COMMONWEALTH of VIRGINIA

BOARD OF EDUCATION
413 Stuart Circle, Suite 130
Richmond, VA 23220
(804) 237-8909
(804) 237-8901 (FAX)

Mark E. Emblidge, Ph.D.
President

June 16, 2008

The Honorable Kerri L. Briggs
Acting Assistant Secretary
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Dr. Briggs:

I am responding to the United States Department of Education's (USED) request to submit the Virginia Consolidated State Application Amended Accountability Workbook based on the Virginia Board of Education's actions through January 10, 2008. Enclosed please find the amended accountability workbook that includes policies USED has indicated that it will approve.

While Virginia will comply with all aspects of the No *Child Left Behind Act of 2001* as required by USED, we will continue to advocate for polices that support best practices in teaching and learning. If you have questions about the requested revision, please contact Dr. Linda M. Wallinger, assistant superintendent for instruction, by e-mail at Linda.Wallinger@doe.virginia.gov or (804) 225-2034.

Sincerely,

Mark E. Emblidge

MEE/dj

Enclosure

cc: Billy K. Cannaday, Jr., Superintendent of Public Instruction

VIRGINIA BOARD OF EDUCATION
Consolidated State Application
Amended Accountability Workbook

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

Revised: September 10, 2003, Based on USED Conditional Letter of Approval, July 1, 2003
VBOE Letter of Response, August 20, 2003
Section 7.1 and Related Sections

Revised: May 26, 2004, Based on USED Letter of Approval, May 25, 2004
VBOE Letter of Response, June 8, 2004

Revised: Based on VBOE Actions through June 22, 2005, and USED Responses on June 13, August 5, and August 11, 2005
Critical Elements 1.6, 3.2, 3.2(b), 3.2(c), 4.1, 5.2, 5.3, 5.5, 7.1, 8.1

Revised: Based on VBOE Actions through June 28, 2006, and USED Responses through July 21, 2006

Revised: Based on VBOE Actions through January 10. 2007, and USED Responses through July 16, 2007

Revised: Based on VBOE Actions through January 10, 2008, and USED Responses through June 2008

Final Information

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

COMMONWEALTH of VIRGINIA

BOARD OF EDUCATION
413 Stuart Circle, Suite 130
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Mark E. Emblidge, Ph.D.
President

June 12, 2007

The Honorable Kerri L. Briggs
Acting Assistant Secretary
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Dr. Briggs:

I am responding to the United States Department of Education's (USED) request to submit the Virginia Consolidated State Application Amended Accountability Workbook based on the Virginia Board of Education's actions through January 10, 2007, and responses received via telephone and e-mail from your staff through April 2007. Enclosed please find the amended accountability workbook that includes policies USED has indicated that it will approve.

While Virginia will comply with all aspects of the No *Child Left Behind Act of 2001* as required by USED, we will continue to advocate for polices that support best practices in teaching and learning. If you have questions about the requested revision, please contact Dr. Linda M. Wallinger, assistant superintendent for instruction, by e-mail at Linda.Wallinger@doe.virginia.gov or (804) 225-2034.

Sincerely,

Mark E. Emblidge, Ph.D.

MEE/dj

Enclosure

cc: Billy K. Cannaday, Jr., Superintendent of Public Instruction

COMMONWEALTH of VIRGINIA

BOARD OF EDUCATION
413 Stuart Circle, Suite 130
Richmond, VA 23220
(804) 237-8909
(804) 237-8901 (FAX)

Mark E. Emblidge, Ph.D.
President

July 24, 2006

The Honorable Henry L. Johnson
Assistant Secretary
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Assistant Secretary Johnson:

I am responding to the United States Department of Education's (USED) request to submit the Virginia Consolidated State Application Amended Accountability Workbook based on the Virginia Board of Education's actions through June 28, 2006, and responses received via phone and e-mail from your staff through July 21, 2006. Enclosed please find the amended accountability workbook that includes policies USED has indicated that it will approve.

While Virginia will comply with all aspects of the *No Child Left Behind Act of 2001* as required by USED, we will continue to advocate for policies that support best practices in teaching and learning. If you have questions about the requested revisions, please contact Dr. Linda M. Wallinger, assistant superintendent for instruction, by e-mail at Linda.Wallinger@doe.virginia.gov or (804) 225-2034.

Sincerely,

Mark E. Emblidge, Ph.D.
President
Virginia Board of Education

MEE/RS
Enclosure
cc: Billy K. Cannaday, Jr., Superintendent of Public Instruction

COMMONWEALTH of VIRGINIA

BOARD OF EDUCATION
227 North Main Street
Post Office Box 130
Hillsville, VA 24343
(276) 728-3737
(276) 728-3133 (FAX)

Thomas M. Jackson, Jr.
President

August 16, 2005

The Honorable Henry Johnson
Assistant Secretary
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D. C. 20202

Dear Assistant Secretary Johnson:

I am responding to your letter of August 5, 2005, notifying the Virginia Board of Education of the United States Department of Education's (USED) decision on proposed amendments to the Consolidated State Application Accountability Workbook required in the *No Child Left Behind Act of 2001*. Enclosed please find Virginia's amended accountability workbook, as directed in the letter and authorized by the Board of Education.

While Virginia will comply with all aspects of "No Child Left Behind" as required by USED, we will continue to advocate for sound and rational policies that support best practices in teaching and learning. If you have questions about the requested revisions, please contact Dr. Patricia I. Wright, deputy superintendent, by e-mail at Patricia.Wright@doe.virginia.gov or by phone at 804-225-2979.

Sincerely,

Thomas M. Jackson
President, Board of Education

Enclosures
cc: Jo Lynne DeMary, Superintendent of Public Instruction

COMMONWEALTH of VIRGINIA

BOARD OF EDUCATION

227 North Main Street
Post Office Box 130
Hillsville, VA 24343
(276) 728-3737
(276) 728-3133 (FAX)

Thomas M. Jackson, Jr.
President

June 8, 2004

The Honorable Raymond Simon
Assistant Secretary
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D. C. 20202

Dear Assistant Secretary Simon:

I am responding to your letter of May 25, 2004, notifying the Virginia Board of Education of the United States Department of Education's (USED) decision on proposed amendments to the Consolidated State Application Accountability Workbook required in the *No Child Left Behind Act of 2001*. Enclosed please find a summary of Virginia's response and an amended accountability workbook, as directed in the letter and authorized by the Board of Education.

Virginia plans to implement the revised policies in making Adequate Yearly Progress (AYP) decisions for the 2003-2004 school year. Hence, we feel we have no choice but to comply with the USED decision to modify or reject certain amendments related to calculation of AYP. Let me state Virginia's position on these USED decisions and why we disagree.

<u>Use of other academic indicator for safe harbor only</u>
Virginia proposed basing AYP determinations primarily on meeting the annual measurable objectives for reading and mathematics and the participation rate requirement. The other academic indicators would only be applied when "safe harbor" is invoked. USED stated this amendment conflicts with statutory and regulatory requirements for determining AYP. However, Virginia's understanding of Section

1111(b)(2)(C)(iv) is the definition of AYP must include an "other academic indicator" but decisions about AYP shall be based primarily on participation rates and student achievement on reading and mathematics assessments. Additionally, it is our interpretation that Section 1111(b)(2)(G) and Section 1111(b)(2)(I)(i) define how AYP is determined, and these sections permit the state and any division or school that meets the 95 percent participation rate and meets or exceeds the annual measurable objectives on the reading and mathematics assessments for all students as well as each subgroup to be designated as making AYP. We believe Section 1111(b)(2)(I)(i) states the other academic indicators must be considered only if "safe harbor" is invoked.

Expedited test administration

Virginia requested the use of expedited test scores in the calculation of AYP. Expedited tests (retests) are afforded students who miss the official administration of the test due to exceptional and mitigating circumstances, or who took the official administration but did not pass (within a score between 375-399). USED responded that scores from the expedited retest can be used in AYP determinations for students who have not previously taken the test. However, students who took the assessment, but failed, may not be included in AYP determinations. Only the scores from the first official assessment administration or those taken prior to that time can be used in determining AYP.

As a statement of public record, let it be clear that Virginia is "agreeing" to this directive only because the USED has made it clear it has no choice. We strongly disagree with the policy interpretation that a student's best score on a standards-based assessment cannot be included in AYP determinations, especially when there are exceptional circumstances surrounding the retest. We believe counting a student's passing score on a retest rewards the student and the school for successful remedial efforts, and will increase the validity and reliability of AYP determinations.

In addition to the amendments in my March 29, 2004 submission to USED, Virginia will exercise the flexibility regarding calculation of participation rates announced in your May 20, 2004 letter to chief state school officers. Virginia will use up to three years of data in determining whether a school division, school, or state has met the 95 percent participation rate for AYP. Virginia also plans to implement the enclosed state policy to deal with students who cannot be assessed due to documented significant medical emergencies during the testing window. This policy will exclude eligible students from the participation rate formula. The proposed policies dealing with participation rate are included in Critical Element 10.1 of the amended accountability workbook.

While Virginia will comply with all aspects of "No Child Left Behind" as required by USED, we will continue to advocate for sound and rational policies that support best practices in teaching and learning. If you have questions about the requested revisions, please contact Dr. Patricia I. Wright, assistant superintendent for instruction, by e-mail at pwright@mail.vak12ed.edu or by phone at 804-225-2979.

Sincerely,

Thomas M. Jackson
President, Board of Education

Enclosures

cc: Jo Lynne DeMary, Superintendent of Public Instruction

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.

STATUS Legend:
F – Final state policy
P – Proposed policy, awaiting State approval
W – Working to formulate policy

Principle 5: Subgroup Accountability		
F	5.1	The accountability system *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.*

STATUS Legend:
F – Final policy
P – Proposed Policy, awaiting State approval
W– Working to formulate policy

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

Instructions

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

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

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
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

STATUS: F

The state accountability system in Virginia prescribed in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (the "SOA" or "Standards of Accreditation"), found at http://www.pen.k12.va.us/VDOE/Accountability/soafulltxt.pdf , includes all schools and LEAs. Virginia's current accountability system addresses schoolwide student performance in the aggregate. To maintain one statewide accountability system Virginia will:

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The SEA has defined “LEA” as:

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

Students in state-operated programs and the schools for the deaf, blind and multi-disabled will be accounted for in LEA-level and state-level calculations of adequate yearly progress.

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

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

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

Schools operated by the Department of Correctional Education are not public schools under the authority of the SEA and, thus, are not required to participate in the state accountability program.

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

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

STATUS: F

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

One set of annual measurable objectives for Reading/language arts
One set of annual measurable objectives for Mathematics
One set of annual measurable objectives for Graduation Rate
One set of annual measurable objectives for Attendance and Science and History/Social Science and Writing

There will be no alternate criteria used in making an AYP determination. As suggested in the July 1, 2003, USED letter of approval, for purposes of calculating whether a school or division makes AYP using the "safe harbor" method, Virginia will use an alternative additional indicator that can be disaggregated until 2005-2006 when Virginia will be positioned to generate a graduation rate definition that can be disaggregated consistent with NCLB requirements. During this transition period, Virginia will use Science Standards of Learning assessment scores as the alternative additional indicator for "safe harbor" purposes at the high school level. For 2002-2003 ~~only~~, Science Standards of Learning assessment scores will be used as the alternative additional indicator for "safe harbor" purposes since disaggregated attendance data are not available.

At least 95 percent of the students (in the aggregate and by subgroup) enrolled in courses or grade levels for which there are statewide assessments in reading/language arts and mathematics must participate in those assessments for schools and LEAs to be eligible to make AYP.

