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TOOLS & TACTICS FOR MAKING THE LAW WORK

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Making the Grade in AYP

What your school board can learn from this year's results

By Michael A. Resnick

In most states, more schools made the grade in AYP this year than last—an encouraging trend that can be explained in large part by three factors.

First, many schools have successfully improved teaching and learning—especially for those specific groups of students that previously did not make Adequate Yearly Progress.

Second, the U.S. Department of Education (ED) gave several states permission to make technically justifiable changes in their assessment system that also improved their AYP results. (For example, these states changed tests or lowered the cut score needed to reach proficient).

And third, ED honored most state requests to refine the way they calculated AYP, such as by raising the number of students required for a group to be scored or changing how the graduation rate would be determined.

In some states, on the other hand, factors that had nothing to do with the quality of the education program made AYP harder to attain this year. For example, in states that tested more grades this year, schools also tested more students. Consequently, specific groups of students might have been large enough for the first time to be scored separately for AYP purposes.

Elsewhere, aspects of the state's accountability system kicked in for the first time. Arkansas, which bases AYP on multiyear averaging of scores, is a good example. Until this year, the state's data for students with disabilities (the group

least likely to make AYP in other states) was not complete for calculating AYP.

Similarly, Alabama had first-time calculation problems that prevented many of its schools from meeting the AYP requirement that 95 percent of students participate in the state test. And in Minnesota, the number of schools not making AYP soared from 143 to 473. However, this was the first year Minnesota made AYP determinations for middle and high schools.

In some states, it was also the first year non-Title I schools were included.

Variations by State

State-by-state AYP comparisons are not particularly revealing, due to the wide variations in the rigor of state standards and the tests on which AYP is based. A less obvious but equally important reason is the difference in how the various states calculate AYP, including such subtleties as identification of student subgroups, group size, graduation rate, the treatment of special student subgroups, and test participation rates.

Some of these factors came into play in Florida, where 77 percent of schools did not make AYP, compared to Michigan, Pennsylvania, and Wyoming, where the figures were 15, 19, and 8 percent respectively. Florida's high AYP failure rate—an improvement from the previous year—may say more about how the state designed its AYP program than about the quality of instruction or the rigor of standards in the comparison states.

In addition, some states have unique situations, such as first-year transition problems, that other states don't have, or

at least didn't experience this year.

For example, like Florida, Alabama's schools also experienced a 77 percent AYP failure rate—even though 70 percent of the schools made AYP on academic grounds. The problem was that the state's data collection system was not designed to produce enrollment data as of the day the state test was administered. To determine whether the 95 percent test participation rate was met, the state used enrollments figures collected weeks before the test was given. Consequently, students who moved from their school during the interim were counted as having been enrolled but failing to participate in the test.

Further, since Alabama's students took two different reading and math tests, given on different days, schools faced the additional challenge of meeting the 95 percent participation rate on each day.

These cases exemplify the fallacy of comparing or even judging individual states without knowing what factors make up their accountability program or the special situations they face.

Interventions by the State

Although the number of schools and districts not making AYP declined in most states, a majority reported a rise in the number of schools entering or progressing through improvement status. That is, while many schools came off the first-year "watch list" because they made AYP, many Title I schools that did not make AYP for the second year entered improvement status.

This development is important because interventions for schools that enter improvement status combine technical assistance with progressively more aggressive actions, starting with offering students the choice to enroll in another public school, then adding after-school tutoring services, and ultimately restaffing,

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About NSBA

The National School Boards Association is the nationwide advocacy organization for public school governance. NSBA's mission is to foster excellence and equity in public elementary and secondary education in the United States through local school board leadership. Founded in 1940, NSBA is a not-for-profit federation of state associations of school boards across the United States and the school boards of the District of Columbia, Hawaii, and the U.S. Virgin Islands.

About the National Affiliate Program

The National Affiliate Program extends NSBA's services directly to local school districts. School districts are eligible to join provided they are members in good standing of their state school boards associations.

About the Office of Advocacy and Issues Management

The Office of Advocacy and Issues Management implements NSBA's Action/Advocacy Agenda and carries out NSBA's lobbying efforts at the national level. By lobbying the Congress, the White House, and federal agencies, the office helps increase federal funding for local school districts and reduces costly federal mandates; helps improve federal education programs by making legislative and regulatory changes; local board members support; protects the governance role of school boards from congressional attack; and promotes the role of school boards as a key democratic institution in our country's education system.

