

LAST MINUTE MEMORANDUM

DATE: March 10-11, 2004
TO: MEMBERS, STATE BOARD OF EDUCATION
FROM: Geno Flores, Deputy Superintendent
Assessment and Accountability Branch
RE: Item No. 14
SUBJECT: No Child Left Behind (NCLB) Act of 2001: Proposed Changes to
Accountability Workbook

On February 23, 2004 Secretary Paige issued new guidance related to changes to the Accountability Workbook. Of particular interest to California is the provision relating to English learners that excludes students who have been in U.S. schools for less than one year from the Adequate Yearly Progress (AYP) calculations. CDE proposes to add an additional change to the Workbook reflecting this flexibility. Critical Element 5.4 reflects this change.

Proposed Changes to California's No Child Left Behind (NCLB) Accountability Workbook

Purpose: This item summarizes proposed changes to the State of California's Consolidated State Application Accountability Workbook, which is available at <http://www.cde.ca.gov/pr/nclb/workbook/wb6061.html>.

Critical Element 1.1 How does the State Accountability System include every public school and LEA in the State?

1. The provision for aggregating district and school test results over years will be deleted. Instead, confidence intervals would be applied to one year's worth of test results.

The workbook currently provides for aggregating test results across years in order to meet the minimum validity criterion of 100 scores (workbook, page 9). The proposed change would simplify and standardize procedures. Aggregating test results over years presents severe operational and technical challenges. Also, in many instances, even with aggregation across years, it would still be necessary to apply confidence intervals to determine AYP for small districts and schools because the number of aggregated scores would still be less than 100.

2. A secondary school with no tenth grade will make adequate yearly progress if it meets the Academic Performance Index (API) status target as well as the graduation rate status target, if applicable, for that year. In these cases, the school cannot meet API or the graduation rate criteria by simply demonstrating growth.

The workbook currently provides only pairing and sharing for determining Adequate Yearly Progress (AYP) for schools with grade spans outside the testing program (workbook, page 9). This methodology is inapplicable for secondary schools with no tenth grade.

Critical Element 1.4 How does the State provide accountability and adequate yearly progress decisions and information in a timely manner?

1. In accord with our commitment to eliminate phased reporting of AYP results, all elements of the Adequate Yearly Progress determination (participation rates, annual measurable objectives, district and school-wide Academic Performance Index and Graduation Rate) will be released in late August 2004, prior to the beginning of the traditional school year.

The workbook currently details the schedule for the 2003 AYP Release, along with a projection that the August 2004 release will also include the API and graduation rate (workbook, page 15). By integrating all elements of the preliminary AYP determination, a comprehensive AYP report in August will diminish the number of districts and schools added to the program improvement list after the beginning of the school year.

2. In identifying a Title I school with Targeted-Assistance Status (TAS) for Program Improvement (PI), we may consider the progress of the socioeconomically disadvantaged student (SED) subgroup only. This is consistent with federal regulations. However, a school must begin the year as TAS in order for the CDE to apply this criterion. The CDE will consider any school that begins the year as a Schoolwide Program (SWP) school to be so for the entire school year.

The workbook currently makes no distinction between SWP and TAS in regard to a school's identification for PI (workbook, page 15). In the past the CDE has considered the progress of the SED student subgroup only in making the PI identification for a TAS school.

However, some districts have sought to take advantage of this by changing a school from SWP to TAS after the beginning of the school year. Such a change of status during the school year has the potential to undermine stability in a school's academic program. Moreover, it also calls into question the validity of student test results as a measure for program effectiveness, because of the mid-year redirection of funds from all students to some students at a school.

Critical Element 5.2 How are public schools and LEAs held accountable for the progress of student subgroups in the determination of adequate yearly progress?

