

Chapter 15 – Appealing the Ratings

Providing superintendents with the opportunity to appeal accountability ratings has been a feature of the state accountability system since 1994. Superintendents may appeal the state accountability ratings for both standard and alternative education accountability (AEA) procedures by following the guidelines provided in this chapter.

NEW!! Beginning with 2010 state accountability ratings, the appeals process has two steps. Districts should register their district and campus rating appeals using the Texas Education Agency Secure Environment (TEASE) Accountability website. This new TEASE appeals registration system provides a mechanism for tracking all state accountability rating appeals and allows districts to monitor the status of their appeals. After registering, districts must then submit their appeal via the mail as has been done in the past.

Below are the dates for appealing ratings. **These deadlines are final. To maintain a fair appeals process, no late appeals will be considered.**

APPEALS CALENDAR

| | |
|---------------------------------|--|
| June 18, 2010 | <i>Dropout/Completion Lists.</i> Superintendents are given access to confidential lists of dropouts and lists of 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 for the state accountability ratings. |
| July 20, 2010 | <i>Preview Data Tables.</i> Superintendents are given access to confidential preview accountability data tables for their district and campuses showing all state accountability indicator data. Principals and superintendents can use these data tables to anticipate their campus and district accountability ratings. |
| July 20 through August 13, 2010 | <i>2010 Appeals Window.</i> Appeals may be submitted <i>by the superintendent</i> after receipt of the preview data tables. Districts register their district and campus appeals using the TEASE Accountability website then submit the appeal with supporting documentation via the mail. See “How to Appeal” later in this chapter for more details. |
| July 30, 2010 | <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. |
| August 13, 2010 | <i>Appeals Deadline.</i> Appeals must be postmarked or hand delivered no later than August 13, 2010 in order to be considered. |
| Mid-October, 2010 | <i>Decisions Released.</i> Commissioner’s decisions are mailed in the form of response letters to each appellant. Letters are posted to the TEASE site. |
| Late October, 2010 | <i>Ratings Update.</i> The outcome of all appeals will be reflected in the ratings update scheduled for October, 2010. At that time the Texas Education Agency (TEA) website will be updated. (TEASE and public sites) |

A more detailed calendar can be found in *Chapter 19 – 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 TEA, 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. Statute permits consideration of data reporting quality in evaluating the merits of an appeal. Poor data quality is not a valid reason to appeal.

CHANGED RATINGS ONLY

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

NO GUARANTEED OUTCOMES

Appeals that follow these guidelines are not guaranteed to be granted. Each appeal is evaluated based on the details of its unique situation. Well-written appeals that follow the guidelines are more easily processed, but they are not necessarily granted.

SITUATIONS NOT FAVORABLE FOR APPEAL

Districts may appeal for any reason they choose. However, one strength of the state accountability system is that the rules are applied uniformly to all campuses and districts. Therefore, a request to make exceptions for how the rules are applied to a single campus or district is viewed unfavorably and will most likely be denied. Examples of some appeals seeking inconsistent rule application follow. Because some examples apply to both standard and AEA procedures and some are unique to one set of procedures or the other, the examples are subdivided accordingly:

Examples applicable to both standard and AEA procedures:

- *Campus Mobility.* A request to include the performance of students who were excluded due to the appropriate use of the campus mobility subset criteria will likely be denied.
- *Rounding.* A request to calculate Required Improvement, student group percentages, or indicator values differently from the method described in this *Manual* will likely be denied.
- *Minimum Size Criteria.* A request to evaluate student groups using minimum size criteria different from those described in this *Manual* will likely be denied.
- *Campus Configuration Changes.* A request for re-calculation of prior year results due to changes in campus configurations will likely be denied.
- *New Race/Ethnicity Definition.* A request to use a student's race or ethnicity based on the new federal definition will likely be denied.

Examples applicable to standard procedures:

- *Exceptions Provision.* Exceptions are automatically applied; a request for additional exceptions or to defer use of an exception to a future year will likely be denied.

- *Pairing.* A request to alter pairing relationships that districts had the opportunity to determine by April 23, 2010 will likely be denied.
- *New and Academically Unacceptable.* A request to assign the *Not Rated: Other* label to campuses that are *Academically Unacceptable* in their first year of operation will likely be denied.
- *Floors.* A request to waive the floor requirements when applying either the Exceptions Provision or Required Improvement will likely be denied.

