

DRAFT

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

January 28, 2003

The Board of Education and the Board of Career and Technical Education met in Conference Rooms D and E of the James Monroe State Office Building, Richmond, Virginia, with the following members present in the conference rooms:

Mr. Mark C. Christie, President

Mrs. Susan L. Genovese, Vice President

Mrs. Audrey B. Davidson

Mr. Mark E. Emblidge

Ms. M. Scott Goodman

Ms. Susan T. Noble

Dr. Jo Lynne DeMary, Superintendent of
Public Instruction

The following members joined the meeting by teleconference:

Mr. Thomas M. Jackson

Dr. Gary L. Jones

Mrs. Ruby W. Rogers

Mr. Christie, president, presided and called the meeting to order at 9:00 a.m.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Mr. Christie asked for a moment of silence and led in the pledge of allegiance.

APPROVAL OF MINUTES

Mrs. Genovese made a motion to approve the minutes of the January 6, 2003, meeting of the Board. Mrs. Davidson seconded the motion and, by roll call vote, it carried unanimously. Copies of the minutes had been distributed previously to all members of the Board of Education.

RECOGNITIONS

- ◀ A Resolution of Recognition was presented to the Computer Network Administrator (CNA) Program at the Virginia Beach Public Schools' Advanced Technology Center, designated as a National Exemplary Program. Present to receive the resolution were Mrs. Linda Lavender, project director; Dr. Pat Konopnicki, director of technical and career education; and Mr. Mike Taylor, assistant principal of the Virginia Beach Advanced Technology Center.

SPECIAL RECOGNITION: MRS. AUDREY B. DAVIDSON

Mr. Christie recognized the service of Mrs. Audrey B. Davidson. Mrs. Davidson's term of office as a member of the Board of Education expires on January 29, 2003. Mr. Christie said Mrs. Davidson has been an extremely hard working member of the Board, and everything she has done has been for the best interest of the children of Virginia. Mr. Christie thanked Mrs. Davidson for her years of service to public education, and said that she will be missed by all members of the Board.

After receiving a standing ovation from the audience, Mrs. Davidson said it has been an honor and privilege to work with Mr. Christie and other members of the Board, past and present. Mrs. Davidson thanked Dr. DeMary and her staff for doing all the work to always make the Board look good. Mrs. Davidson said that she encourages the Board to work on two issues: 1) continue to place attention on career and technical education programs; and 2) continue to review the PRAXIS cut scores to get them in line with surrounding states to keep Virginia from losing qualified people.

ACTION ITEMS

Final Review of the Consolidated Application Accountability Workbook

Dr. Cheri Magill, director of accountability at the Department of Education, presented this item. Dr. Magill gave a brief overview of the background of the workbook. The *No Child Left Behind Act of 2001* (NCLB) requires that states establish an accountability system for schools, school divisions, and the state through which adequate yearly progress (AYP) can be measured for student performance on reading/language arts and mathematics assessments, for graduation rate in secondary schools, and for another academic indicator in elementary schools. Virginia's Consolidated Application that was approved by the Board on May 22, 2002, and subsequently by the U. S. Department of Education, described Virginia's statewide accountability system and outlined the steps that Virginia would follow to implement other requirements of NCLB. The provisions of the application have been applied to the provisions in the Consolidated Application Accountability Workbook that is presented to the Board at this meeting.

Dr. Magill further explained that on November 26, 2002, the final NCLB Title I regulations were issued. The regulations provide guidance on defining AYP. Based on these regulations, Virginia is moving ahead with procedures to meet the NCLB accountability requirements. Current federal guidance indicates that final state policies or timelines for determining such policies must be specified in the Consolidated Application Accountability Workbook and that the final workbook must be submitted to the U. S. Department of Education by January 31, 2003.

Dr. Magill reviewed the proposed revisions to the Consolidated Application Accountability Workbook that have been made by staff in response to the Board's directives given at the time of the first review of the workbook at the Board's last meeting (January 6,

2003). Copies of the revisions had been distributed previously to all members of the Board of Education.

Mr. Christie asked staff to clarify the section on policies regarding limited English proficient (LEP) students. Dr. Roberta Schlicher, specialist for ESL at the department, came to the podium and summarized the LEP section of the application. Dr. DeMary noted that during the meeting of the Committee of Practitioners, most of the discussion revolved around LEP issues and, based on that discussion, the LEP portion of the workbook has been revised.

Dr. Magill returned to the podium and summarized the new language added to the document referring to the changes in graduation rate and its definition and calculation. Dr. Magill explained that the staff recommends that the Board continue to use the method the Department of Education has used in the past to calculate the statewide graduation rate. This method is effective for calculating the statewide rate.

Dr. Magill said that, based on discussions held at the January 6th meeting, the staff reviewed sections showing the minimum number of students that schools must have for those students to be included in AYP calculations either at the all-student levels or the subgroup level. Dr. Magill stated that staff recommends that Virginia use the number of 50 as the minimum n-count for the purposes of determining AYP. Mr. Jackson, who had raised questions about this issue at the last meeting, thanked staff for reviewing this issue. Mr. Jackson said that he felt comfortable with 50 as the minimum n-count for Virginia. Mr. Christie added that a letter was received from the division superintendent of the Fairfax County Public Schools recommending 50 as the minimum n-count.

Mr. Emblidge inquired about the U. S. Department of Education's (USDOE) Peer Review Team procedure. Dr. Magill responded that the teams are formed by the USDOE and consist of professional educators from the various states across the country. The purpose of the teams is to conduct an on-site review of a state's application packet. A team will be sent to each state during USDOE's approval procedures. A team of such persons will be sent to Virginia during the USDOE's review of Virginia's application. Mr. Emblidge then asked if anyone on the Virginia Department of Education staff has been asked to serve on a Peer Review Team for another state. Dr. Magill responded that, at this time, no one has been asked to serve in this capacity.

Mr. Christie submitted the following amendment for language to be inserted in the AYP section of the Consolidated Application Accountability Workbook:

“This consolidated application is based on the interpretation of NCLB regulations as mandating a single starting point in both English and math for all reporting categories for purposes of establishing progress benchmarks for AYP between now and 2014. Should the NCLB regulations permit it, however, in the alternative the Virginia SEA would request to establish individual starting points in each reporting category, which would be based upon actual data of student performances in each reporting category for the prior three years.”

Mr. Goodman made a motion to approve the amendment. Mrs. Davidson seconded the motion and, by roll call vote, it carried unanimously.

Dr. DeMary noted that, in adopting the Consolidated State Application at its May 2002 meeting, the Board also adopted a resolution authorizing the superintendent of public instruction and the president of the Board to make any technical, nonmaterial changes as may be necessary to meet the requirements and conditions stipulated by the USDOE in its review process. Dr. DeMary asked the Board to clarify that the previously adopted resolution applies to the Consolidated Application Accountability Workbook, specifically because the workbook is a component of the Consolidated State Application. Mr. Christie responded in the affirmative.

Mr. Goodman made a motion to approve the Consolidated State Application Accountability Workbook with the stipulation that staff is authorized to make nonmaterial editorial and technical changes for submission to the US Department of Education. Mrs. Davidson seconded the motion and, by roll call vote, it carried unanimously. Following the vote, Mr. Christie complimented the Department of Education staff for doing a tremendous job in planning and implementing NCLB.

Final Review of History and Social Science Textbooks and Instructional Materials for State Adoption (with exception of K-3 materials)

Dr. Beverly Thurston, specialist for history and social science presented this item. Dr. Thurston began her presentation by explaining that in 1991, the Board of Education adopted a resolution delegating its authority for textbook adoption to the superintendent of public instruction. Since 1995 the Department of Education has worked with state committees to review and evaluate publishers' submissions primarily with respect to the correlation of the various materials to the state's Standards of Learning. Following each review, the Department of Education provided school divisions with a list of the instructional materials submitted and a profile of each submission. The profiles included the degree that the submitted materials correlated with the relevant Standards of Learning. At its March 2002 meeting, the Board of Education adopted a resolution to allow the Department of Education to proceed with the review of textbooks and instructional materials according to the established process. Following the approval, committees of Virginia educators and Department of Education staff completed the review.

Dr. Thurston stated textbooks and instructional materials for history and social science were scheduled for adoption in 2002-2003. The procedures described above were implemented. In addition, publishers have had an opportunity to respond to the recommendations prior to submission of the recommended list to the Board of Education for approval.

The recommended list textbooks and instructional materials for history and social science was reviewed by the Board of Education at its meeting held on October 16, 2002. Following the first review of the recommended list, the public was invited to review the textbooks and instructional materials recommended for adoption. In addition, review sites were set up around the state to give educators and the public an opportunity to see the textbooks and the materials that were being considered. Comment and suggestions were invited and convenient comment

forms were provided at each review site. The public comment period ended December 6, 2002. Dr. Thurston reported that fifteen comments were received. Copies of the comments had been distributed previously to all members of the Board.

Mrs. Noble made a motion to approve the list of history and social science textbooks and instructional materials list recommended for state adoption. Mrs. Davidson seconded the motion and, by roll call vote, it carried unanimously.

PUBLIC COMMENT

The following persons spoke during public comment:

Randy O’Neill
Joan Byrne
Bruce Fein
Fatma Polat
Sevtap Schreffler
Oya Bain

DISCUSSION OF CURRENT ISSUES

Mrs. Davidson stated that, at the last meeting, she discussed the issue of the federal Carl D. Perkins reauthorization and the suggested changes in the funding associated with this Act. Mrs. Davidson said that Governor Warner will follow up on this issue; therefore she wishes to withdraw her request for Board action on this matter.

ADJOURNMENT

There being no further business of the Board of Education and Board of Career and Technical Education, Mr. Christie adjourned the meeting at 10:35 a.m.

President

Secretary

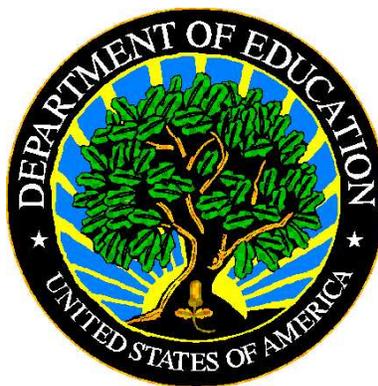
APPENDIX A:

VIRGINIA

Consolidated State Application Accountability Workbook

for State Grants under Title IX, Part C, Section 9302 of the Elementary and
Secondary Education Act (Public Law 107-110)

DUE: JANUARY 31, 2003



**U. S. Department of Education
Office of Elementary and Secondary Education
Washington, D.C. 20202**

Instructions for Completing Consolidated State Application Accountability Workbook

By January 31, 2003, States must complete and submit to the Department this Consolidated State Application Accountability Workbook. We understand that some of the critical elements for the key principles may still be under consideration and may not yet be final State policy by the January 31 due date. States that do not have final approval for some of these elements or that have not finalized a decision on these elements by January 31 should, when completing the Workbook, indicate the status of each element which is not yet official State policy and provide the anticipated date by which the proposed policy will become effective. In each of these cases, States must include a timeline of steps to complete to ensure that such elements are in place by May 1, 2003, and implemented during the 2002-2003 school year. By no later than May 1, 2003, States must submit to the Department final information for all sections of the Consolidated State Application Accountability Workbook.

Transmittal Instructions

To expedite the receipt of this Consolidated State Application Accountability Workbook, please send your submission via the Internet as a .doc file, pdf file, rtf or .txt file or provide the URL for the site where your submission is posted on the Internet. Send electronic submissions to conapp@ed.gov.

A State that submits only a paper submission should mail the submission by express courier to:

Celia Sims
U.S. Department of Education
400 Maryland Ave., SW
Room 3W300
Washington, D.C. 20202-6400
(202) 401-0113

PART I: Summary of Required Elements for State Accountability Systems

Instructions

The following chart is an overview of States' implementation of the critical elements required for approval of their State accountability systems. States must provide detailed implementation information for each of these elements in Part II of this Consolidated State Application Accountability Workbook.

For each of the elements listed in the following chart, States should indicate the current implementation status in their State using the following legend:

- F:** State has a final policy, approved by all the required entities in the State (e.g., State Board of Education, State Legislature), for implementing this element in its accountability system.
- P:** State has a proposed policy for implementing this element in its accountability system, but must still receive approval by required entities in the State (e.g., State Board of Education, State Legislature).
- W:** State is still working on formulating a policy to implement this element in its accountability system.

**Summary of Implementation Status for Required Elements of
State Accountability Systems**

Status	State Accountability System Element	
Principle 1: All Schools		
W	1.1	Accountability system includes <i>all schools and districts in the state</i> .
F	1.2	Accountability system holds <i>all schools to the same criteria</i> .
F	1.3	Accountability system incorporates the <i>academic achievement standards</i> .
W	1.4	Accountability system provides <i>information in a timely manner</i> .
W	1.5	Accountability system includes <i>report cards</i> .
W	1.6	Accountability system includes <i>rewards and sanctions</i> .
Principle 2: All Students		
F	2.1	The accountability system includes <i>all students</i>
F	2.2	The accountability system has a consistent definition of <i>full academic year</i> .
F	2.3	The accountability system properly includes <i>mobile students</i> .
Principle 3: Method of AYP Determinations		
F	3.1	Accountability system expects <i>all student subgroups, public schools, and LEAs to reach proficiency by 2013-14</i> .
F	3.2	Accountability system has a method for determining whether <i>student subgroups, public schools, and LEAs made adequate yearly progress</i> .
F	3.2a	Accountability system establishes a <i>starting point</i> .
F	3.2b	Accountability system establishes <i>statewide annual measurable objectives</i> .
F	3.2c	Accountability system establishes <i>intermediate goals</i> .
Principle 4: Annual Decisions		
F	4.1	The accountability system <i>determines annually the progress</i> of schools and districts.

STATUS Legend:

F – Final state policy

P – Proposed policy, awaiting State approval

W – Working to formulate policy

Principle 5: Subgroup Accountability

F	5.1	The accountability system <i>includes all the required student subgroups</i> .
W	5.2	The accountability system holds <i>schools and LEAs accountable for the progress of student subgroups</i> .
F	5.3	The accountability system includes <i>students with disabilities</i> .
F	5.4	The accountability system includes <i>limited English proficient students</i> .
F	5.5	The State has determined the minimum number of students sufficient to yield statistically reliable information for each purpose for which disaggregated data are used.
F	5.6	The State has strategies to protect the privacy of individual students in reporting achievement results and in determining whether schools and LEAs are making adequate yearly progress on the basis of disaggregated subgroups.