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

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Virginia's Current Accountability System

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

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

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

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

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

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

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

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

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

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

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

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

Public announcements
Waivers from certain regulations
Tangible rewards

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

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

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

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

Attendance Rate or Science Achievement on State Assessments
Annual measurable objectives will be established for attendance and for student performance on the state science assessments. Prior to the beginning of a school year, each school division shall choose for each of its elementary and middle schools and schools without a graduating class either attendance or performance on state science assessments or performance on state history/social science assessments or writing assessments as the other academic indicator. The choice of using ~~either~~ attendance rate or science state assessment results or history/social science results or writing results as the other academic indicator also will apply to the "safe harbor" AYP calculation methodology [Section 1111(b)(2)(1)].

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

Summary
Virginia's current accountability system addresses schoolwide student performance in the aggregate. To maintain one statewide accountability system Virginia will:

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

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. 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
STATUS: F Student performance in Virginia is measured by the Standards of Learning Assessments described in Virginia's consolidated application approved by USED on July 2, 2002. Students taking Standards of Learning tests receive one of three achievement ratings. Students who attain a scaled score of 399 or below on any of the Standards of Learning tests receive a rating of "fails/does not meet the standards." Those with a scaled score of 400 to 499 receive a rating of "pass/proficient", and those with a scaled score of 500 to 600 receive a rating of "pass/advanced." These ratings earlier received approval from the USED, Title I Office. The letter affirming approval is found as Attachment B to Virginia's consolidated application approved by USED on July 2, 2002. A description of the standard setting process can be found at http://www.pen.k12.va.us/VDOE/News/oct3098.html and at http://www.pen.k12.va.us/VDOE/Assessment/TechReport_98-99.pdf .

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
1.4 How does the State provide accountability and adequate yearly progress decisions and information in a timely manner?	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

STATUS: F

In Virginia, the date that the school term ends in the various local educational agencies (LEAs) varies from mid-May to mid- June. At the present, the Virginia Board of Education's policy regarding testing calendars allows LEAs to test as late as the last day of school. Beginning with the spring 2003 test administration, the Virginia Department of Education (VDOE) will begin receiving copies of the student level files sent from the testing contractor to LEAs as the files are completed. Because of the flexibility that localities have in setting their testing calendars, this will result in VDOE receiving multiple files representing various LEAs, rather than one file, that includes all the LEAs in the state. However, this process will allow DOE to receive files by mid-summer so that AYP can be calculated and schools can be informed of their status before the opening of school.

To facilitate reporting of attendance prior to the beginning of the school year, Virginia will institute a new data collection requirement for the annual March 31 average daily membership (ADM) data collection, beginning in March 2004. Until that time, Virginia will use the most current attendance data available to make AYP determinations prior to the beginning of the 2003-2004 school year. Data collection systems are being modified to collect and report graduation rate by student subgroup. Since Virginia will use a graduation rate definition that includes a dropout count in the denominator (i.e., NCES defines a dropout as not returning to school by October 1) adequate yearly progress will be calculated based on the previous school year's graduation rate. Hence, graduation rate data will be available in time to make AYP determinations and report them to LEAs and schools before the beginning of the school year.

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

STATUS: F

Virginia's Current Report Card

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

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

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

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

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

Requirement 1:
Information, in the aggregate, on student achievement at each proficiency level on the State academic assessments (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student).

Virginia's Plan for Requirement 1:
Results from the state academic assessments listed in Critical Element 3.2 will be disaggregated and reported by race/ethnicity, gender, disability status, migrant status, English proficiency, and economically disadvantaged status. The current student answer document captures the information necessary to disaggregate the data. This information will be reported at the state, LEA, and school levels. Virginia will not report subgroups in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student as described in Critical Element 5.5 of this workbook.
Timeline: Limited information on student performance from the 2001-2002 school year has been added to the 2002-2003 school report cards. As reporting systems are developed, additional information will be added as early as spring 2003.
Complete student performance information from the 2002-2003 school year will be posted prior to the beginning of the 2003-2004 school year.

Requirement 2:
Information that provides a comparison between the actual achievement levels of each student subgroup and the State's annual measurable objectives for each such group of students on each of the academic assessments.

Virginia's Plan for Requirement 2:
The information described in Requirement 1 will be reported in comparison to the annual measurable objectives established for each indicator.
Timeline: This comparison will be posted to state, LEA, and school report cards following the same timeline as Requirement 1.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Requirement 3:
The percentage of students not tested (disaggregated by the student subgroups), except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

Virginia's Plan for Requirement 3:
The information on students not tested that is reported on the current report card will be disaggregated and reported by race/ethnicity, gender, disability status, migrant status, English proficiency, and economically disadvantaged status. The current student answer document captures the information necessary to disaggregate the data. This information will be reported at the state, division, and school levels. Virginia will not report subgroups in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student as described in Critical Element 5.5 of this workbook.
Timeline: As reporting systems are developed, additional information on students not tested during the 2001-2002 school year will be added to state, LEA, and school report cards as early as spring 2003. Complete information on students not tested from the 2002-2003 school year will be posted prior to the beginning of the 2003-2004 school year.

Requirement 4.
The most recent two-year trend in student achievement in each subject area, and for each grade level, for the required assessments.

Virginia's Plan for Requirement 4:
Virginia's current report card complies with this requirement. The current report card includes three years of information on student achievement on each Standards of Learning Assessment. For elementary and middle schools, this information is reported by subject area and grade. For high schools, this information is reported by subject area and test.
Timeline: Three-year trend data for 2001-2002, 2000-2001, and 1999-2000 will be posted on the state, LEA, and school report cards in Spring 2003. Trend data for 2002-2003, 2001-2002, and 2000-2001 will be posted prior to the beginning of the 2003-2004 school year.

Requirement 5.
Aggregate information on any other indicators used by the State to determine the adequate yearly progress of students in achieving State academic achievement standards disaggregated by student subgroups.

Virginia's Plan for Requirement 5:
Virginia's other academic indicators are graduation rate for high schools and beginning in 2003-2004, attendance or science or history/social science or writing for elementary and middle schools and schools without a graduating class. Virginia reports graduation rates, ~~and~~ attendance, ~~and~~ science, history/social science, and writing on the current report card. Data collection systems are being modified to collect and report this information by student subgroup. This information will be reported at the school, division, and state levels.
Timeline: Limited information on graduation rates, ~~and~~ attendance, and science from the 2001-2002 school year will be posted on school report cards in Spring 2003.
Since Virginia will use a graduation rate definition that includes a dropout count in the denominator, graduation rates for 2002-2003 will not be calculated and posted until Winter 2003 (due to the NCES definition of a dropout as not returning to school by October 1). Attendance data for 2002-2003 will be calculated and posted in Winter 2003. To facilitate reporting of attendance prior to the beginning of the school year, Virginia will institute a new data collection requirement for the annual March 31 average daily membership (ADM) data collection, beginning in March, 2004.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

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

Virginia's Plan for Requirement 6:
Virginia's current report card includes graduation rates. Data collection systems are being modified to collect and report graduation rate by student subgroup. Graduation rates will be reported at the school (where applicable), division, and state levels.
Timeline: Limited information on graduation rates, ~~and~~ attendance, and science from the 2001-2002 school year will be posted on school report cards in Spring 2003.
Since Virginia will use a graduation rate definition that includes a dropout count in the denominator, graduation rates for 2002-2003 will not be calculated and posted until Winter 2003 (due to the NCES definition of a dropout as not returning to school by October 1).

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

Virginia's Plan for Requirement 7:
Virginia will modify the current report card to report the performance of each school, district, and the state regarding making adequate yearly progress. Virginia will modify the report cards to include the number and names of schools identified for improvement under section 1116.
Timeline: This information will be added for the state, LEAs, and schools prior to the beginning of the 2003-2004 school year.

Requirement 8.
The professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which (for this purpose) means schools in the top quartile of poverty and the bottom quartile of poverty in the State.

Virginia's Plan for Requirement 8:
Virginia will modify the current report card to include the professional qualifications of teachers in the state, including the percentage of teachers teaching with emergency or provisional credentials, the percentage of classes not taught by highly qualified teachers, in the aggregate and disaggregated by high and low-poverty schools (schools in the top and bottom quartiles of poverty). This information will be reported at the school, division, and state levels. Virginia has established the Instructional Personnel Data Collection to collect this information. More information on the new Instructional Personnel Data Collection may be found at:
http://www.pen.k12.va.us/VDOE/Publications/TCHCount/datacoll/coll.htm
Timeline: This information will be added to the state, LEA, and school report cards prior to the beginning of the 2003-2004 school year.

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

Code of Virginia. § 7.1-42: English designated the official language of the Commonwealth. English shall be designated as the official language of the Commonwealth of Virginia. Except as provided by law, no state agency or local government shall be required to provide and no state agency or local government shall be prohibited from providing any documents, information, literature or other written materials in any language other than English.

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
Virginia's most recent state report card may be accessed from: http://www.pen.k12.va.us Virginia's most recent school report cards may be found online at: http://www.pen.k12.va.us/VDOE/src/ The text of the Standards of Accreditation can be found at http://www.pen.k12.va.us/VDOE/Accountability/soafulltxt.pdf.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
1.6 How does the State Accountability System include rewards and sanctions for public schools and LEAs?[1]	State uses one or more types of rewards and sanctions, where the criteria are: • 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

STATUS: F

The Board of Education has a system of providing special recognition to schools showing marked improvement in student achievement over time. Recognitions are fully described at http://www.pen.k12.va.us/VDOE/Accountability/soafulltxt.pdf, p.41, and are summarized below:

- Public announcements
- Waivers from certain state regulations
- Tangible rewards

These rewards will be applied to all schools consistently making AYP. In addition, Virginia will apply rewards to schools receiving Title I, Part A, funding in a manner consistent with NCLB section 1117(b).

A Title I school ~~or an LEA~~ will be identified for improvement/corrective action and sanctions in accordance with NCLB if it does not make AYP in the same subject area for two or more consecutive years. A non-Title I school will be identified for sanctions if it does not make AYP in the same subject area for two or more consecutive years.

Virginia will identify divisions for improvement only when they do not make AYP in the same subject or both "other academic indicators" and all grade spans (i.e., elementary, middle, and high schools) for two consecutive years. Virginia will 1) monitor divisions that have not made AYP in one or more grade spans but have not been identified for improvement to ensure they are making the necessary curricular and instructional changes to improve achievement, and 2) take steps to ensure supplemental services are available to eligible students from a variety of providers throughout the state (including in divisions that have not been identified for improvement but that have schools that have been in improvement for more than one year).

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

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

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

Sanctions for non-Title I schools are as follows:

Not making AYP for two consecutive years in the same subject area

- Analyze relevant data.
- Develop a school improvement plan or revise the current school improvement plan to include strategies and use of resources that address the area of need, consistent with guidelines determined by the LEA. If the area of need is reading, the school improvement plan must address whether its instructional model is consistent with Reading First requirements and scientifically-based research in reading.

<u>Not making AYP for subsequent consecutive years in the same subject area</u>

- Continue to analyze data and revise the school improvement plan.
- Take additional corrective actions specified by the LEA.

Beginning with the 2002-2003 school year, division-wide student performance data will be compiled to identify divisions (LEAs) not making AYP. Data from successive years will be used to determine whether or not the LEA is identified for improvement. Rewards and sanctions will be applied to LEAs in improvement consistent with NCLB section 1116(c).

