

**§ 200.14**

**34 CFR Ch. II (7–1–08 Edition)**

(7) In calculating AYP, if the percentage of proficient and advanced scores based on alternate or modified academic achievement standards under § 200.1(d) or (e) exceeds the caps in paragraph (c) of this section at the State or LEA level, the State must do the following:

- (i) Consistent with § 200.7(a), include all scores based on alternate and modified academic achievement standards.
- (ii) Count as non-proficient the proficient and advanced scores that exceed the caps in paragraph (c) of this section.
- (iii) Determine which proficient and advanced scores to count as non-proficient in schools and LEAs responsible for students who are assessed based on alternate or modified academic achievement standards.
- (iv) Include non-proficient scores that exceed the caps in paragraph (c) of this section in each applicable sub-

group at the school, LEA, and State level.

(v) Ensure that parents of a child who is assessed based on alternate or modified academic achievement standards are informed of the actual academic achievement levels of their child.

(d) The State must establish a way to hold accountable schools in which no grade level is assessed under the State's academic assessment system (*e.g.*, K–2 schools), although the State is not required to administer a formal assessment to meet this requirement.

(Approved by the Office of Management and Budget under control number 1810–0576)

(Authority: 20 U.S.C. 6311(b)(2))

**APPENDIX TO § 200.13—WHEN MAY A STATE OR LEA EXCEED THE 1% AND 2% CAPS?**

The following table provides a summary of the circumstances in which a State or LEA may exceed the 1% and 2% caps described in § 200.13.

**WHEN MAY A STATE OR LEA EXCEED THE 1% AND 2% CAPS?**

	Alternate academic achievement standards—1% cap	Modified academic achievement standards—2% cap	Alternate and modified academic achievement standards—3%
State .....	Not permitted .....	Only if State is below 1% cap, but cannot exceed 3%.	Not permitted.
LEA .....	Only if granted an exception by the SEA.	Only if LEA is below 1% cap, but cannot exceed 3%.	Only if granted an exception to the 1% cap by the SEA, and only by the amount of the exception.

[67 FR 71716, Dec. 2, 2002; 68 FR 1008, Jan. 8, 2003, as amended at 68 FR 68703, Dec. 9, 2003; 72 FR 17779, Apr. 9, 2007]

**§ 200.14 Components of Adequate Yearly Progress.**

A State's definition of AYP must include all of the following:

- (a) A timeline in accordance with § 200.15.
- (b) Starting points in accordance with § 200.16.
- (c) Intermediate goals in accordance with § 200.17.
- (d) Annual measurable objectives in accordance with § 200.18.
- (e) Other academic indicators in accordance with § 200.19.

(Authority: 20 U.S.C. 6311(b)(2))

[67 FR 71716, Dec. 2, 2002]

**§ 200.15 Timeline.**

(a) Each State must establish a timeline for making AYP that ensures that, not later than the 2013–2014 school year, all students in each group described in § 200.13(b)(7) will meet or exceed the State's proficient level of academic achievement.

(b) Notwithstanding subsequent changes a State may make to its academic assessment system or its definition of AYP under §§ 200.13 through 200.20, the State may not extend its timeline for all students to reach proficiency beyond the 2013–2014 school year.

(Authority: 20 U.S.C. 6311(b)(2))

[67 FR 71716, Dec. 2, 2002]