Principle 6: Based on Academic Assessments

F	6.1	Accountability system is based <i>primarily on academic assessments</i> .
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Principle 7: Additional Indicators

F	7.1	Accountability system includes <i>graduation rate for high schools</i> .
F	7.2	Accountability system includes an <i>additional academic indicator for elementary and middle schools</i> .
F	7.3	Additional indicators are valid and reliable.

Principle 8: Separate Decisions for Reading/Language Arts and Mathematics

F	8.1	Accountability system holds students, schools and districts separately accountable for <i>reading/language arts and mathematics</i> .
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Principle 9: System Validity and Reliability

W	9.1	Accountability system produces <i>reliable decisions</i> .
W	9.2	Accountability system produces <i>valid decisions</i> .
F	9.3	State has a plan for addressing <i>changes in assessment and student population</i> .

Principle 10: Participation Rate

F	10.1	Accountability system has a means for calculating the <i>rate of participation</i> in the statewide assessment.
F	10.2	Accountability system has a means for <i>applying the 95% assessment criteria to student subgroups and small schools</i> .

STATUS Legend:

F – Final policy

P – Proposed Policy, awaiting State approval

W– Working to formulate policy

PART II: State Response and Activities for Meeting State Accountability System Requirements

Instructions

In Part II of this Workbook, States are to provide detailed information for each of the critical elements required for State accountability systems. States should answer the questions asked about each of the critical elements in the State's accountability system. States that do not have final approval for any of these elements or that have not finalized a decision on these elements by January 31, 2003, should, when completing this section of the Workbook, indicate the status of each element that is not yet official State policy and provide the anticipated date by which the proposed policy will become effective. In each of these cases, States must include a timeline of steps to complete to ensure that such elements are in place by May 1, 2003, and implemented during the 2002-2003 school year. By no later than May 1, 2003, States must submit to the Department final information for all sections of the Consolidated State Application Accountability Workbook.

PRINCIPLE 1. A single statewide Accountability System applied to all public schools and LEAs.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p><u><i>1.1 How does the State Accountability System include every public school and LEA in the State?</i></u></p>	<p>Every public school and LEA is required to make adequate yearly progress and is included in the State Accountability System.</p> <p>State has a definition of “public school” and “LEA” for AYP accountability purposes.</p> <p>The State Accountability System produces AYP decisions for all public schools, including public schools with variant grade configurations (e.g., K-12), public schools that serve special populations (e.g., alternative public schools, juvenile institutions, state public schools for the blind) and public charter schools. It also holds accountable public schools with no grades assessed (e.g., K-2).</p>	<p>A public school or LEA is not required to make adequate yearly progress and is not included in the State Accountability System.</p> <p>State policy systematically excludes certain public schools and/or LEAs.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: W

The state accountability system in Virginia prescribed in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (the "SOA" or "Standards of Accreditation") [<http://www.pen.k12.va.us/VDOE/Accountability/soafulltext.pdf>] includes all schools and LEAs. Virginia's current accountability system addresses schoolwide student performance in the aggregate. While divisionwide student performance data are compiled, the results are not currently used to identify divisions (LEAs) for improvement or corrective action. To maintain one statewide accountability system Virginia will:

- continue to apply accreditation ratings to all schools, as prescribed in the Standards of Accreditation;
- continue to apply appropriate sanctions and rewards to all identified schools, as prescribed in the Standards of Accreditation;
- apply AYP requirements to all schools and school divisions consistent with 1111(b)(2)(B) and as described in Part II.1.e. and Part II.1.f. of Virginia's consolidated application approved by USED July 2, 2002;
- apply sanctions to schools and school divisions receiving Title I, Part A, funding in a manner consistent with sections 1116(b) and 1116(c), respectively;
- apply rewards to schools receiving Title I, Part A, funding in a manner consistent with section 1117(b); and
- pair schools that have no tested grades with other schools that serve students who attended those "non-testing" schools in a feeder relationship for accreditation and AYP determinations.

The SEA has defined "LEA" as:

"Local educational agency" means a local school division governed by a local school board, a state-operated program that is funded and administered by the Commonwealth of Virginia, or the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton. (8VAC20-80-10)

State law makes the Department of Correctional Education responsible for the operation of learning centers/schools located in juvenile correctional facilities as follows:

§ 22.1-340 Authority continued as Department of Correctional Education.

The Rehabilitative School Authority is continued and shall hereafter be known as the Department of Correctional Education. The Department shall be composed of all the educational facilities of all institutions operated by the Department of Corrections and the Department of Juvenile Justice. The Department of Correctional Education shall be designated as a local education agency (LEA) but shall not be eligible to receive state funds appropriated for direct aid to public education.

A public school is defined as:

"A publicly funded institution where students are enrolled for all or a majority of the instructional day and: 1) those students are reported in fall membership; and 2) at a minimum, the institution meets the pre-accreditation eligibility requirements of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* adopted by the Board of Education.

The definition, upon adoption, will be included in the state's procedures for calculating adequate yearly progress (AYP).

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
1.2 How are all public schools and LEAs held to the same criteria when making an AYP determination?	<p>All public schools and LEAs are systematically judged on the basis of the same criteria when making an AYP determination.</p> <p>If applicable, the AYP definition is integrated into the State Accountability System.</p>	Some public schools and LEAs are systematically judged on the basis of alternate criteria when making an AYP determination.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: F

The Virginia Department of Education has adopted the formulas established by the law and final regulations for determining AYP of all public schools and LEAs. These formulas result in four annual targets that will be applied to all public schools and LEAs.

- One set of annual measurable objectives for Reading/language arts
- One set of annual measurable objectives for Mathematics
- One set of annual measurable objectives for Graduation Rate
- One set of annual measurable objectives for Attendance

There will be no alternate criteria used in making an AYP determination.

Consistent with the law and final regulations, the Virginia Department of Education has adopted formulas for calculating AYP Starting Points, Interim Goals and Annual Measurable Objectives. Virginia's statewide accountability system, consists of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* and the application of AYP requirements to all public schools and school divisions consistent with 1111(b)(2)(B) of the law and as described in Virginia's approved consolidated application.

The state accountability system applies to all public schools and LEAs. All public schools and LEAs will be systematically judged on the basis of the same criteria when determining the accreditation rating for a public school and an AYP determination for a public school, an LEA, and the state. Consistent with current practice when establishing accreditation ratings for schools, Virginia will pair schools that have no tested grades with other schools that serve students who attended those "non-testing" schools in a feeder relationship for AYP determinations.

Virginia's Current Accountability System

In September 2000, the Board of Education refined its *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, hereafter referred to as the Standards of Accreditation. The overriding goal of the Standards of Accreditation is to link statewide criterion-referenced tests to the Standards of Learning and to hold all students, all schools, and all school divisions accountable for results. The text of the Standards of Accreditation can be found at <http://www.pen.k12.va.us/VDOE/Accountability/soafulltext.pdf>

Students (beginning with ninth graders in 2000-2001) must pass a minimum number of high school Standards of Learning tests or other board-approved tests that meet or exceed the Standards of Learning tests in order to receive a diploma. A student's test results for grades 3, 5, and 8 must be considered in placement/promotion decisions. The Standards of Accreditation

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

allow secondary schools to use a student's end-of-course test results in calculating grades.

Under this accountability system, certain percentages of students schoolwide must score at least at the proficient level on statewide assessments in each of the four content areas (mathematics, science, English (reading/language arts), and history and the social sciences) for schools to be eligible to receive one of four accreditation ratings.

The Standards of Accreditation phase in, from 2000-2001 through 2003-2004, increasing student pass rate requirements called benchmarks that determine which of the accreditation ratings listed below is assigned to an individual school. The established annual benchmarks and accompanying ratings are found at <http://www.pen.k12.va.us/VDOE/Accountability/soafulltext.pdf>, p. 44.

The specific accreditation ratings, fully described at <http://www.pen.k12.va.us/VDOE/Accountability/soafulltext.pdf>, p. 37, are summarized below:

Fully Accredited: at least 70 percent of students score proficient or better (pass) in each of four content areas, English (reading/language arts), mathematics, science, history/social sciences (except that grade 3 science and history/social sciences are not required to be factored in until 2003-2004)

Provisionally Accredited/Meets State Standards: the lowest schoolwide student pass rate is no lower than the benchmark in any one of the four content areas

Provisionally Accredited/Needs Improvement: the lowest schoolwide student pass rate is between 1 percent and 19 percent below the benchmark in any one of the four content areas

Accredited with Warning: the lowest schoolwide student pass rate is 20 percent or more below the benchmark in any one of the four content areas

Certain sanctions exist for schools rated *Accredited with Warning*. These are fully described in the Standards of Accreditation found at <http://www.pen.k12.va.us/VDOE/Accountability/soafulltext.pdf>, p. 39. In summary, schools must:

- undergo an academic review;
- adopt an instructional method with a proven track record of success at raising student achievement if accredited with warning in English (reading/language arts) and/or mathematics;
- develop a three-year school improvement plan correlated to nine specific criteria; and
- report annually on school improvement plan implementation status.

The Board of Education may provide special recognition to schools showing marked improvement in student achievement over time. Recognitions are fully described at <http://www.pen.k12.va.us/VDOE/Accountability/soafulltext.pdf>, p.41, and are summarized below:

- Public announcements
- Waivers from certain regulations
- Tangible rewards

Reading/language arts

One AYP starting point for reading/language arts assessments will be determined that is the starting point for all students, all subgroups of students, all schools, all school divisions (LEAs) and the state. From this starting point, one set of interim goals will be established. The interim goals will be equal increments apart. Each interim goal will be applied to all students, all subgroups of students, all schools, all school divisions, and the state. One set of annual measurable objectives (AYP annual targets) will be established for each school year beginning in

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

2002-2003 and ending in 2013-2014. These annual measurable objectives will be applied to all students, all subgroups of students, all schools, all school divisions and the state.

Mathematics

One AYP starting point for mathematics assessments will be determined that is the starting point for all students, all subgroups of students, all schools, all school divisions (LEAs) and the state. From this starting point, one set of interim goals will be established. The interim goals will be equal increments apart. Each interim goal will be applied to all students, all subgroups of students, all schools, all school divisions, and the state. One set of annual measurable objectives (AYP annual targets) will be established for each school year beginning in 2002-2003 and ending in 2013-2014. These annual measurable objectives will be applied to all students, all subgroups of students, all schools, all school divisions and the state.

Graduation Rate

Annual measurable objectives will be established that will be applied to all schools with a graduating class, all school divisions, and the state. Consistent with the "safe harbor" provision of 1111(b)(2)(I), the annual measurable objectives for graduation rate will serve to determine if students have made progress in this indicator.

Attendance

Annual measurable objectives will be established that will be applied to all schools without a graduating class, all school divisions and the state. Consistent with the "safe harbor" provision of 1111(b)(2)(I), the annual measurable objectives for attendance rate will serve to determine if students have made progress in this indicator.

Summary

Virginia's current accountability system addresses schoolwide student performance in the aggregate. While divisionwide student performance data are compiled, the results are not currently used to identify divisions for improvement or corrective action. To maintain one statewide accountability system Virginia will:

- continue to apply accreditation ratings to all schools, as prescribed in the Standards of Accreditation;
- continue to apply appropriate sanctions and rewards to all identified schools, as prescribed in the Standards of Accreditation;
- apply AYP requirements to all schools and school divisions consistent with 1111(b)(2)(B) and as described in Virginia's approved consolidated application;
- apply sanctions to schools and school divisions receiving Title I, Part A, funding in a manner consistent with sections 1116(b) and 1116(c), respectively; and
- apply rewards to schools receiving Title I, Part A, funding in a manner consistent with section 1117(b).

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>1.3 Does the State have, at a minimum, a definition of basic, proficient and advanced student achievement levels in reading/language arts and mathematics.</p>	<p>State has defined three levels of student achievement: basic, proficient, and advanced.</p> <p>Student achievement levels of proficient and advanced determine how well students are mastering the materials in the State's academic content standards and the basic level of achievement provides complete information about the progress of lower-achieving students toward mastering the proficient and advanced levels.</p>	<p>Standards do not meet the legislated requirements.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: F

Student performance in Virginia is measured by the Standards of Learning Assessments described in Virginia's consolidated application approved by USED on July 2, 2002. Students taking Standards of Learning tests receive one of three achievement ratings. Students who attain a scaled score of 399 or below on any of the Standards of Learning tests receive a rating of "fails/does not meet the standards." Those with a scaled score of 400 to 499 receive a rating of "pass/proficient", and those with a scaled score of 500 to 600 receive a rating of "pass/advanced."

These ratings earlier received approval from the USED, Title I Office. The letter affirming approval is found as Attachment B to Virginia's consolidated application approved by USED on July 2, 2002.

A description of the standard setting process can be found at <http://www.pen.k12.va.us/VDOE/News/oct3098.html> and at http://www.pen.k12.va.us/VDOE/Assessment/TechReport_98-99.pdf.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
1.4 How does the State provide accountability and adequate yearly progress decisions and information in a timely manner?	<p>State provides decisions about adequate yearly progress in time for LEAs to implement the required provisions before the beginning of the next academic year.</p> <p><u><i>State allows enough time to notify parents about public school choice or supplemental educational service options, time for parents to make an informed decision, and time to implement public school choice and supplemental educational services.</i></u></p>	Timeline does not provide sufficient time for LEAs to fulfill their responsibilities before the beginning of the next academic year.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: W

In Virginia, the date that the school term ends in the various local educational agencies (LEAs) varies from mid-May to mid-June. At the present, the Board of Education's policy regarding testing calendars allows LEAs to test as late as the last day of school. While LEAs receive their test results well before the beginning of the next school year, the Virginia Department of Education (VDOE) currently does not receive a file containing the student test results for all Virginia schools and LEAs until mid-to late-September. VDOE is working with its testing contractor to change the date of the receipt of the state test results file to mid-summer so that AYP can be calculated, and schools can be informed of their status well before the opening of school. Because of the flexibility that localities have in setting their testing calendars, this may necessitate VDOE receiving several files representing various LEAs rather than one file that includes all the LEAs in the state. The VDOE expects to have the issue of the receipt date of the state's file of the test results for all Virginia localities resolved in time for the May 1, 2003, submission of the consolidated application.

