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## SUPERINTENDENT OF PUBLIC INSTRUCTION

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**Randy I. Dorn** Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

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July 21, 2009

( ) Action Required  
(X) Informational

### MEMORANDUM NO. 039-09 SPECIAL PROGRAMS & FEDERAL ACCOUNTABILITY

TO: Educational Service District Superintendents  
School District Superintendents  
School Building Principals  
School District Business Managers  
School District Data Administrators  
School District Title I Administrators  
School District Core Student Record System Coordinators  
School District Assessment Coordinators  
School District Bilingual Education Coordinators  
School District Migrant Education Coordinators  
School District Special Education Coordinators

FROM: Randy I. Dorn, State Superintendent of Public Instruction

RE: Adequate Yearly Progress Policies and Results

CONTACT: Bob Harmon, Assistant Superintendent  
Special Programs & Federal Accountability  
[bob.harmon@k12.wa.us](mailto:bob.harmon@k12.wa.us), (360)725-6170, TTY (360)664-3631

This memorandum explains the state's adequate yearly progress (AYP) policies that were approved by the U.S. Department of Education (ED) to be used to calculate the 2009 AYP results. It also provides information about how to view your 2009 AYP results, how to take action in response to these results, and when the results will be made public. The attachments to this memorandum describe the 2009 changes to the federally required accountability workbook, which describes our AYP policy and process, and the AYP appeals process and the sanctions that occur when schools or districts fall into improvement, corrective action, or restructuring status. Action may be required in response to some of these changes and the initial AYP results.

#### **No Changes in AYP Policies**

There are no policy changes for 2009. The AYP accountability workbook approved by ED is posted at <http://www.k12.wa.us/ESEA/ApplicationsReports.aspx>.

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For your information, the Office of Superintendent of Public Instruction (OSPI) meets with a stakeholder/advisory group to determine the annual policy changes that we submit to ED. While none of the changes requested by OSPI this year were approved, we will continue to pursue policies that will produce valid and fair accountability determinations. Refer to Attachment A for further information.

### **Consequences of Not Making AYP**

For information about the consequences of not making AYP and the sanctions that occur when a district or school falls into improvement, see Attachment B or contact Gayle Pauley at (360)725-6100 or by email at [gayle.pauley@k12.wa.us](mailto:gayle.pauley@k12.wa.us).

### **Reviewing AYP Results**

Preliminary AYP proficiency, participation, and other indicator data and results will be made available for viewing on a confidential Web site in EDS at <http://eds.ospi.k12.wa.us> on **July 27**. Your District Data Security Manager can provide access to this system. A list of Data Security Managers is available at <https://eds.ospi.k12.wa.us/SecurityManagerList.aspx>. To get help accessing or using EDS, contact OSPI Customer Support at [Customersupport@ospi.k12.wa.us](mailto:Customersupport@ospi.k12.wa.us) or by calling (360)725-6371 or 1(800)725-4311.

The rules that determine whether a district or school falls into “improvement” or advances to the next “step” of sanctions are quite complex. Thus, in the last week of July, OSPI will contact a district if it or any of its schools fall into any step of improvement. We will explain what sanctions apply and the reason(s) for being placed in improvement and offer help with possible appeals. The deadline for filing an appeal is **Tuesday, September 15th**, but we encourage you to file appeals as soon as possible. See Attachment C for more information about the appeals process.

Apart from the appeals process, you have **one opportunity** to make record changes if you find errors in the student data before AYP Preliminary Results are released to the public. **While there will be another opportunity to make record changes, this window will be after the preliminary results have been released to the public.**

Enrollment data for AYP is derived from the Core Student Record System (CSRS) submissions. Pay special attention to the data for students who were not tested or exempted and the dates of enrollment and exit, which determine if a student is continuously enrolled.

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For correcting student records, login to the Washington Assessment Management System (WAMS) and under the Reconciliation tab make the necessary changes. WAMS Record Reconciliation will be open **July 23 through July 31**. A second window for changes is scheduled for **September 3 through September 15**.

**IMPORTANT:** Edits made from **July 23 to July 31** and appeals approved by **August 11** will be reflected in the initial list of districts and schools that are in “improvement” status which is targeted for release on or near **August 14**. Edits made during the second record reconciliation window (in September) and appeals approved after **August 11** will be reflected in the final AYP results posted to the OSPI School Report Card in November.

