SDAA APPEALS

If a problem is identified with data received from the test contractor, the TAKS or SDAA data may be appealed. An appeal of these indicators should reflect a serious problem such as a missing grade level or campus. However, coding errors on TAKS or SDAA answer sheets will be considered on a case-by-case basis.

- If the district has requested that the writing results be re-scored, a copy of the dated request to the test contractor should be provided with the appeal.
- If other serious problems are found, copies of correspondence with the test contractor should be provided with the appeal.

DROPOUT APPEALS

The dropout rate indicator is based on 2002-03 leaver data submitted for students in grades 7 and 8. This information was reported by districts on submission 1 of the 2003-04 PEIMS data collection. Districts and campuses are held accountable for their official dropouts. Official dropouts are those students who:

- were reported by the district with leaver codes identifying the student as a dropout; and,
- were not located in other educational settings through the TEA automated comparisons of leaver data against other state data sources. For example, students found to be enrolled in the Texas public school system or to have graduated or to have earned General Educational Development (GED) certificates are not included in the count of official dropouts.

In addition, the agency determines the appropriate *campus of accountability* (COA) for dropouts reported on campuses not permitted to have dropouts attributed to them (such as

Juvenile Justice Alternative Education Program campuses). See *Appendix C – Data Sources* for a list of the leaver codes that designate students as dropouts for accountability purposes, and for more details about the COA process.

Other Information:

- As shown in the calendar, the agency will provide districts with lists of their official dropouts in late July. Only students shown as official grade 7-8 dropouts on these lists may be appealed. For the district’s information, the reported dropouts who were located through the statewide searches are also provided on these lists. An explanation of why these dropouts are not part of the official dropout list is included.
- Dropouts who have been designated as official dropouts but who are located by the district after the PEIMS deadline (January 22, 2004) cannot be appealed. Only the status of a reported leaver by the resubmission deadline *is relevant to a dropout appeal*. This policy ensures that all districts have an equal opportunity to locate leavers in grades 7 - 8.
- No more than five official grade 7-8 dropouts may be appealed for any campus or district.
- Data quality will be a consideration in evaluating dropout rate appeals.

COMPLETION APPEALS

The completion rate indicator for the class of 2003 is based on the status of students who first attended 9th grade in the 1999-2000 school year. A student’s final status is determined to be either graduated, received a GED, continued in high school, or dropped out. All data used to calculate longitudinal completion rates are derived from PEIMS data submitted by districts between 1999 and 2004 and the statewide GED file. See *Appendix C – Data Sources* for details of the PEIMS records used to calculate the completion rate.

As shown in the calendar, the agency will provide districts with lists of all students in their class of 2003 completion cohort in late July. This list will accompany the dropout lists. The final status of each student in the completion cohort will be provided. For the accountability completion rate, students with a final status of graduated, received GED, and continued in high school are counted as “completers.” The denominator of the rate calculation is the sum of the students who meet this definition of completed, plus the students with a final status of “dropout.” The list also includes members of the cohort who left Texas public schools and students with identification errors. Only students shown in these lists may be appealed for the completion rate indicator.

The status of no more than five non-completers or one percent of the non-completers in the cohort (whichever is larger) may be appealed for any campus or district.

Data quality will be a consideration in evaluating completion rate appeals.

GOLD PERFORMANCE ACKNOWLEDGMENT APPEALS

Gold Performance Acknowledgments (GPA) cannot be appealed. Note that these acknowledgments are never altered as a result of a granted appeal. Campuses or districts initially rated *Academically Unacceptable* are not eligible for GPA, even if their rating is later raised on appeal.

Special Circumstance Appeals

RESIDENTIAL TREATMENT CENTERS

If the rating of a district that has a privately operated residential treatment center within its geographic boundaries is adversely affected by the inclusion of performance results for students from outside the district who were served at that center for fewer than 85 days, then the superintendent of that district may appeal for reconsideration of the district rating [TEC 39.073(f)].

RESULTS OF STUDENTS CONFINED BY COURT ORDER

If the rating of a district is adversely affected by the performance of students confined by court order to residential treatment facilities or a facility operated under contract with the Texas Youth Commission (TYC), then the superintendent of that district may appeal for reconsideration of the district rating [TEC 39.072(d)].

DETENTION CENTERS AND CORRECTIONAL FACILITIES

If the rating of a district that has a pre-adjudication detention center or post-adjudication correctional facility within its geographic boundaries is adversely affected by the inclusion of dropouts not regularly assigned to the district, the superintendent of the district serving students in the facility may appeal for reconsideration of the district rating [TEC 39.073(f)]. Only pre-adjudication detention centers and post-adjudication correctional facilities registered with the Texas Juvenile Probation Commission are included.

UNDERREPORTED STUDENTS

As described in *Section III – The Basics: Determining a Rating*, a district is prevented from being rated *Exemplary* or *Recognized* if it exceeds the standards for either the number or percent of underreported students. In 2004, there is no minimum size criteria employed with respect to the number of underreported students. If a district exceeds the 5.0 percent standard for percent underreported due to a very small number of underreported students, the commissioner of education will consider a ratings appeal.

How to Submit an Appeal

Superintendents appealing data used to determine an accountability rating should prepare a *written* request addressed to the commissioner of education.

