

Draft/November 7, 2002¹

COUNCIL OF CHIEF STATE SCHOOL OFFICERS

**The No Child Left Behind Act:
A Blueprint for Defining Adequate Yearly Progress**

Introduction

As part of the efforts of the Council of Chief State School Officers [CCSSO] to assist states in the effective implementation of the No Child Left Behind Act of 2001 [the NCLB or Act], this document presents a Blueprint (or action plan) to help guide state efforts to define “adequate yearly progress” [AYP] as required under the Act. This AYP Blueprint was developed in part based on input from state and national experts – the AYP “Braintrust” – who met in Washington, D.C., last month to discuss the legal, policy, and technical issues related to AYP.

The NCLB requires states to develop a “single statewide accountability system” that holds schools (and districts) accountable for demonstrating AYP in raising student achievement and closing achievement gaps. AYP must be based primarily on state assessments that are aligned with state standards in reading/language arts and mathematics. To demonstrate AYP, schools must meet either an absolute or progress standard for the percentage of students scoring “proficient” on state assessments (as well as show progress on at least one other indicator) – both for students overall and for each subgroup, disaggregated by race, ethnicity, poverty, disability, and limited English proficiency. Schools that fail to show AYP for two consecutive years face escalating consequences each year thereafter.

The U.S. Department of Education’s [the Department’s] Consolidated State Plan Requirements (May 2002) mandate that each state submit to the Department its definition of AYP by January 31, 2003. This includes: (1) describing how the state’s starting points were calculated, based on 2001-02 data; (2) defining AYP with regard to starting points, timeline, intermediate goals, annual objectives, and other academic indicators; and (3) establishing the minimum number of students that will be required before a school will be held accountable by subgroup.

The current timeline for defining AYP and the complexity of AYP requirements present substantial challenges for states, especially given the limited guidance from the Department, which has not yet released final regulations or formal guidance on AYP. Nonetheless, CCSSO and its member states are committed to moving forward proactively to meet the NCLB’s requirements in a manner that reinforces sound state educational policy, including with regard to AYP.

The chart below reconceptualizes the many, complex legal standards related to AYP to date (including the NCLB statute, the Department’s final regulations on standards and assessments (July 5, 2002) [referred to in the chart as S/A], the Department’s *proposed* regulations on AYP (August 6, 2002) [referred to in the chart as AYP], and the Secretary’s dear colleague letter of AYP (July 24, 2002) [referred to in the chart as Letter]) into a series of action steps as follows:

Action Step I.	Define AYP Assessment Indicator(s)
Action Step II.	Establish Starting Points
Action Step III.	Set Timeline
Action Step IV.	Set Intermediate Goals
Action Step V.	Establish Annual Measurable Objectives
Action Step VI.	Choose/Define Other Academic Indicators for AYP
Action Step VII.	Establish Minimum Number for Subgroup Accountability

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For each action step, this document: (1) identifies key questions that states must address in defining AYP; (2) summarizes relevant NCLB requirements related to those questions; and (3) presents key discussion points (including lessons learned and open legal issues) that can help states address those questions. Thus, the chart is meant to provide both breadth and depth – to form the foundation for developing a state AYP plan to be submitted to the Department.

At the same time, this document is not meant to address every issue in detail, and it is very much meant to be an iterative document. The intent is to use this AYP Blueprint in further discussions with states – to promote valuable cross-state interaction on tough AYP issues. Updated versions of the Blueprint will follow, and will incorporate additional AYP information, including new guidance from the Department, best practices from states, etc.

Finally, while the chart below presents a Blueprint for addressing the many, specific, complex NCLB requirements related to defining AYP, it is important to think about AYP holistically – as part of the overall accountability system. The overarching challenge for states at this stage is to implement the NCLB in a way that builds on each state’s current accountability system consistent with the state’s educational goals. Properly understood and implemented, federal law should reinforce sound educational practices. In the case of AYP, this means establishing a “single statewide accountability system” that is legally, educationally, and technically sound (including being fair, understandable, etc.). States are developing several options in this regard. One option is to infuse federal AYP requirements into existing state accountability indicators. Another option is to incorporate AYP as an additional lens through which to hold schools accountable, in addition to other state indicators. Either of these options, properly developed and articulated, should meet NCLB requirements regarding a “single statewide accountability system,” and there are likely variations in between. But there are also some open questions regarding the Department’s thinking on this issue, as well as many issues below.

