Bureau of Indian Affairs
Office of Indian Education Programs

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)

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

	Principle 5: Subgroup Accountability	
F	5.1	The accountability system *includes all the required student subgroups*.
F	5.2	The accountability system holds *schools and LEAs accountable for the progress of student subgroups*.
F	5.3	The accountability system includes *students with disabilities*.
F	5.4	The accountability system includes *limited English proficient students*.
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 *primarily on academic assessments*.
	Principle 7: Additional Indicators	
F	7.1	Accountability system includes *graduation rate for high school*s.
F	7.2	Accountability system includes an *additional academic indicator for elementary and middle school*s.
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 *reading/language arts* and *mathematics*.
	Principle 9: System Validity and Reliability	
F	9.1	Accountability system produces *reliable decisions*.
F	9.2	Accountability system produces *valid decisions*.
F	9.3	State has a plan for addressing *changes in assessment and student population*.

Principle 10: Participation Rate

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

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.

Unique Conditions Affecting the Bureau of Indian Affairs, Office of Indian Education Programs School System

Below you will find the rationale for the BIA funded schools using the Consolidated Application Accountability Workbooks of the states in which they are located.

Under the authority in Section 1116(g)(1)(A)(i) and Section 1138(b) of No Child Left Behind (NCLB), the Secretary of the Interior convened a Negotiated Rulemaking committee to define Adequate Yearly Progress (AYP). The committee developed definition of AYP will result in BIA-funded schools following the Consolidated State Application Accountability Workbook of the state in which the school is located. The Consolidated Application Accountability Workbook developed by the Bureau of Indian Affairs (BIA), Office of Indian Education Programs (OIEP), Center for School Improvement (CSI) references each school/LEA using the accountability plan of the state in which they are located and provides information in areas where there would be a process or oversight responsibility for OIEP/CSI, which is specific to the BIA.

While BIA funded schools will be following the accountability plans of twenty-three different states the responsibility of making determinations about AYP and other aspects of accountability for BIA-funded schools will be that of OIEP. By virtue of the Memorandum of Agreement (MOA) in effect between the BIA and the Department of Education, CSI (as an organizational unit of OIEP) will serve as the State Education Agency (SEA) in making the determinations which will be based on the criteria of the pertinent state.

The BIA OIEP is comprised of 184 schools/dormitories located in twenty-three (23) states. Within this group are academic programs in a variety of configurations (K, K-2, K-3, K-6, K-8, K-12, 3-9 6-8, 7-8, and 9-12), and dormitories with no academic programs which only provide residential services. All schools within the BIA educational system have school-wide Title I programs. Annual Yearly Progress will be determined based on all students and the disaggregated subgroups of Limited English Proficiency and special education students. By definition under the MOA all students in all schools fall within the poverty classification. There are no students identified as “migrant” enrolled in BIA schools. The Indian Student Equalization Program (ISEP) requires a student to be enrolled in a Tribe to be eligible for basic funding. There are a few students enrolled in BIA-funded schools who do not meet the criteria for a given Tribe’s enrollment but who would be counted as a Native American child in the public school system. For the above reasons BIA-funded schools will not disaggregate by SES or ethnicity.

Direct supervision of BIA funded schools flows from the OIEP Director through the Education Line Officers (ELOs), who in turn, have direct authority over BIA operated schools and who serve as the contract officers for BIA grant schools. The immediate responsibility for ensuring that schools comply with all requirements under NCLB is that of the ELO. Members of the ELO staff include Field Education Specialists whose focus is assisting schools in developing and implementing Consolidated School Reform Plans and the ensuing years’ amendments. There are also Special Education Coordinators who

work with the schools to assist them in meeting all requirements relative to students with disabilities found within IDEA, NCLB or any other legislation which is pertinent. An integrated monitoring process is used. Each school is visited on a regularly scheduled basis as a part of the Continuous Improvement Monitoring Process (CIMP) and all programs, including Title programs, special education and programs for bilingual students are reviewed by a team from CSI, along with school participation. In this monitoring process, all aspects of compliance with applicable requirements are reviewed.

An annual report of data collections to CSI is required. This report contains data for all students, students with disabilities and limited English proficiency students for enrollment, achievement, attendance, and graduation rates. The Indian Student Equalization Program (ISEP) is a record of enrollment that also can be used for demographic data for all students or subgroups. Triangulation from varied data sources such as the Annual Report, ISEP, CIMP, observational data from Line Office activities, Consolidated School Reform Plans, Line Office reports or others are used to assure that schools are following the accountability plan of the state in which they are located.

Therefore, the BIA's Consolidated State Application Accountability Workbook will consist of the twenty-three (23) States' Consolidated State Application Accountability Workbooks that have resident BIA-funded schools. Pursuant to section 1116(g)(1)(B), the Tribal governing body or school board of a school funded by the Bureau of Indian Affairs may waive, in part or in whole, the definition of adequate yearly progress established pursuant to paragraph (A) where such definition is determined by such body or school board to be inappropriate. In cases where a waiver has been requested and approved, the Accountability Workbook will be modified to incorporate said changes.

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
1.1 How does the State Accountability System include every public school and LEA in the State?	Every public school and LEA is required to make adequate yearly progress and is included in the State Accountability System. State has a definition of "public school" and "LEA" for AYP accountability purposes. • 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).	A public school or LEA is not required to make adequate yearly progress and is not included in the State Accountability System. State policy systematically excludes certain public schools and/or LEAs.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

All BIA-funded schools are school-wide Title Schools. Due to the unique circumstances of 184 BIA-funded schools located in twenty-three (23) States, BIA-funded schools use the State assessment(s) systems and protocols. Any BIA-funded school that is located in two or more states will use the assessment(s) system of one State. Which state to use will be a school level decision. [NCLB Section 1116(g)(1)(A)(ii)].

Using the State assessment(s) and protocols includes but is not limited to: 1) using the State's testing dates, 2) using the State's testing contractors for scoring and reporting test scores, 3) using the State's 'make-up' dates, and 4) using the State's special education accommodations. Not withstanding States' assessment(s) systems and protocols, special education accommodations will not include out-of-level testing for any population. BIA-funded schools that do not have a sufficient number of students to meet the (n) identified in

their respective State assessment(s) and protocols will use their State's "small school" assessment system. Where a BIA-funded school is located in a State without a "small school" assessment system OIEP-CSI, acting as the SEA, will require the following:

1) for the single K-2 school the third grade assessment results will be used to determine AYP;
2) for schools with insufficient students to meet the "n" requirement 2 or 3 year rolling averages will be used to reach a sufficient "n" for accountability;
3) if a school is so small a sufficient "n" cannot be reached even using rolling averages, student level, single subject analysis will be required from the schools;
4) for Kindergarten schools Dibels assessments will be used.

In the BIA educational system, all BIA-funded schools are identified as LEAs and all schools/LEAs are required to participate in the accountability system of their respective state. All students and pertinent subgroups are included for accountability as determined by the state.

Office of Indian Education Programs-Center for School Improvement (OIEP-CSI) monitors accountability through Education Line Officers (ELO), Field Education Specialist (FES), Special Education Coordinators (SEC), annual reports, Continuous Improvement Monitoring Process (CIMP), and Consolidated School Reform Plans (CSRP). Schools that are K-2 are also monitored by using their State specific assessment instrument. If the State does not have a K-2 specific assessment instrument, then OIEP-CSI will track students to their respective 3rd grades. OIEP-CSI will only be able to track K-2 students that enter a BIA-funded school or public school in the same state as the K-2 school.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

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?	All public schools and LEAs are systematically judged on the basis of the same criteria when making an AYP determination. If applicable, the AYP definition is integrated into the State Accountability System.	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		

OIEP-CSI will determine each BIA-funded school's AYP status by using the appropriate State criteria for making AYP determinations. For example, for all BIA-funded schools in the State of New Mexico, OIEP-CSI will use the State of New Mexico's AYP determination criteria to assign AYP status to each NM based BIA-funded schools. Status determination will be based on whether the school has made AYP based on the accountability system of the state where located.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
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?	State has defined three levels of student achievement: *basic*, *proficient* and *advanced*.[1] 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.	Standards do not meet the legislated requirements.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

From the twenty-three (23) States' Plans, OIEP-CSI will identify the definitions to be used for each BIA-funded school's determination of basic, proficient and advanced (or equivalent) student achievement levels in reading and/or language arts and mathematics. For example, for all BIA-funded schools in the State of New Mexico, OIEP-CSI will use the State of New Mexico's definitions of basic, proficient and advanced student achievement levels in reading and/or language arts and mathematics.

Information about the progress of lower-achieving students toward mastering the proficient and advanced levels will be used as specified in each states accountability plan. For example both Arizona and New Mexico have identified more than three levels of proficiency to allow for more discriminate information in the *basic* category.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

Summary information of the States':

1) definitions of basic, proficient and advanced achievement levels,
2) Test type and name,
3) Testing schedule, and
4) Point of contact.