An AYP On-the-Ground Review

Looking at state differences in AYP design

Significant differences in AYP design are evident from state to state. Looking at these differences, and some recent changes, will give you a better perspective on your own state's program, as well as the kinds of changes you may wish to urge your state leaders to make.

Groups and Cells

Under NCLB, schools are held accountable for the performance of five groups of students: four subgroups (major social/ethnic groups, students from low-income families, students with disabilities, and limited-English-proficient students) plus the student body overall. States have the discretion to determine the number of social/ethnic groups they will use for AYP calculations.

Despite the educational merits of disaggregating data around specific groups, clearly the more groups a school or school district has, the more ways it can fail to make AYP. Suppose a state scores six ethnic/social groups separately. That gives the state a total of 10 categories of students that must make AYP in each of four areas (that is, test score and participation rate in both reading and mathematics).

A school in this state, then, could have up to 40 areas (called cells) in which AYP must be met, plus one more for the required "other" indicator, such as a school's overall attendance rate.

But if the state identifies three major social/ethnic groups, its schools will "only" have up to 28 cells (29 total areas) that must make AYP at each school.

Most states hold their schools accountable for a potential of 30 odd cells. And, as challenging as the task is, it will become even more difficult over time.

Here's the reason: As more of the grade levels that NCLB requires for AYP testing are phased in, more student performance components are added to the scoring of AYP. For example, Arizona's elementary schools, which could have a total of 36 cells, tested two grade levels last year, so its schools had to focus on as many as 72 scored areas of student performance (36 per grade) that constituted their schools' 36 potential AYP results.

Likewise, while virtually all states use just one other indicator and apply it schoolwide, they can use more than one

indicator and apply it to specific categories of students.

Further, school AYP performance can look very different *within* states, where the presence of specific categories of students varies from school to school and district to district. For example, schools and districts in large and demographically diverse communities are more likely to have enough students for their subgroup to be counted for AYP purposes (see N size below). Hence, these schools will generally have more cells—and more ways to fail to make AYP—than schools in more homogeneous and smaller areas.

At the school district level, some states require that *all* grade spans (elementary, middle, and high school) must make the grade for each subgroup in each subject for the district to make AYP. Meanwhile, other states require that just *one or two* grade spans make the grade—clearly an easier standard.

Either way, a school district could have many more cells than each of its schools. For example, last year schools in Washington state could have nine subgroups and, therefore, as many as 36 cells, plus the "other" indicator. At the district level, however, there could be as many as 111 areas of AYP accountability (37 for each of three grade spans).

Clearly, the number of groups (and cells) a state establishes can make a big difference in its AYP success rate and ultimately whether its Title I schools and school districts are subject to interventions.

N Size

At the same time, there must be enough students in a group for it to be scored for AYP purposes. Over the past year, several states successfully gained ED approval to raise their minimum number of students (or N)—especially for LEP students and students with disabilities.

For example, such disparate states as Alaska, Kansas, Missouri, New Jersey, and South Carolina raised their minimum N for LEP students and students with disabilities to 40, 40, 50, 35, and 50 respectively. Massachusetts was allowed to raise its N from 20 to 40, with the additional benefit that a subgroup under 200 must comprise at least 5 percent of the student body before it will be counted. These and several other states joined California,

Oklahoma, Texas, Virginia, West Virginia, Wisconsin, and others whose N's were originally approved at 50 or higher levels in 2003—at least for one or more subgroups.

Along these lines, Alaska, Maine, North Carolina, and other states recently gained approval for more flexibility in using a statistical concept called confidence intervals. Student achievement scores and participation rates that were below the cut point but within a statistically justifiable range are now counted as making AYP in these states.

Likewise, Pennsylvania can now use confidence intervals in scoring AYP under its “safe harbor” provision, thereby easing this alternative but difficult-to-meet option for scoring subgroups that don't make AYP under the basic measure.

In some states, raising their N and using confidence intervals has resulted in dramatically reducing the number of schools not making AYP. These adjustments might not have much impact at the district level, however, if the enrollments of subgroups districtwide are too large. Accordingly, while the number of schools not making AYP may be going down in some states, more of the districts in which these schools are located could miss the mark on their districtwide AYP scores.