The AYP Blueprint

Action Steps/Key Questions	NCLB Requirements	Discussion/Lessons and Open Questions
I. Define AYP Assessment Indicator(s). <i>NCLB requires that (1) each state define AYP based primarily on assessments in reading/language arts and mathematics; (2) assessments be valid, reliable, etc.; (3) states set levels of achievement for basic, proficient, and advanced; (4) 95% of students enrolled overall and in each designated subgroup be included in annual assessments (unless students not enrolled for “full academic year” or subgroup below threshold for privacy or statistical significance); and (5) reasonable accommodations be provided students with disabilities and English language learners.</i>		
1. Assessment(s): ? What assessments will be used as primary indicators of AYP in reading/language arts and math? ? Is there sufficient evidence that those assessments are valid, aligned w/ state standards, etc.? ? Is the state using the same tests for individual student, “high-stakes” purposes?	? NCLB requires each state to define AYP based primarily on assessments in reading/ language arts and mathematics. ? Assessments must be valid, reliable, aligned w/ state standards, consistent with national professional standards, backed by evidence of adequate technical quality, etc. ? NCLB likely favors CRTs, but ED regulations permit NRTs and/or local tests <i>if</i> they meet validity	Discussion: ? State assessments are the foundation of AYP accountability under the NCLB. NCLB favors CRTs, but NRTs are permitted by ED regulations and potentially valid, reliable, etc., as long as “augmented” to be aligned with state standards. A key question is how much “augmentation” is necessary to make an NRT into a “CRT-lite.” The viability of using local assessments is less clear. ? ED discussions suggest that states can use end-of-course exams for secondary school accountability, but there may be challenges in using the tests for school accountability where students can take the exams in different grades that cross schools (e.g., middle school or high school). Open Questions:

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	<p>requirements above (but ED official has indicated a “high bar” applies)</p> <p>? [Use of same test(s) for NCLB and individual student accountability could implicate OTL issues and raise concerns under other federal laws re “high-stakes” testing, etc.]</p> <p>? [See NCLB §1111(b); S/A §§200.2, 200.3; Letter p.4.]</p>	<p>? CRTs favored, but when/how can states use augmented NRTs or local assessments in ways that would appropriately pass peer review?</p> <p>? How can states use end of course exams in secondary schools?</p> <p>? Can states choose reading <i>or</i> language arts for school accountability?</p> <p>[See also USED Draft Peer Review Principles 6, 7, 8, 9]</p>
<p>2. Cutscores:</p> <p>? What cutscores will indicate NCLB “proficiency”?</p> <p>? Is there sufficient evidence that those cutscores are valid, appropriate, etc.?</p> <p>? What are implications of different cutscores in terms of school improvement, etc.?</p>	<p>? NCLB requires states to set levels of achievement for “basic,” “proficient,” and “advanced,” w/ proficient denoting an acceptable level of achievement for federal accountability purposes.</p> <p>? [Recent letter from Secretary Paige criticizes states that are setting cutscores for NCLB “proficiency” different from state “proficiency” goals where already in place.]</p> <p>? [See NCLB §1111(b); S/A §200.1.]</p>	<p>Discussion:</p> <p>? NCLB requires <i>states</i> to set cutscores for what will constitute NCLB “proficiency” on state assessments.</p> <p>? <i>AYP Braintrust</i> discussed the challenges facing several states that have previously set cutscores for “proficiency” on state assessments. These cutscores were set prior to the NCLB and often for purposes different from the NCLB. Several experts indicated that a state cannot determine “proficiency” apart from the purpose of the assessment (i.e., proficient to do what). Nonetheless, the recent letter from Secretary Paige is critical of states that are setting cutscores for NCLB “proficiency” different from existing state “proficiency” levels.</p> <p>Open Questions:</p> <p>? How far apart are different states in defining “proficient” level of performance? What are implications, if any?</p> <p>? What role, if any, should/will NAEP play in determining reasonableness of cutscores?</p> <p>[See also USED Peer Review Principle 1]</p>
<p>3. Inclusion/Disaggregation:</p> <p>? How will 95% participation/inclusion be calculated?</p> <p>? How will “full academic year” be defined to determine when students are included in school/district AYP?</p> <p>? For what subgroups will state</p>	<p>? NCLB requires that 95% of students enrolled overall and w/in each subgroup (disaggregated by race, ethnicity, poverty, disability, and limited English proficiency) be included in the annual assessment/accountability system. Schools (and districts) that fail to have 95% inclusion may not demonstrate AYP.</p>	<p>Discussion:</p> <p>? Subgroup accountability is a core component of the NCLB, including accountability for subgroups disaggregated by race, ethnicity, poverty, disability, and limited English proficiency.</p> <p>? NCLB expressly requires 95% participation to show AYP, but states may have some flexibility in terms of calculation, etc. (e.g., based on 95% participation of students enrolled, 95% participation of students counted in AYP, etc.).</p> <p>? Definition of “full academic year” left expressly to states in ED proposed regulations, but likely with some limitations to ensure that schools are accountable</p>