State: ARIZONA
State Department of Education Contact:
Contact Information
Deputy Associate Superintendent: Dr. Ron Carriveau
602-542-5031
AcadStandards@ade.az.gov
AIMSTechnical@ade.az.gov
Stanford9@ade.az.gov

Assessment:		Types:
AIMS		CRT
Testing Cycles: Spring, Yearly		
Achievement levels for AYP determination:		
Exceeds Standards	(Advanced)	
Meets Standards	(Proficient)	
Approaches Standards	(Basic)	
Fall Far Below Standards	(Basic)	

State: CALIFORNIA
State Department of Education Contact:
Governor's Office
Office of the Secretary for Education
1121 L Street, Suite 600
Sacramento, CA 95814
Telephone number (916) 323-0611
Fax number (916) 323-3753

Assessments:		Types:
The Standardized Testing and Reporting (STAR) program:		
a. California Achievement Test, Sixth Edition or CAT/6)		NRT
b. California Standards Tests (CSTs)		CRT
c. Spanish Assessment of Basic Education (SABE/2),		NRT
d. California High School Exit Exam (CAHSEE)		CRT
Testing Cycles: Spring, Yearly		
Achievement levels for AYP determination:		
For K-8		
Advanced	(Advanced)	
Proficient	(Proficient)	
Basic	(Basic)	
Below basic	(Basic)	
Far below basic	(Basic)	

State: FLORIDA
State Department of Education Contact:
Bureau of Academic Standards and School Performance
Division of Public Schools
Florida Department of Education
325 West Gaines Street
Tallahassee, Florida 32399-0400
(850) 245-0422 FAX (850) 245-0826

Assessments:		Types:
Florida Comprehensive Assessment Test (FCAT)		CRT
Testing Cycles: Spring, Yearly		
Achievement levels for AYP determination:		
Level 5	(Advanced)	
Levels 3 and 4	(Proficient)	
Level 2	(Basic)	
Level 1	(Below Basic)	

State: IOWA
State Department of Education Contact:
Department of Education
400 East 14th Street
Grimes State Office Building
Des Moines, IA 50319-0146
515-281-5294
515-242-5988

Assessments:		Types:
Iowa Test of Basic Skills (ITBS)		NRT (CRT in SY 2005-2006)
Iowa Test of Educational Development (ITED)		NRT (CRT in SY 2005-2006)
Testing Cycles: Spring, Yearly		
Achievement levels for AYP determination:		
High	(Advanced)	
Intermediate	(Proficient)	
Low	(Basic)	

State: IDAHO
State Department of Education Contact:
Idaho State Board of Education
PO Box 83720
Boise, ID 83720-0037
Ph: (208)334-2270
Fax: (208)334-2632

Assessments:		Types:
Idaho Standards Achievement Test (ISAT)		CRT
Testing Cycles: Spring, Yearly		
Achievement levels for AYP determination:		
Advanced	(Advanced)	
Proficient	(Proficient)	
Basic	(Basic)	
Below Basic	(Basic)	

State: KANSAS
State Department of Education Contact:
Kansas State Department of Education
Title I Coordinator
State and Federal Programs Team
120 SE 10th
Topeka, Kansas 66612-1182
Telephone: 785.296.5081

Assessments:		Types:
Quality Performance Accreditation (QPA)		CRT
Testing Cycles: Spring, Yearly		
Achievement levels for AYP determination:		
Exemplary	(Advanced)	
Advanced	(Advanced)	
Proficient	(Proficient)	
Basic	(Basic)	
Unsatisfactory	(Basic)	

State: LOUISIANA
Louisiana Department of Education
PO Box 94064
Baton Rouge, LA 70804-9064

Assessments:		Types:
Louisiana Educational Assessment Program (LEAP)		CRT
Testing Cycles: Spring, Yearly		
Achievement levels for AYP determination:		
Advanced, Mastery - Exceeding the Standard	(Advanced)	
Basic - Meeting the Standard	(Proficient)	
Approaching Basic - Approaching the Standard	(Basic)	
Unsatisfactory	(Basic)	

State: MAINE
Maine Department of Education
23 State House Station
Augusta, ME 04333-0023

Assessments:	Types:
Maine Education Assessment	CRT
Local Assessment	CRT/NRT

Testing Cycles: Spring, Yearly
Achievement levels for AYP determination:

Exceeds the Standards	(Advanced)
Meets the Standards	(Proficient)
Partially Meets the Standards	(Basic)
Does Not Meet the Standards	(Basic)

State: MICHIGAN
Michigan Department of Education
608 W. Allegan
Lansing, MI 48933

Assessments:	Types:
Michigan Educational Assessment Program (MEAP)	CRT

Testing Cycles: Fall (3-8); Spring (HS), Yearly
Achievement levels for AYP determination:

Level 1 – Exceeded Expectations	(Advanced)
Level 2 – Met Expectations	(Proficient)
Level 3 – Basic	(Basic)
Level 4 – Below Basic (Apprentice)	(Basic)

State: MINNESOTA
Minnesota State Board of Education
705 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Assessments:	Types:
Minnesota Comprehensive Assessment II (MCA-II)	CRT

Testing Cycles: Spring, Yearly
Achievement levels for AYP determination:

Level 5- superior knowledge and skills compared to grade level peers	(Advanced)
Level 4- advanced knowledge and skills compared to grade level peers	(Advanced)
Level 3- solid grade level knowledge and skills	(Proficient)
Level 2- partial skills and knowledge required for successful grade level work	(Basic)
Level 1- significant gaps in knowledge and skills necessary for grade level work	(Basic)

State: MISSISSIPPI
Mississippi Department of Education
Central High School
P.O. Box 771
359 North West Street
Jackson, MS 39205
(601) 359-3513

Assessments:	Types:
Mississippi Curriculum Test (MCT)	CRT
Subject Area Testing Program (SATP)	CRT

Testing Cycles: MCT – Spring Yearly, SATP – End of each semester
Achievement levels for AYP determination:

Advanced	(Advanced)
Proficient	(Proficient)
Basic	(Basic)
Minimal	(Basic)

State: MONTANA
Board of Public Education
2500 Broadway
PO Box 200601
Helena, MT 59620
(406) 444-6576
FAX (406)444-0847
mtbpe@bpe.montana.edu

Assessments:	Types:
Montana Comprehensive Assessment System (MontCAS), Phase 2	CRT

Testing Cycles: – Spring Yearly
Achievement levels for AYP determination:

Advanced	(Advanced)
Proficient	(Proficient)
Nearing Proficiency	(Basic)
Novice	(Basic)

State: NORTH CAROLINA
North Carolina Department of Public Instruction
301 N. Wilmington St.
Raleigh, NC 27601
Phone: 919-807-3300

Assessments:	Types:
End of Course Tests (EOC)	CRT

Testing Cycles: Spring, Yearly
Achievement levels for AYP determination:

Levels III and IV	(Proficient)
Levels I and II	(Basic)

State: NORTH DAKOTA
North Dakota Department of Public Instruction
600 E. Boulevard Ave., Dept. 201
Floors 9, 10, and 11
Bismarck, North Dakota 58505-0440
Phone: 701/328-2260
Fax: 701/328-2461

Assessments:		Types:
North Dakota Assessment System		CRT
Testing Cycles: Fall, Yearly		
Achievement levels for AYP determination:		
Advanced	(Advanced)	
Proficient	(Proficient)	
Partially Proficient	(Basic)	
Novice	(Basic)	

State: NEW MEXICO
New Mexico Public Education Department
300 Don Gaspar
Santa Fe, NM 87501-2786
(505) 827-5800

Assessments:		Types:
New Mexico High School Standards Based Assessment	(NMHSSBA)	CRT
New Mexico Standards Based Assessment ,	(NMSBA)	CRT AND NRT
Testing Cycles: Fall – NMHSCE and Spring – NMAAP; both Yearly		
Achievement levels for AYP determination:		
Advanced	(Advanced)	
Proficient	(Proficient)	
Nearing Proficient	(Basic)	
Beginning Proficiency	(Basic)	

State: NEVADA
Nevada Department of Education
Carson City Main Location
700 E. Fifth Street
Carson City, NV 89701
Phone: (775) 687-9200 Fax: (775) 687-9101

Assessments:		Types:
Nevada CRT		CRT
High School Proficiency Exam (HSPE)		CRT
Testing Cycles: Spring, Yearly		
Achievement levels for AYP determination:		
Exceeds Standard	(Advanced)	
Meets Standard	(Proficient)	
Approaches Standard	(Basic)	
Below Standard	(Basic)	

State: OKLAHOMA
Oklahoma State Department of Education
2500 North Lincoln Boulevard
Oklahoma City, Oklahoma 73105-4599
FAX: (405) 521-6205
RECEPTIONIST: (405) 521-3301

Assessments:		Types:
Oklahoma School Testing Program (OSTP)		CRT
Testing Cycles: Spring, Yearly		
Achievement levels for AYP determination:		
Advanced	(Advanced)	
Satisfactory	(Proficient)	
Limited Knowledge	(Basic)	
Unsatisfactory	(Basic)	