PRINCIPLE 1. A single statewide Accountability System applied to all public schools and LEAs.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>1.5 Does the State Accountability System produce an annual State Report Card?</p>	<p>The State Report Card includes all the required data elements [see Appendix A for the list of required data elements].</p> <p>The State Report Card is available to the public at the beginning of the academic year.</p> <p>The State Report Card is accessible in languages of major populations in the State, to the extent possible.</p> <p>Assessment results and other academic indicators (including graduation rates) are reported by student subgroups.</p>	<p>The State Report Card does not include all the required data elements.</p> <p>The State Report Card is not available to the public.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: W

Virginia's Current Report Card

In September 2000, the Board of Education refined its *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, hereafter referred to as the Standards of Accreditation. The Standards of Accreditation require an annual School Performance Report Card for each school containing information for the most recent three year period, including, but not limited to:

1. Standards of Learning (SOL) test scores and scores on the literacy and numeracy tests required for the Modified Standard Diploma for the school, school division, and state.
2. Percentage of students tested, as well as the percentage of students not tested, to include a breakout of students with disabilities and limited English proficient students.
3. Percentage of students who are otherwise eligible, but do not take, the SOL tests due to enrollment in an alternative, or any other program not leading to a Standard, Advanced Studies, Modified Standard, or International Baccalaureate Diploma.
4. Performance of students with disabilities or students with limited English proficiency on SOL tests and alternate assessments as appropriate.
5. The accreditation rating awarded to the school.
6. Attendance rates for students.
7. Information related to school safety to include, but not limited to, incidents of physical violence (including fighting and other serious offenses), possession

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of firearms, and possession of other weapons.

8. Information related to qualifications and experience of the teaching staff including the percentage of the school's teachers endorsed in the area of their primary teaching assignment.

9. In addition, secondary schools' School Performance Report Cards shall include the following:

- (a) Advanced Placement (AP) information to include percentage of students who take AP courses and percentage of those students who take AP tests;
- (b) International Baccalaureate (IB) information to include percentage of students who are enrolled in IB programs and percentage of students who receive IB Diplomas;
- (c) College-level course information to include percentage of students who take college-level courses;
- (d) Percentage of (i) diplomas, (ii) certificates awarded to the senior class including GED credentials, and (iii) students who do not graduate;
- (e) Percentage of students in alternative programs that do not lead to a Standard, Advanced Studies, or Modified Standard Diploma;
- (f) Percentage of students in academic year Governor's Schools; and
- (g) Percentage of dropouts.

Virginia is modifying the School Performance Report Card for the 2002-2003 school year to incorporate the reporting requirements of NCLB section 1111(h)(1)(C). As a service to school divisions, Virginia plans to make school, division, and state report cards available to the public via the Internet, in viewable and downloadable formats. The report cards will be available throughout the year, including at the beginning of the academic year. Virginia's plan to report each of the required elements in the report card is listed below.

Requirement 1:

Information, in the aggregate, on student achievement at each proficiency level on the State academic assessments (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student).

Virginia's Plan for Requirement 1:

The SOL test scores reported in the current report card will be disaggregated and reported by race/ethnicity, gender, disability status, migrant status, English proficiency, and economically disadvantaged status. The current student answer document captures the information necessary to disaggregate the data. This information will be reported at the state, LEA, and school levels. Virginia will not report subgroups in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student as described in Critical Element 5.5 of this workbook.

Timeline: Limited information on student performance from the 2001-2002 school year has been added to the 2002-2003 school report cards. As reporting systems are developed, additional information will be added as early as spring 2003.

Complete student performance information from the 2002-2003 school year will be posted prior to the beginning of the 2003-2004 school year.

Requirement 2:

Information that provides a comparison between the actual achievement levels of each student subgroup and the State's annual measurable objectives for each such group of students on each

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

of the academic assessments.

Virginia's Plan for Requirement 2:

The information described in Requirement 1 will be reported in comparison to the annual measurable objectives established for each indicator.

Timeline: This comparison will be posted to state, LEA, and school report cards following the same timeline as Requirement 1.

Requirement 3:

The percentage of students not tested (disaggregated by the student subgroups), except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

Virginia's Plan for Requirement 3:

The information on students not tested that is reported on the current report card will be disaggregated and reported by race/ethnicity, gender, disability status, migrant status, English proficiency, and economically disadvantaged status. The current student answer document captures the information necessary to disaggregate the data. This information will be reported at the state, division, and school levels. Virginia will not report subgroups in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student as described in Critical Element 5.5 of this workbook.

Timeline: As reporting systems are developed, additional information on students not tested during the 2001-2002 school year will be added to state, LEA, and school report cards as early as spring 2003.

Complete information on students not tested from the 2002-2003 school year will be posted prior to the beginning of the 2003-2004 school year.

Requirement 4.

The most recent two-year trend in student achievement in each subject area, and for each grade level, for the required assessments.

Virginia's Plan for Requirement 4:

Virginia's current report card complies with this requirement. The current report card includes three years of information on student achievement on each Standards of Learning Assessment. For elementary and middle schools, this information is reported by subject area and grade. For high schools, this information is reported by subject area and test.

Timeline: Three-year trend data for 2001-2002, 2000-2001, and 1999-2000 will be posted on the state, LEA, and school report cards in Spring 2003. Trend data for 2002-2003, 2001-2002, and 2000-2001 will be posted prior to the beginning of the 2003-2004 school year.

Requirement 5.

Aggregate information on any other indicators used by the State to determine the adequate yearly progress of students in achieving State academic achievement standards disaggregated by student subgroups.

Virginia's Plan for Requirement 5:

Virginia's other academic indicators are graduation rate and attendance. Virginia reports graduation rates and attendance on the current report card. Data collection systems are being modified to collect and report this information by student subgroup. This information will be reported at the school, division, and state levels.

Timeline: Limited information on graduation rates and attendance from the 2001-2002 school year will be posted on school report cards in Spring 2003.

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Since Virginia will use a graduation rate definition that includes a dropout count in the denominator, graduation rates for 2002-2003 will not be calculated and posted until Winter 2003 (due to the NCES definition of a dropout as not returning to school by October 1). Similarly, Virginia's Acts of Assembly allow school divisions until September 30 to report attendance data for the prior year. Attendance data for 2002-2003 will be calculated and posted in Winter 2003.

Requirement 6. Graduation rates for secondary school students disaggregated by student subgroups.

Virginia's Plan for Requirement 6:

Virginia's current report card includes graduation rates. Data collection systems are being modified to collect and report graduation rate by student subgroup. Graduation rates will be reported at the school (where applicable), division, and state levels.

Timeline: Limited information on graduation rates and attendance from the 2001-2002 school year will be posted on school report cards in Spring 2003.

Since Virginia will use a graduation rate definition that includes a dropout count in the denominator, graduation rates for 2002-2003 will not be calculated and posted until Winter 2003 (due to the NCES definition of a dropout as not returning to school by October 1).

Requirement 7. Information on the performance of local educational agencies in the State regarding making adequate yearly progress, including the number and names of each school identified for school improvement under section 1116.

Virginia's Plan for Requirement 7:

Virginia will modify the current report card to report the performance of each school, district, and the state regarding making adequate yearly progress. Virginia will modify the report cards to include the number and names of schools identified for improvement under section 1116.

Timeline: This information will be added for the state, LEAs, and schools prior to the beginning of the 2003-2004 school year.

Requirement 8.

The professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which (for this purpose) means schools in the top quartile of poverty and the bottom quartile of poverty in the State.

Virginia's Plan for Requirement 8:

Virginia will modify the current report card to include the professional qualifications of teachers in the state, including the percentage of teachers teaching with emergency or provisional credentials, the percentage of classes not taught by highly qualified teachers, in the aggregate and disaggregated by high and low-poverty schools (schools in the top and bottom quartiles of poverty). This information will be reported at the school, division, and state levels. Virginia has established the Instructional Personnel Data Collection to collect this information. More information on the new Instructional Personnel Data Collection may be found at:

<http://www.pen.k12.va.us/VDOE/Publications/TCHCount/datacoll/coll.htm>

Timeline: This information will be added to the state, LEA, and school report cards prior to the beginning of the 2003-2004 school year.

Two sections in the Code of Virginia guide the department in reporting data in English only. The two sections are listed below.

Code of Virginia. § 7.1-42: English designated the official language of the Commonwealth. English shall be designated as the official language of the Commonwealth of Virginia. Except as

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provided by law, no state agency or local government shall be required to provide and no state agency or local government shall be prohibited from providing any documents, information, literature or other written materials in any language other than English.

Code of Virginia. § 22.1-212.2: Obligation of school boards. Pursuant to § 7.1-42, school boards shall have no obligation to teach the standard curriculum, except courses in foreign languages, in a language other than English. School boards shall endeavor to provide instruction in the English language, which shall be designed to promote the education of students for whom English is the second language.

Virginia's most recent school report cards may be found on line at:

<http://www.pen.k12.va.us/html/reportcard.shtml>

The text of the Standards of Accreditation can be found at

<http://www.pen.k12.va.us/VDOE/Accountability/soafulltext.pdf>

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
1.6 How does the State Accountability System include rewards and sanctions for public schools and LEAs? ¹	State uses one or more types of rewards and sanctions, where the criteria are: <ul style="list-style-type: none"> • Set by the State; • Based on adequate yearly progress decisions; and, • Applied uniformly across public schools and LEAs 	State does not implement rewards or sanctions for public schools and LEAs based on adequate yearly progress

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>STATUS: W</p> <p><u><i>As described in the Consolidated Application approved by USED July 2, 2002, Virginia has the following system of rewards and sanctions that are applied to all public schools:</i></u></p> <p>Under Virginia’s accountability system, certain percentages of students school wide must score at least at the proficient level on statewide assessments in each of the four content areas (mathematics, science, English (reading/language arts), and history and the social sciences) for schools to be eligible to receive one of four accreditation ratings.</p> <p>The specific accreditation ratings, fully described at http://www.pen.k12.va.us/VDOE/Accountability/soafulltext.pdf, p. 37, are summarized below:</p> <p>Fully Accredited: at least 70 percent of students score proficient or better (pass) in each of four content areas, English (reading/language arts), mathematics, science, history/social sciences (except that grade 3 science and history/social sciences are not required to be factored in until 2003-2004)</p> <p>Provisionally Accredited/Meets State Standards: the lowest school-wide student pass rate is no lower than the benchmark in any one of the four content areas</p> <p>Provisionally Accredited/Needs Improvement: the lowest school-wide student pass rate is between 1 percent and 19 percent below the benchmark in any one of the four content areas</p> <p>Accredited with Warning: the lowest school-wide student pass rate is 20 percent or more below the benchmark in any one of the four content areas</p> <p>Certain sanctions exist for schools rated <i>Accredited with Warning</i>. These are fully described in the Standards of Accreditation found at http://www.pen.k12.va.us/VDOE/Accountability/soafulltext.pdf, p. 39. In summary, schools must:</p> <ul style="list-style-type: none"> • undergo an academic review;

¹ The state must provide rewards and sanctions for all public schools and LEAs for making adequate yearly progress, except that the State is not required to hold schools and LEAs not receiving Title I funds to the requirements of section 1116 of NCLB [§200.12(b)(40)].

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- adopt an instructional method with a proven track record of success at raising student achievement if accredited with warning in English (reading/language arts) and/or mathematics;
- develop a three-year school improvement plan correlated to nine specific criteria; and
- report annually on school improvement plan implementation status.

The Board of Education may provide special recognition to schools showing marked improvement in student achievement over time. Recognitions are fully described at <http://www.pen.k12.va.us/VDOE/Accountability/soafulltext.pdf>, p.41, and are summarized below:

- Public announcements
- Waivers from certain regulations
- Tangible rewards

Virginia identified 34 Title I schools for school improvement status for the 2002-2003 school year. Sanctions were applied consistent with NCLB section 1116(b). Virginia will continue to incorporate rewards and sanctions for Title I schools consistent with NCLB and final regulations issued November 26, 2002, as follows:

- apply AYP requirements to all schools and LEAs consistent with 1111(b)(2)(B) and as described in Principles 3, 4, 5, and 6 of this consolidated application workbook;
- apply sanctions to schools and LEAs receiving Title I, Part A, funding in a manner consistent with NCLB sections 1116(b) and 1116(c), respectively; and
- apply rewards to schools receiving Title I, Part A, funding in a manner consistent with NCLB section 1117(b).

While divisionwide student performance data are compiled, the results are not currently used to identify divisions (LEAs) for improvement or corrective action. The following timeline will be used to expand the program of sanctions for Title I schools and to implement a program of sanctions for non-Title I schools and for LEAs not making AYP:

February - March, 2003:

- **Develop draft policy for implementing sanctions for Title I schools identified for corrective action and alternative governance.**
- **Develop draft policy regarding sanctions for non-Title I schools not making adequate yearly progress for two consecutive years or more, using current Board regulations as a guide.**
- Develop draft policy regarding sanctions for LEAs not making AYP.

April, 2003:

- Obtain Board of Education approval of policies for submission to USED by May 1, 2003 deadline.

PRINCIPLE 2. All students are included in the State Accountability System

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
2.1 How does the State Accountability System include all students in the State?	<p>All students in the State are included in the State Accountability System.</p> <p>The definitions of “public school” and “LEA” account for all students enrolled in the public school district, regardless of program or type of public school.</p>	Public school students exist in the State for whom the State Accountability System makes no provision.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: F

The state accountability system in Virginia prescribed in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (the "SOA" or "Standards of Accreditation")

[<http://www.pen.k12.va.us/VDOE/Accountability/soafulltxt.pdf>] includes all schools and LEAs.

Virginia's current accountability system addresses schoolwide student performance in the aggregate. While divisionwide student performance data are compiled, the results are not currently used to identify divisions (LEAs) for improvement or corrective action. To maintain one statewide accountability system Virginia will:

- continue to apply accreditation ratings to all schools, as prescribed in the Standards of Accreditation;
- continue to apply appropriate sanctions and rewards to all identified schools, as prescribed in the Standards of Accreditation;
- apply AYP requirements to all schools and school divisions consistent with 1111(b)(2)(B) and as described in Part II.1.e. and Part II.1.f. of Virginia's consolidated application approved by USED July 2, 2002;
- apply sanctions to schools and school divisions receiving Title I, Part A, funding in a manner consistent with sections 1116(b) and 1116(c), respectively;
- apply rewards to schools receiving Title I, Part A, funding in a manner consistent with section 1117(b); and
- pair schools that have no tested grades with other schools that serve students who attended those "non-testing" schools in a feeder relationship for accreditation and AYP determinations.