Examples applicable to AEA procedures:

- *Late Registration Requests.* A request submitted after September 23, 2009 to be registered as an alternative education campus (AEC) in order to be evaluated under AEA procedures will likely be denied.
- *At-risk Criterion.* A request by AECs or charter operators to be evaluated under AEA procedures when they did not meet the at-risk criterion or applicable safeguards for 2010 ratings will likely be denied.
- *Late Requests by Charters with the Option to be Evaluated under AEA Procedures.* A request submitted after May 14, 2010 for a charter operator to be evaluated under AEA procedures will likely be denied.

Guidelines

TAKS APPEALS

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

- If the district has requested that writing results be rescored, a copy of the dated request to the test contractor and the outcome of the rescored tests should be provided with the appeal. If the rescored results impact the rating, these appeals are necessary since rescored results may not be processed in time to be included in the assessment data used to determine the accountability ratings released by July 30.
- If other serious problems are found, copies of correspondence with the test contractor should be provided with the appeal.
- Coding errors related to student demographic or program participation fields on the TAKS answer documents will be evaluated by reviewing the student's history in PEIMS.
- A request to alter the TEA methodology for combining the first and second administrations of grade 5 and 8 reading and mathematics results will likely be denied.
- A request to alter the formulas, equations, or campus mean values for calculating a TPM outcome for a student will likely be denied. Appeals to substitute local projections for state-generated projections will likely be denied. Appeals to use TPM values that do not meet state accountability mobility subset rules will likely be denied. Appeals to substitute TPM values based on current year equations for the TPM values that were reported based

on two-year equations will likely be denied. See *Appendix D – Data Sources* for more detail on the selection of TPM values for use in state accountability.

Spring 2010 TAKS Corrections Window: TEA offers districts the opportunity to correct the TEST TAKEN INFO field. This correction opportunity is available only for the primary administrations in the spring.

Changes to the TEST TAKEN INFO field submitted within the correction window will be included in the TAKS data files used in determining the 2010 accountability ratings. Appeals from districts that missed this corrections window will likely be denied. Corrections to fields other than the TEST TAKEN INFO field will not be used in determining accountability ratings. For accountability purposes, student identification information, demographic or program participation, and score code status will be based on the information provided on the answer document at the time of testing.

ANNUAL DROPOUT RATE APPEALS

Districts are responsible for providing accurate information to TEA, including the data used to determine the grade 7-8 and grade 7-12 annual dropout rate accountability indicators. Appeals of the Annual Dropout Rate indicator are handled on a case-by-case basis. Please note the following:

- As shown in *Chapter 19 – Calendar*, in June the agency provides superintendents access to lists of their dropouts as well as summary tables of the annual dropout rates. Only students shown as dropouts on these lists may be appealed. See *Appendix D – Data Sources* for more information about the processing of dropout data.
- Appeals from districts that located students after the last day of the school start window will likely be denied. This policy ensures that all districts have an equal opportunity to locate dropouts.
- No more than ten dropouts may be appealed for any campus or district.
- Data quality will be a consideration in evaluating the merits of a dropout rate appeal. Poor data quality is not a valid reason to appeal.

COMPLETION RATE APPEALS

Districts are responsible for providing accurate information to TEA, including the data used to determine the longitudinal completion rate accountability indicators. Appeals of the Completion Rate indicators are handled on a case-by-case basis. Please note the following:

- For 2010, the use of the district Completion Rate I for secondary campuses without their own data continues to be suspended. These secondary schools are not evaluated on the Completion Rate I indicator in 2010.
- As shown in *Chapter 19 – Calendar*, the agency provides superintendents access to longitudinal completion information in June. This includes lists showing the final status of students in the 2009 cohort and summary tables of the longitudinal completion rates that will be used for accountability. Only students shown on these lists may be appealed. See *Appendix D – Data Sources* for more information completion data processing.

- The status of no more than ten 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 the merits of a completion rate appeal. Poor data quality is not a valid reason to appeal.

GOLD PERFORMANCE ACKNOWLEDGMENT APPEALS

Gold Performance Acknowledgments (GPA) cannot be appealed. Campuses or districts that appeal an *Academically Unacceptable* rating will automatically receive any GPA earned if their appeal is granted and their rating is raised to *Academically Acceptable* or higher.

ADDITIONAL CAMPUS IMPROVEMENT PLAN (CIP) REQUIREMENTS APPEALS

Campuses rated *Academically Acceptable* in 2010 under either standard or AEA procedures may be required to revise and submit portions of the CIP developed under TEC §11.253 that are relevant to those areas for which the campus would not satisfy performance requirements if their 2010 performance does not meet the accountability criteria established for the 2011 accountability system. The identification of a campus that is subject to these requirements cannot be appealed. The identification occurs after the resolution of all appeals; therefore, campuses rated *Academically Acceptable* as a result of a granted appeal are considered for identification. Data are never changed as a result of granted appeals, so the data used for possible identification may include data with documented quality problems. Identification occurs in November 2010 prior to final determination of all 2011 accountability system decisions. Should the commissioner’s final decisions for 2011 alter the outcomes for any identified campuses; the list of identified campuses will not be reconstructed.