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<p>require accountability?</p>	<p>? This 95% requirement does not apply to subgroups with small number of students enrolled (see Minimum Number below), and may not apply to students who were not enrolled in the school (or district) for “full academic year” as defined by state.</p> <p>? [See NCLB §§1111(b); S/A §§200.6, 200.7; AYP §200.20; Letter pp. 3, 4, 5.]</p>	<p>for all students and subgroups of students enrolled.</p> <p>Open Questions:</p> <p>? What flexibility do states have with regard to 95% participation requirement (e.g., Can states permit parental opt out?)?</p> <p>[See also USED Peer Review Principles 2, 10]</p>
<p>4. Accommodations:</p> <p>? What accommodations policies are required/allowed for students w/ disabilities?</p> <p>? What accommodations/alternative assessments (including alternate language assessments) are required/appropriate for ELLs?</p>	<p>? NCLB requires “reasonable adaptations and accommodations” for students w/ disabilities (per IDEA).</p> <p>? NCLB requires “reasonable accommodations” for ELL students, including, to the extent practicable, testing in the language and form most likely to yield accurate results.</p> <p>? [See NCLB §1111(b); S/A §200.6.]</p>	<p>Discussion:</p> <p>? NCLB and other federal laws require appropriate accommodations for students w/ disabilities and ELLs to ensure that such students are validly and meaningfully included in the assessments/accountability system.</p> <p>Open Questions:</p> <p>? To what extent are test “modifications” (i.e., nonstandard accommodations) relevant/permitted given that purpose of NCLB is school accountability?</p> <p>? To what extent are alternative language assessments appropriate/required for ELLs?</p> <p>[See also USED Peer Review Principle 5]</p>
<p>5. Alternate Assessment:</p> <p>? What alternate assessments are required/allowed for students with disabilities?</p> <p>? What percentage of students w/ disabilities need alternate assessments?</p> <p>? How can alternate assessments be included in the general accountability system?</p>	<p>? ED proposed regulations (and IDEA) require alternate assessment for the small number of students w/ disabilities whose IEP teams decide (based on nature and severity of disability) that they need alternate assessment to demonstrate knowledge.</p> <p>? ED’s proposed regulations limit inclusion of alternate assessments for AYP purposes to 0.5% of students in each district/state.</p> <p>? [See NCLB §1111(a); S/A §200.6.]</p>	<p>Discussion</p> <p>? <i>AYP Braintrust</i> discussed ED proposed 0.5% cap on use of alternate assessments to determine AYP. Alternate assessments are required under proposed regulations <i>and IDEA</i> so that schools are held accountable for <i>all</i> students, regardless of disability. Under IDEA, IEP teams decide on use of alternate assessments, with oversight and monitoring by state to prevent abuse. Several states reported use of alternate assessments at higher rates (e.g., 1-2%), which seems consistent w/ IDEA estimates. Likely ED action on proposed regulations not clear.</p> <p>Open Questions:</p> <p>? What percentage of students will be permitted to take alternate assessments w/ results counting as part of the state’s AYP accountability system?</p> <p>[See also USED Peer Review Principle 5]</p>