The SEA has defined "LEA" as:

"Local educational agency" means a local school division governed by a local school board, a state-operated program that is funded and administered by the Commonwealth of Virginia, or the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton. (8VAC20-80-10)

State law makes the Department of Correctional Education responsible for the operation of learning centers/schools located in juvenile correctional facilities as follows:

§ 22.1-340 Authority continued as Department of Correctional Education.

The Rehabilitative School Authority is continued and shall hereafter be known as the Department of Correctional Education. The Department shall be composed of all the educational facilities of all institutions operated by the Department of Corrections and the Department of Juvenile Justice. The Department of Correctional Education shall be designated as a local education agency (LEA) but shall not be eligible to receive state funds appropriated for direct aid to public education.

A public school is defined as:

"A publicly funded institution where students are enrolled for all or a majority of the instructional day and: 1) those students are reported in fall membership; and 2) at a minimum, the institution meets the pre-accreditation eligibility requirements of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* adopted by the Board of Education.

The definition, upon adoption, will be included in the state's procedures for calculating adequate yearly progress (AYP).

The standards for accrediting public schools require that "In kindergarten through eighth grade, where SOL tests are administered, each student shall be expected to take the SOL tests..." and "Each student in middle and secondary schools shall take all applicable end-of-course SOL tests

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following course instruction...". Students (beginning with ninth graders in 2000-2001) must pass a minimum number of high school Standards of Learning tests or other board-approved tests that meet or exceed the Standards of Learning tests in order to receive a diploma. A student's test results for grades 3, 5, and 8 must be considered in placement/promotion decisions. The Standards of Accreditation allow secondary schools to use a student's end-of-course test results in calculating grades.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p><u>2.2 How does the State define “full academic year” for identifying students in AYP decisions?</u></p>	<p><u>The State has a definition of “full academic year” for determining which students are to be included in decisions about AYP.</u></p> <p>The definition of full academic year is consistent and applied statewide</p>	<p>LEA’s have varying definitions of “full academic year.”</p> <p>The State’s definition excludes students who must transfer from one district to another as they advance to the next grade.</p> <p>The definition of full academic year is not applied consistently.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>STATUS: F</p> <p>Virginia Board of Education regulations state that students transferring into a Virginia school shall be required to take all applicable Standards of Learning (SOL) tests or other additional tests approved by the Board. However, students transferring into a Virginia school after the 20th day of instruction or after the 20th hour of classroom instruction for a course may or may not have their test scores included in calculations of accreditation ratings described in Critical Element 1.6. In addition, a student enrolled in a school on the first day of school who leaves that school for 50% or more of the school year and returns to the school, shall be required to take all applicable Standards of Learning (SOL) tests or other additional tests approved by the Board. However, these students may or may not have their test scores included in calculations of accreditation ratings described in Critical Element 1.6. (8 VAC 20-131-280). The exact text of the regulation is found at http://www.pen.k12.va.us/VDOE/Accountability/soafulltext.pdf, page 29, of the <i>Regulations Establishing Standards for Accrediting Public Schools in Virginia</i> (SOA).</p> <p>To meet the requirements of NCLB and final Title I regulations issued November 26, 2002 the following definition of “full academic year” will be applied to all schools and LEAs in Virginia. A student is considered to be enrolled for a full academic year in a school, LEA, or the State if the student:</p> <ol style="list-style-type: none"> 1. arrives in a school, in a LEA or in the State on or before the 20th day of school or 20th hour of classroom instruction for a course OR 2. is present on the first day of instruction in a school, LEA or the State, leaves for less than 50% of the school year and returns to the same school, LEA or to the State. <p>Regardless of whether or not a student is present for a full academic year as defined above, the student will be required to participate in applicable statewide assessments.</p> <p>If a student moves from one school to another in the same LEA during the same school year and is not enrolled in any one school for a full school year, then the student’s performance on statewide assessments will be included only at the division and State levels for purposes of determining AYP. If a student moves from one LEA to another in Virginia and is not present in any one LEA for a full school year, then the student’s performance on statewide assessments will be included only at the State level for purposes of determining AYP.</p>

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This definition does not apply to any student who may be withdrawn from a school and re-enrolled in the same school as a result of poor attendance or disciplinary action.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>2.3 How does the State Accountability System determine which students have attended the same public school and/or LEA for a full academic year?</p>	<p>State holds public schools accountable for students who were enrolled at the same public school for a full academic year.</p> <p>State holds LEAs accountable for students who transfer during the full academic year from one public school within the district to another public school within the district.</p>	<p>State definition requires students to attend the same public school for more than a full academic year to be included in public school accountability.</p> <p>State definition requires students to attend school in the same district for more than a full academic year to be included in district accountability.</p> <p>State holds public schools accountable for students who have not attended the same public school for a full academic year.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>STATUS: F</p> <p>As described in the response to Critical Element 2.2, a student is considered to be enrolled for a full academic year in a school, LEA, or the State if the student:</p> <ol style="list-style-type: none"> 1. arrives in a school, in a LEA or in the State on or before the 20th day of school or 20th hour of classroom instruction for a course OR 2. is present on the first day of instruction in a school, LEA or the State, leaves for less than 50% of the school year and returns to the same school, LEA or to the State. <p>Regardless of whether or not a student is present for a full academic year as defined above, the student will be required to participate in applicable statewide assessments.</p> <p>The state obtains student transfer information from the demographic pages of the Standards of Learning assessment student answer document. Each answer document contains a field labeled "AYP ADJUSTMENT" that is used by schools to indicate a student's transfer status. The options are:</p> <ul style="list-style-type: none"> A – Transfer from within division B – Transfer from outside division C – Transfer from outside state <p>The field is only used for transfer students.</p> <p>Use of the AYP Adjustment field will enable the Department of Education to hold schools accountable for students who have been enrolled for a full academic year (AYP Adjustment field is blank), to hold LEA's accountable for students who have transferred from one public school within the district to another public school within the district (AYP Adjustment field is A), and to</p>

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include students who transferred from one district to another within the state in the calculation of AYP for the state (AYP Adjustment field is B).

PRINCIPLE 3. State definition of AYP is based on expectations for growth in student achievement that is continuous and substantial, such that all students are proficient in reading/language arts and mathematics no later than 2013-2014.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
3.1 How does the State's definition of adequate yearly progress require all students to be proficient in reading/language arts and mathematics by the 2013-2014 academic year?	The State has a timeline for ensuring that all students will meet or exceed the State's proficient level of academic achievement in reading/language arts ² and mathematics, not later than 2013-2014.	State definition does not require all students to achieve proficiency by 2013-2014. State extends the timeline past the 2013-2014 academic year.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: F

Consistent with NCLB and final Title I regulations issued November 26, 2002, the following timeline is proposed as part of the adequate yearly progress definition, illustrating the requirement that all students be proficient in each of reading/language arts and mathematics by the 2013-2014 academic year:

AYP Interim Goals and Annual Measurable Objectives for Student Performance on Reading/Language Arts Statewide Assessments, Described as Pass Rates.

2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Starting Point												
(pass rate %)			Int. Goal (pass rate %)			Int. Goal (pass rate %)			Int. Goal (pass rate %)			Goal: 100%

AYP Interim Goals and Annual Measurable Objectives for Student Performance on Mathematics Statewide Assessments, Described as Pass Rates.

2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Starting Point												
(pass rate)			Int. Goal (pass rate %)			Int. Goal (pass rate %)			Int. Goal (pass rate %)			Goal: 100%

² If the state has separate assessments to cover its language arts standards (e.g., reading and writing), the State must create a method to include scores from all the relevant assessments.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p><u>3.2 How does the State Accountability System determine whether each student subgroup, public school and LEA makes AYP?</u></p>	<p>For a public school and LEA to make adequate yearly progress, each student subgroup must meet or exceed the State annual measurable objectives, each student subgroup must have at least a 95% participation rate in the statewide assessments, and the school must meet the State's requirement for other academic indicators.</p> <p>However, if in any particular year the student subgroup does not meet those annual measurable objectives, the public school or LEA may be considered to have made AYP, if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the State assessments for that year decreased by 10% of that percentage from the preceding public school year; that group made progress on one or more of the State's academic indicators; and that group had at least 95% participation rate on the statewide assessment.</p>	<p>State uses different method for calculating how public schools and LEAs make AYP.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: F

The State Accountability System will examine the data annually for each assessment and academic indicator by student subgroup, public school, and school division to determine if Adequate Yearly Progress has been made, consistent with section 1111(b)(2). The Regulations Establishing Standards for Accrediting Public Schools in Virginia specify that each student shall be expected to take the Standards of Learning tests in kindergarten through eighth grade, and that each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction. Each method of calculating and examining AYP as presented in the law and in the regulations issued on November 26, 2002 will be applied, and the results reviewed for each subgroup, public school, and school division.

Specifically, for a public school and school division to make adequate yearly progress, all students and each student subgroup must meet or exceed the State annual measurable objectives, all students and each student subgroup must have at least a 95% participation rate in the Standards of Learning assessments, and the school must meet the State's annual measurable objective for graduation rate or attendance rate. School divisions must meet or make progress toward meeting the State's annual measurable objectives for graduation rate and attendance rate. However, if in any particular year the student subgroup does not meet the annual measurable objectives for assessments, the public school or school division may be considered to have made AYP, if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the Standards of Learning assessments for that year decreased by 10% of that percentage from the preceding public school year; that group made progress on attendance rate or graduation rate at the school level or, for school divisions, in both; and that group had at least 95% participation rate on the statewide assessment.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>3.2a. What is the State's starting point for calculating Adequate Yearly Progress?</p>	<p>Using data from the 2001-2002 school year, the State established separate starting points in reading/language arts and mathematics for measuring the percentage of students meeting or exceeding the State's proficient level of academic achievement.</p> <p>Each starting point is based, at a minimum, on the higher of the following percentages of students at the proficient level: (1) the percentage in the State of proficient students in the lowest-achieving student subgroup; or, (2) the percentage of proficient students in a public school at the 20th percentile of the State's total enrollment among all schools ranked by the percentage of students at the proficient level.</p> <p>A State may use these procedures to establish separate starting points by grade span; however, the starting point must be the same for all like schools (e.g., one same starting point for all elementary schools, one same starting point for all middle schools...).</p>	<p>The State Accountability System uses a different method for calculating the starting point (or baseline data).</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>STATUS: F</p> <p>Statewide assessments in reading/language arts and mathematics include the following:</p> <ul style="list-style-type: none"> • Standards of Learning (SOL) tests for grades 3, 5, 8 and end-of-course, including the Substitute Standards of Learning Evaluation Program for Certain Students with Disabilities Who Cannot Be Accommodated on Standards of Learning Tests • Board-approved substitute tests listed at

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

<http://www.pen.k12.va.us/VDOE/Instruction/subassessment.pdf>

- Alternate assessments, required by the 1997 IDEA, taken by some students with disabilities and described at <http://www.pen.k12.va.us/VDOE/Instruction/Sped/spedsol.html>

Consistent with final Title I regulations issued November 26, 2002, the following procedures were used to calculate adequate yearly progress (AYP) starting points:

One AYP starting point for reading/language arts assessments has been determined that is the starting point for all students, all subgroups of students, all schools, all LEAs, and for the state. In Virginia's current accountability system, student performance on all reading/language arts assessments given in a school is combined into one school-wide pass rate. Consequently, there is not a separate AYP starting point for each grade span in which tests are administered.

One AYP starting point for mathematics assessments has been determined that is the starting point for all students, all subgroups of students, all schools, all LEAs, and for the state. In Virginia's current accountability system, student performance on all mathematics assessments given in a school is combined into one school-wide pass rate. Consequently, there is not a separate AYP starting point for each grade span in which tests are administered.

Each AYP starting point was determined consistent with section 1111(b)(2)(E) of NCLB and with final Title I regulations issued November 26, 2002. The AYP starting point for each of reading/language arts and mathematics is based upon the percentage of students scoring at least at the proficient level ("pass rate") on statewide assessments in reading/language arts and mathematics. In Virginia's current accountability system, assessments for a given school year include those assessments administered in a summer, fall, spring cycle. A seven-step process was followed that used student performance data from the 2001-2002 school year (tests taken in summer 2001, fall 2001, and spring 2002) and data from 2000-2001 and 1999-2000 school years (tests taken in summer 1999, fall 1999, and spring 2000; and summer 2000, fall 2000, and spring 2001).

Resulting potential starting points for each of reading/language arts and mathematics were compared to determine which set of data (single year or three-year trend data) yielded the starting points most reflective of where student achievement in Virginia "started" in relation to the current accountability system.

The following seven steps were taken to find starting points for each of reading/language arts and mathematics using the above data sets:

1. Included in calculations pass rates on SOL tests, available pass rates on Board-approved substitute tests, and pass rates on alternate assessments for grades 3, 5, 8 and end-of-course statewide assessments.
2. Calculated statewide pass rates for each of reading/language arts and mathematics (as a percentage) by dividing the number of students K-12 passing statewide assessments in each content area by the number of students taking tests in grades/courses for which there were associated statewide assessments in each content area, based upon K-12 statewide assessments taken in summer, fall, and spring of the school year(s) (first-time test takers).
3. Disaggregated statewide data in each content area by subgroups, and identified the pass rate of the lowest performing subgroup. Subgroups were: limited English proficient; economically disadvantaged; students with disabilities as identified under IDEA; and major racial/ethnic groups (American Indian/Alaska Native; Asian/Pacific Islander; Black, not of Hispanic origin; Hispanic; White, not of Hispanic origin; "unspecified").
4. Identified the 20th percentile pass rate for each of reading/language arts and mathematics by rank ordering schools from lowest school-wide pass rate to highest school-wide pass

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

- rate; and adding up the number of students enrolled, beginning with the lowest performing school and continuing until the school was reached that contained the student in the 20th percentile of students enrolled in all schools in the state.
5. For each of reading/language arts and mathematics, compared the lowest disaggregated pass rate found in Step 3 to the 20th percentile pass rate found in Step 4.
 6. Chose the higher value as the starting point (20th percentile).
 7. Rounded each starting point to the nearest tenth of a percent.