State: OREGON
Oregon Department of Education
255 Capitol Street NE
Salem, OR 97310-0203
(503) 378-3569
TDD: (503) 378-2892
Fax: (503) 378-5156

Assessments:		Types:
Oregon Statewide Assessment System		CRT
Testing Cycles: MCT – Spring Yearly		
Achievement levels for AYP determination:		
Exceeds standard	(Advanced)	
Meets standard	(Proficient)	
Nearly meets standard	(Basic)	
Low	(Basic)	
Very low	(Basic)	

State: SOUTH DAKOTA
Department of Education
Office of the Secretary
700 Governors Drive
Pierre, SD 57501-2291
(605) 773-5669 (phone)
(605) 773-6139 (fax)
rick.melmer@state.sd.us

Assessments:	Types:
STEP	CRT

Testing Cycles: STEP – Spring Yearly
Achievement levels for AYP determination:

Advanced	(Advanced)
Proficient	(Proficient)
Basic	(Basic)
Below Basic	(Basic)

State: UTAH
Utah State Office of Education
250 East 500 South
P O Box 144200
Salt Lake City, Utah
84114-4200

Assessments:	Types:
Utah Performance Assessment System for Students (U-PASS)	CRT

Testing Cycles: Spring, Yearly
Achievement levels for AYP determination:

Level 4: Substantial	(Advanced)
Level 3: Sufficient	(Proficient)
Level 2: Partial	(Basic)
Level 1: Minimal	(Basic)

State: WASHINGTON
Office of the Superintendent of Public Instruction
Old Capitol Building
PO Box 47200
Olympia, WA 98504-7200
(360) 725-6000
TTY (360) 664-3631

Assessments:		Types:
Washington Assessment of Student Learning (WASL)		CRT
Testing Cycles: Spring Yearly		
Achievement levels for AYP determination:		
Level 4	(Advanced)	
Level 3	(Proficient)	
Level 2	(Basic)	
Level I	(Basic)	

State: WISCONSIN
Wisconsin Department of Public Instruction
125 S. Webster St.
PO Box 7841
Madison, WI 53707-7841 USA
Phone: 1-800-441-4563 (U.S. Only) / 608-266-3390

Assessments:		Types:
Wisconsin Knowledge and Concepts Examination(WKCE)		CRT
Testing Cycles: Fall, Yearly		
Achievement levels for AYP determination:		
Advanced	(Advanced)	
Proficient	(Proficient)	
Basic	(Basic)	
Minimal	(Basic)	

State: WYOMING
Wyoming Department of Education
2300 Capitol Avenue
Hathaway Building, 2nd Floor
Cheyenne, WY 82002-0050

Assessments:		Types:
Proficiency Assessment for Wyoming Students (PAWS)		CRT
Testing Cycles: Spring Yearly		
Achievement levels for AYP determination:		
Advanced	(Advanced)	
Proficient	(Proficient)	
Basic	(Basic)	
Below Basic	(Basic)	

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?	State provides decisions about adequate yearly progress in time for LEAs to implement the required provisions before the beginning of the next academic year. 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.	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		

OIEP-CSI is dependent on each States' testing contractor/branch to return the test data to BIA-funded schools in a timely manner. When the Negotiated Rulemaking process has been completed OIEP-CSI will receive testing data directly from the various States' testing contractors/branches. At this time, OIEP-CSI receives testing data from its schools. Within four (4) weeks of OIEP-CSI receiving the data, OIEP-CSI will provide the schools with their AYP status. A due date of July 1 of each year has been identified for submission of all data required for the determination of AYP per any given state's plan. This allows information regarding AYP to be reviewed, the resultant school status to be determined, and schools to be notified of these determinations prior to the beginning of the school year. As required, under NCLB schools will disseminate that information to the parents and communities to facilitate parent knowledge and participation.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

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

OIEP-CSI will produce twenty-three (23) State Report Cards. The data will not be aggregated across State assessment systems and standards, due to different standards and testing protocols. Each annual BIA state specific Report Card will be available to the public pursuant to the timelines identified in Section number 1.4. Each annual BIA state Report Card will contain all required elements (academic, graduation rates and others based on individual state requirements). Information will be reported for all students and required subgroups (special education, limited English proficiency, Native American only). BIA does not report economic disadvantaged or migrant subgroups *(see introductory page 8).* BIA will report in the same manner as the U. S, Department of Education reports. For example, for all BIA-funded schools in the State of New Mexico, OIEP- CSI will produce a State Report Card specific to those NM based BIA-funded schools.

OIEP-CSI will also produce a BIA wide annual report. This report will consist of the percentage of schools that fall into the various AYP status categories. To the extent

possible the report will report on academics, attendance, graduation rates and/or other areas based on individual state requirements.
Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

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?[2]	State uses one or more types of rewards and sanctions, where the criteria are: • 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		

SANCTIONS
OIEP-CSI will use sanctions referenced in No Child Left Behind; excluding those sanctions from which BIA-funded schools are exempted by statute [Section 1116(g)(2) of NCLB: 1154 STAT.1496].

Program Improvement Status	
AYP Alert	**1st year of not making AYP**
School Improvement 1 (SI-1)	**2nd year of not making AYP**
School Improvement 2 (SI-2)	**3rd year of not making AYP**
Corrective Action 1 (CA-1)	**4th year of not making AYP**
Corrective Action 2, Planning for Restructuring (CA-2)	**5th year of not making AYP**
Restructuring (RST)	**6th year of not making AYP**

OIEP-CSI will offer technical assistance to all schools in program improvements status. The BIA-funded schools in the most need will receive priority technical assistance. The BIA-funded schools in the most need will also receive priority selection for the various grants available under NCLB. Per section 1116(g)(2) BIA-funded schools are exempt from the requirements to provide public school choice and supplemental educational services under section 1116(b) and (e).

In accordance with sections 1116(g)(3) and 1116(g)(4) of NCLB for BIA-funded schools that are grant or contract schools, the respective school board is responsible for meeting the requirements of program improvement. For BIA-funded schools that are BIA operated the responsible entity is OIEP-CSI acting as the SEA. OIEP-CSI will use its oversight authority to ensure that all BIA-funded schools in program improvement receive appropriate sanctions.

When a school is placed in program improvement status, it shall remain in program improvement status until the school makes AYP for two consecutive years. Under section 1116(b)(7)(D) of NCLB when a school makes AYP for one (1) year, the LEA may delay implementation of school improvement, corrective action, and restructuring actions for a period not to exceed one (1) year. Under section 1116 (c)(10)(F) of NCLB when a LEA makes AYP for one (1) year, the SEA may delay implementation of school improvement, corrective action, and restructuring actions for a period not to exceed one (1) year.

REWARDS
Schools that are making AYP and are not in program improvement receive a monetary reward.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

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?	All students in the State are included in the State Accountability System. 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.	Public school students exist in the State for whom the State Accountability System makes no provision.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

BIA-funded schools will use the accountability system of the State in which they are located. The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by the U. S. Department of Education. In the above context all BIA-funded students are included in their respective State Accountability System. This process shall include all students, including the sub-groups; 1) Limited English Proficient (LEP), 2) Special Education (SPED), 3) Native American students enrolled in BIA-funded schools at the time of testing. BIA does not report economic disadvantaged or migrant subgroups *(see introductory page 8).* A student will be included in the BIA accountability system if that student has been enrolled for a full academic year.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
2.2 How does the State define "full academic year" for identifying students in AYP decisions?	The State has a definition of "full academic year" for determining which students are to be included in decisions about AYP. The definition of full academic year is consistent and applied statewide.	LEAs have varying definitions of "full academic year." The State's definition excludes students who must transfer from one district to another as they advance to the next grade. The definition of full academic year is not applied consistently.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

BIA-funded schools use the *full academic year* definition of the State in which they are located. These definitions have been accepted as a part of each states Consolidated State Application Accountability Workbook and are an integral part of each state's criteria. They have been approved by The U. S. Department of Education.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

States' definitions of Full Academic Year (FAY)

State: ARIZONA
Definition of a full academic year: Arizona Department of Education (ADE) will determine a full academic year by identifying students enrolled at the start of the school year (within the first two weeks of instruction) and those students who are presently enrolled during the first day of administration of AIMS.

State: CALIFORNIA
Definition of a full academic year: Currently, California uses the date on which Local Educational Agencies (LEAs) are required to submit information to the California Basic Educational Data System (CBEDS) as the beginning of the academic year for reporting purposes. This date occurs annually in October, generally on the first Wednesday. If a student is continuously enrolled in a school from that date to the date of testing in the spring, California considers the student to have been enrolled in that school for a "full academic year."

State: FLORIDA
Definition of a full academic year: For the purposes of calculating school accountability under NCLB, students who are enrolled and in attendance by the fall term as documented in Survey 2 conducted the second week of October and Survey 3 conducted the second week of February will be included in the analyses.