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<p>II. Establish Starting Points. <i>NCLB and/or ED proposed regs: (1) require that starting points be set statewide for reading/language arts and mathematics; (2) allow separate starting points by gradespans; and (3) establish a formula whereby starting points for percentage proficient are set at the higher of the lowest performing subgroup or at the 20th percentile school.</i></p>		
<p>1. Number of Starting Points:</p> <p>? How many AYP starting points will the state have by subjects, gradespans, etc.?</p> <p>? How can data be validly combined across gradespans?</p>	<p>? NCLB requires that starting points be set statewide.</p> <p>? NCLB and/or ED proposed regulations require that separate starting points be set for reading/language arts and mathematics.</p> <p>? ED proposed regulations allow separate starting points by gradespans.</p> <p>? [See NCLB §1111(b); AYP §200.16.]</p>	<p>Open Questions:</p> <p>? Can states use compensatory model with single starting point (and AYP proficiency bar) for reading/language arts and mathematics (and potentially additional core academic subjects)?</p> <p>[See also USED Peer Review Principles 3, 8]</p>
<p>2. Level of Starting Points:</p> <p>? At what level must states set starting points? [Presumably at the higher of lowest performing subgroup or 20th percentile school]</p> <p>? What are implications for school improvement of gaps between lowest performing subgroups and 20th percentile school?</p> <p>? May state set separate starting points (and AYP bars) for different subgroups, or at the school level?</p>	<p>? NCLB and ED proposed regulations establish a formula whereby starting points for percentage proficient are set at higher of level of lowest performing subgroup in state or level of school at 20th percentile based on enrollment.</p> <p>? NCLB <i>may</i> permit separate starting points by subgroup, but not contemplated in proposed regulations. (This, in a sense, would go beyond NCLB requirements.)</p> <p>? [See NCLB §1111(b); AYP §200.16.]</p>	<p>Discussion:</p> <p>? <i>AYP Braintrust</i> discussed option of setting different starting points by subgroups (particularly those far below the 20th-percentile-school AYP level (e.g., students w/ disabilities and ELLs). Potential risk of being perceived as holding children to different standards. But option may promote more legitimate, credible system, would reduce widescale failure of AYP based on single subgroups, would require largest increases for subgroups farthest below the AYP bar, and would set goal of 100% proficiency by 2013-14 for all subgroups rather than relying exclusively on 10% “safe harbor,” which may never achieve 100% proficiency.</p> <p>Open Questions:</p> <p>? Can states set separate starting points by subgroup, particularly for subgroups performing far below AYP bar?</p> <p>? Can data be averaged from prior years to set starting points?</p> <p>[See also USED Peer Review Principle 3]</p>
<p>III. Set Timeline to 100% Proficiency. <i>NCLB requires that states raise the bar re proficiency levels from starting points to 100% proficiency by 2013-14.</i></p>		
<p>1. Target/End Point:</p>	<p>? NCLB requires that states raise the bar re proficiency levels from the</p>	<p>Discussion:</p> <p>? Seemingly limited flexibility here, except for setting endpoint <i>earlier</i>.</p>