NOT RATED APPEALS

Districts rated *Not Rated: Other* are responsible for appealing this rating by the scheduled appeal deadline if the basis for this rating was a result of errors made by the district in their submission of PEIMS data, assessment data, or other data collections used to determine accountability ratings. If the agency determines that the *Not Rated: Other* rating was assigned due to district error, the agency can assign an updated rating based on the correct data.

Special Circumstance Appeals

HURRICANES

The class of 2009 completion rates may be negatively affected by students displaced by Hurricanes Katrina or Rita during 2005-06, or Hurricane Ike during 2008-09. A district may appeal the Completion Rate indicator when the campus or district rating is limited from the next higher rating due to a displaced student with a non-completion status. For Katrina- or Rita-displaced students, only students with a final status of “dropout” during 2005-06 (the year of these two hurricanes) will be considered favorable for appeal. The 2010 accountability cycle is the last year this special circumstance appeal is permitted for these hurricanes, as this is the last year students with a final status during 2005-06 are part of a cohort used for accountability.

For Hurricane Ike-displaced students, only students with a final status of “dropout” during 2008-09 (the year of the hurricane) will be considered favorable for appeal. This special circumstance appeal will be permitted through the 2013 accountability cycle, the last year students with a final status during 2008-09 are part of a cohort used for accountability.

For these special circumstance appeals, the district is required to supply appropriate documentation that the student was displaced due to a hurricane, and for Ike-displaced students, use of the PEIMS Crisis Code for appealed students will be researched. This appeal category applies to both standard and AEA procedures. As with all granted appeals, no changes will be made to the data shown on the reports.

MISSING TEXAS PROJECTION MEASURE VALUES

If a Texas Projection Measure (TPM) value could not be calculated due to non-matching identification information, districts may appeal to use TPM values based on the TPM Calculator that is available online from the Student Assessment website. All supporting performance results for these students must be included.

How to Appeal

NEW!! A district wishing to appeal a school or district rating should register their intention to appeal on the TEA Secure Environment (TEASE) Accountability website. To register an appeal:

- Log on to TEASE at <https://seguin.tea.state.tx.us/apps/logon.asp>
- Click on **ACCT – Accountability**.
- From the Welcome page, click on the **Appeals Registration** link and follow the instructions.
- The Appeals Registration site will be available during the appeals window, from July 20 through 5:00 p.m. CDT on August 13.
- The status of the appeal, *e.g.* receipt of registration and receipt of documentation, will be available on the TEASE Accountability website.

Superintendents who do not have TEASE access must request access at the TEASE Applications Reference Page at <http://www.tea.state.tx.us/index2.aspx?id=2684>

Once the appeal is registered, districts have until August 13, 2010 to submit their appeal to TEA. As in past years, the submitted appeal must include:

- A statement that the letter is an appeal of the 2010 state accountability rating;
- The name and ID number of the district and/or campuses to which the appeal applies;
- The specific indicator(s) appealed;
- The problem, including details of the data affected and what caused the problem;
- If applicable, the reason(s) why the cause of the problem is attributable to TEA, a regional education service center, or the test contractor;
- The reason(s) why the change would result in a different rating, including calculations that support the different outcome;
- A statement that all information included in the appeal is true and correct to the superintendent's best knowledge and belief; and,
- The superintendent's signature on official district letterhead.

Other Information:

- The appeal should be addressed to the Division of Performance Reporting as follows:

| | | |
|--|--|----------------|
| Your ISD Your address City, TX zip | Division of Performance Reporting Texas Education Agency 1701 Congress Avenue Austin, TX 78701-1494 | <i>postage</i> |
| <u>Attn: Accountability Ratings Appeal</u> | | |

- The appeal letter should be addressed to Mr. Robert Scott, Commissioner of Education (see letter examples, below).
- 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.
- Appeals of ratings issued under both standard and AEA procedures may be included in the same letter.
- Districts have only one opportunity to appeal each indicator for any campus or the district.
- If the campus appeal will impact the rating of a paired campus, that must be noted.
- If the campus appeal will impact the rating of the district, that must be noted.
- When student-level information is in question, supporting information must be provided for 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. *Confidential student-level documentation included in the appeal packet will be processed and stored in a secure location and will be accessible only by TEA staff authorized to view confidential student results.*
- It is the district's responsibility to ensure all relevant information is included in the appeal as districts will not be prompted for additional materials.
- Appeal letters must be postmarked on or before August 13, 2010. Appeals postmarked after this date will not be considered. Appeals delivered to TEA in person must be time-stamped in the Division of Performance Reporting by 5:00 p.m. CDT on August 13, 2010. Overnight courier tickets or tracking documentation must indicate package pickup on or before August 13.
- **Only send one copy of the appeal letter and/or supporting documentation.**
- Districts are encouraged to obtain delivery confirmation services from their mail courier.
- Examples of satisfactory and unsatisfactory appeals are provided on the next page for illustration.