Other Indicators

In addition to making AYP on test scores and test participation rates, schools and school districts also must make the grade on at least one other indicator. If a school or district doesn't make the grade on the other indicator, it can be identified as “failing”—even though it has made AYP on all of its testing requirements.

While states are free to select these indicators, graduation rate must be included at the high school level. Of course, states vary, but most base graduation rates on the percentage of students who enter the ninth grade and go on to receive an on-time academic diploma. In other words, the requirement will not be met if too many students drop out, receive a general diploma or GED, or don't graduate on time. Your state may temporarily be using a different method of calculation if it does not yet have the necessary data systems in place.

In making these calculations, states have been allowed certain exceptions. For example, state plans in Delaware and Kentucky allow schools more time for students with disabilities if their Individualized Education Plan (IEP)

includes a different period for completing their high school requirements (which can extend to age 21).

ED has approved similar exceptions for limited-English-proficient students. In Tennessee, for example, LEP students can graduate from high school within five years and a summer and still be counted as meeting their school's graduation rate requirement.

Meanwhile, nearly half of the states require students to pass a high school exit exam to graduate with an academic diploma. The extent to which an exit exam makes the graduation rate indicator more difficult to attain depends on such state-specific factors as the scope of the exam, the rigor of the questions, the score students must make, the number chances students are given, and the services available to help them overcome their academic weaknesses. To soften the impact on students, some states have allowed them to graduate if they pass specific course exams rather than the high school exit exam—which, in turn, will improve graduation rates.

In addition to the method of calculating graduation rates and their conditions for graduation, states also vary in determining what the actual rate will be.

For example, some states set a fixed percentage, which remains the same each year (for example, every year at least 88

percent of students must graduate). Others call for improvement over the previous year (either by a specific percentage or simple improvement).

Where graduation rates must rise each year, the bar will become harder to meet as time goes by—and can quickly become a challenge for even a state's best high schools. As a result, several states received ED approval this year to change their approach for determining graduation rate.

For example, in South Carolina, which bases graduation rate on improvement over the previous year, schools now have the option to meet or exceed their three-year average so as to avoid being “punished” for an unusually high rate in the subsequent year.

At the elementary and middle school level, most states selected attendance rates as their other indicator. Some made different choices, however, such as retention rates, test scores in other subjects, student scores at the “advanced” level, or some other aspect of the state's accountability system. For example, Florida chose writing, a component of its pre-existing state accountability program. (Florida also uses writing as a high school indicator in addition to graduation rates.)

Georgia allows its school districts to select their other indicator from a menu provided by the state.

As these examples suggest, some states

THE ROLE OF THE SCHOOL BOARD

As your school system's policy leaders, you and your board colleagues can play a crucial role in using AYP as a governance tool for raising student achievement (see our Fall 2003 issue of *Action Alert*). To do the job effectively, your board should be familiar with how your state's AYP plan operates, as well as the guiding requirements in the federal law and its shortcomings. (See our Winter 2003 and Summer 2004 issues of *Action Alert* for more detail.)

With a better understanding of AYP and the options available, you can be more effective in making policy and budget decisions for your school district, engaging your community around AYP-related goals, and working with state leaders to make your state plan work better for you and to advocate for needed corrections from Washington, D.C.

We suggest that your board and superintendent convene a board workshop to review your state plan and its relationship to the federal law, identifying any elements of either that need to be changed. You might also discuss your board's concerns with your state school boards association, both for the guidance the association can offer and to help the association develop a statewide strategy for seeking needed changes.

In sum, we encourage school boards to move beyond the role of monitoring and implementing the federal law and state plan. We encourage you to take a proactive leadership role within the district as well as at the state and federal levels to ensure that NCLB meets the educational needs and goals of your school system.

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select indicators that let schools focus on their priority needs or to help them make AYP less difficult to achieve; others use this provision to make AYP more challenging.

Additional Factors

A variety of other areas of state discretion can substantially influence results:

Indexing. New York, Oklahoma, and Vermont received approval to give partial AYP credit (called indexing) under certain circumstances for students who make progress but don't score at the proficient level.