The letter should include:

- A statement that the letter is an appeal of the 2004 state accountability rating;
- The name and ID number of the district and / or campuses for which the appeal is being submitted;
- The specific indicator(s) being appealed;
- The perceived error, including details of the data affected;
- If applicable, the reason(s) why the perceived error is attributable to the Texas Education Agency, a regional education service center, or the test contractor for the student assessment program;

- The reason(s) why the perceived error would change the rating of the district or campus, including calculations that show performance would have met a higher standard; and
- The superintendent's signature.

Other Information:

- Appeals for more than one campus within a district may be included in the same letter.
- Appeals for more than one indicator may be included in the same letter.
- Districts will have only one opportunity to appeal each indicator for any campus or the district.
- When student-level information is in question, supporting information must be provided for commissioner of education review, i.e., a list of the students in question by name and identification number. It is not sufficient to claim data are in error without providing information with which the appeal can be researched and evaluated.
- Appeal letters should be postmarked on or before October 14, 2004.
- Appeal letters should be mailed to the following address:
Commissioner of Education
Texas Education Agency
1701 North Congress Avenue
Austin, TX 78701-1494
- To expedite the appeal, you may send a copy to Criss Cloudt, Associate Commissioner for Accountability and Data Quality at the same address provided above.

Appeal Examples

Examples of satisfactory and unsatisfactory appeals are provided for illustration.

Satisfactory Appeals:	Unsatisfactory Appeals:
<p>Dear Commissioner Neeley,</p> <p>I have analyzed the leaver information for Elm Street Junior High and believe that one student counted as an official dropout in the statewide record reconciliation and assignment system should not have been counted. This student left Elm Street High School last spring but we did not receive a request for records until after the PEIMS resubmission date. However, I have reason to believe that this student has been enrolled at the transfer district since the beginning of the school year. Unfortunately, this student received a Z-ID during the leaver record processing, which is why I believe that this student could have been reported in current year enrollment but not matched.</p> <p>Attached is pertinent information to this appeal: Student name, student identification numbers, date of birth, and transfer documentation are provided. Assigning this record as other leaver rather than dropout should raise the school's rating to <i>Academically Acceptable</i>.</p> <p>Sincerely,</p> <p>John Q. Educator Superintendent of Schools</p> <p><i>attachments</i></p>	<p>Dear Commissioner Neeley,</p> <p>I have analyzed the leaver information for Elm Street High School and believe that one student should not have been counted as an official dropout in the statewide record reconciliation and assignment system. I have reason to believe that this student has been enrolled at the transfer district since the beginning of the school year even though a request for records was not received until February.</p> <p>Sincerely,</p> <p>John Q. Educator Superintendent of Schools</p> <p>[no attachments]</p> <hr/> <p>Dear Commissioner of Education,</p> <p>I have analyzed the dropout list for Elm Street High School and wish to appeal the status of 15 dropouts. Most of these students, I believe, are back in school as of May 2002. The remaining students are either gone from the state or have left the country. Please revise my 2002 rating in light of this information.</p> <p>Sincerely,</p> <p>J. Q. Educator Superintendent of Schools</p> <p>[no attachments]</p>

How an Appeal Will Be Processed by the Agency

Once an appeal is received by the commissioner, a standard process for evaluating the information will be followed as outlined below:

- The commissioner of education receives an appeal and forwards it to the Department of Accountability and Data Quality for review.

- The details of the appeal are entered into a database for tracking purposes and researchers evaluate the request using agency data sources to validate the statements made to the extent possible. The agency examines all relevant data, *not just the results for the students specifically named in the correspondence.*
- **-NEW-** Staff prepare a recommendation and forward it to an independent panel for review. This review panel will provide independent oversight to the appeals process.
- The review panel examines the appeal, supporting documentation, staff research, and the staff recommendation. The panel determines its recommendation.
- The panel's recommendation is forwarded to the commissioner.
- The commissioner makes a final decision.
- The superintendent is notified in writing of the commissioner's decision and the rationale upon which the decision was made. The decision of the commissioner is final and is not subject to further negotiation at this point. The commissioner will respond in writing to each appeal received.
- *If an appeal is granted, the data upon which the appeal was based will not be modified.* Accountability and AEIS reports, as well as all other publications reflecting accountability data, must report the data as they are submitted to the TEA. Accountability data are subject to scrutiny by the Office of the State Auditor.

When a rating is changed due to a granted appeal, the letter from the commissioner serves as notification of the official rating for the district or campus. Districts are free to publicize the changed rating at that time. The agency website and other accountability products will be updated after the resolution of all appeals. This update will occur in December 2004 concurrent with the release of the Gold Performance Acknowledgments. Between the time of receipt of the letter granting an appeal and the update of agency accountability products, the agency sources will not reflect the changed campus or district rating.

Relationship to AYP

There is some overlap in the source data used for both the state and federal (AYP) accountability systems. See *Section VII – AYP and the Accountability System*. In cases where the data appealed affect both systems, an appeal of the data used for one system (AYP or state accountability) will be analyzed in relation to both systems. This check will be automatically applied by the TEA. Submitting an appeal under one system may or may not affect (either positively or negatively) the rating or status of the other system. If a state accountability appeal affects the AYP status of any district or campus, this will be clearly communicated in the commissioner's response letter to the district.