Appeal Letter Examples

| Satisfactory Appeal: | Unsatisfactory Appeals: |
|--|---|
| <p>Dear Commissioner Scott,</p> <p>This is an appeal of the 2010 state accountability rating issued for Elm Street Elementary School (ID 123456789) in Elm ISD.</p> <p>Specifically, I am appealing TAKS mathematics for the Hispanic student group. This is the only indicator keeping Elm Street Elementary from achieving a rating of <i>Academically Acceptable</i>.</p> <p>My analysis shows a coding change made to one student's ethnicity on the answer document at the time of testing was in error. One 5th grade Hispanic student was miscoded as White on the answer document. Had this student, who passed the mathematics test, been included in the Hispanic student group, the percent passing for this group would have met the <i>Academically Acceptable</i> standard. Removing this student from the White student group does not cause the White student group performance to fall below the <i>Acceptable</i> standard.</p> <p>Attached is the student's identification information as well as the PEIMS data for this student for the last six years (kindergarten through 5th grade) showing we have consistently reported this student as Hispanic.</p> <p>The second attachment shows the recalculated mathematics percent passing statistics for both the White and Hispanic student groups for Elm Elementary.</p> <p>We recognize the importance of accurate data coding, and have put new procedures in place to prevent this from occurring in the future.</p> <p>By my signature below, I certify that all information included in this appeal is true and correct to the best of my knowledge and belief.</p> <p>Sincerely, J. Q. Educator Superintendent of Schools <i>attachments</i></p> | <p>Dear Commissioner Scott,</p> <p>I have analyzed the percentage passing for the Economically Disadvantaged mathematics students. The campus is allowed two exceptions. The floor for using the exception table is 55% for mathematics. The campus has 54%. Therefore, the campus was not able to use both exceptions. I am seeking consideration for the 54% in mathematics for the Economically Disadvantaged student group. If granted, the school's rating would become <i>Academically Acceptable</i>. Attached is a copy of the preliminary accountability data table.</p> <p>Sincerely, J. Q. Educator Superintendent of Schools <i>attachment</i></p> <hr/> <p>Dear Commissioner Scott,</p> <p>Maple ISD feels that its rating should be <i>Exemplary</i>. The discrepancy occurs because TEA shows that the performance for Hispanic Writing is 89%.</p> <p>We have sent two compositions back for scoring, and are confident they will be changed to passing.</p> <p>If you have questions, do not hesitate to contact us, at 701-555-1234.</p> <p>Sincerely, J. Q. Educator Superintendent of Schools <i>(no attachments)</i></p> |

How an Appeal Will Be Processed by the Agency

Once an appeal is received by the Division of Performance Reporting, the process for evaluating the information will be followed as outlined below:

- The TEASE Accountability website is updated to indicate when each appeal is received. Districts may monitor the status of their appeal(s) using the TEASE Accountability website. This website will include the postmark date for each appeal and the date on which each appeal packet is received by the agency.
- 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*.
- Researchers analyze the effect that granting a campus appeal may have on other campuses in the district (such as paired campuses), whether they are specifically named in the appeal or not. Similarly, the effect that granting a campus appeal may have on the district is evaluated, whether the district is named in the appeal or not. In single-campus districts, both the campus and the district are evaluated, whether the district submits the appeal as a campus or district appeal.
- Staff prepares a recommendation and forwards it to an external panel for review. Legislation passed in 2006 requires use of an appeals panel to ensure independent oversight of the appeals process. The use of an external, independent, three-member panel has been a feature of the state accountability system since 2004.
- 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. The commissioner will respond in writing to each appeal received. The commissioner's response letters are posted to the TEASE site at the same time the letters are mailed. Superintendents are notified via email that the appeal decisions are available on TEASE.
- *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 may publicize the changed rating at that time. The agency website and other state accountability products will be updated after the resolution of all appeals. This update will occur in October 2010 concurrent with the release of the GPAs. Note that the update will reflect only the changed

rating; the values shown on the report, such as percent met standard, are never modified. Between the time of receipt of the commissioner’s letter granting an appeal and the update of agency state accountability products, the agency sources will not reflect the changed campus or district rating.