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

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
2.1 How does the State Accountability System include all students in the State?	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

STATUS: F

The state accountability system in Virginia prescribed in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (the "SOA" or "Standards of Accreditation") [http://www.pen.k12.va.us/VDOE/Accountability/soafulltxt.pdf] includes all schools and LEAs. Virginia's current accountability system addresses schoolwide student performance in the aggregate. To maintain one statewide accountability system Virginia will:

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

The SEA has defined "LEA" as:

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

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

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

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

A public school is defined as:

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

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

The standards for accrediting public schools require that "In kindergarten through eighth grade, where SOL tests are administered, each student shall be expected to take the SOL tests..." and "Each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction...". Students enrolled in a grade level or course for which there are associated SOL tests are expected to participate in the testing program by taking one of the statewide assessments listed in Critical Element 3.2. Students (beginning with ninth graders in 2000-2001) must pass a minimum number of high school Standards of Learning tests or other board-approved tests that meet or exceed the Standards of Learning tests in order to receive a diploma. A student's test results for grades 3, 5, and 8 must be considered in placement/promotion decisions. The Standards of Accreditation allow secondary schools to use a student's end-of-course test results in calculating grades.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
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	LEA's 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
STATUS: F To meet the requirements of NCLB and final Title I regulations issued November 26, 2002 the following definition of "full academic year" will be applied to all schools and LEAs in Virginia when making AYP determinations beginning with the 2003-2004 school year: A student is considered to be enrolled for a full academic year in a school, LEA or the State if the student is in membership in the school, LEA or the State by September 30 of the school year and continues in membership through test administration. If a student moves from one school to another in the same LEA during the same academic year and is not enrolled in any one school for a full academic year, then the student's performance on statewide assessments will be included only at the division and State levels for purposes of determining AYP. If a student moves from one LEA to another in Virginia and is not present in any one LEA for a full academic year, then the student's performance on statewide assessments will be included only at the State level for purposes of determining AYP. If a student is not present in Virginia for a full academic year, then the student's performance on statewide assessments will not be included in AYP determinations at any level. This definition does not apply to any student whose membership is interrupted as a result of poor attendance or disciplinary action.

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

STATUS: F

As described in the response to Critical Element 2.2, beginning in the 2003-2004 school year, a student is considered to be enrolled for a full academic year in a school, LEA or the State if the student is in membership in the school, LEA or the State by September 30 of the school year and continues in membership through test administration.

Regardless of whether or not a student is present for a full academic year as defined above, the student will be required to participate in applicable statewide assessments.

The state obtains student transfer information from the demographic pages of the Standards of Learning assessment student answer document. Each answer document contains a field labeled "AYP ADJUSTMENT" that is used by schools to indicate a student's transfer status. The options are:

A – Transfer from within division
B – Transfer from outside division
C – Transfer from outside state

The field is only used for transfer students.

Use of the AYP Adjustment field will enable the Department of Education to hold schools accountable for students who have been enrolled for a full academic year (AYP Adjustment field is blank), to hold LEA's accountable for students who have transferred from one public school within the district to another public school within the district (AYP Adjustment field is A), and to include students who transferred from one district to another within the state in the calculation of AYP for the state (AYP Adjustment field is B).

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

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: F

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

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

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

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

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

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

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
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
STATUS: F Statewide assessments include the following: • Standards of Learning tests, including the Substitute Standards of Learning Evaluation Program for Certain Students with Disabilities Who Cannot Be Accommodated on Standards of Learning Tests; and state-approved assessments linked directly to Standards of Learning, as described in Critical Element 5.4 • Board-approved substitute tests listed at http://www.pen.k12.va.us/VDOE/Instruction/subassessment.pdf

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

- Alternate assessments measured against alternate achievement standards, required by the 1997 IDEA, taken by some students with disabilities and described at http://www.pen.k12.va.us/VDOE/Instruction/Sped/spedsol.html
- Alternate assessments measured against regular achievement standards as described in the March 20, 2003 Federal Register, taken by some students with disabilities, as described in Critical Element 5.3

Virginia allows high school students to use nationally recognized assessments such as Advanced Placement, International Baccalaureate, and SAT II subject tests as substitutes for the related Standards of Learning tests. The Board of Education approves the use of all substitute tests following an extensive review and standards-setting process that involves Department of Education staff and the Board of Education's Assessment and Accountability Advisory Committee. All substitute tests measure content that incorporates or exceeds the related Standards of Learning content. The number of students who take and pass substitute tests is calculated into AYP determinations in the same way as all other state assessments.
More information is available at http://www.pen.k12.va.us/VDOE/suptsmemos/2003/inf206a.pdf.

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

Specifically, for a public school and school division to make adequate yearly progress, all students and each student subgroup must meet or exceed the State annual measurable objectives for statewide assessments in reading and mathematics; all students and each student subgroup must have at least a 95% participation rate in these statewide assessments; and the school must meet the State's annual measurable objective for graduation rate (for schools with a graduating class) or attendance rate or science or history/social science or writing (for elementary and middle schools and schools without a graduating class) or make progress toward meeting those objectives. School divisions must meet or make progress toward meeting the State's annual measurable objectives for graduation rate and attendance rate or science or history/social science or writing. However, if in any particular year the student subgroup does not meet the annual measurable objectives for the reading and mathematics assessments, the public school or school division may be considered to have made AYP, if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the Standards of Learning assessments for that year decreased by 10% of that percentage from the preceding public school year; that group made progress on the additional indicators at the school level or, for school divisions, in both; and that group had at least 95% participation rate on the statewide assessments.

In compliance with USED directives, Virginia will follow the procedures for calculating adequate yearly progress (AYP) stated above as approved by USED in the September 10, 2003, amended workbook. As a statement of public record, let it be clear that Virginia is "agreeing" to this directive only because the USED has made it clear it is mandating it. Virginia's understanding of Section 1111(b)(2)(C)(iv) is that the definition of AYP must include an "other academic indicator" but decisions about AYP shall be based primarily on participation rates and student achievement on reading and mathematics assessments. Additionally, It is our interpretation that Section 1111(b)(2)(G) and Section 1111(b)(2)(I)(i) define how AYP is determined, and these sections permit the state and any division or school that meets the 95 percent participation rate and meets or exceeds the annual measurable objectives on the reading and mathematics assessments for all students as well as each subgroup to be designated as making AYP.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

We believe Section 1111(b)(2)(I)(i) states the other academic indicators must be considered only if "safe harbor" is invoked.

Consistent with current practice, assessment data for a content area will be combined across ~~all~~ tested grade levels or ~~all~~ tested courses in a school, LEA and the state to calculate participation rate and percent of students ~~(first-time test takers)~~ scoring at least proficient when determining whether or not AYP has been made in that content area. Virginia will make AYP determinations based on data from the current school year or the most recent three year average. Virginia added reading and mathematics assessments in grades 4, 6, and 7 in 2005-2006. For calculation of the participation rate for all students and subgroups, current year tests in reading and mathematics from all grades (grades 3, 4, 5, 6, 7, 8 and end-of-course) are included. For performance calculations for all students and subgroups, the current year rate is based on reading and mathematics tests from all grades (grades 3, 4, 5, 6, 7, 8, and end-of-course). The three-year rate will include results from grades 3, 5, 8, and end-of-course until Virginia has administered reading and mathematics tests in grades 3 - 8 for three consecutive years (2008-2009 reporting).

Virginia will count in AYP determinations the passing scores of all students who retake tests needed for graduation. ~~test results from "expedited tests," a test given to students who miss the first test administration or fail it within a specified narrow margin, or did not pass due to exceptional and mitigating.~~

~~In compliance with USED directives, Virginia will follow procedures for calculating adequate yearly progress (AYP) described above as approved by USED in the September 10, 2003, amended workbook. Virginia will include only the scores from the first official assessment administration or those taken prior to that time in determining AYP. As a statement of public record, let it be clear that Virginia is "agreeing" to this directive only because the USED has made it clear it is mandating it. We believe counting a student's passing score on a retest rewards the student and the school for successful remedial efforts.~~

Should the federal regulations or USED directives on calculating AYP for students with disabilities and students with limited English proficiency change, in the alternative, the Virginia SEA would request to calculate AYP determinations for the current academic year, 2002-2003, based upon SOL testing policies for student participation as legally required by current Virginia regulations that schools have followed since 1997. The Virginia SEA believes Virginia's proposed alternative is sound and a fair policy for determining AYP.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY 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
STATUS: F The calculation of starting points for AYP included scores from the following statewide assessments in reading/language arts and mathematics that were administered in 2001-2002: • Standards of Learning (SOL) tests for grades 3, 5, 8 and end-of-course • Board-approved substitute tests listed at http://www.pen.k12.va.us/VDOE/Instruction/subassessment.pdf

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

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

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

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

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

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

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

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

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

5. For each of reading/language arts and mathematics, compared the lowest disaggregated pass rate found in Step 3 to the 20th percentile pass rate found in Step 4.
6. Chose the higher value as the starting point (20th percentile).
7. Rounded each starting point to the nearest tenth of a percent.

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

Reading/language arts: 60.7
Mathematics: 58.4

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

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
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

STATUS: F

Annual Measurable Objectives for Reading/Language Arts

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

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

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

Consistent with current practice, assessment data for reading/language arts will be combined across all tested grade levels or all tested courses in a school, LEA and the state to calculate participation rate and percent of students scoring at least proficient when determining whether or not AYP has been made in reading/language arts.

Annual Measurable Objectives for Mathematics

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

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

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

Consistent with current practice, assessment data for mathematics will be combined across all tested grade levels or all tested courses in a school, LEA and the state to calculate participation rate and percent of students scoring at least proficient when determining whether or not AYP has been made in mathematics.

Virginia will revise the annual proficiency targets (annual measurable objectives) for reading and mathematics to reflect an annual increase. The targets currently increase from 61 percent in reading and 59 percent in mathematics in 2003-2004 to 70 percent in reading and mathematics in 2004-2005. Beginning in 2004-2005, the revised proficiency target for reading will be 65 percent and the revised proficiency target for mathematics will be 63 percent.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Revised NCLB AYP Targets (Annual Measurable Objectives)

Year	Reading			Mathematics		
	%Prof Current	%Prof Revised	Increase	%Prof Current	%Prof Revised	Increase
2001-02	60.7	60.7	Base	58.4	58.4	Base
2002-03	61	61	0	59	59	0
2003-04	61	61	0	59	59	0
2004-05	70	65	4	70	63	4
2005-06	70	69	4	70	67	4
2006-07	70	73	4	70	71	4
2007-08	80	77	4	80	75	4
2008-09	80	81	4	80	79	4
2009-10	80	85	4	80	83	4
2010-11	90	89	4	90	87	4
2011-12	90	93	4	90	91	4
2012-13	90	97	4	90	95	4
2013-14	100	100	3	100	100	5

Annual Measurable Objectives for Graduation Rate

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

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

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

In the meantime, Virginia has adopted a graduation rate that is consistent with the directive in Virginia's July 1, 2003 USED letter of approval. Please refer to Critical Element 7.1 for additional information about graduation rate.

The formula was used to calculate graduation rates for each school with a graduating class in 2001-2002. These rates ranged from a low of 27.4 percent to a high of 100 percent. Using this formula, the 2001-2002 state graduation rate is 79.9 percent.

The starting point for graduation rate, 57 percent, was determined by ranking the schools by graduation rate and selecting the median graduation rate of the schools in the lower decile. This is not meant to imply that approximately 40 percent of Virginia students will not earn a high school diploma. Based on historical data, this starting point is a reasonable beginning point by which to measure the progress of our schools, divisions, and state in making adequate yearly progress by subgroups.