State: IOWA
Definition of a full academic year: For accountability purposes, a full academic year will be determined for each individual student who was enrolled on the first day of the testing period for ITBS and ITED in the previous school year and enrolled through the academic year to the first day of the testing period for ITBS and ITED for the current school year. For the school years 2002-2003 and 2003-2004, all students tested will be included in the state level proficiency percentages. Full academic year will be included when a student management system is operational at the state level.

State: IDAHO
Definition of a full academic year: A student who is enrolled continuously in the same public school from the end of the second school month through the May testing administration period will be included in the calculation to determine if the school achieved AYP.

State: KANSAS
Definition of a full academic year: The assessment results of students enrolled in that school on the September 20 enrollment date of the fall preceding the spring test administration will be included in determining AYP of schools.

State: LOUISIANA
Definition of a full academic year: Students continuously enrolled in school from October 1 to the test date. Applies at the school, district, and state level.

State: MAINE
Definition of a full academic year: For the purpose of NCLB accountability, "full academic year is defined as being continuously enrolled from October 1 through the March administration of the MEA.

State: MICHIGAN
Definition of a full academic year: 1) Students must have been enrolled in the school for the two most recent semi-annual official count days. 2) For students in their first year in a school building because of the grade structure of the receiving school (for example, a student "graduating" from a K-4 elementary school to a 5-8 middle school), the student will be considered as having been in the middle school for a full academic year if the student was, in the previous year, enrolled in another school (in this case the elementary school) in the same school district.

State: MINNESOTA
Definition of a full academic year: Students are considered enrolled for a full academic year if they are enrolled on October 1 of the current school year and also enrolled at the time of testing. This definition of full academic year is applied to students for the MCAs, the Alternate Assessments and the Test of Emerging Academic English.

State: MISSISSIPPI
Definition of a full academic year:
Spring Testing Data (MCT and Traditional Schedule SATP)

- End of Month 8 School = Same School on 6 of the 7 Earlier End of Month Records (Month 1 through Month 7) -- 75%
- End of Month 7 School = Same School on all 6 of the Earlier End of Month Records (Months 1 through 6) -- 75%

Fall Testing Data (SATP Semester/Block Schedule)

- End of Month 3 School = Same School on End of Month 1 and Month 2 Records -- 67%

Spring Testing Data (SATP Semester/Block Schedule)

- End of Month 8 School = Same School on End of Month 5, 6, and 7 Records -- 75%

State: MONTANA
Definition of a full academic year: Full academic year is defined as continuous enrollment from the October enrollment reporting date (first Monday in October) through the March test administration (current assessment). Continuous enrollment means that a student is enrolled in the school unless he or she has withdrawn, been expelled, or dropped out.

State: NORTH CAROLINA
Definition of a full academic year: By action in November 2002, the SBE defines FAY as 140 days in membership as of the first day of EOG testing (which occurs during the final three weeks of school.)

State: NORTH DAKOTA
Definition of a full academic year: A "full academic year" means a student has been enrolled at a school or within an LEA for a period equal to or exceeding 173 instructional days.

State: NEW MEXICO
Definition of a full academic year: New Mexico defines a student enrolled for a "full academic year" for AYP purposes as a student who has been enrolled from test cycle to test cycle. Information from the State Assessment Student data grids from each, students test booklet and 120th day enrollment information from the Accountability Data System will be used to validate full academic year reporting.

State: NEVADA
Definition of a full academic year: Assuming a spring test window, students enrolled in a school on the state's official enrollment count day (approximately October 1st) and who remain continuously enrolled in the same school up to and during the spring testing window are considered to have been in school for a full academic year.

State: OKLAHOMA
Definition of a full academic year: "Continuous enrollment* for two full units of instruction, not to exceed a calendar year." The clause "not to exceed a calendar year" (i.e., 365 days) ensures explicit compliance with federal guidelines.

State: OREGON
Definition of a full academic year: Oregon defines "full academic year" to be more than half the number of instructional days in the school's calendar prior to May 1 (the date of enrollment used for determining participation denominator). Oregon sets standards for instructional time in terms of hours and sets separate numbers of required hours at different grade levels. The above definition can be applied consistently across all schools.

State: SOUTH DAKOTA
Definition of a full academic year: For accountability purposes, a full academic year is defined as a student being continuously enrolled from October 1 to the last day of the testing window to be counted in the accountability formula.

State: UTAH
Definition of a full academic year: Utah defines a full academic year as one in which students are in membership, in the same school, on September 15 and for not less than 160 days.

State: WASHINGTON
Definition of a full academic year: The definition of full academic year is all students whose enrollment is continuous and uninterrupted from October 1st in the current school year through the testing administration period.

State: WISCONSIN
Definition of a full academic year: The time period for a student who, at the time of test administration, has been continuously enrolled since the third Friday of the September enrollment report of the previous academic year.

State: WYOMING
Definition of a full academic year: Wyoming has defined "full academic year" as being enrolled in the same school and/or LEA on October 1 and on the first day of the official PAWS testing window.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
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?	State holds public schools accountable for students who were enrolled at the same public school for a full academic year. 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.	State definition requires students to attend the same public school for more than a full academic year to be included in public school accountability. State definition requires students to attend school in the same district for more than a full academic year to be included in district accountability. State holds public schools accountable for students who have not attended the same public school for a full academic year.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

Under the requirements of Negotiated Rule Making requirements of NCLB, the Secretary of Interior convened a committee to define and clarify rules for funding schools under the base funding program (ISEP). In that context ADM was adopted as the standard for student attendance. In the context of the proposed rule on school attendance, average daily attendance, average daily membership, and ISEP count all BIA-funded schools will track student attendance.

Under the unique circumstances of the BIA educational system, when a student leaves his/her BIA-funded school after the start of the full academic year one of the following three parameters of accountability for that student will be in effect dependent upon the subsequent school in which the student enrolls:

1) Students that leave a BIA-funded school and then enters another BIA-funded school in the **same** State, accountability for those students will remain with the BIA and the student data will be aggregated at the SEA level for BIA-funded schools in that state; or

2) Students that leave a BIA-funded school and then enters another BIA-funded school in a **different** State, accountability for those students will remain with the BIA and the student data will be aggregated at the SEA level for the BIA; or
3) Students that leave a BIA-funded school and then enter a **NON BIA-funded school**, accountability for those students will be with the receiving state's schools, LEAs, and SEA.

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.

Minimum number of students (n) necessary for reliability is addressed in each of the twenty-three states' Consolidated State Application Accountability Workbooks, see appendixes A-W. In most states, the State has identified a fixed minimum number of students (n) necessary to ensure assessment reliability. OIEP-CSI has adopted each state's (n) as it is necessary to ensure assessment reliability and OIEP-CSI has adopted the accountability plans of each state.

Minimum number of students (n) selected by each state with BIA-funded schools in its territory.

State	Minimum number of students (n) necessary to ensure Assessment Instrument Reliability
1) Arizona	40 with a CI of 99% and 75% for safe harbor
2) California	50 and 15% or 100 with a CI of 99% for groups with less than a 100 students and 75% CI for safe harbor
3) Florida	30 and 15% of the tested students or 100
4) Iowa	30 with a CI of 98%
5) Idaho	34
6) Kansas	30 with a CI of 99% and 75% for safe harbor
7) Louisiana	10 with a CI of 99% and 99% for safe harbor
8) Maine	20 with a CI of 95% and 75% for safe harbor
9) Michigan	30 or 1% of tested students up to 200 with a CI of two standard errors of measurement below and above each student's test score.
10) Minnesota	20 for all students, 40 for SWD and LEP, with a CI of 95-99% (based on the size of the school)
11) Mississippi	40 with a CI of 99%
12) Montana	30 for the all student group, 40 for subgroups with a CI of 95% and 75% for safe harbor
13) North Carolina	40 or 1% of the tested students whichever is greater, with a CI of 95%
14) North Dakota	Exact probabilities method;. The exact probability that the null hypothesis can be rejected, given X students proficient out of N tested
15) New Mexico	25 with a CI of 95%
16) Nevada	25 with a CI of 95%
17) Oklahoma	30 for the all students group and 52 for subgroups with a CI of 95% for the all student group and 75% for safe harbor
18) Oregon	42 scores over two year period with a CI of 99%
19) South Dakota	10 with CI Of 99% and 75% for safe harbor

20) Utah	10 with a CI of 99% and 75% for safe harbor
21) Washington	30 or 1% if a school is larger than 3,000 and for SWD and LEP 40 or 1% if a school is larger than 4,000 with a CI of 99%
22) Wisconsin	40 for all subgroups except SWD (50) with a CI of 99% and 75% for safe harbor
23) Wyoming	30 with a CI of 95% and 75% for safe harbor

Summation of the twenty-three (23) States with BIA-funded schools in their territory arguments to support their various minimum numbers of students needed to ensure assessment instrument reliability.