Results for the other indicators—unexcused absences and graduation rates—are also available for viewing. If you find errors in the *unexcused absence* data, you can make changes by accessing the EDS system as described in Bulletin 018–09 and its attachment at <http://www.k12.wa.us/BulletinsMemos/bulletins2009.aspx>. District unexcused absence data will be based on the grade spans of the elementary and middle/junior high schools.

**Possible Action Required: If you have not already done so, indicate the Grade Span of the schools in the Organization Information section of the School Profile application of EDS.** The *graduation and dropout rates* used for AYP purposes come from data in school year 2007–08, based on your P-210 report. If you find errors in these rates, contact Lisa Ireland at (360)725-6358 or by email at [lisa.ireland@k12.wa.us](mailto:lisa.ireland@k12.wa.us).

### **Release of Improvement Lists and AYP Results – Anticipated Timeline**

Updated AYP results based on edits and successful appeals made through **August 11** will be available for review on the same confidential Web site on or about **August 12**. **August 14** is our tentative date to release the preliminary list of schools and districts identified for improvement. This complies with the new federal requirement that OSPI notify districts of their status early enough so that schools can notify parents of students in schools that are in improvement 14 days before the school year begins. Model notification letters will be available online by August 1<sup>st</sup> at: <http://www.k12.wa.us/ESEA/AdequateYearlyProgress.aspx>.

Complete AYP results will be posted on the OSPI Web site in early November, after August WASL retake scores have been received and all appeals have been processed.

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For more detailed information about AYP policies, see the AYP Questions and Answers document at <http://www.k12.wa.us/ESEA/AdequateYearlyProgress.aspx>.

If you have questions regarding AYP, please contact Bob Harmon at (360)725-6170 or email [bob.harmon@k12.wa.us](mailto:bob.harmon@k12.wa.us) or Gayle Pauley at (360)725-6100 or email at [gayle.pauley@k12.wa.us](mailto:gayle.pauley@k12.wa.us). Agency TTY line is (360)664-3631.

#### K-12 EDUCATION

Alan Burke, Ed.D.  
Deputy Superintendent

#### SPECIAL PROGRAMS & FEDERAL ACCOUNTABILITY

Bob Harmon  
Assistant Superintendent

Gayle Pauley, Director  
Title I, LAP & Consolidated Program Review

RD:RHH:GP:JB:bgm

Attachment A AYP Accountability Workbook Update  
Attachment B AYP Sanctions  
Attachment C AYP Appeal Process

## **Attachment A**

### **Adequate Yearly Progress Accountability Workbook 2009 Update**

Washington State asked for the following changes:

1. Exempt Limited English Proficient (LEP) students who are new to the United States from taking any test given entirely in English for one year, and not count the results of LEP students in their first three years in the state program or until they reach English proficiency status, whichever comes first.
  - Request was denied.
  
2. Identify a school or district for improvement when the same subgroup, in the same subject, does not make AYP for two consecutive years.
  - Request was denied.

## Attachment B

### AYP SANCTIONS

No Child Left Behind requires increased accountability for all public elementary and secondary schools, especially those that receive Title I funds. Under this act, schools and districts that do not make adequate yearly progress (AYP) face a series of specific consequences as defined in the reauthorization of the Elementary and Secondary Education Act.

States are required to report the names of **all** public schools that “need improvement” based on the state’s adequate yearly progress (AYP) policies, regardless of whether or not they receive Title I funds. These schools are considered to be in “school improvement.” Districts and schools which have been identified for improvement are listed on OSPI’s Web site. (Complete AYP results and data are available on OSPI’s Report Card link at <http://reportcard.ospi.k12.wa.us/>.) However, only districts and schools that receive Title I funds face a series of consequences until they meet AYP criteria for two consecutive years.

The following describes the actions that are required of districts and schools when they “need improvement” and receive Title I funds. Information about these sanctions and why they occurred must be made available to parents and community members in an understandable, accessible format by the beginning of the school year. This may be accomplished in part by referring them to OSPI’s Web site under the Report Card section. Teachers, principals, parents, and community members also need to be informed about AYP results, even if no sanctions occur.