Virginia will recalculate the graduation rate and annual measurable objective (AMO) using the formula and methodology approved by USED in 2003 in the Consolidated State Application Accountability Workbook. This interim AMO will be used for the graduation rate through 2008 Adequate Yearly Progress (AYP) calculations when the statewide individual student record system is able to provide a more accurate accounting of the graduation rate in Virginia. The interim AMO will be 61 percent. As required by USED, this represents the percent of one-time graduates who receive a Standard or Advanced Studies Diploma.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

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

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

2001-2002 Data	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
57	57	57	57	57	~~TBD~~ 61	~~TBD~~ 61	TBD	TBD	TBD	TBD	TBD	TBD

This definition of graduation rate and the state target will be used until a student record system is instituted (estimated to be within three to five years), which will provide a more accurate accounting of the graduation rate in Virginia. As suggested in the July 1, 2003, USED letter of approval, for purposes of calculating whether a school or division makes AYP using the "safe harbor" method, Virginia will use an alternative additional indicator that can be disaggregated until 2005-2006 when Virginia will be positioned to generate a graduation rate definition that can be disaggregated consistent with NCLB requirements. During this transition period, Virginia will use Science Standards of Learning assessment scores as the alternative additional indicator for "safe harbor" purposes at the high school level. The state annual measurable objective (state target) for measuring progress in science will be set at 70 percent proficient, consistent with provisions in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.

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

~~In the Consolidated Application approved by USED July 2, 2002, absenteeism was identified as the other academic indicator for all elementary and middle schools. This indicator has been redefined as attendance rate, to focus on an indicator of positive student behavior. The indicator for all elementary and middle schools and any school not having a graduating class is attendance rate.~~ Prior to the beginning of a school year, each school division shall choose for each of its elementary and middle schools and schools without a graduating class either attendance or performance on state science assessments or performance on state history/social science assessments or performance on state writing assessments as the other academic indicator. The choice of using either attendance rate or science state assessment or history/social science state assessment or writing state assessment results as the other academic indicator also will apply to the "safe harbor" AYP calculation methodology. The attendance rate will be expressed as average daily attendance (ADA) percent. The annual measurable (state target) for measuring progress in science will be set a 70 percent proficient, consistent with provisions in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia.*

ADA percent for a school year is calculated by dividing the average daily attendance by average daily membership. The annual measurable objectives established for ADA percent serve as annual measurable objectives for all elementary and middle schools and for any school not having a gradating class; for all LEAs and for the state. These annual measurable objectives serve to determine if all students, and subgroups of students when applying "safe harbor" provisions, identified in section 1111 (b)(2)(C) made progress in this indicator. For 2002-2003 AYP calculations, Virginia will use Science Standards of Learning assessment scores as the alternative additional indicator in lieu of attendance for purposes of calculating whether a school or division makes AYP using the "safe harbor" method. Virginia currently does not have disaggregated attendance rate data available for use in determining 2002-2003 AYP designations using the "safe harbor" method.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

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

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

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

These are the annual measurable objectives in science, expressed as percents:

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

These are the annual measurable objectives in history/social science, expressed as percents:

2001-2002 Starting Point	2002-2003	2003-2004`	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
NA	NA	NA	NA	NA	NA	Int. Goal 70.0	70.0	70.0	Int. Goal 70.0	70.0	70.0	Goal: 70.0

These are the annual measurable objectives in writing, expressed as percents:

2001-2002 Starting Point	2002-2003	2003-2004`	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
NA	NA	NA	NA	NA	NA	Int. Goal 70.0	70.0	70.0	Int. Goal 70.0	70.0	70.0	Goal: 70.0

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
3.2c. What are the State's intermediate goals for determining adequate yearly progress?	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

STATUS: F

Intermediate Goals for Reading/Language Arts

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

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

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

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

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

See Critical Element 3.2(b) for revised AYP targets beginning in 2004-2005.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Intermediate Goals for Mathematics

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

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

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

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

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

See Critical Element 3.2(b) for revised AYP targets beginning in 2004-2005

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

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: F

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

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

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

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

Fully Accredited: at least 70 percent of students score proficient or better (pass) in each of four content areas, English (reading/language arts), mathematics, science, history/social sciences (except that grade 3 science and history/social sciences are not required to be factored in until 2003-2004)
Provisionally Accredited/Meets State Standards: the lowest schoolwide student pass rate is no lower than the benchmark in any one of the four content areas
Provisionally Accredited/Needs Improvement: the lowest schoolwide student pass rate is between 1 percent and 19 percent below the benchmark in any one of the four content areas
Accredited with Warning: the lowest schoolwide student pass rate is 20 percent or more below the benchmark in any one of the four content areas

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

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
Beginning with data from the 2002-2003 school year, school-level and division-level data regarding student pass rates [first-time test takers in the aggregate and for each subgroup identified in section 1111(b)(2)(c)] on statewide assessments, graduation rate (secondary schools and division), and attendance rate or science or history/social science or writing (elementary, middle schools and division) will be analyzed to determine whether or not each school/LEA and the state has made AYP for that year. Schools and LEAs not making AYP will be identified for improvement or corrective action in a manner consistent with sections 1116(b) and 1116(c) of NCLB and as described under Critical Element 1.6 of this consolidated accountability workbook. In addition, schools and LEAs receiving Title I, Part A funding will receive sanctions in a manner consistent with sections 1116(b) and 1116(c) of NCLB, respectively, and as described under Critical Element 1.6 of this consolidated application workbook. Schools exceeding AYP will be identified for recognitions. In addition, schools receiving Title I, Part A funding will receive recognition in a manner consistent with section 1117(b) of NCLB and as described and as described under Critical Element 1.6 of this consolidated application workbook. Consistent with current practice, assessment data for a content area will be combined across all tested grade levels or all tested courses in a school, LEA and the state to calculate participation rate and percent of students scoring at least proficient when determining whether or not AYP has been made in that content area. Beginning with the 2002-2003 school year, division-wide student performance data will be used to identify divisions making or not making adequate yearly progress.

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

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
5.1 How does the definition of adequate yearly progress include all the required student subgroups?	Identifies subgroups for defining adequately 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

STATUS: F

Consistent with NCLB and final Title I regulations issued November 26, 2002, the Virginia Department of Education will disaggregate the data for all student subgroups identified in section 1111(b)(2)(C) in order to make determinations regarding adequate yearly progress.

The term "economically disadvantaged" means the student is eligible to participate in the Free or Reduced Lunch Program under the National School Lunch Act.

The term "racial/ethnic category" describes the group which most clearly reflects the child's recognition of his or her community or with which the individual most identifies. Virginia will disaggregate student data by major racial/ethnic groups represented in the state. The major racial/ethnic groups in Virginia have been identified as White (not of Hispanic origin), Black (not of Hispanic origin), and Hispanic. These groups were selected because they exceed five percent of the student population in Virginia. Virginia will continue its practice of reporting student achievement for these racial/ethnic groups and for Alaskan/American Native and Asian/Pacific Islander, providing there are at least 10 students in these racial/ethnic groups as indicated in Critical Element 5.5.

The term "students with disabilities" means the students are eligible for services under the *Individuals with Disabilities Education Act (IDEA*) and who have individualized education programs (IEPs). "Individualized education program" means a written statement for a child with a disability that is developed, reviewed, and revised in a team meeting in accordance with the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*. The IEP specifies the individual educational needs of the child and what special education and related services are necessary to meet the needs.

The term 'limited English proficient' when used with respect to an individual, means an individual—

(A) who is aged 3 through 21;
(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

(C) (i) who was not born in the United States or whose native language is a language other than English;

(ii) (I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—
(i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);
(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
(iii) the opportunity to participate fully in society.

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

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

The *Virginia Standards of Learning Assessments Manual for the Division Director of Testing* provides definitions for identifying the subgroups, and it can be found at:
http://www.pen.k12.va.us/VDOE/Assessment/Fall02MCManuals/VA02FALL_DDOT_MC.pdf

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

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

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: F

Annual Measurable Objectives for Reading/Language Arts

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

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

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

Consistent with current practice, assessment data for reading/language arts will be combined across all tested grade levels or all tested courses in a school, LEA and the state to calculate participation rate and percent of students scoring at least proficient when determining whether or not AYP has been made in reading language/arts.

Annual Measurable Objectives for Mathematics

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

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

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

Consistent with current practice, assessment data for mathematics will be combined across all tested grade levels or all tested courses in a school, LEA and the state to calculate participation rate and percent of students scoring at least proficient when determining whether or not AYP has been made in mathematics.

Virginia will revise the annual proficiency targets (annual measurable objectives) for reading and mathematics to reflect an annual increase. The targets currently increase from 61 percent in reading and 59 percent in mathematics in 2003-2004 to 70 percent in reading and mathematics in 2004-2005. Beginning in 2004-2005, the revised proficiency target for reading will be 65 percent and the revised proficiency target for mathematics will be 63 percent.

Revised NCLB AYP Targets (Annual Measurable Objectives)

Year	Reading			Mathematics		
	%Prof Current	%Prof Revised	Increase	%Prof Current	%Prof Revised	Increase
2001-02	60.7	60.7	Base	58.4	58.4	Base
2002-03	61	61	0	59	59	0
2003-04	61	61	0	59	59	0
2004-05	70	65	4	70	63	4
2005-06	70	69	4	70	67	4
2006-07	70	73	4	70	71	4
2007-08	80	77	4	80	75	4
2008-09	80	81	4	80	79	4
2009-10	80	85	4	80	83	4
2010-11	90	89	4	90	87	4
2011-12	90	93	4	90	91	4
2012-13	90	97	4	90	95	4
2013-14	100	100	3	100	100	5

Annual Measurable Objectives for Graduation Rate

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

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

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

In the meantime, Virginia has adopted a graduation rate that is consistent with the directive in Virginia's July 1, 2003 USED letter of approval. Please refer to Critical Element 7.1 for additional information about graduation rate.

The formula was used to calculate graduation rates for each school with a graduating class in 2001-2002. These rates ranged from a low of 27.4 percent to a high of 100 percent. Using this formula, the 2001-2002 state graduation rate is 79.9 percent.

The starting point for graduation rate, 57 percent, was determined by ranking the schools by graduation rate and selecting the median graduation rate of the schools in the lower decile. This is not meant to imply that approximately 40 percent of Virginia students will not earn a high school diploma. Based on historical data, this starting point is a reasonable beginning point by which to measure the progress of our schools, divisions, and state in making adequate yearly progress by subgroups.

Virginia will recalculate the graduation rate and annual measurable objective (AMO) using the formula and methodology approved by USED in 2003 in the Consolidated State Application Accountability Workbook. This interim AMO will be used for the graduation rate through 2008 Adequate Yearly Progress (AYP) calculations when the statewide individual student record system is able to provide a more accurate accounting of the graduation rate in Virginia. The interim AMO will be will be 61 percent. As required by USED, this represents the percent of on-time graduates who receive a Standard or Advanced Studies Diploma.

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

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

2001-2002 Data	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
57	57	57	57	57	~~TBD~~ 61	~~TBD~~ 61	TBD	TBD	TBD	TBD	TBD	TBD

This definition of graduation rate and the state target will be used until a student record system is instituted (estimated to be within three to five years), which will provide a more accurate accounting of the graduation rate in Virginia. As suggested in July 1, 2003, USED letter of approval, for purposes of calculating whether a school or division makes AYP using the "safe harbor" method, Virginia will use an alternative additional indicator that can be disaggregated until 2005-2006 when Virginia will be positioned to generate a graduation rate definition that can be disaggregated consistent with NCLB requirements. During this transition period, Virginia will use Science Standards of Learning assessment scores as the alternative additional indicator for "safe harbor" purposes at the high school level. The state annual measurable objective (state target) for measuring progress in science will be set at 70 percent proficient, consistent with provisions in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The state accountability system in Virginia prescribed in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (the "SOA" or "Standards of Accreditation") [http://www.pen.k12.va.us/VDOE/Accountability/soafulltxt.pdf] includes all schools and LEAs. The standards for accrediting public schools require that "In kindergarten through eighth grade, where SOL tests are administered, each student shall be expected to take the SOL tests..." and "Each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction...". Students enrolled in a grade level or course for which there are associated SOL tests are expected to participate in the testing program by taking one of the statewide assessments listed in Critical Element 3.2.
Policies have been developed to ensure that all LEAs are held accountable.