Three-year trend data, including 2001-2002 data, yielded the most accurate reflection of where student achievement in Virginia “started,” both for student performance on reading/language arts assessments and for mathematics assessments. The starting points for student performance on statewide assessments, expressed as pass rate percents, are:

Reading/language arts: 60.7

Mathematics: 58.4

This consolidated application workbook is based on the interpretation of NCLB regulations as mandating a single starting point in both English and math for all reporting categories for purposes of establishing progress benchmarks for AYP between now and 2014. Should the NCLB regulations permit it, in the alternative, the Virginia SEA would request to establish individual starting points in each reporting category which would be based upon actual data of student performance in each reporting category for the prior three years

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>3.23.2b. What are the State's annual measurable objectives for determining adequate yearly progress?</p>	<p>State has annual measurable objectives that are consistent with a state's intermediate goals and that identify for each year a minimum percentage of students who must meet or exceed the proficient level of academic achievement on the State's academic assessments.</p> <p>The State's annual measurable objectives ensure that all students meet or exceed the State's proficient level of academic achievement within the timeline.</p> <p>The State's annual measurable objectives are the same throughout the State for each public school, each LEA, and each subgroup of students.</p>	<p>The State Accountability System uses another method for calculating annual measurable objectives.</p> <p>The State Accountability System does not include annual measurable objectives.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: F

Annual Measurable Objectives for Reading/Language Arts

Consistent with section 1111(b)(2)(G) of NCLB and final Title I regulations issued November 26, 2002, one set of annual measurable objectives has been established for each school year beginning in 2002-2003 and ending in 2013-2014. Annual measurable objectives are expressed as percent of students scoring at least proficient on statewide assessments (pass rates). When determining annual measurable objectives, consideration was given to the range between the starting point and the 100% goal in 2013-2014; the percent proficient at each interim goal; the pattern of past student performance; and the introduction of new tests. As allowable under final Title I regulations, annual measurable objectives will be reevaluated and adjusted periodically, especially as new tests are introduced (2005-06).

These are the annual measurable objectives for all students in the aggregate and for each subgroup identified in section 1111(b)(2)(C) of NCLB; for all schools; for all LEAs, and for the State, expressed as pass rate percents:

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Starting Point												
60.7	61.0	61.0	Int. Goal 70.0	70.0	70.0	Int. Goal 80.0	80.0	80.0	Int. Goal 90.0	90.0	90.0	Goal: 100%

Annual Measurable Objectives for Mathematics

Consistent with section 1111(b)(2)(G) of NCLB and final Title I regulations issued November 26, 2002, one set of annual measurable objectives has been established for each school year beginning in 2002-2003 and ending in 2013-2014. Annual measurable objectives are expressed as percent of students scoring at least proficient on statewide assessments (pass rates). When determining annual measurable objectives, consideration was given to the range between the starting point and the 100% goal in 2013-2014; the percent proficient at each interim goal; the pattern of past student performance; and the introduction of new tests. As allowable under final Title I regulations, annual measurable objectives will be reevaluated and adjusted periodically, especially as new tests are introduced (2005-06).

These are the annual measurable objectives for all students in the aggregate and for each subgroup identified in section 1111(b)(2)(C) of NCLB; for all schools; for all LEAs; and for the State, expressed as pass rate percents:

2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	<u>2007-2008</u>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Starting Point												
58.4	59.0	59.0	Int. Goal 70.0	70.0	70.0	Int. Goal 80.0	80.0	80.0	Int. Goal 90.0	90.0	90.0	Goal: 100%

Annual Measurable Objectives for Graduation Rate

Virginia has historically calculated and reported a graduation rate for the state and school divisions that is defined as “graduates as a percent of ninth-grade membership four years earlier.” For the past 10 years, Virginia’s state graduation rate using this calculation has ranged from a low of 73.2 percent to a high of 76.5 percent. The state graduation rate for 2002 is 74 percent (See Attachment A: Graduates as a Percent of Ninth-Grade Membership Four Years Earlier).

Because Virginia does not have a student record system, this calculation does not account for school openings and closings, boundary changes, and the mobility of the student population. When disaggregated by school and student subgroup, the rate produces unreliable results.

Virginia intends to implement a student record system over the next three to five years. This system will enable us to calculate a true longitudinal rate that is based on a cohort of first-time ninth graders plus incoming transfers on the same schedule to graduate divided by this same

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cohort minus students who transfer out (See Attachment A: Graduates as a Percent of Ninth-Grade Membership Four Years Earlier).

In the meantime, Virginia has adopted a graduation rate that is consistent with the NCES Longitudinal Completion Rate, which emulates a cohort. Using the 2001-2002 graduation rate as an example, this rate is defined as:

$$\text{Graduation Rate} = \frac{\text{Number of students receiving diplomas in 2001-2002}}{\text{Number of students receiving diplomas in 2001-2002} + \text{Number of 12}^{\text{th}} \text{ grade dropouts in 2001-2002} + \text{Number of 11}^{\text{th}} \text{ grade dropouts in 2000-2001} + \text{Number of 10}^{\text{th}} \text{ grade dropouts in 1999-2000} + \text{Number of 9}^{\text{th}} \text{ grade dropouts in 1998-1999}}$$

The above formula was used to calculate graduation rates for each school with a graduating class in 2001-2002. These rates ranged from a low of 38.71 percent to a high of 100 percent. Using this NCES formula, the 2001-2002 state graduation rate is 85.4 percent.

The starting point for graduation rate, 67.2 percent, was determined by ranking the schools by graduation rate and selecting the median graduation rate of the schools in the lower decile. This is not meant to imply that approximately 30 percent of Virginia students will not earn a high school diploma. Based on historical data, this starting point is a reasonable beginning point by which to measure the progress of our schools, divisions, and state in making adequate yearly progress by subgroups.

From this starting point, annual measurable objectives for graduation rate were established that apply to the state, all school divisions, and all schools with a graduating class. These annual measurable objectives serve to determine if all students, and subgroups of students when applying "safe harbor" provisions, identified in section 1111 (b)(2)(C) made progress in this indicator.

These are the annual measurable objectives for graduation rate, expressed as percents:

2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	<u>2007-2008</u>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Data												
67.2	68.0	68.0	70.0	70.0	70.0	80.0	80.0	80.0	90.0	90.0	90.0	Goal: 100%

This definition of graduation rate will be used until a student record system is instituted (estimated to be within three to five years), which will provide a more accurate accounting of the graduation rate in Virginia.

Annual Measurable Objectives for Other Academic Indicator for Elementary and Middle Schools

In the Consolidated Application approved by USED July 2, 2002, absenteeism was identified as the other academic indicator for all elementary and middle schools. This indicator has been redefined as attendance rate, to focus on an indicator of positive student behavior. The indicator for all elementary and middle schools and any school not having a graduating class is attendance rate, expressed as average daily attendance (ADA) percent.

ADA percent for a school year is calculated by dividing the average daily attendance by average daily membership. The annual measurable objectives established for ADA percent serve as annual measurable objectives for all elementary and middle schools and for any school not having a graduating class; for all LEAs and for the state. These annual measurable objectives serve to determine if all students, and subgroups of

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students when applying "safe harbor" provisions, identified in section 1111 (b)(2)(C) made progress in this indicator.

Data were analyzed from 2001-2002 to determine an ADA percent for the first annual measurable objective. The first annual measurable objective for ADA percent is the median ADA percent of the schools in the lower decile, when ranking schools by ADA percent. Data were analyzed from 2001-2002 to determine an ADA percent for the goal. The goal for ADA percent is the median ADA percent of the schools in the highest decile, when ranking schools by ADA percent.

These are the annual measurable objectives for all students in the aggregate and for each subgroup identified in section 1111(b)(2)(C) of NCLB; for all schools; for all LEAs; and for the State, expressed as ADA percent:

2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	<u>2007-2008</u>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Data												
93.4	94.0	94.0	94.0	94.0	94.0	95.0	95.0	95.0	96.0	96.0	96.0	Goal: 97.0

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
3.2c. What are the State's intermediate goals for determining adequate yearly progress?	<p>State has established intermediate goals that increase in equal increments over the period covered by the State timeline.</p> <ul style="list-style-type: none"> • The first incremental increase takes effect not later than the 2004-2005 academic year. • Each following incremental increase occurs within three years. 	<p>The State uses another method for calculating intermediate goals.</p> <p>The State does not include intermediate goals in its definition of adequate yearly progress.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: F

Intermediate Goals for Reading/Language Arts

Consistent with section 1111(b)(2)(H) of NCLB, one set of intermediate goals for all reading/language arts assessments has been established. The intermediate goals are expressed as percent of students scoring at least proficient on statewide assessments (pass rates).

The intermediate goals are three years apart, beginning with the 2004-2005 school year. The increase in pass rate from one intermediate goal to the next is equal. To determine the values of the intermediate goals, the difference between the starting point and the goal was divided by four. That value determined the increase from one intermediate goal to the next.

These are the intermediate goals for all students in the aggregate and for each subgroup identified in section 1111(b)(2)(C) of NCLB; for all schools; for all LEAs; and for the State, expressed as pass rate percents:

2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Starting Point												
60.7			Int. Goal 70.0			Int. Goal 80.0			Int. Goal 90.0			Goal: 100%

The placement of intermediate goals and their corresponding pass rates will be re-evaluated in at least 2004-2005 to reflect refinement of data collection systems and introduction of new tests in mathematics in 2005-2006.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Intermediate Goals for Mathematics

Consistent with section 1111(b)(2)(H) of NCLB, one set of intermediate goals for all reading/language arts assessments has been established. The intermediate goals are expressed as percent of students scoring at least proficient on statewide assessments (pass rates).

The intermediate goals are three years apart, beginning with the 2004-2005 school year. The increase in pass rate from one intermediate goal to the next is equal. The increase in pass rate from one intermediate goal to the next is equal. To determine the values of the intermediate goals, the difference between the starting point and the goal was divided by four. That value determined the increase from one intermediate goal to the next.

These are the intermediate goals for all students in the aggregate and for each subgroup identified in section 1111(b)(2)(C) of NCLB; for all schools; for all LEAs; and for the State, expressed as pass rate percents:

2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Starting Point												
58.4			Int. Goal 70.0			Int. Goal 80.0			Int. Goal 90.0			Goal: 100%

The placement of intermediate goals and their corresponding pass rates will be re-evaluated in at least 2004-2005 to reflect refinement of data collection systems and introduction of new tests in mathematics in 2005-2006.

PRINCIPLE 4. State makes annual decisions about the achievement of all public schools and LEAs.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
4.1 How does the State Accountability System make an annual determination of whether each public school and LEA in the State made AYP?	AYP decisions for each public school and LEA are made annually. ³	AYP decisions for public schools and LEAs are not made annually.

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STATUS: F

In September 2000, the Board of Education refined its *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, hereafter referred to as the Standards of Accreditation. The overriding goal of the Standards of Accreditation is to link statewide criterion-referenced tests to the Standards of Learning and to hold all students, all schools, and all LEAs accountable for results. The text of the Standards of Accreditation can be found at <http://www.pen.k12.va.us/VDOE/Accountability/soafulltext.pdf>

Under this accountability system, certain percentages of students schoolwide must score at least at the proficient level on statewide assessments in each of the four content areas (mathematics, science, English [reading/language arts], and history and the social sciences) for schools to be eligible to receive one of four accreditation ratings.

The Standards of Accreditation phase in, from 2000-2001 through 2003-2004, increasing student pass rate requirements called benchmarks that determine which of the accreditation ratings listed below is assigned to an individual school. The established annual benchmarks and accompanying ratings are found at <http://www.pen.k12.va.us/VDOE/Accountability/soafulltext.pdf>, p. 44.

The specific accreditation ratings, fully described at <http://www.pen.k12.va.us/VDOE/Accountability/soafulltext.pdf>, p. 37, are summarized below:

Fully Accredited: at least 70 percent of students score proficient or better (pass) in each of four content areas, English (reading/language arts), mathematics, science, history/social sciences (except that grade 3 science and history/social sciences are not required to be factored in until 2003-2004)

Provisionally Accredited/Meets State Standards: the lowest schoolwide student pass rate is no lower than the benchmark in any one of the four content areas

Provisionally Accredited/Needs Improvement: the lowest schoolwide student pass rate is between 1 percent and 19 percent below the benchmark in any one of the four content areas

Accredited with Warning: the lowest schoolwide student pass rate is 20 percent or more below the benchmark in any one of the four content areas

Annually, as soon as test score data are available, each school's data are analyzed to determine

³ Decisions may be based upon several years of data and data may be averaged across grades within a public school [§1111(b)(2)(J)].

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

the percent of students in the aggregate passing statewide assessments in English (reading/language arts), mathematics, science and history/social sciences. Pass rates are calculated for each content area separately and across all grade levels in the school building. All students who have not attended a school for a full academic year, as described in Critical Element 2.2, have their achievement levels as a group included in the school's pass rate calculation only if it benefits the accreditation rating of the school. Pass rates are analyzed for the current school year and for a three-year period that includes the current school year. The method that results in the higher accreditation rating for the school is used to establish the school's accreditation rating.

Schools that have no tested grades are paired with other schools that serve students who attended those "non-testing" schools in a feeder relationship for accreditation and AYP determinations.

Beginning with data from the 2002-2003 school year, school-level and division-level data regarding student pass rates [in the aggregate and for each subgroup identified in section 1111(b)(2)(c)] on statewide assessments, graduation rate (secondary schools and division), and attendance rate (elementary, middle schools and division) will be analyzed to determine whether or not each school/LEA and the state has made AYP for that year. Schools and LEAs not making AYP will be identified for improvement or corrective action in a manner consistent with sections 1116(b) and 1116(c) of NCLB. In addition, schools and LEAs receiving Title I, Part A funding will receive sanctions in a manner consistent with sections 1116(b) and 1116(c) of NCLB, respectively, and as described under Critical Element 1.6 of this consolidated application workbook. Schools exceeding AYP will be identified for recognitions. In addition, schools receiving Title I, Part A funding will receive recognition in a manner consistent with section 1117(b) of NCLB and as described and as described under Critical Element 1.6 of this consolidated application workbook.