#### **District Improvement**

##### Step One

**Districts must inform all parents of students enrolled in their district that the district has not met AYP for two consecutive years and is in District Improvement Step 1. This information may go out through a variety of formats but must include a letter and/or email to each student’s parent or guardian. The letter must include information on the reason the district was identified and information to parents on how they can assist the district in their endeavors to improve student achievement.**

Districts in Step One are required to develop or revise a district improvement plan. The plan must be developed or revised no less than three months after being identified for improvement and implemented no later than the beginning of the next school year. The development of the plan must involve parents, school staff, and others. The research report *Characteristics of Improved School Districts: Themes from Research* may be a useful tool in this process—it can be found at <http://www.k12.wa.us/research/default.aspx>.

The district improvement plan must:

- Address the fundamental teaching and learning needs of the district's school(s), especially the needs of low-achieving students.
- Define specific measurable achievement goals and targets for each student subgroup.
- Incorporate strategies grounded in scientifically-based research that will strengthen instruction in core academic subjects.
- Include appropriate student learning activities before school, after school, during the summer, and during any extension of the school year.
- Provide for high-quality professional development for instructional staff that focuses on improved instruction.
- Include strategies to promote effective parental involvement in the district's schools.
- Include a determination of why the district's previous plan did not bring about the required increase in student academic achievement.

A district identified for improvement must allocate 10% of its Title I budget to address the professional development needs of teachers who work with the student groups that have not met AYP. If a district requests technical assistance of the state, the state is required to provide this assistance. The technical assistance provided by OSPI must be supported by effective methods and instructional practices that are based on scientifically-based research.

### Step Two

The district must inform parents of the district's adequate yearly progress and that they have moved into Step 2. The information must be provided in a written format and may also go out in alternative formats. Information on the reasons why the district moved into Step 2 must be explained and the steps for implementing the district improvement plan must be provided. A description on how parents may assist the district must also be included.

Districts in Step Two of improvement are required to implement the district improvement plan that was developed in Step 1 by the beginning of the school year. The district must clearly address the actions that they have worked on with the state that will be implemented.

The state must continue to ensure the district is provided with technical assistance and **must** take at least one of the following corrective actions, as consistent with state law:

- Defer program funds or reduce administrative funds.
- Institute and fully implement a new curriculum based on state and local content and academic achievement standards that includes scientifically research-based professional development for all relevant staff.

In conjunction with at least one of these actions, the state may also authorize parents to transfer their student from a school operated by the district to a higher-performing school that is not identified for improvement.

## **School Improvement**

### **Step One**

Schools in this category have not made AYP for two consecutive years in the same subject and are considered to be in Step One of school improvement. Fourteen days before school starts, schools that receive Title I funds must notify the families of enrolled students about the opportunity to transfer their student to another school in the same district that is **not** identified for school improvement. (Sample letters are on OSPI's website at <http://www.k12.wa.us/ESEA/AdequateYearlyProgress.aspx> . Districts must use up to an amount equivalent to 20% of their Title I, Part A budget (unless a lesser amount is needed) to fund public school choice. Transportation costs (within federal parameters) must be covered by the district for families exercising this option. The school must also develop or revise its school improvement plan. The plan must be completed not later than three months after the school is identified for school improvement. Guidance for the letter and the school improvement plan are in the USED LEA and School Improvement Non-Regulatory Guidance at <http://www.ed.gov/programs/titleiparta/legislation.html> .)

### **Step Two**

Schools in Step Two of school improvement must continue school improvement planning. The district must continue to offer public school choice and must also provide supplemental educational services (SES) to low-achieving students who are considered low-income (e.g., qualify for free/reduced lunch). Parents select SES providers from OSPI's state approved list of SES providers. (The approved providers list is available on OSPI's Web site at <http://www.k12.wa.us/ESEA/AdequateYearlyProgress.aspx>) . Districts must use an amount equivalent to 20% of their Title I budget (unless a lesser amount is needed and the district has approval from OSPI to reallocate the set-aside) to fund public school choice and supplemental educational services.

### **Step Three**

For schools in Step Three ("corrective action"), districts must select at least one of the following options (and identify their own actions):

1. Make curriculum and instruction changes to improve student learning.
2. Appoint outside experts to work to advise the school on revising and implementing the school plan.
3. Extend the school year or school day.

In addition to taking a corrective action, the district must continue to offer public school choice and supplemental educational services, and the school must revise the school improvement plan. The plan must include a description of the corrective action the school has instituted and how this action will lead to student success on the state's assessment measures.