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<p>? What year will state set as endpoint by which proficiency must rise to 100%? [Presumably 2013-14]</p>	<p>starting points to 100% proficiency by 2013-14 the latest.</p> <p>? NCLB also establishes “safe harbor,” by which schools show AYP if subgroups below the Absolute AYP bar make Progress in reducing the percent “basic” (i.e., below “proficient”) by 10%.</p> <p>? [See NCLB §1111(b); AYP §200.15; Letter p. 3.]</p>	<p>? Some ED comments have raised concerns that use of “safe harbor” could mean that some subgroups meet AYP without achieving 100% proficiency by 2013-14. But “safe harbor” expressly included in NCLB statute and is essential for accountability for schools that receive interventions after failing for several years to make AYP. In any case, goal remains 100% proficiency for all students.</p> <p>Open Questions:</p> <p>? What are implications of “safe harbor,” by which proficiency may never reach 100%?</p> <p>[See also USED Peer Review Principle 3]</p>
<p>IV. Set Intermediate Goals. <i>NCLB requires that states raise the bar re proficiency levels from the starting points toward the 100% proficiency target at equal increments through several intermediate goals, which must be set at least 2 years from now and every 3 years thereafter.</i></p>		
<p>1. Intermediate Goals:</p> <p>? Where will state set intermediate goals by which AYP bar must rise? [Presumably every 2-3 years]</p>	<p>? NCLB requires that states raise the bar re AYP proficiency from the starting points toward the 100% proficiency target at equal increments through several intermediate goals, which must be set at least 2 years from now and every 3 years thereafter.</p> <p>? [See NCLB §1111(b); AYP §200.17; Letter p. 3.]</p>	<p>Discussion:</p> <p>? Seemingly limited flexibility.</p> <p>[See also USED Peer Review Principle 3]</p>
<p>V. Establish Annual Measurable Objectives. <i>NCLB requires that states set annual objectives by which AYP must rise from starting point, through intermediate goals, to end point – either linear or stair-step. Schools show AYP if all subgroups score above the annual AYP objective (Absolute Measure) or if, for subgroups below the AYP objective, the percentage not proficient decreased by 10% (Progress Measure/Safe Harbor) (along with progress on one other indicator).</i></p>		
<p>1. Absolute Proficiency Indicator:</p> <p>? Should the state increase the annual bar for AYP in a linear or stairstep fashion?</p>	<p>? NCLB requires that states set annual measurable objectives by which the AYP bar must increase each year – from the starting point(s) through the intermediate goals to the end point.</p> <p>? NCLB and ED’s proposed regulations permit states to set annual objectives</p>	<p>Discussion:</p> <p>? NCLB AYP bar creates and Absolute proficiency indicator for AYP. Seemingly limited flexibility afforded by stair-step model by which annual objectives rise every 2-3 years w/ intermediate goals (discussed above).</p> <p>? Key issue is whether/how states may set multiple AYP bars based on separate starting points (discussed above).</p>

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	<p>in a linear fashion, in a stair-step fashion consistent w/ intermediate goals (above), or in between.</p> <p>? Schools (and districts) that do not score above the annual measurable objective overall or for any subgroup, may not demonstrate AYP <i>unless</i> they show sufficient Progress in increasing proficiency for the given subgroup (described below).</p> <p>? [See NCLB §1111(b); AYP §§200.18, 200.20; Letter p. 4.]</p>	<p>Open Question:</p> <p>? What is viability of other models for raising bar (e.g., curve models with more gradual increase in earlier years)?</p> <p>[See also USED Peer Review Principle 3]</p>
<p>2. Progress Indicator:</p> <p>? For subgroups below the AYP bar, is the 10% “safe harbor” realistic/workable?</p>	<p>? NCLB and ED’s proposed regulations permit schools (and districts) that fail to meet the Absolute annual measurable objectives overall or for any subgroup to demonstrate AYP where the given subgroup made Progress such that the percentage of students that did not achieve proficiency decreased by 10% (and the subgroup made progress on one other academic indicator (see below)).</p> <p>? [See NCLB §1111(b); AYP §200.20; Letter p. 4.]</p>	<p>Discussion:</p> <p>? NCLB “safe harbor” effectively creates a Progress indicator for AYP. Key for subgroups below Absolute AYP bar, but 10% progress substantial. Importantly, Progress indicator is that it rewards schools for progress <i>at any time</i> – including following interventions after failure to show AYP, as required under the Act.</p> <p>? <i>AYP Braintrust</i> discussed interest of several states move toward an individual-student, longitudinal, value-added model, in which Progress is measured by improvement in proficiency of individual students over time. Option important, but some potential conflict with NCLB concept of “progress.”</p> <p>Open Question:</p> <p>? Can states establish AYP progress based on individual-student, longitudinal, value-added models?</p> <p>[See also USED Peer Review Principle 5]</p>
<p>3. Calculating AYP:</p> <p>? What policy should state set re averaging scores from prior years to show AYP?</p> <p>? If two different subgroups miss AYP in two consecutive years (once each) as opposed to the same subgroup, has the school missed</p>	<p>? NCLB and ED’s proposed regulations allow states to average data across two or three school years for purposes of determining AYP.</p> <p>? NCLB requires that schools (and districts) that fail to show AYP for two consecutive years face school improvement consequences (e.g., improvement planning, technical</p>	<p>Discussion:</p> <p>? <i>AYP Braintrust</i> discussed issue of whether school improvement consequences should apply only where the <i>same subgroup</i> fails to show AYP for two consecutive years. This option makes sense from an educational perspective in that a school that intervenes effectively to raise student achievement for a subgroup that is not meeting AYP should be rewarded, not moved through escalating school improvement consequences. Also, this option would greatly enhance reliability of AYP judgments for subgroups with low enrollment, reducing the Minimum Number necessary for statistical reliability (discussed below). (Preliminary data</p>