Virginia's current accountability system addresses schoolwide student performance in the aggregate for each content area. While divisionwide student performance data are compiled, the results are not currently used to identify divisions making or not making adequate yearly progress. To implement annual determination of AYP for schools, LEAs and the state, consistent with NCLB and final Title I regulations issued November 26, 2002, the following timeline will be used:

February – March, 2003:

- Establish data analysis processes and systems needed to determine AYP.

April, 2003

- Obtain Board of Education approval of processes and systems for submission to USED by May 1, 2003 deadline.

Summer, 2003:

- Enter data; begin analysis.

August, 2003:

- Use established data analysis procedures to identify schools and LEAs making and not making AYP.

PRINCIPLE 5. All public schools and LEAs are held accountable for the achievement of individual subgroups.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.1 How does the definition of adequate yearly progress include all the required student subgroups?	<p>Identifies subgroups for defining adequately yearly progress: economically disadvantaged, major racial and ethnic groups, students with disabilities, and students with limited English proficiency.</p> <p>Provides definition and data source of subgroups for adequate yearly progress.</p>	State does not disaggregate data by each required student subgroup.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>STATUS: F</p> <p>Consistent with NCLB and final Title I regulations issued November 26, 2002, the Virginia Department of Education will disaggregate the data for all student subgroups identified in section 1111(b)(2)(C) in order to make determinations regarding adequate yearly progress.</p> <p>The term “economically disadvantaged” means the student is eligible to participate in the Free or Reduced Lunch Program under the National School Lunch Act.</p> <p>The term “ racial/ethnic category” describes the group which most clearly reflects the child’s recognition of his or her community or with which the individual most identifies. Virginia will disaggregate student data by major racial/ethnic groups represented in the state.</p> <p>The term “students with disabilities” means the students are eligible for services under the <i>Individuals with Disabilities Education Act (IDEA)</i> and who have individualized education programs (IEPs). “Individualized education program” means a written statement for a child with a disability that is developed, reviewed, and revised in a team meeting in accordance with the <i>Regulations Governing Special Education Programs for Children with Disabilities in Virginia</i>. The IEP specifies the individual educational needs of the child and what special education and related services are necessary to meet the needs.</p> <p>The term ‘limited English proficient’ when used with respect to an individual, means an individual—</p> <ul style="list-style-type: none"> (A) who is aged 3 through 21; (B) who is enrolled or preparing to enroll in an elementary school or secondary school; (C) (i) who was not born in the United States or whose native language is a language other than English;

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- (ii) (I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
 - (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
 - (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—
- (i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society.

[P.L. 107-110, Title IX, Part A, Sec. 9101, (25)]

Definitions are provided on the Virginia Department of Education Web site at:
<http://www.pen.k12.va.us/VDOE/Publications/NCLB/student.html>

The *Virginia Standards of Learning Assessments Manual for the Division Director of Testing* provides definitions for identifying the subgroups, and it can be found at:
http://www.pen.k12.va.us/VDOE/Assessment/Fall02MCManuals/VA02FALL_DD0T_MC.pdf

The state obtains subgroup information from the demographic pages of the Standards of Learning assessment student answer document. Each answer document includes fields that are used to identify each of the subgroup classifications/codes.

The source of student subgroup information is the school or school division's student information system.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.2 How are public schools and LEAs held accountable for the progress of student subgroups in the determination of adequate yearly progress?	Public schools and LEAs are held accountable for student subgroup achievement: economically disadvantaged, major ethnic and racial groups, students with disabilities, and limited English proficient students.	State does not include student subgroups in its State Accountability System.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: W

Annual Measurable Objectives for Reading/Language Arts

Consistent with section 1111(b)(2)(G) of NCLB and final Title I regulations issued November 26, 2002, one set of annual measurable objectives has been established for each school year beginning in 2002-2003 and ending in 2013-2014. Annual measurable objectives are expressed as percent of students scoring at least proficient on statewide assessments (pass rates). When determining annual measurable objectives, consideration was given to the range between the starting point and the 100% goal in 2013-2014; the percent proficient at each interim goal; the pattern of past student performance; and the introduction of new tests. As allowable under final Title I regulations, annual measurable objectives will be reevaluated and adjusted periodically, especially as new tests are introduced (2005-06).

These are the annual measurable objectives for all students in the aggregate and for each subgroup identified in section 1111(b)(2)(C) of NCLB and defined in critical element 5.1; for all schools; for all LEAs, and for the State, expressed as pass rate percents:

2001-2002 Starting Point	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
60.7	61.0	61.0	Int. Goal 70.0	70.0	70.0	Int. Goal 80.0	80.0	80.0	Int. Goal 90.0	90.0	90.0	Goal: 100%

Annual Measurable Objectives for Mathematics

Consistent with section 1111(b)(2)(G) of NCLB and final Title I regulations issued November 26, 2002, one set of annual measurable objectives has been established for each school year beginning in 2002-2003 and ending in 2013-2014. Annual measurable objectives are expressed as percent of students scoring at least proficient on statewide assessments (pass rates). When determining annual measurable objectives, consideration was given to the range between the starting point and the 100% goal in 2013-2014; the percent proficient at each interim goal; the pattern of past student performance; and the introduction of new tests. As allowable under final Title I regulations, annual measurable objectives will be reevaluated and adjusted periodically, especially as new tests are introduced (2005-06).

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

These are the annual measurable objectives for all students in the aggregate and for each subgroup identified in section 1111(b)(2)(C) of NCLB and defined in critical element 5.1; for all schools; for all LEAs; and for the State, expressed as pass rate percents:

2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	<u>2007-2008</u>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Starting Point												
58.4	59.0	59.0	Int. Goal 70.0	70.0	70.0	Int. Goal 80.0	80.0	80.0	Int. Goal 90.0	90.0	90.0	Goal: 100%

Annual Measurable Objectives for Graduation Rate

Virginia has historically calculated and reported a graduation rate for the state and school divisions that is defined as “graduates as a percent of ninth-grade membership four years earlier.” For the past 10 years, Virginia’s state graduation rate using this calculation has ranged from a low of 73.2 percent to a high of 76.5 percent. The state graduation rate for 2002 is 74 percent (See Attachment A: Graduates as a Percent of Ninth-Grade Membership Four Years Earlier).

Because Virginia does not have a student record system, this calculation does not account for school openings and closings, boundary changes, and the mobility of the student population. When disaggregated by school and student subgroup, the rate produces unreliable results.

Virginia intends to implement a student record system over the next three to five years. This system will enable us to calculate a true longitudinal rate that is based on a cohort of first-time ninth graders, plus incoming transfers, on the same schedule to graduate divided by this same cohort minus students who transfer out (See Attachment A: Graduates as a Percent of Ninth-Grade Membership Four Years Earlier).

In the meantime, Virginia has adopted a graduation rate that is consistent with the NCES Longitudinal Completion Rate, which emulates a cohort. Using the 2001-2002 graduation rate as an example, this rate is defined as:

$$\text{Graduation Rate} = \frac{\text{Number of students receiving diplomas in 2001-2002}}{\text{Number of students receiving diplomas in 2001-2002} + \text{Number of 12}^{\text{th}} \text{ grade dropouts in 2001-2002} + \text{Number of 11}^{\text{th}} \text{ grade dropouts in 2000-2001} + \text{Number of 10}^{\text{th}} \text{ grade dropouts in 1999-2000} + \text{Number of 9}^{\text{th}} \text{ grade dropouts in 1998-1999}}$$

The above formula was used to calculate graduation rates for each school with a graduating class in 2001-2002. These rates ranged from a low of 38.71 percent to a high of 100 percent. Using this NCES formula, the 2002 state graduation rate is 85.4 percent.

The starting point for graduation rate, 67.2 percent, was determined by ranking the schools by graduation rate and selecting the median graduation rate of the schools in the lower decile. This is not meant to imply that approximately 30 percent of Virginia students will not earn a high school diploma. Based on historical data, this starting point is a reasonable beginning point by which to measure the progress of our schools, divisions, and state in making adequate yearly progress by subgroups.

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From this starting point, annual measurable objectives for graduation rate were established that apply to the state, all school divisions, and all schools with a graduating class. These annual measurable objectives serve to determine if all students, and subgroups of students when applying "safe harbor" provisions, identified in section 1111 (b)(2)(C) made progress in this indicator. These are the annual measurable objectives for graduation rate:

2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	<u>2007-2008</u>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Data												
67.2	68.0	68.0	70.0	70.0	70.0	80.0	80.0	80.0	90.0	90.0	90.0	Goal: 100%

This definition of graduation rate will be used until a student record system is instituted (estimated to be within three to five years), which will provide a more accurate accounting of the graduation rate in Virginia.

Annual Measurable Objectives for Other Academic Indicator for Elementary and Middle Schools

In the Consolidated Application approved by USED July 2, 2002, absenteeism was identified as the other academic indicator for all elementary and middle schools. This indicator has been redefined as attendance rate, to focus on an indicator of positive student behavior. The indicator for all elementary and middle schools and any school not having a graduating class is attendance rate, expressed as average daily attendance (ADA) percent.

AD ADA percent for a school year is calculated by dividing the average daily attendance by average daily membership. The annual measurable objectives established for ADA percent serve as annual measurable objectives for all elementary and middle schools; for any school not having a graduating class; and for all LEAs; and for the state. These annual measurable objectives serve to determine if all students, and subgroups of students when applying "safe harbor" provisions, identified in section 1111 (b)(2)(C) made progress in this indicator.

Data were analyzed from 2001-2002 to determine an ADA percent for the first annual measurable objective. The first annual measurable objective for ADA percent is the median ADA percent of the schools in the lower decile, when ranking schools by ADA percent. Data were analyzed from 2001-2002 to determine an ADA percent for the goal. The goal for ADA percent is the median ADA percent of the schools in the highest decile, when ranking schools by ADA percent.

These are the annual measurable objectives for all students in the aggregate and for each subgroup identified in section 1111(b)(2)(C) of NCLB and defined in critical element 5.1; for all schools; for all LEAs; and for the State, expressed as ADA percent:

2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	<u>2007-2008</u>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Data												
93.4	94.0	94.0	94.0	94.0	94.0	95.0	95.0	95.0	96.0	96.0	96.0	Goal: 97.0

The state accountability system in Virginia prescribed in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (the "SOA" or "Standards of Accreditation")

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[<http://www.pen.k12.va.us/VDOE/Accountability/soafulltxt.pdf>] includes all schools and LEAs. The standards for accrediting public schools require that “In kindergarten through eighth grade, where SOL tests are administered, each student shall be expected to take the SOL tests...” and “Each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction...”. Students (beginning with ninth graders in 2000-2001) must pass a minimum number of high school Standards of Learning tests or other board-approved tests that meet or exceed the Standards of Learning tests in order to receive a diploma. A student’s test results for grades 3, 5, and 8 must be considered in placement/promotion decisions. The Standards of Accreditation allow secondary schools to use students end-of-course test results in calculating grades.

Policies are being developed to ensure that all LEAs are held accountable. Such policies shall be in place prior the required May 1, 2003 submission deadline.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENT	EXAMPLES OF NOT MEETING REQUIREMENTS
<p><u>5.3 How are students with disabilities included in the State's definition of adequate yearly progress?</u></p>	<p>All students with disabilities participate in statewide assessments: general assessments with or without accommodations or an alternate assessment based on grade level standards for the grade in which students are enrolled.</p> <p>State demonstrates that students with disabilities are fully included in the State Accountability System.</p>	<p>The State Accountability System or State policy excludes students with disabilities from participating in the statewide assessments.</p> <p>State cannot demonstrate that alternate assessments measure grade-level standards for the grade in which students are enrolled.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>STATUS: F</p> <p>Students with disabilities comprise one of the subgroups addressed in Critical Element 5.1. All students with disabilities must participate in the state assessment program either through the Standards of Learning assessments, with or without accommodations, or the alternate assessment. Scores from both the Standards of Learning assessments and the alternate assessment are included in calculating the pass rate of the school.</p> <p>Documentation:</p> <p><u>Regulations Governing Special Education Programs for Children with Disabilities in Virginia</u>, approved by the U.S. Department of Education, Office of Special Education Programs, are consistent with requirements under the Individuals with Disabilities Education Act (IDEA) for the participation of students with disabilities in statewide assessment programs (8 VAC 20-80-62 E.5). The regulations are found at http://www.pen.k12.va.us/VDOE/Instruction/Sped/varegs.pdf.</p> <p>LEAs have been notified that all children with disabilities must be included either in the Standards of Learning tests, with or without accommodations, or the alternate assessment (Superintendents' Memo No. 2 – November 22, 2000). The full text of the memo may be found at http://www.pen.k12.va.us/VDOE/suptsmemos/2000/int002.html</p> <p><u>Guidelines for the Participation of Students with Disabilities in the Assessment Component of Virginia's Accountability System</u>, adopted by the Board of Education September 26, 2002, requires that all students with disabilities be included in the state accountability system through the Standards of Learning Assessments, with or without accommodations, or the Virginia Alternate Assessment program. The procedures also state the requirement that at least 95% of students with disabilities participate in assessments that measure adequate yearly progress of schools. The guidelines may be found at http://www.pen.k12.va.us/VDOE/suptsmemos/2002/inf140a.pdf</p> <p><u>Virginia Department of Education's Procedures for Participation of Students with Disabilities in the Assessment Component of Virginia's Accountability System provides</u></p>

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procedural guidance to LEAs in including students with disabilities in the state assessment program. This document describes standard and non-standard accommodations. The procedures may be found at <http://www.pen.k12.va.us/VDOE/suptsmemos/2002/inf140b.pdf>

A description of the Virginia Alternate Assessment program may be found at <http://www.pen.k12.va.us/VDOE/Assessment/Assess.PDF/imp-manual.pdf>

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p><u>5.4 How are students with limited English proficiency included in the State's definition of adequate yearly progress?</u></p>	<p>All LEP students participate in statewide assessments: general assessments with or without accommodations or a native language version of the general assessment based on grade level standards.</p> <p>State demonstrates that LEP students are fully included in the State Accountability System.</p>	<p>LEP students are not fully included in the State Accountability System.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: F

All limited English proficient (LEP) students will participate in the state assessment system with or without standard or non-standard accommodations. Additionally, the English language proficiency of LEP students with disabilities participating in the Virginia Alternate Assessment Program will be assessed as part of the submitted documentation required under the alternate assessment program. The following allowances may be made for LEP students at the lower levels (Level 1 and Level 2) of English language proficiency.