New Regulations. Our Summer 2004 *Action Alert* identified three areas in which ED gave states flexibility in calculating AYP, beginning with this fall's results:

- **Participation rates.** In calculating the 95 percent participation rate, schools can use three-year averaging and exempt students who miss the testing window due to a medical emergency.

- **Students with disabilities.** Students with serious cognitive disabilities (as defined by the state) who score at proficient or above on an alternative assessment will be counted as making AYP. But the number counted this way statewide cannot exceed 1 percent of all students taking the assessment in that subject.

- **Limited-English-proficient students.** Students who are no longer classified as limited English proficient can have their scores included within their previous LEP group's AYP calculation for up to two years. Further, first-year students in the United States can be excluded from the determination of AYP in both mathematics and language arts/reading and do not even have to participate in the latter test (provided other requirements are met).

Not all states took full advantage of these opportunities. If any of these new regulations would have improved your schools' AYP results, you may wish to contact your state department of education to determine why it didn't apply for the change and whether the department plans to apply for next year.

The AYP Bar. In the coming year, some states may be raising their requirement for the percentage of students who must score at proficient or above to make AYP. Some will raise the bar in equal annual increments; whereas others will raise it in three-year increments.

In some states, however—Wyoming, among others—the increase is smaller in the early years and then substantially

accelerates as 2013-14 approaches. While states that use the three-year jump tend to give schools the full three years to reach the new bar, Florida requires a formidable jump in the first year, maintained for the next two.

Full Academic Year. Because students who transfer into a school or district mid-year need time to adapt to a new curriculum and environment, NCLB gives states the discretion to set a date after which new students would not have their scores counted for AYP. (Some set a minimum number of days between enrollment and test day.)

The relationship between the cut-off date (or minimum days of enrollment) and the date of state testing can have important consequences for AYP and school improvement. For example, in Colorado, students are not counted unless they were enrolled in time to take the state test in the previous year. Hence, a new student may be enrolled for nearly two years before being scored for AYP.

In Florida, on the other hand, the cut off date is in October and testing can occur in February or March, which means a school can be held accountable for the

achievement of students who have been enrolled for just a few months.

School District Intervention. It is one matter for an entire school district to be identified as not making AYP and quite another for it to enter improvement status and face the interventions involved.

Generally, school districts will enter improvement status if, for two consecutive years, they fail to make AYP in a subject for the same or different subgroups of students in *any* grade span tested.

For example, if low-income students at the elementary level, districtwide, didn't make AYP in math one year and students with disabilities at the middle school level didn't in the second year, the district would enter improvement status. As a result, the number of school districts not making AYP would be likely to rise substantially over time.

ED has now given approval to numerous states so that their districts would not be identified for improvement unless they failed to make AYP for their subgroups for two consecutive years in the same subject and in the *same* grade span. This will significantly reduce the number of districts entering improvement status. ■

MAKING THE GRADE

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redesigning, or potentially taking over the school or school district.

Not surprisingly, some state superintendents are concerned that, over time, they will not have adequate financial resources to support the technical assistance and oversight that might be required for an expanding number of interventions.

Given that the percentage of students making AYP must rise to 100 percent by the 2013-14 school year, state interventions are likely to become increasingly commonplace. Beyond the financial concern, NCLB's intervention requirements raise a larger policy question: What would a broad expansion of the state's technical assistance and intervention role mean for the operation of public education and student achievement in your state?

The Press Reacts

Across the nation, the local media's reaction to AYP results was fairly matter of fact. News reports typically identified specific areas in which local schools needed to improve, rather than reporting schoolwide failure. Reporters also identified problems in the scoring system, as well

as school success stories.

No doubt, this nonsensationalist approach was partially due to the proactive efforts of many local school districts to explain AYP and their plans for improvement. Official news releases from state departments of education also tended to emphasize the positive.

Most states reported their results in terms of the percentage of schools that made AYP, rather than those that did not. And when reporting the number of schools not making AYP, they frequently emphasized the substantial portion where failure resulted from the scores of just one student group.

Another factor may be that most state and federal legislators who have been critical of public education did not use AYP announcements as platforms for negative responses. With the presidential election looming, some preferred to say that NCLB is working to improve public education and that the public schools in their community were not failing on their watch.

Next year could present a different political climate.

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