AZ
The Arizona Department of Education (ADE) reports assessment data publicly in accordance to Family Educational Rights and Privacy Act (FERPA) regulations. The ADE has determined that the minimum number of students required for reporting test result data publicly will be ten (10) students per report. The State Board has approved the minimum number of students required for accountability purposes, which is set at forty (40) students.

CA
California defines 11 as the minimum number of students required to report subgroup results. This number has been selected as a result of confidentiality concerns (see Critical Element 5.6). California further will define the minimum number of students in a subgroup for accountability purposes to be:

- 100 students with valid test scores, or
- 50 students in those cases where the subgroup constitutes at least 15% of the students at the school with valid test scores

FL
The Department will utilize the following minimum group sizes. For public reporting purposes, there shall be no fewer than 10 students in a cell. For accountability purposes, the minimum group size shall be at least 30 students and more than 15 percent of the total school population or 100 students for the subgroups for performance criteria (not participation).

IA
Related to items 3.2a and 5.2, the SEA will be using 10 as the threshold for reporting to the public (as per 281-IAC 12 .8(3)(b)(1)), 40 as the threshold for participation rates in the district-wide assessment system, and 30 as the threshold for the AMO/IG for the reportable groups.

ID
ISDE's minimum "n" for reporting is 10 students. Idaho Report Card does not report student data for less than 10 students. Accountability Purposes: ISDE's minimum "n" for accountability is 34 students. The minimum "n" of 34 will apply to ISAT test scores.

KS
Kansas requires that subgroups have at least ten students for reporting purposes. For purposes of adequate yearly progress, a group size of thirty will be used for all groups except for students with disabilities who will have forty for group size.

LA
For reporting (to ensure privacy): 10
For AYP determination (for reliability): 10 with CI of 99%
For Participation: 40
The State of Louisiana has established a definition for the minimum number of students in a subgroup for both reporting and accountability purposes. The definition is consistent with the minimum number identified within Critical Element 9.1. The State has established a test of statistical significance for the method of determining a minimum number within a given population and referenced to the established measurable objective.

ME
Group/Subgroup Size with Statistically Sound Rationale Advisory Committee: Comprehensive Assessment System Technical Advisory Committee (TAC)

Proposed: Schools in Maine are much smaller than is typical nationally. The proposed determination of subgroup size would allow for review of any school, no matter how small, as required by Maine law. For AYP, n size will be 20.

MI
The Michigan State Board of Education has determined the number thirty (30) as constituting the minimum number of students in a subgroup for accountability purposes. This decision was based upon investigation of research and scholarly papers that indicated the number thirty (30) was large enough to yield "statistically reliable" results. Wherever a subgroup size is less than thirty (30), data for the students in the subgroup will be reported to the school or district, for instructional purposes, even though not included in the determination of AYP for the school or district.

While a minimum N of 30 has worked well for schools and for most school districts, larger districts have been treated less fairly by this calculation. Michigan will keep the minimum N at 30 for all schools and all school districts with an enrollment lower than 3000 students. For schools and school districts that enroll 3000 or more, we will use a minimum group size of 1% of the school or district enrollment. Michigan has only150 districts that enroll over 3,000 students and has no schools at this time that enroll over 3,000.

MN
All data in Minnesota is suppressed on the public web site when there are less than ten students in any cell or all students in a single cell. In the case of AYP, unfiltered information will be provided to schools and districts in confidential reports.

Rational for Cell Sizes - AYP at the School Level

Minnesota will require a minimum cell size of twenty across tested grades with the exception of the special education which shall be 40, in the school or district in order to calculate an AYP performance index. Starting with the test data from the 2004-2005 school year, Minnesota will use a cell size of 40 for LEP students to determine AYP status.

Rational for Cell Sizes - Participation

To achieve reliability and validity in accountability decisions, the minimum sample size for calculating the participation rate of students is forty across tested grades. The minimum subgroup size of forty provides schools with a cushion against failing the participation requirement for students due to reasons beyond their control. With a cell size of forty, no more than two students in any group may be absent.

MS
Note: The n-count can affect the reliability and validity of the data/results, but it is only one factor. There are many other technical issues in assessment and evaluation that must be considered.

The following are applied consistently across the state.

- The minimum n-count for reporting purposes is 10.
- A minimum n-count for purposes of determining AYP under the conjunctive standards paradigm specified in NCLB will be set at 40 (per subgroup, not per variable). This value will maximize statistical reliability in the AYP calculations while holding schools accountable for the maximum number of students.

MT
For reporting purposes there must be at least 10 students in any student subgroup.
Accountability: The State faces unique problems in the design and implementation of an accountability system that will meet the requirements of AYP, particularly with respect to the statistical significance of sample sizes. Montana is extremely rural and covers a very large geographical area. This results in the state having a large number of very small schools and districts.

Montana will use a minimum of 30 for the "All Students" group and a minimum of 40 for subgroups in making AYP determinations – including with regard to both participation rate and percent proficient in reading and math. (Participation rate in the "All students" group under 40 or subgroups under 40 will be passing with an actual enrollment minus no more than two not tested.)

Montana will use a 95 percent confidence interval in determining AYP, only with regard to the determination of percent proficient in reading and math (and not with regard to either participation rate or the other academic indicators). Moreover, beginning with testing data from spring 2005, Montana will use a limited, smaller, 75 percent confidence interval for "safe harbor" determinations, only where the given subgroup, school, or district has shown positive progress in reducing from the prior year the percentage of students scoring below proficiency (and the only question is whether that progress constitutes a 10 percent reduction). In addition, Montana will use a 99 percent confidence interval only as a filter for determining general inclusion of schools and districts in Montana's broader state accountability process.

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NC

The minimum N count used in determining the AYP status of LEAs is 40, or 1% of the tested students, whichever is greater. This minimum N will be applied in each LEA to grades 3 through 8 as a group and high school as a group.

ND

Selecting an Alternative Method: the North Dakota Model

Exact probabilities vs. normal approximation. The exact probability that the null hypothesis can be rejected, given X students proficient out of N tested and a population proportion of π_0, is:

$$P(X \leq X_0 \mid \pi_0, N) = \sum_{i=0}^{X_0} C_i^N \pi^i (1-\pi)^{N-i}$$

For example, if N = 3 and $\pi_0 = .5$, the probability that X = 0 is .125 and the probability that X = 1 is .375. The probability that $X \leq 1$ is .5.

To further illustrate, suppose the starting point for North Dakota is 40 percent proficient, and suppose a certain subgroup of 10 students has 2 proficient students. The observed percentage of students passing in the subgroup is 20, which is less than the required value of 40. But would one reject the null hypothesis that the true population percentage for that subgroup is 40? The test for the subgroup would proceed as follows:

The probability of having 0 students proficient out of 10 if $\pi_0 = .40$ is .0001.
The probability of having 1 student proficient out of 10 if $\pi_0 = .40$ is .0016.
The probability of having 2 student proficient out of 10 if $\pi_0 = .40$ is .0106.

Therefore, the probability of 2 or fewer students proficient out of 10 if $\pi_0 = .40$ is .0123. Since this value is greater than .01, this subgroup would not be identified as not having met the AYP status standard. If, on the other hand, only 1 student had been proficient, the subgroup would be identified as not having met the AYP status standard, and therefore would have to meet the improvement standard to avoid having the school identified as failing to make AYP.

NM

New Mexico will use a minimum number of 25 for determining AYP, 10 for reporting purposes, and 40 for determining participation rates. Accountability ratings are developed for small schools using the rolling average technique set forth in this statute to include all school districts and schools in the accountability system. These numbers provide the NMPED a large enough sample size of students to use in making appropriate rating decisions about schools and school districts.

NV
For reporting purposes, the state will continue to use existing policy which sets the minimum at 10 students. State regulation sets a lower limit of 5 students but test reporting and accountability reporting policy has been 10 students. Regulations will be revised to reflect the reporting N (n = 10) during the summer of 2003. In making AYP calculations, for any group of 25 or more students, a statistical test will be conducted to determine if a threshold level of performance (Status) has been met. For schools/school districts falling below the n = 25 threshold in a given school year, performance data will be collapsed across adjacent school years until the n = 25 threshold is met, but for no more than three consecutive years.

OK
For reporting purposes, in order to protect the privacy of students, overall or subgroup data representing less than five students will not be reported. In order to maximize the validity and reliability of the accountability system, Oklahoma is proposing 52 as the minimum N size for each individual subgroup.
For schools and LEA's that do not have sufficient enrollment to produce valid and reliable accountability results the following guidelines will be used:

- Schools/LEAs will be evaluated based on their own performance data to the extent possible.
- Data will be aggregated across years as necessary to reach a minimum of 30 students.

OR
Oregon administers two tests to assess each content area. Therefore the minimum cell size is expressed in terms of a number of scores rather than number of students. In reviewing the variance of our tests and the reliability of decisions based on percent of students proficient, we have determined that a minimum of 42 scores (21 - 28 students) will result in adequate statistical reliability and sufficient inclusion of schools and subgroups. Oregon will combine scores from two years to make annual determination of AYP.