For the 2002-2003, 2003-2004 and 2004-2005 school years,

- LEP students in grades 3-8 at the lower levels (Level 1 and Level 2) of English language proficiency as defined by their performance on the previous year's English language proficiency assessment and verified by the school-based LEP committee as required in *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8 VAC 20-131-30, may use such assessment as a proxy for the English/Reading and/or mathematics Standards of Learning assessment. An additional form of the mathematics Standards of Learning assessment with linguistic accommodations will be developed for use no later than the 2005-2006 test administration.
- Use of the proxy by the LEP students for the English/Reading and/or mathematics Standards of Learning assessment will count toward the 95% participation rate for adequate yearly progress (AYP).
- Scores of LEP students that have not been enrolled in a school or school division for 365 days prior to the administration of the English/Reading Standards of Learning assessments may not count toward AYP.
- If the proxy option is used, consistent with provisions regulated in 8 VAC 20-131-30, the school-based LEP committee must verify the LEP student's progress on the English language proficiency assessment as compared to the previous year's performance for the proxy result to be counted as "pass/proficient" for purposes of calculating AYP.

Beginning with the 2005-2006 school year,

- LEP students in grades 3-8 at the lower levels (Level 1 and Level 2) of English

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language proficiency as defined by their performance on the previous year's English language proficiency assessment and verified by the school-based LEP committee as required in *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8 VAC 20-131-30 may use such assessment as a proxy for the English/Reading Standards of Learning assessment.

- LEP students in grades 3-8 at the lower levels (Level 1 and Level 2) of English language proficiency as defined by their performance on the previous year's English language proficiency assessment and verified by the school-based LEP committee as required in *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8 VAC 20-131-30 may take an additional form of the mathematics Standards of Learning assessment designed with linguistic accommodations.
- Use of the proxy by the LEP students for the English/Reading and/or mathematics Standards of Learning assessment will count toward the 95% participation rate for adequate yearly progress (AYP).
- Scores of LEP students that have not been enrolled in a school or school division for 365 days prior to the administration of the English/Reading Standards of Learning assessments may not count toward AYP.
- If the proxy option is used, consistent with provisions regulated in 8 VAC 20-131-30, the school-based LEP committee must verify the LEP student's progress on the English language proficiency assessment as compared to the previous year's performance for the proxy result to be counted as "pass/proficient" for purposes of calculating AYP.

General Provisions:

1. The proxy option cannot be used for more than three consecutive years.
2. Beginning in 2003-2004, LEAs must use English language proficiency instruments from the state approved list.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.5 What is the State's definition of the minimum number of students in a subgroup required for reporting purposes? For accountability purposes?	<p>State defines the number of students required in a subgroup for reporting and accountability purposes, and applies this definition consistently across the State.⁴</p> <p>Definition of subgroup will result in data that are statistically reliable.</p>	<p>State does not define the required number of students in a subgroup for reporting and accountability purposes.</p> <p>Definition is not applied consistently across the State.</p> <p>Definition does not result in data that are statistically reliable.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>STATUS: F</p> <p><u>Minimum Number Used to Determine Adequate Yearly Progress (AYP)</u></p> <p>Given the task of identifying the minimum number of students necessary (both in the aggregate and by subgroups) to ensure that information used to make decisions about AYP is sufficiently valid and reliable, Virginia identified the following challenges:</p> <ul style="list-style-type: none"> • To identify low performing schools without inappropriately identifying successful schools or permitting unsuccessful schools to avoid accountability • To select a number that does not allow for an unacceptable degree of variability and that does not exclude an unacceptable number of students <p>To accomplish the task, processes were established to answer the following questions;</p> <ul style="list-style-type: none"> • At what number does the gain in reliability (stability) from having more students level off? • What number is so high that an unacceptable number of groups or subgroups will be excluded from AYP? <p>Research determined that various approaches are used to identify a number of data points (or data sets) below which results may be unreliable. Student performance on Virginia's statewide assessments was analyzed to reveal trend stability data and potential student exclusion patterns.</p> <p>The challenge in choosing a minimum n-count is in selecting a number that is large enough to minimize the year-to-year fluctuations due to differences in the cohort groups and also small enough so that large numbers of students and even schools are not excluded from the accountability system. In making this decision, technical, practical,</p>

⁴ The minimum number is not required to be the same for reporting and accountability.

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and policy considerations must be balanced.

Given the challenges and guiding questions noted at the beginning of this section, Virginia will use 50 as the minimum n for the purposes of determining AYP. While the expectation is that all students will participate in statewide assessments no matter the number of these students, if fewer than 50 students are in a group or subgroup, the performance of the group will be included in the “all students” group and not included as a subgroup when making AYP determinations. It will be presumed that these students will have made AYP, in accordance with federal guidance on this issue. These students will also be included in aggregate and disaggregated AYP calculations at the next highest level of accountability (LEA level and/or state level).

Minimum Number Used for Reporting Purposes

While the expectation is that all students will participate in statewide assessments no matter the number of these students, if fewer than 10 students are in a group or subgroup, the performance of the groups or subgroups will not be reported. Although from a statistical perspective, a minimum subgroup size of three protects the identity of the subgroup members, a minimum of 10 students in a group or subgroup will ensure that individual students are not personally identifiable.

This number is consistent with the policy of a number of other state education agencies. While some agencies have identified higher reporting thresholds, a minimum number of 10 students will meet the requirements of No Child Left Behind while providing a comfort zone of confidentiality and ensuring compliance with the provisions of the Family Educational Rights and Privacy Act.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<u>5.6 How does the State Accountability System protect the privacy of students when reporting results and when determining AYP?</u>	Definition does not reveal personally identifiable information. ⁵	Definition reveals personally identifiable information.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>STATUS: F</p> <p>To ensure compliance with the provisions of the Family Educational Rights and Privacy Act, the Virginia Department of Education will not report subgroup performance of groups comprised of fewer than 10 students. Although from a statistical perspective, a minimum subgroup size of three protects the identity of the subgroups members, a minimum of 10 students in a subgroup will ensure that individual students are not personally identifiable. This number is consistent with the policy of a number of other state education agencies, and while some agencies have identified higher reporting thresholds, it is the belief of the Virginia Department of Education that a minimum group of 10 students will meet the requirements of No Child Left Behind while providing a comfort zone of confidentiality. Finally, to protect the privacy of all students, the results of individual students are never reported for public dissemination.</p>

⁵ The Family Education Rights and Privacy Act (FERPA) prohibits an LEA that receives Federal funds from releasing, without the prior written consent of a student's parents, any personally identifiable information contained in a student's education record.

PRINCIPLE 6. State definition of AYP is based primarily on the State’s academic assessments.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
6.1 How is the State’s definition of adequate yearly progress based primarily on academic assessments?	Formula for AYP shows that decisions are based primarily on assessments. ⁶ <u><i>Plan clearly identifies which assessments are included in accountability.</i></u>	Formula for AYP shows that decisions are based primarily on non-academic indicators or indicators other than the State assessments.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>STATUS: F</p> <p>The indicators used to determine AYP are:</p> <ol style="list-style-type: none"> 1. Student performance on statewide assessments in reading/language arts. Statewide assessments include the following: <ul style="list-style-type: none"> Standards of Learning tests, including the Substitute Standards of Learning Evaluation Program for Certain Students with Disabilities Who Cannot Be Accommodated on Standards of Learning Tests Board-approved substitute tests listed at http://www.pen.k12.va.us/VDOE/Instruction/subassessment.pdf Alternate assessments, required by the 1997 IDEA, taken by some students with disabilities and described at http://www.pen.k12.va.us/VDOE/Instruction/Sped/spedsol.html 2. Student performance on statewide assessments in mathematics. Statewide assessments include the following: <ul style="list-style-type: none"> Standards of Learning tests, including the Substitute Standards of Learning Evaluation Program for Certain Students with Disabilities Who Cannot Be Accommodated on Standards of Learning Tests Board-approved substitute tests listed at http://www.pen.k12.va.us/VDOE/Instruction/subassessment.pdf Alternate assessments, required by the 1997 IDEA, taken by some students with disabilities and described at http://www.pen.k12.va.us/VDOE/Instruction/Sped/spedsol.html 3. Graduation rate for secondary schools and any school having a graduating class. Graduation rate is defined in Critical Element 7.1 of this consolidated application workbook. 4. Attendance rate for elementary and middle schools and any school not having a graduating class. Attendance rate is defined in Critical Element 7.2 of this consolidated application workbook. <p>Consistent with section 1111(b)(2)(G) of NCLB and final Title I regulations issued November 26,</p>

⁶ State Assessment System will be reviewed by the Standards and Assessments Peer Review Team.

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2002, one set of annual measurable objectives has been established for each of reading/language arts, mathematics, graduation rate (for secondary schools and any school having a graduating class), and for attendance rate (for elementary schools, middle schools, and any school not having a graduating class). Annual measurable objectives for each of the aforementioned indicators have been established for each school year beginning in 2002-2003 and ending in 2013-2014, and annual objectives may or may not increase at equal increments.

Annual measurable objectives for all indicators are described in Critical Element 3.2b. These are the annual objectives for all students in the aggregate and for each subgroup identified in section 1111(b)(2)(C) of NCLB; for all schools; for all LEAs; and for the State.

For a school, LEA or the state to make adequate yearly progress the following conditions must exist, consistent with NCLB and final Title I regulations issued November 26, 2002:

At least 95% of the students (in the aggregate and by subgroups) enrolled in the course or grade level for which there are statewide assessments in reading/language arts and mathematics participate in each of those statewide assessments; AND

- the pass rate for all students and all subgroups of students on reading/language arts assessments must be at least at the level of the annual measurable objective; AND
- the pass rate for all students and all subgroups of students on mathematics assessments must be at least at the level of the annual measurable objective; AND
- schoolwide (or divisionwide or statewide), students must be at the annual measurable objective for the other academic indicator(s) (graduation rate and/or attendance rate) or have made progress in the indicator(s);

OR, consistent with the "safe harbor" provision of NCLB,

- the pass rate for all students or for any subgroup(s) of students on reading/language arts assessments is below the annual measurable objective; AND/OR
- the pass rate for all students or for any subgroup(s) of students on mathematics assessments is below the annual measurable objective; AND
- the failure rate(s) of those students has been reduced by at least 10% from the year before on that assessment; AND
- the students have made progress in the other academic indicator(s).

A school, LEA or the State cannot be determined to have made adequate yearly progress if students, either in the aggregate or by subgroups, meet only the annual measurable objectives for graduation rate and/or attendance.

PRINCIPLE 7. State definition of AYP includes graduation rates for public High schools and an additional indicator selected by the State for public Middle and public Elementary schools (such as attendance rates).

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p><u>7.1 What is the State definition for the public high school graduation rate?</u></p>	<p>State definition of graduation rate:</p> <ul style="list-style-type: none"> • Calculates the percentage of students, measured from the beginning of the school year, who graduate from public high school with a regular diploma (not including a GED or any other diploma not fully aligned with the state's academic standards) in the standard number of years; or, • Uses another more accurate definition that has been approved by the Secretary; and • Must avoid counting a dropout as a transfer. <p>Graduation rate is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause⁷ to make AYP.</p>	<p>State definition of public high school graduation rate does not meet these criteria.</p>

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STATUS: F
 NCLB requires that graduation rate be used as another academic indicator for secondary schools and defines graduation rate as:

“the percent of students receiving a regular diploma in the standard number of years” [1111(b)(2)(C)(vi)].

Final regulations issued November 26, 2002 define graduation rate as:

“the percentage of students, measured from the beginning of high school, who graduate

⁷ See USC 6311(b)(2)(I)(i), and 34 C.F.R. 200.20(b)

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from high school with a regular diploma (not including an alternative degree that is not fully aligned with the State's academic standards, such as a certificate or GED) in the standard number of years..."

In Virginia, graduation rate is the other academic indicator for secondary schools and for any school having a graduating class. In Virginia, the four diploma types correlated to content standards are: Standard, Advanced Studies, Modified Standard, and Special.

Virginia has historically calculated and reported a graduation rate for the state and school divisions that is defined as "graduates as a percent of ninth-grade membership four years earlier." For the past 10 years, Virginia's state graduation rate using this calculation has ranged from a low of 73.2 percent to a high of 76.5 percent. The state graduation rate for 2001-2002 is 74 percent (See Attachment A: Graduates as a Percent of Ninth-Grade Membership Four Years Earlier).

Because Virginia does not have a student record system, this calculation does not account for school openings and closings, boundary changes, and the mobility of the student population. When disaggregated by school and student subgroup, the rate produces unreliable results.

Virginia intends to implement a student record system over the next three to five years. This system will enable us to calculate a true longitudinal rate that is based on a cohort of first-time ninth graders plus incoming transfers on the same schedule to graduate divided by this same cohort minus students who transfer out (See Attachment A: Graduates as a Percent of Ninth-Grade Membership Four Years Earlier).

In the meantime, Virginia has adopted a graduation rate that is consistent with the NCES Longitudinal Completion Rate, which emulates a cohort. Using the 2001-2002 graduation rate as an example, this rate is defined as:

$$\text{Graduation Rate} = \frac{\text{Number of students receiving diplomas in 2001-2002}}{\text{Number of students receiving diplomas in 2001-2002} + \text{Number of 12}^{\text{th}} \text{ grade dropouts in 2001-2002} + \text{Number of 11}^{\text{th}} \text{ grade dropouts in 2000-2001} + \text{Number of 10}^{\text{th}} \text{ grade dropouts in 1999-2000} + \text{Number of 9}^{\text{th}} \text{ grade dropouts in 1998-1999}}$$

The above formula was used to calculate graduation rates for each school with a graduating class in 2001-2002. These rates ranged from a low of 38.71 percent to a high of 100 percent. Using this NCES formula, the 2001-2002 state graduation rate is 85.4 percent.

The starting point for graduation rate, 67.2 percent, was determined by ranking the schools by graduation rate and selecting the median graduation rate of the schools in the lower decile. This is not meant to imply that approximately 30 percent of Virginia students will not earn a high school diploma. Based on historical data, this starting point is a reasonable beginning point by which we measure the progress of our schools, divisions, and state in making adequate yearly progress by subgroups.