Annual Measurable Objectives for Other Academic Indicator for Elementary and Middle Schools
~~In the Consolidated Application approved by USED July 2, 2002, absenteeism was identified as the other academic indicator for all elementary and middle schools. This indicator has been redefined as attendance rate, to focus on an indicator of positive student behavior. The indicator for all elementary and middle schools and any school not having a graduating class is attendance rate.~~ Prior to the beginning of a school year, each school division shall choose for each of its elementary and middle schools and schools without a graduating class either attendance or performance on state science assessments or performance on state history/social science assessments or performance on state writing assessments as the other academic indicator. The choice of using either attendance rate or science or history/social science or writing state assessment results as the other academic indicator also will apply to the "safe harbor" AYP calculation methodology. The attendance rate will be expressed as average daily attendance (ADA) percent. The annual measurable (state target) for measuring progress in science or history/social science or writing will be set a 70 percent proficient, consistent with provisions in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia.*

ADA percent for a school year is calculated by dividing the average daily attendance by average daily membership. The annual measurable objectives established for ADA percent serve as annual measurable objectives for all elementary and middle schools and for any school not having a gradating class; for all LEAs and for the state. These annual measurable objectives serve to determine if all students, and subgroups of students when applying "safe harbor" provisions, identified in section 1111 (b)(2)(C) made progress in this indicator. For 2002-2003 AYP calculations, Virginia will use Science Standards of Learning assessment scores as the alternative additional indicator in lieu of attendance for purposes of calculating whether a school or division makes AYP using the "safe harbor" method. Virginia currently does not have disaggregated attendance rate data available for use in determining 2002-2003 AYP designations using the "safe harbor" method.

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

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

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

Adopted by the Virginia Board of Education: April 29, 2003; Amended: June 9, 2003, September 10, 2003, May 26, 2004, June 22, 2005, July 26, 2006, July 16, 2007, and June 2008

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

These are the annual measurable objectives in science, expressed as percents:

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

These are the annual measurable objectives in history/social science, expressed as percents:

2001-2002 Starting Point	2002-2003	2003-2004`	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
NA	NA	NA	NA	NA	NA	Int. Goal 70.0	70.0	70.0	Int. Goal 70.0	70.0	70.0	Goal: 70.0

These are the annual measurable objectives in writing, expressed as percents:

2001-2002 Starting Point	2002-2003	2003-2004`	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
NA	NA	NA	NA	NA	NA	Int. Goal 70.0	70.0	70.0	Int. Goal 70.0	70.0	70.0	Goal: 70.0

Adopted by the Virginia Board of Education: April 29, 2003; Amended: June 9, 2003, September 10, 2003, May 26, 2004, June 22, 2005, July 26, 2006, July 16, 2007, and June 2008

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENT	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
STATUS: F Students with disabilities comprise one of the subgroups addressed in Critical Element 5.1. All students with disabilities will participate in the state assessment program either through the Standards of Learning assessments, with or without accommodations, ~~or~~ through the Virginia Grade Level Alternative (VGLA) ~~the Virginia Substitute Evaluation Program (VSEP)~~ or the Virginia Alternate Assessment Program (VAAP) described below. Virginia will continue to assess students with the most significant cognitive disabilities with the VAAP, which is comprised of alternate assessments that are measured against alternate achievement standards defined under Sec. 200.1(d) 34 CFR Part 200, Title I – Improving the Academic Achievement of the Disadvantaged; Proposed Rule (Federal Register: March 20, 2003) and aligned with Virginia's academic content standards. These alternate achievement standards are based upon the educational needs of students as identified by their IEP teams properly convened under the IDEA and reflecting the professional judgment of the highest learning standards possible for these students. For accountability purposes, the number or percentage of students with the most significant cognitive disabilities taking these alternate assessments as defined in Sec. 200.1(d) is not expected to exceed the limit established under federal regulations. Virginia will not adopt policies that limit the number or type of students with disabilities who can take such alternate assessments. ~~Scores from both the Standards of Learning assessments and the alternate assessment for students with the most significant cognitive disabilities will be included in the calculations of adequate yearly progress (AYP) for schools, school divisions and the state. Effective with the 2002-2003 2005-2006 academic year, the USED has directed Virginia to limit to 1% given Virginia the flexibility to include 1.1 percent of the number of scores from these alternate assessments for children with the most severe cognitive disabilities that can be counted as proficient in AYP calculations. As a statement of public record, let it be clear that Virginia is "agreeing" to this directive under protest and only because the USED has made it clear it is mandating it.~~

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

In addition, Virginia will continue to ~~develop and~~ administer alternate assessments measured against achievement standards as defined in Sec. 200.1(c) of the final Title I regulations for standards and assessments (Federal Register: July 5, 2002) as determined appropriate by their IEP teams, for students with disabilities, as defined under section 1401(3) of the IDEA, who cannot participate in all or part of the state Standards of Learning assessments in English/reading, mathematics, and science, even with appropriate accommodations. These alternate assessments that comprise the VGLA are ~~will be~~ designed to yield results for the grade in which the student is enrolled. For accountability purposes, the number or percentage of students taking these alternate assessments measured against achievement standards as defined in proposed Sec. 200.1(c), as determined appropriate by their IEP teams, will not be limited. Scores of students with disabilities participating in the SOL assessments, the VGLA, and the VAAP ~~newly-developed alternate assessments also~~ will be included in the calculations of adequate yearly progress (AYP) for schools, school divisions and the state.

To ensure accountability, Virginia will monitor the percentages of students with disabilities taking these alternate assessments to ensure that all students with disabilities are appropriately included in Virginia's Standards of Learning assessment program.

As directed by USED, beginning in the 2003-2004 academic year, students with disabilities participating in local assessments, as deemed appropriate by IEP teams under IDEA and under Virginia Board of Education regulations, will be counted as non-participants when calculating participation rates, even though school divisions were following testing policies required in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*. As a statement of public record, let it be clear that Virginia is "agreeing" to this directive under protest and only because the USED has made it clear it is mandating it.

Consistent with USED requirements of all states, newly-developed assessments will be used for measuring students' proficiency after they have been approved through the USED Standards and Review process.

Virginia will implement the Secretary's Transition Option #1 (2 percent proxy) for the inclusion of students with disabilities in the calculation of adequate yearly progress (AYP) for the 2005-2006 year, based on assessments administered to those students during the 2004-2005 school year; ~~and~~ for the 2006-2007 year, based on assessments administered to those students during the 2005-2006 school year; ~~and~~ for the 2007-2008 year based on assessments administered to students during the 2006-2007 school year; and for the 2008-2009 year based on assessment administered to students during the 2007-2008 school year. The proxy will be calculated in accordance with guidance disseminated by USED on May 10, 2005. The proxy percentages are 14 percent for reading and 17 percent for mathematics. In addition, Virginia will develop modified achievement standards in accordance with federal requirements. For the 2006-2007 AYP calculations, the proxy percentages are 14 percent for reading and 17 percent for mathematics. For the 2007-2008 AYP calculations, the proxy percentages are 14 percent for reading and 15 percent for mathematics.

Documentation:
Regulations Governing Special Education Programs for Children with Disabilities in Virginia, approved by the U.S. Department of Education, Office of Special Education Programs, are consistent with requirements under the Individuals with Disabilities Education Act (IDEA) for the participation of students with disabilities in statewide assessment programs (8 VAC 20-80-62 E.5). The regulations are found at ~~http://www.pen.k12.va.us/VDOE/Instruction/Sped/varegs.pdf~~.
http://www.doe.virginia.gov/VDOE/Instruction/Sped/varegs.pdf.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
~~Guidelines for the Participation of Students with Disabilities in the Assessment Component of Virginia's Accountability System, adopted by the Board of Education September 26, 2002,~~ The Procedures for Participation of Students with Disabilities in Virginia's Accountability System require~~s~~ that all students with disabilities be included in the state accountability system through the ~~Standards of Learning~~ SOL A~~a~~ssessments, with or without accommodations, the VGLA, or the VAAP ~~Virginia Alternate Assessment program~~. ~~The procedures also state the requirement that at least 95% of students with disabilities participate in assessments that measure adequate yearly progress of schools~~. The ~~guidelines~~ procedures may be found at ~~http://www.pen.k12.va.us/VDOE/suptsmemos/2002/inf140a.pdf~~ http://www.doe.virginia.gov/VDOE/Assessment/Participation_Guidelines_for_SWD.pdf. ~~Virginia Department of Education's Procedures for Participation of Students with Disabilities in the Assessment Component of Virginia's Accountability System provides procedural guidance to LEAs in including students with disabilities in the state assessment program. This document describes standard and non-standard accommodations. The procedures may be found at http://www.pen.k12.va.us/VDOE/suptsmemos/2002/inf140b.pdf A description of the current Virginia Alternate Assessment program may be found at http://www.pen.k12.va.us/VDOE/Assessment/Assess.PDF/imp-manual.pdf~~

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
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

STATUS: F

Effective with the 2003-2004 academic year, all limited English proficient (LEP) students will participate in the Virginia state assessment program. LEP students in grades 3-8 at the lower levels (Level 1 and Level 2) of English language proficiency will take the Standards of Learning assessments for English/reading and mathematics, with or without accommodations, or state-approved assessments linked to the Standards of Learning, such as those described below. LEP students cannot take assessments linked to the Standards of Learning for more than three consecutive years. Additionally, recently arrived LEP students ~~LEP students in their first year of enrollment in a U.S. school~~ regardless of their English language proficiency level: 1) may take the Standards of Learning assessments for English/reading with or without accommodations, or state-approved assessments linked to the Standards of Learning; and 2) will take the Standards of Learning assessments for mathematics with or without accommodations. Recently arrived LEP students ~~who were enrolled on the first day of school and in continuous membership until the test administration will be considered as in their first year of enrollment in a U.S. school.~~ are defined as students with limited proficiency in English who have attended schools in the United States for less than twelve months (as defined in the Title I regulations, October 13, 2006). Decisions regarding LEP student participation in the state assessment program will be guided by the school-based committee as described in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8 VAC 131-30 G.