SD
The minimum size of subgroups will be 10 for the purpose of reporting results and accountability.
Minimum Size for Accountability Purposes For AYP calculations, South Dakota will use a confidence interval combined with a minimum n of 10 for all subgroups This will allow schools of all sizes, even very small schools, to be included in the accountability system with reasonable reliability. Thus the South Dakota's school and district accountability system has two main features to allow reliable and valid accountability decisions to be made while including as many subgroups as possible.

- First, we will use a confidence interval approach to ensure decisions are acceptably reliable. When using a statistical test, one must specify the null hypothesis and the "confidence level," or amount of acceptable error. South Dakota's assumption (null hypothesis) will be that the school did make AYP. South Dakota's confidence level for the overall judgment about schools will be p=.01.
- Secondly, South Dakota will use a minimum-n of 10. This aligns the reporting requirements for confidentiality with the accountability requirements. However, South

Dakota will test every student in grades 3-8 and 11 starting spring 2003, and will combine the results over two years, so that only extremely small schools will require a small school audit. The use of a confidence interval makes possible this low minimum-n, which is statistically a more valid way to include subgroups in the state.

UT

In calculating AYP for subgroups based on the annual measurable objective, and safe harbor provision, Utah will employ a test of statistical significance to subgroups for each year (Year Two N, with no less than 10 in a single year, etc). This will allow schools with small subgroup populations to be held accountable without falsely identifying a school. This creates a balance between validity (holding schools accountable for all students) and reliability (assuring that those subgroups identified have not been so identified simply on the basis of random fluctuation of scores).

For reporting purposes Utah will apply a minimum size of ten for all subgroups.

For the purpose of determining participation rates, as a component of AYP calculation, Utah will use a minimum size of 40 for all subgroups.

Utah has incorporated several features into the accountability program to ensure reliable decisions.

- Core CRTs used as academic measures have been developed using industry standards to produce valid and reliable scores. Use of these tests to make AYP decisions sets a foundation for making reliable decisions.
- Use of statistical significance tests instead of an absolute minimum N for annual measurable objectives will reduce the probability of a Type 1 error (falsely identifying a school for program improvement).
- Base consecutive years of failing AYP on failing the same subject area (reading/language arts or mathematics) for consecutive years.
- Use of statistical significance tests and multiple years of data for making safe harbor decisions will reduce the probability of Type 1 errors.

WA

Washington State has defined "10" as the number of students required in a subgroup for reporting purposes, and applies this definition consistently across the State. See RCW 28A.655.090 (7).

Washington State has defined "30" as the number of students required in a subgroup for accountability purposes, and applies this definition consistently across the State except where noted below.

- For small schools and districts, two categories are used. First, when the N is <10, an improvement plan must be submitted for review (see section 2.1). Second, when the N is 10-29, the "all students" group is held accountable to meet the annual measurable objectives for AYP proficiency.

- For the LEP and special education subgroups, the minimum number for accountability purposes is 40.

- When total school or district enrollment (headcount) exceeds 3,000 students, the N for each subgroup is one percent of total enrollment, except for the LEP and special education subgroups, where the N is one percent of total enrollment when it exceeds 4,000 students. This policy ensures equitable AYP determinations in these subgroups based on district and school size.

Washington State's definition of subgroup will result in data that are statistically reliable.

WI

For purposes of reporting, Wisconsin requires that all subgroups have at least six students. WDPI provides the enrollment counts for the student group (e.g., gender, race/ethnicity, economic status, etc.) but suppresses the summary WSAS performance/participation data about these students if the number of students enrolled in the group is five or fewer. For purposes of accountability, a cell size of 40 has been selected. Analyses suggest that substantial improvement in measurement precision due to reductions in cohort effects are achieved as the sample size increases to 40. For calculations of adequate yearly progress, including participation, annual measurable objectives, safe harbor calculations, and other academic indicators, a group size of 40 will be used (except for students with disabilities). This cell size will be applied to all students and subgroups across the state. A cell size of 40 has been evaluated to maximize valid and reliable decisions and include all schools in the AYP decision process. Unique among the subgroups required for accountability in NCLB, students with disabilities present measurement issues that Wisconsin has determined to address through a larger cell size. A larger cell size supports valid and reliable decisions about this subgroup. After careful analysis of the variability of the Wisconsin student population with disabilities, it has been determined that for valid and reliable decisions the minimum cell size for accountability purposes is set at 50.

WY

The minimum number of students in a subgroup required for reporting purposes in Wyoming is six (6). This definition of subgroup size is used consistently across the state for reporting purposes. For accountability decisions, the minimum number of students is set at thirty (30). This minimum sample size assures that reliable and valid decisions are made about school effectiveness.

CRITICAL ELEMENT	EXAMPLES FOR MEETING 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[3] 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		

By adopting the States' Accountability Workbook, the BIA adopts the projected timelines for growth which are inherent in those plans. Each of these plans requires the student populations to be proficient or advanced in reading/language arts and mathematics by SY 2013-2014.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
3.2 How does the State Accountability System determine whether each student subgroup, public school and LEA makes AYP?	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. 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.	State uses different method for calculating how public schools and LEAs make AYP.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

BIA-funded schools will use the Accountability System of the State in which they are located. All BIA-funded schools will submit to OIEP-CSI all required data per the pertinent State Accountability Workbook. OIEP-CSI will review the data based on the criteria of the corresponding State and make a determination of AYP status for each BIA-funded school, including subgroups [Special Education, Limited English Proficient, Native American only). BIA does not report economic disadvantaged or migrant subgroups *(see introductory page 8).* OIEP-CSI will make the determination using the following decision tree.

1) Does the school's academic data (both aggregated and disaggregated by subgroups) support the conclusion that the school has met or exceeded the pertinent State level for proficient in reading and/or language arts?
    a. If yes proceed to question two.
    b. If no, proceed to question 6.
2) Does the school's academic data support the conclusion that the school has met or exceeded the pertinent State level for proficient in mathematics?
    a. If yes proceed to question three.
    b. If school the made AYP by meeting or exceeding the 'safe-harbor' provisions for language arts and/or reading or mathematics, then proceed to question 8.
    c. If no, proceed to Question 7.
3) Does the school's data support the conclusion that 95% of the school's students were assessed in both the reading and/or language art and mathematics assessments?
    a. If yes proceed to question four.
    b. If no, school moves one step in program improvement scheme. For example a school in SI-1 would become identified as a school in SI-2.
4) Does the school's data support the conclusion that the school in the aggregate attained the additional indicators required by their State assessment system?
    a. If yes proceed to question five.
    b. If no, school moves one step in program improvement scheme. For example a school in SI-1 would become identified as a school in SI-2.
5) Identify the school as making AYP for that school year. Place the school in the appropriate AYP status.
6) Does the school's academic data (both aggregated and disaggregated by subgroups) support the conclusion that the school has met or exceeded the 'safe-harbor' provisions for reading and/or language arts?
    a. If yes proceed to question two.
    b. If no, school moves one step in program improvement scheme. For example a school in SI-1 would become identified as a school in SI-2.
7) Does the school's academic data (both aggregated and disaggregated by subgroups) support the conclusion that the school has met or exceeded the 'safe-harbor' provisions for mathematics?
    a. If yes proceed to question eight.
    b. If no, school moves one step in program improvement scheme. For example a school in SI-1 would become identified as a school in SI-2.
8) Does the school's data support the conclusion that 95% (both aggregated and disaggregated by subgroups) of the school's students were assessed in both the reading and/or language art and mathematics assessments?
    a. If yes proceed to nine.
    b. If no, school moves one step in program improvement scheme. For example a school in SI-1 would become identified as a school in SI-2.
9) Does the school's data support the conclusion that the school in the disaggregate attained the additional indicator required by their State assessment system?
    a. If yes proceed to question five.
    b. If no, school moves one step in program improvement scheme. For example a school in SI-1 would become identified as a school in SI-2.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
3.2a What is the State's starting point for calculating Adequate Yearly Progress?	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. 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. 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…).	The State Accountability System uses a different method for calculating the starting point (or baseline data).