From this starting point, annual measurable objectives for graduation rate were established that apply to the state, all school divisions, all schools with a graduating class, and all subgroups of students in those schools. The annual measurable objectives for graduation rate (described in Critical element 3.2b) serve as annual measurable objectives for secondary schools and for any school having a graduating class; for all LEAs and for the state. These annual measurable

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objectives serve to determine if all students, and subgroups of students when applying "safe harbor" provisions, identified in section 1111 (b)(2)(C) made progress in this indicator. Graduation rates for subsequent years will be calculated in the manner described above until a student record system is instituted (estimated to be within three to five years), which will provide a more accurate accounting of the graduation rate in Virginia.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p><u>7.2 What is the State's additional academic indicator for public elementary schools for the definition of AYP? For public middle schools for the definition of AYP?</u></p>	<p>State defines the additional academic indicators, e.g., additional State or locally administered assessments not included in the State assessment system, grade-to-grade retention rates or attendance rates.⁸</p> <p>An additional academic indicator is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause to make AYP.</p>	<p>State has not defined an additional academic indicator for elementary and middle schools.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>STATUS: F</p> <p>In the Consolidated Application approved by USED July 2, 2002, absenteeism was identified as the other academic indicator for all elementary and middle schools. This indicator has been redefined as attendance rate, to focus on an indicator of positive student behavior. The indicator for all elementary and middle schools and any school not having a graduating class is attendance rate, expressed as average daily attendance (ADA) percent.</p> <p><u>ADA percent for a school year is calculated by dividing the average daily attendance by average daily membership.</u></p> <p>The annual measurable objectives established for attendance rate (described in Critical Element 3.2b) serve as annual measurable objectives for elementary and middle schools; for any school not having a graduating class; for all LEAs and for the state. These annual measurable objectives serve to determine if all students, and subgroups of students when applying "safe harbor" provisions, identified in section 1111 (b)(2)(C) made progress in this indicator.</p>

⁸ NCLB only lists these indicators as examples.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p><u>7.3 Are the State's academic indicators valid and reliable?</u></p>	<p>State has defined academic indicators that are valid and reliable.</p> <p>State has defined academic indicators that are consistent with nationally recognized standards, if any.</p>	<p>State has an academic indicator that is not valid and reliable.</p> <p>State has an academic indicator that is not consistent with nationally recognized standards.</p> <p>State has an academic indicator that is not consistent within grade levels.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>STATUS: F</p> <p>Academic indicators identified for Virginia include graduation rates and student attendance. Average daily attendance is calculated by dividing the average daily attendance by average daily membership.</p> <p>Annual graduation rates are computed using the formula shown below which is consistent with No Child Left Behind requirements and the National Center for Educational Statistics practices.</p> <p>Graduation Rate = $\frac{\text{Number of students receiving diplomas in 2001-2002}}{\text{Number of students receiving diplomas in 2001-2002} + \text{Number of 12}^{\text{th}} \text{ grade dropouts in 2001-2002} + \text{Number of 11}^{\text{th}} \text{ grade dropouts in 2000-2001} + \text{Number of 10}^{\text{th}} \text{ grade dropouts in 1999-2000} + \text{Number of 9}^{\text{th}} \text{ grade dropouts in 1998-1999}}$</p> <p>Validity and reliability of these measures are ensured through a well established, consistent, and standardized method of data collection and computation for both indicators.</p>

PRINCIPLE 8. AYP is based on reading/language arts and mathematics achievement objectives.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p><u>8.1 Does the State measure achievement in reading/language arts and mathematics separately for determining AYP?</u></p>	<p>State AYP determination for student subgroups, public schools and LEAs separately measures reading/language arts and mathematics.⁹</p> <p>AYP is a separate calculation for reading/language arts and mathematics for each group, public school, and LEA.</p>	<p>State AYP determination for student subgroups, public schools and LEAs averages or combines achievement across reading/language arts and mathematics.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS												
STATUS: F												
<p><u>Annual Measurable Objectives for Reading/Language Arts</u></p>												
<p>Consistent with section 1111(b)(2)(G) of NCLB and final Title I regulations issued November 26, 2002, one set of annual measurable objectives has been established for each school year beginning in 2002-2003 and ending in 2013-2014.</p>												
<p>These are the annual measurable objectives for all students in the aggregate and for each subgroup identified in section 1111(b)(2)(C) of NCLB; for all schools; for all LEAs, and for the State, expressed as pass rate percents:</p>												
2001-2002 Starting Point	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
60.7	61.0	61.0	Int. Goal 70.0	70.0	70.0	Int. Goal 80.0	80.0	80.0	Int. Goal 90.0	90.0	90.0	Goal: 100%
<p><u>Annual Measurable Objectives for Mathematics</u></p>												
<p>Consistent with section 1111(b)(2)(G) of NCLB and final Title I regulations issued November 26, 2002, one set of annual measurable objectives has been established for each school year beginning in 2002-2003 and ending in 2013-2014.</p>												
<p>These are the annual measurable objectives for all students in the aggregate and for each subgroup identified in section 1111(b)(2)(C) of NCLB; for all schools; for all LEAs; and for the State, expressed as pass rate percents:</p>												

⁹ If the state has more than one assessment to cover its language arts standards, the State must create a method for including scores from all the relevant assessments.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	<u>2007-2008</u>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Starting Point												
58.4	59.0	59.0	Int. Goal 70.0	70.0	70.0	Int. Goal 80.0	80.0	80.0	Int. Goal 90.0	90.0	90.0	Goal: 100%

For a school, LEA or the state to make adequate yearly progress the following conditions must exist, consistent with NCLB and final Title I regulations issued November 26, 2002:

At least 95% of the students (in the aggregate and by subgroups) enrolled in the course or grade level for which there are statewide assessments in reading/language arts and mathematics participate in each of those statewide assessments; AND

- the pass rate for all students and all subgroups of students on reading/language arts assessments must be at least at the level of the annual measurable objective; AND
- the pass rate for all students and all subgroups of students on mathematics assessments must be at least at the level of the annual measurable objective; AND
- schoolwide (or divisionwide or statewide), students must be at the annual measurable objective for the other academic indicator(s) (graduation rate and/or attendance rate) or have made progress in the indicator;

OR, consistent with the “safe harbor” provision of NCLB,

- the pass rate for all students or for any subgroup(s) of students on reading/language arts assessments is below the annual measurable objective; AND/OR
- the pass rate for all students or for any subgroup(s) of students on mathematics assessments is below the annual measurable objective; AND
- the failure rate(s) of those students has been reduced by at least 10% from the year before on that assessment; AND
- the students have made progress in the other academic indicator(s).

PRINCIPLE 9. State Accountability System is statistically valid and reliable.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>9.1 How do AYP determinations meet the State's standard for acceptable reliability?</p>	<p>State has defined a method for determining an acceptable level of reliability (decision consistency) for AYP decisions.</p> <p>State provides evidence that decision consistency is (1) within the range deemed acceptable to the State, and (2) meets professional standards and practice.</p> <p>State publicly reports the estimate of decision consistency, and incorporates it appropriately into accountability decisions.</p> <p>State updates analysis and reporting of decision consistency at appropriate intervals.</p>	<p>State does not have an acceptable method for determining reliability (decision consistency) of accountability decisions, e.g., it reports only reliability coefficients for its assessments.</p> <p>State has parameters for acceptable reliability; however, the actual reliability (decision consistency) falls outside those parameters.</p> <p>State's evidence regarding accountability reliability (decision consistency) is not updated.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: W

Decision consistency analyses for AYP decisions will be conducted using the Livingston Lewis (or another recognized decision consistency analysis) procedure for providing both consistency and accuracy coefficients. The process that Virginia will use in determining decision consistency for AYP decisions will be finalized in time for the May 1, 2003, submission.

Virginia will examine the consistency and accuracy of previous years' data as well as any published literature on this topic to determine an acceptable level. Decision consistency analyses will be conducted and reported each year, and the results of the analyses will be considered as accountability decisions are made.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>9.2 What is the State's process for making valid AYP determinations?</p>	<p>State has established a process for public schools and LEAs to appeal an accountability decision.</p>	<p>State does not have a system for handling appeals of accountability decisions.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: W

The state is developing a proposal for appeal of AYP determinations. Division superintendents will receive notification from the Department of Education on the process that is to be used to appeal the AYP determinations for schools and LEAs. The process will be reviewed and approved by the Department of Education and the Virginia Board of Education.

The proposed process is as follows:

1. Upon meeting the appeals process criteria for the re-evaluation of an AYP determination, superintendents, on behalf of a school or a LEA, have the right to appeal the AYP determination. A superintendent must complete an *AYP Determination Appeals Report* available from the Department of Education's Web site and provide it to the Office of Accountability at the Department of Education within 30 calendar days, consistent with the No Child Left Behind Act. The Office of Accountability will inform the Division of Compensatory Programs.
2. The *AYP Determination Appeals Report* will be reviewed by a subcommittee of the No Child Left Behind Steering Committee of the Virginia Department of Education on behalf of Board of Education. The Committee may rule at the time of submission or request additional information, to be submitted within five business days of the request. Determinations will be made within five business days of receipt of all information. The decision by the department will be final.

The appeals criteria and the AYP Determination Appeals Report will be developed and approved by the Board of Education prior to the May 1, 2003 submission deadline.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
9.3 How has the State planned for incorporating into its definition of AYP anticipated changes in assessments?	<p>State has a plan to maintain continuity in AYP decisions necessary for validity through planned assessment changes, and other changes necessary to comply fully with NCLB.¹⁰</p> <p>State has a plan for including new public schools in the State Accountability System.</p> <p>State has a plan for periodically reviewing its State Accountability System, so that unforeseen changes can be quickly addressed.</p>	<p>State's transition plan interrupts annual determination of AYP.</p> <p>State does not have a plan for handling changes: e.g., to its assessment system, or the addition of new public schools.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: F

Currently Virginia administers tests in reading and mathematics at grades 3, 5, and 8 and at the high school level. Initially the calculation of AYP will include student performance on these tests. In accordance with the NCLB legislation we will implement tests in reading and mathematics in grades 4, 6, and 7 in 2005-2006. For the first year of administration of the new tests, student performance on the new tests may be included in the calculation of AYP. As permitted by the law, Virginia may also re-examine the selected starting points and intermediate goals at this point. However, there will be no interruption in the calculation of AYP. To ensure that no interruption occurs, linking studies will be conducted whenever the content measured by a test is modified.

LEAs are required to report to the SEA through the School and Staff Administration data collection information on all new schools that will be opening as well as changes in the operational status or grade configuration of schools that were open the previous school year. As described in the Standards of Accreditation, new schools are given ratings of "Conditionally Accredited," as no tests were administered in the school the previous year. Such new schools will receive no AYP determination for the first year, and the first AYP determination will be based upon available data from the school's first year of operation.

Changes to the regulatory provisions of the state accountability system are made in accordance with the state's Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and the

¹⁰ Several events may occur which necessitate such a plan. For example, (1) the State may need to include additional assessments in grades 3-8 by 2005-2006; (2) the State may revise content and/or academic achievement standards; (3) the State may need to recalculate the starting point with the addition of new assessments; or (4) the State may need to incorporate the graduation rate or other indicators into its State Accountability System. These events may require new calculations of validity and reliability.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). While the process normally is extremely cumbersome, changes dictated by federal or state law can be accomplished through an abbreviated process. The Administrative Process Act requires periodic review of all state agency regulations.

PRINCIPLE 10. In order for a public school or LEA to make AYP, the State ensures that it assessed at least 95% of the students enrolled in each subgroup.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>10.1 What is the State's method for calculating participation rates in the State assessments for use in AYP determinations?</p>	<p>State has a procedure to determine the number of absent or untested students (by subgroup and aggregate).</p> <p>State has a procedure to determine the denominator (total enrollment) for the 95% calculation (by subgroup and aggregate).</p> <p>Public schools and LEAs are held accountable for reaching the 95% assessed goal.</p>	<p>The state does not have a procedure for determining the rate of students participating in statewide assessments.</p> <p>Public schools and LEAs are not held accountable for testing at least 95% of their students.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: F

For accountability purposes schools are required to submit a test answer document for each student enrolled in a grade level or course for which a state assessment is administered. Reasons for students not tested must be specified on the answer document. From this information, it is possible to identify the percent of students tested.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
10.2 What is the State's policy for determining when the 95% assessed requirement should be applied?	State has a policy that implements the regulation regarding the use of 95% allowance when the group is statistically significant according to State rules.	State does not have a procedure for making this determination.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>STATUS: F</p> <p><u><i>The Board of Education holds the expectation that all eligible students will participate in statewide assessments. The minimum number of students in a subgroup or group below which the 95 percent participation requirement for AYP will not be required is 50, as explained in Critical Element 5.5. The performance of the students will be included for AYP purposes only at the next highest level(s) of reporting. The percent participation of eligible students in subgroups identified in section 1111(b)(2)(C) will be verified with each testing administration through analysis of data compiled from answer documents.</i></u></p>

Attachment A: Graduates As Percent of
Ninth Grade Membership
Four Years Earlier*

Graduate Year	Fall Membership in Ninth Grade for Four Years Earlier	Standard Diploma	Advanced Studies Diploma	Special Diploma	Certificate of Program Completion	GED Certificate	GED Certificate ISAEP	Modified Standard Diploma	Total (Diplomas & Certificates)	Percentage Earning Diplomas & Certificates of Ninth Grade Membership for Four Years Earlier
1991-92	77,504	31,882	25,456	540	769				58,647	75.7
1992-93	76,717	31,241	25,707	792	523				58,263	75.9
1993-94	77,522	29,954	26,186	571	716				57,427	74.1
1994-95	81,088	29,914	28,346	642	742				59,644	73.6
1995-96	77,797	29,015	29,153	800	697				59,665	76.7
1996-97	80,328	29,254	31,333	878	793				62,258	77.5
1997-98	84,447	29,335	32,442	961	649	698			64,085	75.9
1998-99	86,779	29,329	33,482	1,064	623	847			65,345	75.3
1999-2000	88,766	29,386	34,958	1,252	672	942	248		67,458	76.0
2000-01	88,374	28,650	36,058	1,322	606	898	1,022	37	68,593	77.6
2001-02	89,818	32,543	31,991	1,724	599	714	1,316	216	69,103	76.9

*No adjustments have been made to
reflect the mobility of the population.

Source: Superintendent's
Annual Report