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<p>AYP for two consecutive years such that school improvement consequences apply, or not?</p> <p>? How should ELL students (and students w/ disabilities) be counted for AYP purposes given that students often leave the category as test scores improve?</p>	<p>assistance, public school choice, etc.).</p>	<p>runs suggest <i>significant</i> positive impact on statistical reliability.)</p> <p>? <i>AYP Braintrust</i> also discussed unique challenge regarding ELLs (and students with disabilities) in terms of improving subgroup proficiency in that students tend to move out of category as test scores improve, with new, lower-performing students coming in. Discussed option of counting ELLs who transition from category as still being counted within the category for AYP accountability purposes (at least for period of years). This would more accurately reflect proficiency improvement for subgroup, and counteract potential, negative lock-in incentive.</p> <p>Open Questions:</p> <p>? Can states set data-averaging policy where schools look at one-year data first, and look at 2-3 year averaging if AYP not shown?</p> <p>? If two different subgroups miss AYP in two consecutive years (once each) as opposed to the same subgroup, has the school missed AYP for two consecutive years such that school improvement consequences apply, or not?</p> <p>? How should ELL students (and students w/ disabilities) be counted for AYP purposes given that students often leave the category as test scores improve?</p> <p>? How should states count students who fall in multiple subgroups?</p> <p>[See also USED Peer Review Principles 2, 4, 5]</p>
<p>VI. Choose/Define Other Academic Indicators. <i>NCLB requires AYP to include graduation rates for secondary schools and at least one indicator for elementary/middle schools. NCLB permits states to include other indicators. To use Progress Measures/Safe Harbor (10% growth), subgroup must show progress on at least one other indicator beyond test scores.</i></p>		
<p>1. Required/Other Indicators:</p> <p>? How can graduation rates be measured consistent w/ NCLB for AYP in secondary schools?</p> <p>? What other required indicator should be included in AYP for primary/middle schools?</p> <p>? What annual objectives should be set for these indicators?</p> <p>? How many additional indicators should state include in AYP, if any, given implications for “safe</p>	<p>? To show AYP, NCLB likely requires schools to show improvement in one other academic indicator, in addition to test scores (discussed above).</p> <p>? NCLB requires states to include graduation rates in AYP for high schools (defined as receipt of a regular diploma on time).</p> <p>? NCLB requires states to include one other academic indicator beyond test scores in AYP for elementary/middle schools, such as additional assessment scores, retention rates,</p>	<p>Discussion:</p> <p>? NCLB likely requires progress in at least one other indicator, beyond test scores, to show AYP. For secondary schools showing AYP based on Absolute bar, other indicator must be graduation rates, as defined in the Act. For primary/middle schools showing AYP based on Absolute bar, states may choose the other indicator. For Progress bar, the given subgroup must show progress on at least one other indicator. Progress on other indicators can likely be set at school/subgroup-specific levels (i.e., positive improvement for subgroup on indicator from current level of performance). One option being discussed is having states set limited menu of other indicators and requiring progress on at least one (except for secondary schools where graduation rates required).</p> <p>Open Questions:</p>