~~Virginia is one of 17 states that received funding as a consortium under a USED Enhanced Assessment Instruments Grant for development of an English Language Proficiency Assessment. The consortium, under the auspices of the Council of Chief State School Officers (CCSSO), is developing an English Language Proficiency (ELP) assessment that will be linked to the English Standards of Learning. The assessment instrument will be available for implementation statewide by spring 2004 2005. The Board of Education may approve the use of additional English Language Proficiency assessments that are linked to Standards of Learning grade-level content standards. For the 2003-2005 school years, the Stanford English Language Proficiency (SELP) test will be designated as the state-approved assessment instrument linked directly to the English/reading Standards of Learning.~~

In compliance with USED directives, for purposes of calculating adequate yearly progress (AYP) for 2002-2003, Virginia students who were given a one-time exemption from taking the English or mathematics Standards of Learning tests will be counted as non-participating even though school divisions were following testing policies required in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*. As a statement of public record, let it be clear that Virginia is "agreeing" to this directive under protest and only because the USED has made it clear it is mandating it.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
Beginning with the ~~2003-2004~~ 2006-2007 school year, the scores of recently arrived LEP students ~~during their first year of enrollment in a U.S. school~~ on the English/reading ~~and mathematics~~ Standards of Learning assessments ~~or assessments linked to the Standards of Learning~~ will be counted toward the 95% participation rate for the purposes of AYP, but they will not be included in the AYP calculations. Beginning with the 2003-2004 school year, for purposes of AYP calculations only, LEP students will be counted in the LEP subgroup for two years after they have been reclassified as non-LEP. Consistent with USED requirements of all states, newly-developed assessments will be used for measuring students' proficiency after they have been approved through the USED Standards and Review process.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
5.5 What is the State's definition of the minimum number of students in a subgroup required for reporting purposes? For accountability purposes?	State defines the number of students required in a subgroup for reporting and accountability purposes, and applies this definition consistently across the State.[4] 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
STATUS: F Minimum Number Used to Determine Adequate Yearly Progress (AYP) Given the task of identifying the minimum number of students necessary (both in the aggregate and by subgroups) to ensure that information used to make decisions about AYP is sufficiently valid and reliable, Virginia identified the following challenges: • To identify low performing schools without inappropriately identifying successful schools or permitting unsuccessful schools to avoid accountability • To select a number that does not allow for an unacceptable degree of variability and that does not exclude an unacceptable number of students To accomplish the task, processes were established to answer the following questions; • At what number does the gain in reliability (stability) from having more students level off? • What number is so high that an unacceptable number of groups or subgroups will be excluded from AYP? Research determined that various approaches are used to identify a number of data points (or data sets) below which results may be unreliable. Student performance on Virginia's statewide assessments was analyzed to reveal trend stability data and potential student exclusion patterns.

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The challenge in choosing a minimum n-count is in selecting a number that is large enough to minimize the year-to-year fluctuations due to differences in the cohort groups and also small enough so that large numbers of students and even schools are not excluded from the accountability system. In making this decision, technical, practical, and policy considerations must be balanced.

Given the challenges and guiding questions noted at the beginning of this section, Virginia will use 50 or 1 percent of the enrolled student population, whichever is greater, as the minimum n for the purposes of determining AYP for schools, school divisions, and the state. A cap of 200 students will be applied to all 1 percent calculations. While the expectation is that all students will participate in statewide assessments no matter the number of these students, if fewer than the minimum n count ~~50 students~~ are in a group or subgroup, the performance of the group will be included in the "all students" group and not included as a subgroup when making AYP determinations. It will be presumed that these students will have made AYP, in accordance with federal guidance on this issue. These students will also be included in aggregate and disaggregated AYP calculations at the next highest level of accountability (LEA level and/or state level).

Data and explanations supporting ~~this decision~~ a minimum n of 50 are found in Attachment B at the end of this document.

Consistent with current practice, assessment data for a content area will be combined across all tested grade levels or all tested courses in a school, LEA and the state to calculate participation rate and minimum n for AYP purposes.

Minimum Number Used for Reporting Purposes

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

Consistent with current practice, assessment data for a content area will be combined across all tested grade levels or all tested courses in a school, LEA and the state to calculate participation rate and minimum n for reporting purposes.

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

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
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.[5]	Definition reveals personally identifiable information.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
STATUS: F When pass rates are 100% or 0%, this will be reported using ">X%" and "<X%" formats, respectively. To ensure compliance with the provisions of the Family Educational Rights and Privacy Act, the Virginia Department of Education will not report subgroup performance of groups comprised of fewer than 10 students. Although from a statistical perspective, a minimum subgroup size of three protects the identity of the subgroups members, a minimum of 10 students in a subgroup will ensure that individual students are not personally identifiable. This number is consistent with the policy of a number of other state education agencies, and while some agencies have identified higher reporting thresholds, it is the belief of the Virginia Department of Education that a minimum group of 10 students will meet the requirements of No Child Left Behind while providing a comfort zone of confidentiality. Finally, to protect the privacy of all students, the results of individual students are never reported for public dissemination.

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

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

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
6.1 How is the State's definition of adequate yearly progress based primarily on academic assessments?	Formula for AYP shows that decisions are based primarily on assessments.[6] 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

STATUS: F

The indicators used to determine AYP are:

1. Student performance on statewide assessments in reading/language arts. Statewide assessments include the following:
   - Standards of Learning tests, including the Substitute Standards of Learning Evaluation Program for Certain Students with Disabilities Who Cannot Be Accommodated on Standards of Learning Tests; and state-approved assessments linked directly to Standards of Learning, as described in Critical Element 5.4
   - Board-approved substitute tests listed at http://www.pen.k12.va.us/VDOE/Instruction/subassessment.pdf
   - Alternate assessments measured against alternate achievement standards, required by the 1997 IDEA, taken by some students with disabilities and described at http://www.pen.k12.va.us/VDOE/Instruction/Sped/spedsol.html
   - Alternate assessments measured against regular achievement standards as described in the March 20, 2003 Federal Register, taken by some students with disabilities, as proposed in Critical Element 5.3

2. Student performance on statewide assessments in mathematics. Statewide assessments include the following:
   - Standards of Learning tests, including the Substitute Standards of Learning Evaluation Program for Certain Students with Disabilities Who Cannot Be Accommodated on Standards of Learning Tests; and state-approved assessments linked directly to Standards of Learning, as described in Critical Element 5.4
   - Board-approved substitute tests listed at http://www.pen.k12.va.us/VDOE/Instruction/subassessment.pdf
   - Alternate assessments measured against alternate achievement standards, required by the 1997 IDEA, taken by some students with disabilities and described at http://www.pen.k12.va.us/VDOE/Instruction/Sped/spedsol.html
   - Alternate assessments measured against regular achievement standards as described in the March 20, 2003 Federal Register, taken by some students with disabilities, as proposed in Critical Element 5.3

3. Graduation rate for secondary schools and any school having a graduating class. Graduation rate is defined in Critical Element 7.1 of this consolidated application workbook.

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

4. Attendance rate or science or history/social science or writing for elementary and middle schools and any school not having a graduating class.
    a. Attendance rate is defined in Critical Element 7.2 of this consolidated application workbook.
    b. Student performance on statewide assessments in science. Statewide assessments include the following:
        - Standards of Learning tests, including the Substitute Standards of Learning Evaluation Program for Certain Students with Disabilities Who Cannot Be Accommodated on Standards of Learning Tests; and state-approved assessments linked directly to Standards of Learning, as described in Critical Element 5.4
        - Board-approved substitute tests listed at http://www.pen.k12.va.us/VDOE/Instruction/subassessment.pdf
        - Alternate assessments measured against alternate achievement standards, required by the 1997 IDEA, taken by some students with disabilities and described at http://www.pen.k12.va.us/VDOE/Instruction/Sped/spedsol.html
        - Alternate assessments measured against regular achievement standards as described in the March 20, 2003 Federal Register, taken by some students with disabilities, as proposed in Critical Element 5.3

5. Virginia will use the science assessments already administered under its established state accountability system in grades 3, 5, 8, and End-of-Course to meet requirements under Section 1111 (b) (3) for implementation of science assessments beginning in 2007-2008. These science assessments will not be included in the Adequate Yearly Progress (AYP) calculations.

Consistent with section 1111(b)(2)(G) of NCLB and final Title I regulations issued November 26, 2002, one set of annual measurable objectives has been established for each of reading/language arts, mathematics, graduation rate (for secondary schools and any school having a graduating class), and for attendance rate or science or history/social science or writing (for elementary schools, middle schools, and any school not having a graduating class). Annual measurable objectives for each of the aforementioned indicators have been established for each school year beginning in 2002-2003 and ending in 2013-2014, and annual objectives may or may not increase at equal increments.

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

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

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

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

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

- the pass rate for all students or for any subgroup(s) of students on reading/language arts assessments is below the annual measurable objective; AND/OR

- the pass rate for all students or for any subgroup(s) of students on mathematics assessments is below the annual measurable objective; AND

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

- the failure rate(s) of those students has been reduced by at least 10% from the year before on that assessment; AND
- the students have made progress in the other academic indicator(s) (graduation rate and/or attendance rate or science or history/social science or writing).

In compliance with USED directives, Virginia will follow the procedures for calculating adequate yearly progress (AYP) stated above as approved by USED in the September 10, 2003, amended workbook. As a statement of public record, let it be clear that Virginia is "agreeing" to this directive only because the USED has made it clear it is mandating it. Virginia's understanding of Section 1111(b)(2)(C)(iv) is that the definition of AYP must include an "other academic indicator" but decisions about AYP shall be based primarily on participation rates and student achievement on reading and mathematics assessments. Additionally, It is our interpretation that Section 1111(b)(2)(G) and Section 1111(b)(2)(I)(i) define how AYP is determined, and these sections permit the state and any division or school that meets the 95 percent participation rate and meets or exceeds the annual measurable objectives on the reading and mathematics assessments for all students as well as each subgroup to be designated as making AYP. We believe Section 1111(b)(2)(I)(i) states the other academic indicators must be considered only if "safe harbor" is invoked.

Virginia uses the uniform averaging procedure described in Section 1111 (b) (2) (j) for AYP calculations. Beginning in the 2008-2009 school year based on assessments administered during the 2007-2008 school year and beyond, all tests given in grades 3, 4, 5, 6, 7, 8, and End-of Course subjects will be included in the participation and performance calculations for AYP. Schools and school divisions can make AYP in one of two ways: 1) current year performance; or 2) the average of student performance in grades 3 though 8 and End-of Course for the previous three years. Safe harbor is applied if a school does not make AYP through the current or three-year average.

Consistent with current practice, assessment data for a content area will be combined across all tested grade levels or all tested courses in a school, LEA and the state to calculate participation rate and percent of students scoring at least proficient when determining whether or not AYP has been made in that content area.

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

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

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
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[7] to make AYP.	State definition of public high school graduation rate does not meet these criteria.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
STATUS: F NCLB requires that graduation rate be used as another academic indicator for secondary schools and defines graduation rate as: "the percent of students receiving a regular diploma in the standard number of years" [1111(b)(2)(C)(vi)]. Final regulations issued November 26, 2002 define graduation rate as: "the percentage of students, measured from the beginning of high school, who graduate from high school with a regular diploma (not including an alternative degree that is not fully aligned with the State's academic standards, such as a certificate or GED) in the standard number of years…"

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

In Virginia, graduation rate is the other academic indicator for secondary schools and for any school having a graduating class. In Virginia, the four diploma types are: Standard, Advanced Studies, Modified Standard, and Special. A student receiving any one of these diplomas is able to respond in the positive when asked if s/he has received a high school diploma, thus making him/her eligible to apply for post-secondary education or training. A student receiving any one of these diplomas is eligible to apply for federal tuition grants.

The Standard, Advanced Studies, and Modified Standard diplomas have specific course content requirements that are fully aligned with the state's Standards of Learning. The Special Diploma is awarded to certain students with disabilities. "In accordance with the requirements of [Virginia's] Standards of Quality, students with disabilities who complete the requirements of their Individualized Education Program (IEP) and do not meet the requirements for other diplomas shall be awarded Special Diplomas" (8 VAC 20-131-50.E). As directed by USED, Virginia will not include the Special Diploma in calculating graduation rate.