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

BIA-funded schools will use the starting point for calculating Adequate Yearly Progress as determined by the State in which they are located. OIEP-CSI will review the data based on the criteria of the corresponding State and make a determination of AYP status for each BIA-funded school. The Consolidated State Application Accountability Workbooks of the twenty-three (23)

States with BIA-funded schools in their political boundaries have been approved by The U. S. Department of Education.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

CRITICAL ELEMENT	**EXAMPLES FOR MEETING REQUIREMENTS**	**EXAMPLES OF *NOT* MEETING REQUIREMENTS**
3.2b What are the State's annual measurable objectives for determining adequate yearly progress?	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. The State's annual measurable objectives ensure that all students meet or exceed the State's proficient level of academic achievement within the timeline. The State's annual measurable objectives are the same throughout the State for each public school, each LEA, and each subgroup of students.	The State Accountability System uses another method for calculating annual measurable objectives. The State Accountability System does not include annual measurable objectives.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

BIA-funded schools will use the annual measurable objectives of the State in which they are located. OIEP-CSI will review the data based on the criteria of the corresponding State and make a determination of AYP status for each BIA-funded school. The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by The U. S. Department of Education.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
3.2c What are the State's intermediate goals for determining adequate yearly progress?	State has established intermediate goals that increase in equal increments over the period covered by the State timeline. • The first incremental increase takes effect not later than the 2004-2005 academic year. • Each following incremental increase occurs within three years.	The State uses another method for calculating intermediate goals. The State does not include intermediate goals in its definition of adequate yearly progress.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

BIA-funded schools will use the intermediate goals of the State in which they are located. OIEP-CSI will review the data based on the criteria of the corresponding State and make a determination of AYP status for each BIA-funded school. The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by The U. S. Department of Education.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

CRITICAL ELEMENT	*EXAMPLES FOR* **MEETING 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.[4]	AYP decisions for public schools and LEAs are not made annually.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

OIEP-CSI will determine annual AYP status for all BIA-funded schools by using the definition of the State in which the BIA-funded schools resides. For example, for all BIA-funded schools in the State of New Mexico, OIEP-CSI will use the State of New Mexico's annual goals for AYP achievement in mathematics and either reading and/or language arts to determine each NM based BIA-funded school's AYP status.

OIEP-CSI will make the annual determination using the following decision tree.

1) Does the school's academic data (both aggregated and disaggregated by subgroups) support the conclusion that the school has met or exceeded the pertinent State level for proficient in reading and/or language arts?
    c. If yes proceed to question two.
    d. If no, proceed to question 6.
2) Does the school's academic data support the conclusion that the school has met or exceeded the pertinent State level for proficient in mathematics?
    e. If yes proceed to question three.
    f. If school the made AYP by meeting or exceeding the 'safe-harbor' provisions for language arts and/or reading or mathematics, then proceed to question 8.
    g. If no, proceed to Question 7.
3) Does the school's data support the conclusion that 95% of the school's students were assessed in both the reading and/or language art and mathematics assessments?
    h. If yes proceed to question four.
    i. If no, school moves one step in program improvement scheme. For example a school in SI-1 would become identified as a school in SI-2.
4) Does the school's data support the conclusion that the school in the aggregate attained the additional indicators required by their State assessment system?
    j. If yes proceed to question five.
    k. If no, school moves one step in program improvement scheme. For example a school in SI-1 would become identified as a school in SI-2.
5) Identify the school as making AYP for that school year. Place the school in the appropriate AYP status.
6) Does the school's academic data (both aggregated and disaggregated by subgroups) support the conclusion that the school has met or exceeded the 'safe-harbor' provisions for reading and/or language arts?
    l. If yes proceed to question two.
    m. If no, school moves one step in program improvement scheme. For example a school in SI-1 would become identified as a school in SI-2.
7) Does the school's academic data (both aggregated and disaggregated by subgroups) support the conclusion that the school has met or exceeded the 'safe-harbor' provisions for mathematics?
    n. If yes proceed to question eight.
    o. If no, school moves one step in program improvement scheme. For example a school in SI-1 would become identified as a school in SI-2.
8) Does the school's data support the conclusion that 95% (both aggregated and disaggregated by subgroups) of the school's students were assessed in both the reading and/or language art and mathematics assessments?
    p. If yes proceed to nine.
    q. If no, school moves one step in program improvement scheme. For example a school in SI-1 would become identified as a school in SI-2.
9) Does the school's data support the conclusion that the school in the disaggregate attained the additional indicator required by their State assessment system?
    r. If yes proceed to question five.

s. If no, school moves one step in program improvement scheme. For example a school in SI-1 would become identified as a school in SI-2.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

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

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

OIEP-CSI will use the Accountability System with its annual measurable objectives and intermediate goals of the State in which that BIA-funded school is located to determine whether the student subgroups and BIA-funded schools/LEAs make AYP. The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by The U. S. Department of Education.

Subgroups Special Education, Limited English Proficient students, Native American only. BIA does not report economic disadvantaged or migrant subgroups *(see introductory page 8).* Subgroups will be reported contingent on statistical reliability and student privacy issues. In BIA-funded schools subgroups identified as economically disadvantaged and ethnicity are unitary and coincide with the all students category.

BIA-funded schools will use the guidelines within the accountability plan of the State in which they are located for determining the minimum number of students reportable due to privacy issues when reporting all disaggregated data sets.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

CRITICAL ELEMENT	EXAMPLES FOR MEETING 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		

OIEP-CSI will use the appropriate State and its Accountability System with its annual measurable objectives and intermediate goals to determine whether the student subgroups, and BIA-funded schools/LEAs make AYP. All subgroups will be reported *(see Section 5.1).* The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by The U. S. Department of Education.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

CRITICAL ELEMENT	**EXAMPLES FOR MEETING REQUIREMENTS**	**EXAMPLES OF *NOT* MEETING REQUIREMENTS**
5.3 How are students with disabilities included in the State's definition of adequate yearly progress?	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. State demonstrates that students with disabilities are fully included in the State Accountability System.	The State Accountability System or State policy excludes students with disabilities from participating in the statewide assessments. State cannot demonstrate that alternate assessments measure grade-level standards for the grade in which students are enrolled.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

BIA-funded schools will use the Accountability System, including its accommodations for students with disabilities, of the State in which the school is located. All students with disabilities will be included in each BIA-funded school's definition of AYP per their State's Accountability System. State criteria, as defined within the Individual Accountability Plan (IEP), will be used to identify those students with severe cognitive impairments who will receive the state determined Alternate Assessment **(see: 34 CFR Part 200, Federal Register/ Vol. 68, No. 236 Ps. 68698-68708)**. OIEP-CSI will use the appropriate State's Accountability System with its annual measurable objectives and intermediate goals to determine whether the student subgroup, students with disabilities make AYP. (As noted in Section 1.1, "Not withstanding States' assessment(s) systems and protocols, special education accommodations will not include out-of-level testing for any population.") The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by the U. S. Department of Education.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
5.4 How are students with limited English proficiency included in the State's definition of adequate yearly progress?	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. State demonstrates that LEP students are fully included in the State Accountability System.	LEP students are not fully included in the State Accountability System.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

BIA-funded schools will use the Accountability System of the State in which they are located. All students with limited English proficiency will be included in each BIA-funded school's definition of AYP per their State's Accountability System. OIEP-CSI will use the guidelines of the appropriate State and its Accountability System, with its annual measurable objectives and intermediate goals to determine whether the student subgroup, students with limited English proficiency make AYP. The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by the U. S. Department of Education.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

CRITICAL ELEMENT	EXAMPLES FOR MEETING 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?	State defines the number of students required in a subgroup for reporting and accountability purposes, and applies this definition consistently across the State.[5] Definition of subgroup will result in data that are statistically reliable.	State does not define the required number of students in a subgroup for reporting and accountability purposes. Definition is not applied consistently across the State. Definition does not result in data that are statistically reliable.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The minimum number of students (n) necessary for reliability is addressed in each of the twenty-three states' Consolidated State Application Accountability Workbooks. A table summarizing the States' minimum numbers for reliability is attached to this section. The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by the U. S. Department of Education.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

Minimum number of students (n) selected by each state
with BIA-funded schools in its territory.

State	Minimum number of students (n) necessary to ensure Assessment Instrument Reliability
1) Arizona	40 with a CI of 99% and 75% for safe harbor
2) California	50 and 15% or 100 with a CI of 99% for groups with less than a 100 students and 75% CI for safe harbor
3) Florida	30 and 15% of the tested students or 100
4) Iowa	30 with a CI of 98%
5) Idaho	34
6) Kansas	30 with a CI of 99% and 75% for safe harbor
7) Louisiana	10 with a CI of 99% and 99% for safe harbor
8) Maine	20 with a CI of 95% and 75% for safe harbor
9) Michigan	30 or 1% of tested students up to 200 with a CI of two standard errors of measurement below and above each student's test score.
10) Minnesota	20 for all students, 40 for SWD and LEP, with a CI of 95-99% (based on the size of the school)
11) Mississippi	40 with a CI of 99%
12) Montana	30 for the all student group, 40 for subgroups with a CI of 95% and 75% for safe harbor
13) North Carolina	40 or 1% of the tested students whichever is greater, with a CI of 95%
14) North Dakota	Exact probabilities method;. The exact probability that the null hypothesis can be rejected, given X students proficient out of N tested
15) New Mexico	25 with a CI of 95%
16) Nevada	25 with a CI of 95%
17) Oklahoma	30 for the all students group and 52 for subgroups with a CI of 95% for the all student group and 75% for safe harbor
18) Oregon	42 scores over two year period with a CI of 99%
19) South Dakota	10 with CI Of 99% and 75% for safe harbor
20) Utah	10 with a CI of 99% and 75% for safe harbor
21) Washington	30 or 1% if a school is larger than 3,000 and for SWD and LEP 40 or 1% if a school is larger than 4,000 with a CI of 99%
22) Wisconsin	40 for all subgroups except SWD (50) with a CI of 99% and 75% for safe harbor
23) Wyoming	30 with a CI of 95% and 75% for safe harbor

CRITICAL ELEMENT	**EXAMPLES FOR MEETING REQUIREMENTS**	**EXAMPLES OF *NOT* MEETING REQUIREMENTS**
5.6 How does the State Accountability System protect the privacy of students when reporting results and when determining AYP?	Definition does not reveal personally identifiable information.[6]	Definition reveals personally identifiable information.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The Minimum number of students (n) necessary for privacy issues is addressed in each of the twenty-three states' Consolidated State Application Accountability Workbooks. A table summarizing the States' minimum numbers for privacy is attached to this section. The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by the U. S. Department of Education.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

Minimum number of students (n) selected by each state with BIA-funded schools in its territory.