1. Confidence intervals will be applied to student subgroups with less than 100 students.

The workbook currently makes no provision for the application of confidence intervals to student subgroups from 50 to 99 valid scores, parallel to the practice for districts and schools (workbook, page 36). From a statistical viewpoint, this disparity in practice is indefensible. The addition of this provision would enhance both the statistical reliability and validity of the AYP determination for student subgroups.

Critical Element 5.4 How are students with limited English proficiency included in the State's definition of adequate yearly progress?

1. In accord with state law, California will continue to test English learners during their first year of enrollment in U.S. schools; however, consistent with the flexibility offered by Secretary Paige's communication of February 19, 2004, California elects to exclude the test results of these students from the AYP determination.

In the past, California has collected information on whether or not a student has been enrolled in California schools for at least one year on the Student Answer Documents from the statewide assessment program. Effective this spring testing (2004) California will also begin to collect information on whether or not a student

has been enrolled in U.S. public schools for the same period of time. Until California is satisfied with the accuracy of the information that it is collecting from the new item, it will use the time period in California schools as a proxy for this piece of information.

Critical Element 5.5 What is the State’s definition of the minimum number of students in a subgroup required for reporting purposes? For accountability purposes?

1. In a district with two or more schools, the criteria for a numerically significant subgroup are:
 - a. 200 students or
 - b. 15% and 100 students

The criteria for a school and a one-school district would remain the same:

- a. 100 students or
- b. 15% and 50 students

The workbook currently makes no distinction between districts and schools in the definition of the minimum size for a student subgroup. This had led to anomalous, counterintuitive results, e.g., every school in a small district makes AYP but the district as a whole does not. This will result in potential difficulties in district-wide planning in the event that the district is identified for program improvement but none of the schools are (workbook, pages 42-43).

The CDE considered four alternatives to the current formula of 100 students or 50 students constituting 15% of the students enrolled in the grades assessed (see the following table, “Number of Numerically Significant Subgroups for Districts”). In recommending 200 or 100 students constituting 15%, the CDE notes that the number of numerically significant subgroups for districts would be 3.24 subgroups per district. This corresponds to an average of 3.29 subgroups per school.

By selecting a subgroup formula for districts that results in essentially the same average number of subgroups for both districts and schools, the issue of fairness is paramount. On the average, districts would face the same number of hurdles in making AYP as schools do.

Number of Numerically Significant Subgroups for Districts

| subgroups | 100 or 15% + 50 | 200 or 15% + 100 | 400 or 15% + 200 | 500 or 15% + 250 | 600 or 15% + 300 |
|-----------|--------------------|---------------------|---------------------|---------------------|---------------------|
| 0 | 161 | 204 | 322 | 364 | 400 |
| 1 | 61 | 127 | 148 | 143 | 139 |
| 2 | 138 | 138 | 103 | 91 | 78 |
| 3 | 111 | 109 | 107 | 113 | 121 |
| 4 | 140 | 133 | 132 | 136 | 143 |
| 5 | 125 | 103 | 86 | 79 | 62 |
| 6 | 90 | 87 | 69 | 57 | 54 |
| 7 | 78 | 55 | 38 | 36 | 26 |
| 8 | 77 | 65 | 27 | 14 | 11 |
| 9 | 37 | 13 | 5 | 5 | 4 |
| 10 | 21 | 5 | 2 | 1 | 1 |
| Total | 1039 | 1039 | 1039 | 1039 | 1039 |
| Avg | 3.95 | 3.24 | 2.50 | 2.28 | 2.10 |

Critical Element 7.1 What is the State definition for the public high school graduation rate?

1. To demonstrate progress on the graduation rate, a district or school shall met one of the following criteria:
 - Demonstrate an increase of one-tenth of a percentage point in the graduation rate;
 - Demonstrate an increase of two-tenths of a percentage point in the graduation rate when the average rate of the last available two years is compared with the average rate of the preceding two years;
 - Meet an annual status target that begins at 82.8% (computed in a similar manner to the beginning annual measurable objectives in English language arts and mathematics) and increases at rate similar to the schedule of annual measurable objectives in English language arts and mathematics (see Attachment 2 to this paper).