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<p>harbor,” which requires progress in test scores (10%) and at least one other indicator? Can states choose a menu approach?</p>	<p>attendance rates, etc.</p> <p>? When using “safe harbor,” schools must show improvement in at least one other academic indicator.</p> <p>? NCLB permits states to include additional indicators in AYP, but cannot reduce number of schools identified based on assessments.</p> <p>? States can (likely w/in reason) set annual measurable objectives w/ flexibility or set the weight given to other required academic indicators.</p> <p>? [See NCLB §1111(b); AYP §200.19; Letter p. 4.]</p>	<p>? How can graduation rates be most effectively measured per NCLB definition? What flexibility will be allowed to phase in longitudinal, individual student data?</p> <p>? What annual objectives are required for other required indicators?</p> <p>? Can state define “other required indicator” in elementary/middle school as progress on one of several indicators?</p> <p>? When “safe harbor” is used, how do required indicators relate to progress in “at least one other indicator”?</p> <p>[See also USED Peer Review Principle 7]</p>
<p>VII. Establish Minimum Number for Subgroup Accountability. <i>NCLB requires states to set the minimum number of students that must be enrolled in each subgroup before subgroup accountability is required. The minimum number may be set to ensure student privacy and statistically reliable judgments.</i></p>		
<p>1. Privacy:</p> <p>? What minimum number will/should be required for subgroup accountability to protect student privacy/confidentiality?</p>	<p>? To protect student privacy, NCLB requires states to set a minimum number of students that must be enrolled in each subgroup before that subgroup can be disaggregated for accountability purposes.</p> <p>? [See NCLB §1111(b); S/A §200.7]</p>	<p>Discussion:</p> <p>? Some privacy protection occurs at 5 students (or even 3); many states choose 10, with some even higher. Note that minimum number for privacy may be less significant where that number is below minimum number for statistical reliability (discussed below).</p> <p>[See also USED Peer Review Principle 5]</p>
<p>2. Statistical Significance:</p> <p>? What minimum number will/should be required for subgroup accountability to ensure statistical significance/reliability?</p> <p>? What other tests may be appropriate for statistical purposes? What is impact?</p> <p>? Can/should state set different minimum numbers for different</p>	<p>? To ensure statistically reliable judgments re AYP, NCLB requires states to set a minimum number of students that must be enrolled in each subgroup before that subgroup can be disaggregated for accountability purposes.</p> <p>? [See NCLB §1111(b); S/A §200.7]</p>	<p>Discussion:</p> <p>? <i>AYP Braintrust</i> discussed the complex technical issues related to setting minimum number for subgroup accountability for purposes of ensuring statistical reliability of AYP judgments. Multiple statistical issues (e.g., sampling error, measurement error) associated w/ AYP judgments for small subgroups may suggest large minimum number requirement. There are also practical issues related to inclusion (e.g., for subgroups less than 20 [or 40] students, if one [or two] student[s] misses assessment, then less than 95% inclusion and entire school may technically fail to meet AYP, regardless of test scores). At same time, high minimum number reduces subgroup accountability, as required by NCLB (and by many states). One option discussed is to set reasonable minimum number and, within range above minimum</p>

Draft/November 7, 2002/CCSSO and Nixon Peabody LLP

Action Steps/Key Questions	NCLB Requirements	Discussion/Lessons and Open Questions
<p>issues (e.g., statistical reliability, 95% inclusion, etc.)?</p>		<p>number, conduct statistical tests where school fails to meet AYP based on small subgroups to ensure validity of individual judgments. Another option discussed is to require for school improvement consequences that <i>the same subgroup</i>, as opposed to any subgroup, fail to show AYP for two consecutive years (discussed above), which would significantly increase reliability of AYP judgments for small subgroups.</p> <p>Open Questions:</p> <ul style="list-style-type: none"> ? What minimum numbers will be permitted for subgroup accountability? ? Can states establish other statistical tests to ensure statistical reliability? ? If two different subgroups miss AYP in two consecutive years (once each) as opposed to the same subgroup, has the school missed AYP for two consecutive years such that school improvement consequences apply, or not? ? Can/should state set different minimum numbers for different issues (e.g., statistical reliability, 95% inclusion, etc.)? <p>[See also USED Peer Review Principle 5]</p>
<p>3. Subgroup Accountability Below Minimum Number:</p> <p>? What consequences will/should apply to schools w/ regard to performance of subgroups below the minimum number?</p>	<p>? No express requirement, but states generally allowed to go beyond NCLB, as long as part of single state accountability system.</p>	<p>Discussion:</p> <ul style="list-style-type: none"> ? Several states interested in holding schools accountable for subgroup performance (e.g., requiring interventions) even where below a minimum number, while avoiding blunt, federal consequences where lack of data reliability. Goal is to promote fairness and ensure that “no child is left behind.” Challenge is to articulate this as part of a “single statewide accountability system.” <p>Open Questions:</p> <ul style="list-style-type: none"> ? How can states establish separate state consequences based on performance of subgroups below minimum number while maintaining a single statewide accountability system? <p>[See also USED Peer Review Principle 1, 5]</p>