State	Minimum number of students (n) necessary to ensure privacy concerns while reporting
1) Arizona	10
2) California	11
3) Florida	10
4) Iowa	10
5) Idaho	10
6) Kansas	10
7) Louisiana	10
8) Maine	10
9) Michigan	10
10) Minnesota	10
11) Mississippi	10
12) Montana	10
13) North Carolina	5
14) North Dakota	10
15) New Mexico	10
16) Nevada	10
17) Oklahoma	5
18) Oregon	6
19) South Dakota	10
20) Utah	10
21) Washington	10
22) Wisconsin	6
23) Wyoming	6

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

CRITICAL ELEMENT	*EXAMPLES FOR* **MEETING 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.[7] Plan clearly identifies which assessments are included in accountability.	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		

OIEP-CSI will use the appropriate State's Accountability System from the state in which the school is located to determine whether each student subgroup, and BIA-funded school/LEA makes AYP. Of the States with BIA-funded schools within their borders, varied assessment instruments are used. Whether Language Arts or Reading is tested varies among the States. The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by The U. S. Department of Education. Therefore, all twenty-three States' Accountability Systems and definitions of AYP are based primarily on academic assessments.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

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 REQUIREMENTS**	**EXAMPLES OF *NOT* MEETING REQUIREMENTS**
7.1 What is the State definition for the public high school graduation rate?	State definition of graduation rate: • 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. Graduation rate is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause[8] to make AYP.	State definition of public high school graduation rate does not meet these criteria.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

BIA-funded schools will use the definition for the public high school graduation rate of the State in which they are located. The Consolidated State Application Accountability

Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by The U. S. Department of Education. Graduation rates will be reported in the aggregate and disaggregated by subgroups.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

CRITICAL ELEMENT	**EXAMPLES FOR MEETING REQUIREMENTS**	**EXAMPLES OF *NOT* MEETING REQUIREMENTS**
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?	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.[9] 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.	State has not defined an additional academic indicator for elementary and middle schools.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

BIA-funded schools will use the additional academic indicator(s) of the State in which they are located for BIA elementary and middle schools. The pertinent States are not consistent in the additional indicator(s) used. BIA-funded schools will report performance on all additional indicator(s) for their respective State. OIEP-CSI will use those additional indicators when determining AYP status for BIA-funded schools. The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by the U. S. Department of Education. Therefore, all twenty-three States' Accountability Systems and definitions of additional academic indicator for public elementary and middle schools for the definition of AYP have been accepted by the U. S. Department of Education.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

CRITICAL ELEMENT	**EXAMPLES FOR MEETING REQUIREMENTS**	**EXAMPLES OF *NOT* MEETING REQUIREMENTS**
7.3 Are the State's academic indicators valid and reliable?	State has defined academic indicators that are valid and reliable. State has defined academic indicators that are consistent with nationally recognized standards, if any.	State has an academic indicator that is not valid and reliable. State has an academic indicator that is not consistent with nationally recognized standards. State has an academic indicator that is not consistent within grade levels.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

BIA-funded schools are required to use State standards and academic indicators. OIEP-CSI, acting as the SEA, has developed the data systems and sources necessary to ensure accountability validity and reliability. There are sufficient education research analysts and education specialists in OIEP-CSI and OIEP-DC to analyze and use the data to ensure accountability validity and reliability. The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by The U. S. Department of Education. Therefore, all twenty-three (23) States' academic indicators have been found to be valid and reliable by the Department of Education.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

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

CRITICAL ELEMENT	**EXAMPLES FOR MEETING REQUIREMENTS**	**EXAMPLES OF *NOT* MEETING REQUIREMENTS**
8.1 Does the state measure achievement in reading/language arts and mathematics separately for determining AYP?	State AYP determination for student subgroups, public schools and LEAs separately measures reading/language arts and mathematics. [10] AYP is a separate calculation for reading/language arts and mathematics for each group, public school, and LEA.	State AYP determination for student subgroups, public schools and LEAs averages or combines achievement across reading/language arts and mathematics.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

BIA-funded schools will use the accountability system of the state in which they are located. Because States use math and either language arts and/or reading, the BIA schools will vary based on the state accountability system; however, they will be consistent with the corresponding state plan. The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by the U. S. Department of Education. Therefore, the U. S. Department of Education has determined that all twenty-three (23) States' measure achievement in math and either language arts and/or reading separately for determining AYP.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

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

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

BIA-funded schools will use the accountability system of the State in which they are located. By adherence to all aspects of the individual states' Consolidated Application Accountability Workbook the parameters for decision consistency will be addressed. The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by the U. S. Department of Education. All twenty-three (23) States' academic indicators have been found to be valid and reliable, thereby promoting decision consistency, by the Department of Education.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

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

BIA-funded schools will use the accountability system of the State in which they are located. OIEP-CSI, acting as the SEA has developed the data systems and sources necessary to ensure accountability validity and reliability. There are sufficient education research analysts and education specialists in OIEP-CSI and OIEP-DC to analyze and use the data to ensure accountability validity and reliability. OIEP-CSI will follow the appeals processes outlined in NCLB and 25 CFR Part 2. The appeals decision will be made at the Assistant Secretary of the Interior, Indian Affairs level. The determination of the appeal will be based upon the respective State's accountability plan. The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by the U. S. Department of Education. Therefore, all twenty-three (23) States' processes for making valid AYP determinations have been accepted by the U. S. Department of Education.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

CRITICAL ELEMENT	**EXAMPLES FOR MEETING REQUIREMENTS**	**EXAMPLES OF *NOT* MEETING REQUIREMENTS**
9.3 How has the State planned for incorporating into its definition of AYP anticipated changes in assessments?	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. State has a plan for including new public schools in the State Accountability System. State has a plan for periodically reviewing its State Accountability System, so that unforeseen changes can be quickly addressed.	State's transition plan interrupts annual determination of AYP. State does not have a plan for handling changes: e.g., to its assessment system, or the addition of new public schools.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

BIA-funded schools will use the accountability system of the State in which they are located. Each state has incorporated into its accountability a plan to address anticipated changes in assessments and that impact on the definition of AYP anticipated changes in assessments (see Note below). The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by The U. S. Department of Education. Therefore, all twenty-three (23) States' plans for incorporating into its definition of AYP anticipated changes in assessments have been accepted by The U. S. Department of Education.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.

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

BIA-funded schools will use the accountability system of the State in which they are located. BIA-funded schools maintain rosters of student enrolled through ISEP counts. In SY 2003-2004 and SY 2004-2005, the ISEP count will be used as the base enrollment number. BIA-funded schools will also generate an enrollment number immediately prior to annual assessment. This enrollment number will be identified as the "testing enrollment number". BIA-funded schools will use the testing enrollment number in their respective calculations of participation rates for all students in each subgroup.

In SY 2005-2006, ADM will be initiated and student daily attendance records will be maintained and reported. BIA-funded schools will use the most recent ADM count prior to annual assessment. This ADM count number will be identified as the "testing enrollment number". BIA-funded schools will use the testing enrollment number in their respective calculations of participation rates for all students in each subgroup.

The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by The U. S. Department of Education. Therefore, all twenty-three (23) States' plans method for

calculating participation rates in the State assessments for use in AYP determinations have been accepted by the U. S. Department of Education.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W

CRITICAL ELEMENT	**EXAMPLES FOR MEETING 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		

BIA-funded schools will use the accountability system of the State in which they are located. All BIA-funded schools will use their respective State's policy for determining when the 95% assessed requirement will be applied. The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by The U. S. Department of Education. Therefore, all twenty-three (23) States' policy for determining when the 95% assessed requirement should be applied have been accepted by The U. S. Department of Education. The Consolidated State Application Accountability Workbooks of the twenty-three (23) States with BIA-funded schools in their political boundaries have been approved by the U. S. Department of Education.

Note: All twenty-three (23) States' Consolidated State Application Accountability Workbooks are incorporated into the BIA Consolidated State Application Accountability Workbook as appendixes A – W.