The workbook currently defines progress on the graduation rate to be an increase of one-tenth of a percentage point (Workbook, page 48). The CDE has a serious concern about the volatility of graduation rates based on completion and dropout data, which can be significantly impacted by student mobility and other external factors. The two additional means of demonstrating progress on the graduation rate address this concern.

2. The graduation rate as an additional indicator is applicable only to secondary schools that have a primary mission of graduating students and is not applicable to those secondary schools with a primary mission of returning students to traditional classroom environments.

The workbook currently makes no distinction between comprehensive high schools and alternative/continuation high schools that have a primary mission of returning students to those comprehensive high schools (workbook, page 48). The graduation rate is an inappropriate measure of performance for many alternative and continuation schools, particularly in a high-stakes accountability system where failure to demonstrate progress on graduation rate may result in identification as a program improvement (PI) school. Even if graduation rate were eliminated as an indicator for these schools, they would still have to meet participation rate criteria, annual measurable objectives, and make progress on the API.

Critical Element 10.1 What is the State's method for calculating participation rates in the State assessments for use in AYP determinations?

1. Parental opt outs: Parents have the legal right in California to request that their children be exempted from the Standardized Testing and Reporting (STAR) program. Districts and schools must honor these requests. In recognition of this fact, the following procedure will be applied to districts, schools, and student subgroups that failed to test at least 95% of their students in either one of those two content areas:
 - Determine whether or not the district, school and student subgroup met the annual measurable objective (AMO) in the content area in which it did not meet the participation rate criteria. If yes, then go on to the next step. If not, the district, school, or student subgroup still did not meet the participation rate criteria.
 - Determine whether the district, school, or student subgroup tested at least 90% of their students in that content area. If yes, then determine the number of students necessary for the district, school, or student subgroup to meet the 95% criterion and go on to the next step. If not, the district, school, or student subgroup still did not meet the participation rate criteria.
 - Determine the number of students exempted at parent request.
 - If the number of students exempted at parent request equals or exceeds the number of students necessary to meet the 95% criterion, then consider the district, school, or student subgroup to have met the 95% criterion and go on to the next step. If not, then the district, school, or student subgroup still did not meet the participation rate criteria.
 - Consider the number of students necessary to meet the 95% criterion to be non-proficient for accountability purposes.

- Recalculate the percent proficient to determine whether or not the district, school, or student subgroup would still meet the annual measurable objective.
- If the district, school, or student subgroup would have met the annual measurable objective, then it is considered to have made Adequate Yearly Progress (AYP) in that content area. If no, then district, school, or student subgroup did not make AYP in that content area.

The workbook currently acknowledges the legal right of California parents to exempt their children from participation in the Standardized Testing and Reporting (STAR) program, although in the participation rate calculation it does not distinguish between these students and students who were simply absent from testing (workbook, page 57). Districts and schools have no control over the participation of students whose parents have chosen not to have their children tested. This provision would acknowledge this fact, giving the CDE some flexibility in applying the participation rate criteria to districts, schools, and student subgroups in these cases.

2. Participation rates for small districts, schools, and student subgroups (less than 100 students): A district, school, and student subgroup will be considered to have met its participation rate criteria if no more than 5 students are non-tested in a content area, and the district or school would still meet an annual measurable objective if the non-tested students were considered non-proficient for accountability purposes.

The workbook currently does not make a distinction between the application of the participation rate criterion to large and small entities (workbook, page 57). This results in a differential impact on small districts, schools, and student subgroups. This provision would diminish the possibility that a small district or school is identified for program improvement simply because one or two students did not participate in the testing program. At the same time, by treating the non-participating students as non-proficient, the provision ensures that small districts and schools are still held accountable for the students.

High School Graduation Rate Targets