The Modified Standard Diploma program is intended for certain students at the secondary level who have a disability and are unlikely to meet all of the requirements for a Standard Diploma. Eligibility and participation in the Modified Standard Diploma program shall be determined by the student's Individual Education Program (IEP) team and the student, where appropriate, at any point after the student's eighth grade year. The requirements for earning this diploma include 20 standard units of credit, including rigorous coursework in the Standards of Learning for English, mathematics, science, history and social science. In addition to earning prescribed standard units of credit in the core subjects, students pursuing the Modified Standard Diploma must take and pass English/reading and mathematics Standards of Learning tests. This Modified Standard Diploma is recognized as a diploma by institutions of higher education. The Board of Education created the Modified Standard Diploma for appropriate students to earn and it believes this diploma is a valid educational objective for appropriate students. However, in compliance with USED directives, for purposes of calculating graduation rate for NCLB, Virginia will not include recipients of the Modified Standard Diploma in its graduation rate formula.

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

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

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

In the meantime, as agreed to in Virginia's August 20, 2003, response to USED letter of July 1, 2003, "Virginia will calculate a graduation rate for high schools that includes all recipients of any type of certificate or diploma (as well as students who have dropped out of or transferred into a high school) in the denominator and will include only those students receiving a standard diploma (excluding students receiving a Special Diploma, Modified Standard Diploma, Certificate of Attendance, or GED certificate) in the standard number of years in the numerator."

The standard number of years for graduation is defined as four years or less.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
Virginia will allow the IEP team to determine the standard number of years for the graduation rate for students with disabilities. School-based LEP teams will determine the standard number of years for the graduation rate for LEP students based on Department of Education guidelines. A detailed explanation of the formula as it applies to Virginia follows: $GR_i = \frac{G_i}{G_i + \text{(number of students receiving Special Diploma, Modified Standard Diploma, Certificate of Attendance, and GED certificates for year } _i) + D_i + D_{(i-1)} + D_{(i-2)} + D_{(i-3)}}$ Where: GR_i is the graduation rate for a given year ($_i$) between 2002 and 2014 G_i is the number of students achieving a regular high school diploma (excluding Special Diploma, Modified Standard Diploma, Certificate of Attendance, and GED certificates) for year $_i$. D_i is the number of dropouts in grade 12 for year *i*. $D_{(i-1)}$ is the number of dropouts in grade 11 for the first previous year (*i-1*). $D_{(i-2)}$ is the number of dropouts in grade 10 for the second previous year (*i-2*). $D_{(i-3)}$ is the number of dropouts in grade 9 for the third previous year (*i-3*). Graduation rates will be reported at the school (where applicable), division (LEA), and state levels. Data collection systems are being modified to collect and report graduation rate by student subgroup. Since Virginia will use a graduation rate definition that includes a dropout count in the denominator (i.e., NCES defines a dropout as not returning to school by October 1) adequate yearly progress will be calculated based on the previous school year's graduation rate. Hence, graduation rate data will be available in time to make AYP determinations and report them to LEAs and schools before the beginning of the school year.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY 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.[8] 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.

[8] NCLB only lists these indicators as examples.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

STATUS: F

~~In the Consolidated Application approved by USED July 2, 2002, absenteeism was identified as the other academic indicator for all elementary and middle schools. This indicator has been redefined as attendance rate, to focus on an indicator of positive student behavior. The indicator for all elementary and middle schools and any school not having a graduating class is attendance rate.~~ Prior to the beginning of a school year, each school division shall choose for each of its elementary and middle schools and schools without a graduating class either attendance or performance on state science assessments or performance on state history/social science assessments or performance on state writing assessments as the other academic indicator. The choice of using either attendance rate or science state assessment results as the other academic indicator also will apply to the "safe harbor" AYP calculation methodology. The attendance rate will be expressed as average daily attendance (ADA) percent. The annual measurable (state target) for measuring progress in science or history/social science or writing will be set a 70 percent proficient, consistent with provisions in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia.*

ADA percent for a school year is calculated by dividing the average daily attendance by average daily membership. To facilitate reporting of attendance prior to the beginning of the school year, Virginia will institute a new data collection requirement for the annual March 31 average daily membership (ADM) data collection, beginning in March, 2004. Until that time, Virginia will use the most current attendance data available to make AYP determinations prior to the beginning of the 2003-2004 school year.

The annual measurable objectives established for attendance rate, ~~and~~ science, history/social science, and writing (described in Critical Element 3.2b) serve as annual measurable objectives for elementary and middle schools; for any school not having a graduating class; for all LEAs and for the state. These annual measurable objectives serve to determine if all students, and subgroups of students when applying "safe harbor" provisions, identified in section 1111 (b)(2)(C) made progress in this indicator. For 2002-2003 AYP calculations, Virginia will use Science Standards of Learning assessment scores as the alternative additional indicator in lieu of attendance for purposes of calculating whether a school or division makes AYP using the "safe harbor" method. Virginia currently does not have disaggregated attendance rate data available for use in determining 2002-2003 AYP designations using the "safe harbor" method.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY 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
STATUS: F Academic indicators identified for Virginia include graduation rates and student attendance or performance on state science assessments or performance on state history/social science assessments or performance on state writing assessments. Average daily attendance is calculated by dividing the average daily attendance by average daily membership. The use of science, history/social science, and writing assessments is further described in Critical Elements 3.2b and 6.1. Annual graduation rates are computed using the formula defined in Critical Element 7.1 Validity and reliability of these measures are ensured through a well established, consistent, and standardized method of data collection and computation for both indicators.

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

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
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. [9] 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

STATUS: F

Annual Measurable Objectives for Reading/Language Arts

Consistent with section 1111(b)(2)(G) of NCLB and final Title I regulations issued November 26, 2002, one set of annual measurable objectives has been established for each school year beginning in 2002-2003 and ending in 2013-2014.

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

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

Annual Measurable Objectives for Mathematics

Consistent with section 1111(b)(2)(G) of NCLB and final Title I regulations issued November 26, 2002, one set of annual measurable objectives has been established for each school year beginning in 2002-2003 and ending in 2013-2014.

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

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

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

Virginia will revise the annual proficiency targets (annual measurable objectives) for reading and mathematics to reflect an annual increase. The targets currently increase from 61 percent in reading and 59 percent in mathematics in 2003-2004 to 70 percent in reading and mathematics in 2004-2005. Beginning in 2004-2005, the revised proficiency target for reading will be 65 percent and the revised proficiency target for mathematics will be 63 percent.

Revised NCLB AYP Targets (Annual Measurable Objectives)

Year	Reading			Mathematics		
	%Prof Current	%Prof Revised	Increase	%Prof Current	%Prof Revised	Increase
2001-02	60.7	60.7	Base	58.4	58.4	Base
2002-03	61	61	0	59	59	0
2003-04	61	61	0	59	59	0
2004-05	70	65	4	70	63	4
2005-06	70	69	4	70	67	4
2006-07	70	73	4	70	71	4
2007-08	80	77	4	80	75	4
2008-09	80	81	4	80	79	4
2009-10	80	85	4	80	83	4
2010-11	90	89	4	90	87	4
2011-12	90	93	4	90	91	4
2012-13	90	97	4	90	95	4
2013-14	100	100	3	100	100	5

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

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

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

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

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

In compliance with USED directives, Virginia will follow the procedures for calculating adequate yearly progress (AYP) stated above as approved by USED in the September 10, 2003, amended workbook. As a statement of public record, let it be clear that Virginia is "agreeing" to this directive only because the USED has made it clear it is mandating it. Virginia's understanding of Section 1111(b)(2)(C)(iv) is that the definition of AYP must include an "other academic indicator" but decisions about AYP shall be based primarily on participation rates and student achievement on reading and mathematics assessments. Additionally, It is our interpretation that Section 1111(b)(2)(G) and Section 1111(b)(2)(I)(i) define how AYP is determined, and these sections permit the state and any division or school that meets the 95 percent participation rate and meets or exceeds the annual measurable objectives on the reading and mathematics assessments for all students as well as each subgroup to be designated as making AYP. We believe Section 1111(b)(2)(I)(i) states the other academic indicators must be considered only if "safe harbor" is invoked.

Consistent with current practice, assessment data for a content area will be combined across all tested grade levels or all tested courses in a school, LEA and the state to calculate participation rate and percent of students scoring at least proficient when determining whether or not AYP has been made in that content area.

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

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY 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
STATUS: F Decision consistency and estimates of school level reliability will be computed after each spring administration using the methodology outlined in "Determining the Reliability of School Scores," Hill and DePascale, 2002. Virginia will continue to review new methodologies and add to, or adjust, the method for calculating these estimates as improvements in the research emerge. Additionally, for test level information, decision consistency, reliability, and estimates of testing error will continue to be reported every year after the spring administration. These statistics include: Livingston and Lewis decision consistency and accuracy; KR 20s; classical SEMs; conditional SEMs; and inter-rater reliability. More details about these analyses can be viewed in the technical manuals at: http://www.pen.k12.va.us/VDOE/Assessment/home.shtml

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY 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

STATUS: F

Because Virginia's accountability system is primarily based on results from the Standards of Learning tests, the basis for the validity of the accountability program may be found in the validity of the Standards of Learning testing program. The validity of Virginia's testing program is both explicitly studied and implicitly "built in" to the development of the tests. The following are validity studies that have been conducted: "Study of the Effectiveness of the Virginia Standards of Learning (SOL) Reform," Standards Work, 2003 http://www.pen.k12.va.us/VDOE/Instruction/VASOLstudy.pdf;
"Review of Selected Technical Characteristics of the Virginia Standards of Learning (SOL) Assessments," Hambleton, R.K., Crocker, L., Cruse, K., Dodd, B., Plake, B., and Poggio, J. 2001. http://www.pen.k12.va.us/VDOE/Assessment/virginiareport.pdf;
"Standards of Learning (SOL) Tests Validity and Reliability Information: Spring 1998 Administration," Phillips, S.E., Lenke, J., McMillan, J., Moon, T. 1999
http://www.pen.k12.va.us/VDOE/Assessment/validity.PDF

The implicitly "built in" validity of the tests lies in the content validation that takes place at several steps during the development of the test items. That is, at three separate times during the development of the test items, groups of teachers and content experts examine the items and confirm that the items match the content that it purports to measure. An extensive discussion of the procedure to ensure content validity can be found in any of the technical manuals for the testing program.
http://www.pen.k12.va.us/VDOE/Assessment/home.shtml

The state has developed a process for appeal of accountability designations of improvement and the imposition of sanctions and corrective actions for school divisions (LEAs). Division superintendents will receive notification from the Department of Education (DOE) on the criteria and procedural guidelines that will be used for appeals.

The appeals process includes the following:

1. Criteria and circumstances forming the basis of an appeal
2. Time period for appeals for claims of errors in scoring or reporting of data
3. Demonstration of basis for appeal through supporting evidence by the school division and/or school
4. Audit of information and data related to the appeal by the DOE
5. Time period for review of appeal and determination of result
6. Written notification of decision to division superintendent

Upon meeting the appeals process criteria for the re-evaluation of an accountability determination or identification for improvement, sanctions, or corrective action, ~~a division superintendent has the right to~~ Title I schools may appeal to the division, and if a change is recommended, the division superintendent provides the AYP determination~~. A superintendent must complete an Appeals Report and provide it~~ to the Department of Education within 15 calendar days for validation and inclusion in statewide data reports, consistent with the No Child Left Behind Act. School divisions appealing their AYP status or identification for sanctions or corrective action will appeal directly to the Department of Education.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
The Department of Education, on behalf of the Board of Education, will make a decision regarding the appeal within 15 calendar days. The decision by the department is final.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF *NOT* MEETING REQUIREMENTS
9.3 How has the State planned for incorporating into its definition of AYP anticipated changes in assessments?	State has a plan to maintain continuity in AYP decisions necessary for validity through planned assessment changes, and other changes necessary to comply fully with NCLB.[10] 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
STATUS: F Currently Virginia administers tests in reading and mathematics at grades 3, 5, and 8 and at the high school level. Initially the calculation of AYP will include student performance on these tests. In accordance with the NCLB legislation we will implement tests in reading and mathematics in grades 4, 6, and 7 in 2005-2006. As permitted by the law, Virginia may also re-examine the selected starting points and intermediate goals at this point. However, there will be no interruption in the calculation of AYP. To ensure that no interruption occurs, linking studies will be conducted whenever the content measured by a test is modified. LEAs are required to report to the SEA through the School and Staff Administration data collection information on all new schools that will be opening as well as changes in the operational status or grade configuration of schools that were open the previous school year. As described in the Standards of Accreditation, new schools are given ratings of "Conditionally Accredited," as no tests were administered in the school the previous year. Such new schools will receive no AYP determination until the end of the first year, and the first AYP determination will be based upon available data from the school's first year of operation. Changes to the regulatory provisions of the state accountability system are made in accordance with the state's Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). While the process normally is extremely cumbersome, changes dictated by federal or state law can be accomplished through an abbreviated process. The Administrative Process Act requires periodic review of all state agency regulations.