### **Step Four**

In this step, school districts are required to undertake "school restructuring" which means a major reorganization of the school's governance. The district has one year to

prepare a restructuring plan. Parents and teachers must be provided information that the school has entered Step 4 and provided the opportunity to comment on the proposed restructuring actions and assist in the development of the restructuring plan. The plan must be implemented. The plan must be instituted-no later than the beginning of the following school year, whether or not the school has move into Step 5.

The restructuring plan needs to include at least one of the following three actions:

- Replace school staff, which may include the school principal, who are relevant to the school's inability to meet standards.
- Enter into a contract with an outside entity with a demonstrated record of effectiveness, to operate the school.
- Implement other restructuring activities that are consistent with the principles of restructuring.

The district must provide technical assistance that emphasizes (a) the importance of improving instruction by using strategies grounded in scientifically-based research so that all students achieve proficiency in the core academic subjects of reading and mathematics, and (b) the importance of analyzing and applying data in decision-making. The district must also continue to offer public school choice and supplemental educational services to all eligible students.

#### Step Five

In this step, the district must ensure that the school in Step 5 has implemented the school's restructuring plan.

The district must also continue to offer public school choice and supplemental educational services to all eligible students.

## Attachment C

### AYP APPEALS PROCESS

Under flexibility granted to states by the U.S. Department of Education regarding the adequate yearly progress (AYP) requirements of the federal No Child Left Behind Act (NCLB), the Office of Superintendent of Public Instruction (OSPI) provides a process in which districts may appeal AYP determinations. This attachment provides information regarding the process and possible reasons for appealing AYP determinations.

As of **July 27** preliminary AYP results for schools and districts will be posted on a confidential Web site. You have the ability to preview your own data, validate accuracy, and make any necessary corrections to the student records data through WAMS, as noted in this memorandum. If the student records are correct but you would like to appeal the initial AYP determination, districts have until **September 15, 2009** to make an appeal to OSPI about school and/or district AYP results. Districts must appeal on behalf of schools. Districts need not wait until the official OSPI release of AYP results to submit an appeal—we encourage early submissions of appeals. We plan to process appeals received by **5 p.m. August 10** in time to have our decision reflected in the initial release of schools and districts that “need improvement,” tentatively scheduled for **August 14**. The final release of all AYP results will occur in early November and will reflect the results of all appeals and changes to student records. OSPI will respond to districts within 15 calendar days of the receipt of an appeal. Our intention is to have final appeal determinations completed by **September 30, 2009**.

A number of situations may warrant an appeal to ensure a proper AYP determination is made. These could relate to, but are not limited to, the following topics:

- Calculating proficiency using an alternate method, such as averaging scores across tested grades or years (e.g., averaging scores for a subgroup across two to three years to see if the average met the annual target). At the district level, OSPI will automatically average WASL results over the three grade span levels (elementary, middle and high school) when one or more grade spans do not make the AYP target, to determine whether a district made AYP.
- Calculating improvement for safe harbor purposes using an alternate method (e.g., making 19% reduction over 2 years or 27% reduction over 3 years, which is an average of a 10% reduction per year).
- Counting former special education students for up to two years after exiting the program (if this is done, all such students need to be included in the analysis; it will not affect the N for this subgroup).
- Including all students in the calculations, including those who were not continuously enrolled.
- AYP decisions made when data was in error or missing from previous years.

- Changes in district or school policies, definitions, or practices that would change the way in which data are reported from one year to the next (e.g., changes in unexcused absence policies).
- Changes in data systems that result in differences in the way results are calculated from one year to the next.
- Excluding results of students who had previously taken the WASL and took it again.
- Any unusual circumstance that could have affected student performance or AYP results.
- AYP determinations regarding counting former Limited English Proficient students for up to two years after exiting the program – all such students will be counted in analysis.

We cannot change the AYP status from previous years to reflect what would have occurred if the current policies were in place at that time. However, information about how that status would have been different can be included in an appeal for consideration.

If a district wants to appeal any AYP determination, it must submit the appeal in written form (letter, fax, or email), with supporting documentation of the circumstances that warrant the appeal, to:

Bob Harmon  
Assistant Superintendent for Special Programs  
Office of Superintendent of Public Instruction  
P.O. Box 47200  
Olympia, Washington 98504-7200  
FAX: (360)753-1953  
Email: [bob.harmon@k12.wa.us](mailto:bob.harmon@k12.wa.us)

If you have questions about the appeals process or the types of appeals that could be made, please contact Bob Harmon at the email shown above or by phone at (360)725-6170.