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

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

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY 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
STATUS: F For accountability purposes schools are required to submit a test answer document for each student enrolled in a grade level or course for which a state assessment is administered. Reasons for students not tested must be specified on the answer document. From this information, it is possible to identify the percent of students tested. Virginia will use three years of data in determining if a school, school division, or the state has met the 95% participation rate. Essentially, the number of answer documents becomes the denominator for the participation rate and the number of students who took the test becomes the numerator over a three-year period. Consistent with current practice, assessment data for a content area will be combined across all tested grade levels or all tested courses in a school, LEA and the state to calculate participation rate. Students who were not assessed due to documented significant medical emergencies during the testing window will be excluded from the participation rate formula. Since 1998 Virginia has collected information about students who were not tested on the Standards of Learning assessments due to a medical emergency Students who fall into this category are those who are absent for the entire testing window due to hospitalization or serious illness as well as those who become ill while testing and who are then absent due to illness during the make-up period. Significant medical emergencies must be documented by a medical doctor.

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

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

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

Graduate Year	Fall Membership in Ninth Grade for Four Years Earlier	Standard Diploma	Advanced Studies Diploma	Special Diploma	Certificate of Program Completion	GED Certificate	GED Certificate ISAEP	Modified Standard Diploma	Total (Diplomas & Certificates)	Percentage Earning Diplomas & Certificates of Ninth Grade Membership for Four Years Earlier	Total (Standard, Advanced Studies, Special, & Modified Standard Diplomas)	Percentage Earning Diplomas of Ninth Grade Membership for Four Years Earlier	Percent Difference
1991-92	77,504	31,882	25,456	540	769				58,647	75.7	57,878	74.7%	1.0
1992-93	76,717	31,241	25,707	792	523				58,263	75.9	57,740	75.3%	0.6
1993-94	77,522	29,954	26,186	571	716				57,427	74.1	56,711	73.2%	0.9
1994-95	81,088	29,914	28,346	642	742				59,644	73.6	58,902	72.6%	1.0
1995-96	77,797	29,015	29,153	800	697				59,665	76.7	58,968	75.8%	0.9
1996-97	80,328	29,254	31,333	878	793				62,258	77.5	61,465	76.5%	1.0
1997-98	84,447	29,335	32,442	961	649	698			64,085	75.9	62,738	74.3%	1.6
1998-99	86,779	29,329	33,482	1,064	623	847			65,345	75.3	63,875	73.6%	1.7
1999-2000	88,766	29,386	34,958	1,252	672	942	248		67,458	76.0	65,596	73.9%	2.1
2000-01	88,374	28,650	36,058	1,322	606	898	1,022	37	68,593	77.6	66,067	74.8%	2.8
2001-02	89,818	32,543	31,991	1,724	599	714	1,316	216	69,103	76.9	66,474	74.0%	2.9

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

Source: Superintendent's Annual Report

Attachment B: Data supporting Critical Element 5.5

AYP Calculations: Impact @ Minimum N

School with Grades 3 – 8 & Grade 11
2002 – 2003 Fall Enrollment

Number/% of Schools/Divisions Excluded From AYP Calculations at Each Minimum N

	All Students				Ethnicity				SWD				ESL				Poverty		
MinN*	#Sch	%Sch	#Div		#Sch	%Sch	#Div		#Sch	%Sch	#Div		#Sch	%Sch	#Div		#Sch	%Sch	#Div
30	17	1	0		585	34	12		119	7	0		875	71	53		99	6	0
40	30	2	0		699	41	14		235	13	0		915	74	60		144	8	0
50	44	2	0		803	47	19		381	22	0		967	78	64		188	11	0
60	58	3	0		881	51	22		559	32	1		990	80	66		239	14	0
70	78	4	0		957	56	24		765	44	2		1019	83	68		282	17	0
80	101	6	0		1014	60	27		956	54	2		1041	84	70		344	20	1
90	130	7	0		1085	63	29		1106	63	2		1061	86	73		415	24	2
100	154	9	0		1138	67	33		1212	69	4		1079	88	76		477	28	2

*** Minimum number of students enrolled to be included in AYP calculations**

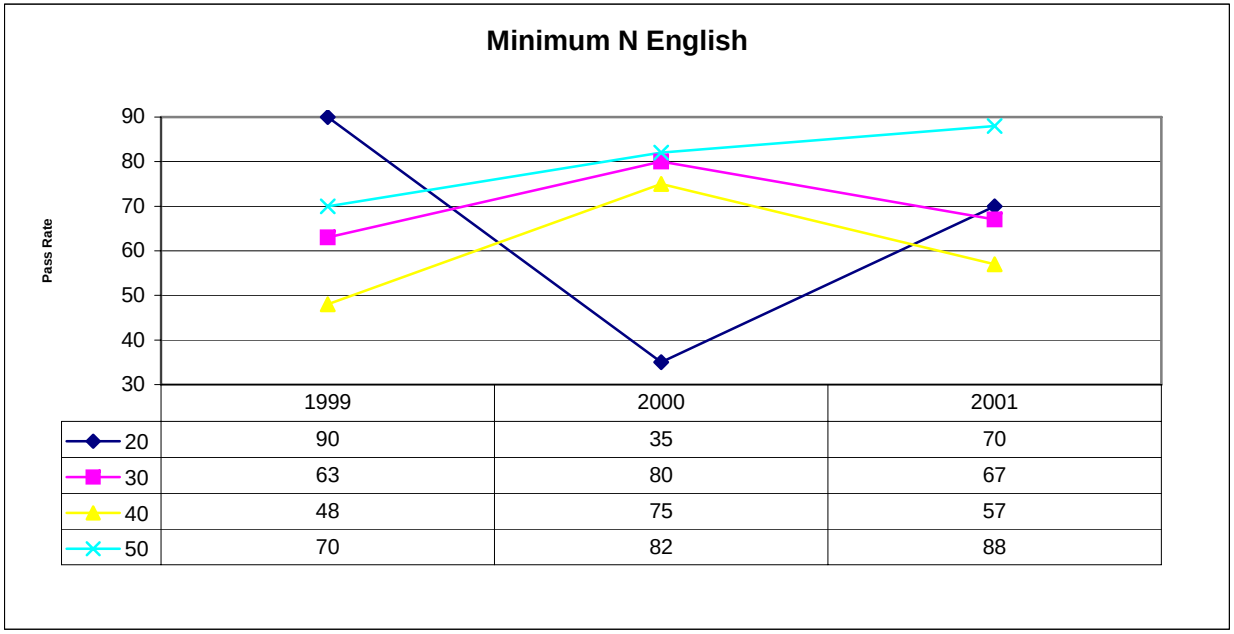
NOTES:

- **N = 1794 schools reporting enrollment in at least one grade 3-8 and/or grade 11**
- **N = 133 divisions (excludes VSDBH, VSDBS, SOP)**
- **data for categories All Students and Ethnicity derived from fall 02-03 enrollment file**
- **data for categories SWD, ESL, and poverty derived from 01-02 school year**
- **ethnicity represents African-American students**
- **students eligible for free/reduced lunch is a proxy for poverty**
- **grade 11 is proxy for estimating students sitting for English RLR SOL test**
- **fall 02 enrollment may differ from actual numbers tested during spring 03 administration**
- **data represents impact of specified minimum N, not a representation of schools making AYP**

Variability in test results for various group sizes:

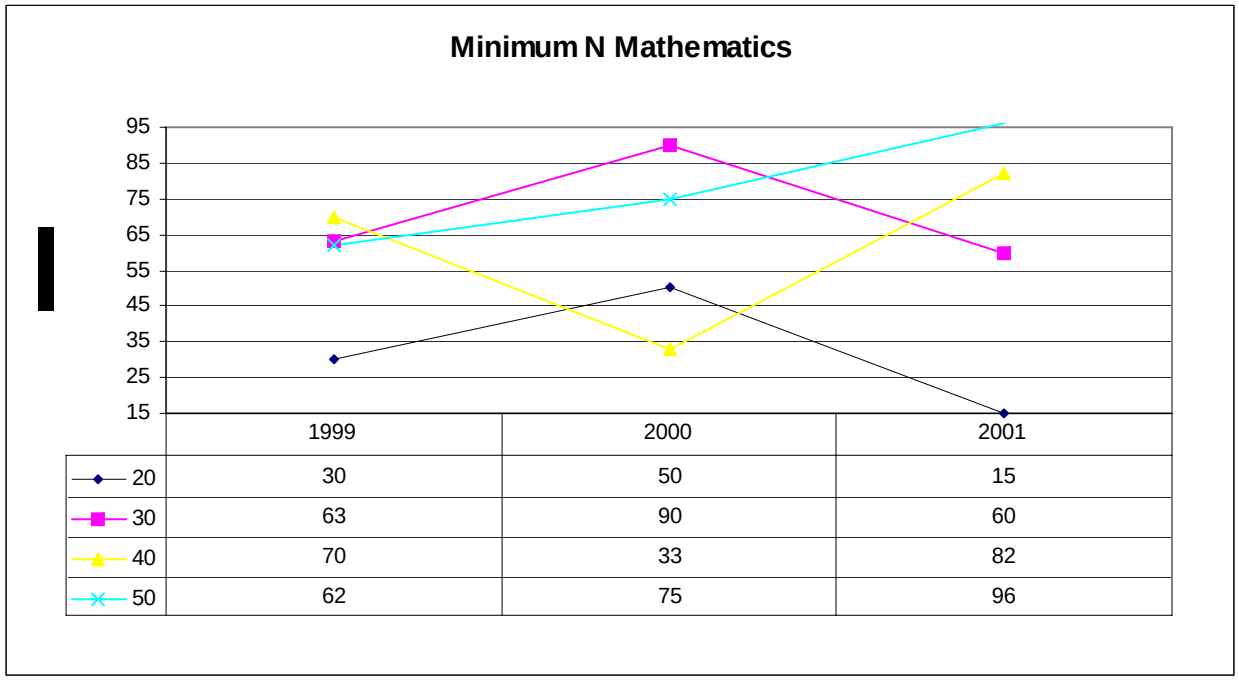
For sample schools having small groups of <20, <30, <40, and <50 (indicated by different line segments), these are the average pass rates over the three year period in English (Chart 1) and Mathematics (Chart 2). Fifty (50) is used as a minimum group size because of pass rate stability evidenced in these graphs.

Chart 1. SOA Accreditation Pass Rates: English



	1999	2000	2001
20	90	35	70
30	63	80	67
40	48	75	57
50	70	82	88

Chart 2. SOA Accreditation Pass Rates: Mathematics



	1999	2000	2001
20	30	50	15
30	63	90	60
40	70	33	82
50	62	75	96