



State of Arizona
Department of Education

Tom Horne
Superintendent of
Public Instruction

February 15, 2007

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

Dear Mr. Johnson:

The Arizona Department of Education (ADE) respectfully submits this letter requesting seven amendments to the state of Arizona's accountability plan.

The requested changes are:

- 1. Grounds for changing an AYP determination.** Arizona maintains that, under 20 U.S.C. § 6316, grounds to change a school's identification for purposes of school improvement include whether the classification is in error for statistical or other substantive reasons as a result of inclusion of the scores of the school's limited English proficient ("LEP") students who are in the first three years of enrollment as an English Language Learners. Without waiving that position, Arizona requests an amendment to the state of Arizona's accountability plan as follows:

Pursuant to 20 USC § 6316(b)(2), statistical or substantive grounds upon which a proposed classification may be revised include evidence that the school's failure to make AYP is due to the inclusion of scores of the school's limited English proficient ("LEP") students who are in the first three years of enrollment as an English Language Learners.

The Superintendent of Public Instruction shall review the LEP students scores presented by the school and make a final determination regarding the school's AYP classification.

Alternatively, if the Department declines to grant this amendment, and there is no court ruling in favor of the state of Arizona, then Arizona requests (2) below.

- 2. Implementation of new regulations regarding limited English proficient (LEP) students.** Arizona intends to take advantage of the final regulations regarding LEP students. We will count recently arrived LEP students as having participated in state assessments if they take Arizona's reading and mathematics assessments. We will not include the scores of these students when determining AYP.

Nothing in this request constitutes a waiver by Arizona to pursue its position in court or other proceedings.

- 3. Change in alternate accommodations.** Currently, the use of a calculator, numbers chart, arithmetic tables, or manipulatives is an alternate accommodation on the AIMS mathematics test. ADE is undertaking research to determine if these accommodations do indeed make a test score non-comparable and invalid.

If it is the case that these accommodations invalidate the test, then ADE will develop and employ a conversion table that will convert the scores of students tested with these accommodations into comparable, valid scores. The students will be considered participants for AYP purposes and the converted scores will be used in AYP determinations.

- 4. Use of a cohort group for AYP determinations for high school.** Arizona's AIMS test is also a high stakes test for graduation. Students take the high school version for the first time in the spring of their second year, and may re-take it up to four more times in order to earn a passing score in order to graduate. Our SAIS system allows us to track students with unique identifiers through their career in school. These student identifiers are linked to their assessments.

Arizona wishes to follow the practice granted to other states (for example, New Jersey and New York) of basing the AYP determination for high school on the performance of the cohort rather than the sophomore class. The first proficient score received in any of the five administrations of the test or the score received at the official point of test administration (spring second year) will be used for AYP purposes.

- 5. Flexibility for determining AYP for the students with disabilities subgroup.** Arizona requests the ability to apply the interim policy option for special education students described below for an additional year as provided for in the Secretary's December 14, 2005 letter.

Last year Arizona implemented transition option #1, a mathematical adjustment to the proficiency rate for the students with disabilities subgroup. Arizona wishes to implement the same option this year.

Arizona continues to meet the core principles for accountability for students with disabilities:

- Arizona's assessment is fully approved.
- Arizona regularly assesses at least 95 percent of its students with disabilities.

- Arizona offers an alternate assessment, the AIMS-A, for students with disabilities who are unable to take our regular assessment, the AIMS.
- Arizona makes available appropriate accommodations for students with disabilities.
- Arizona ensures that schools and districts are held accountable for the performance of the students with disabilities they serve. The policies, algorithms, and business rules—including the N-count—applied to the special education subgroup are the same as those applied to other subgroups.

6. Adjust the graduation rate goal to account for the impact of high-stakes testing. The class that graduated in the spring of 2006 was the first that had to meet Arizona's high-stakes testing requirement in order to graduate. We expect this to have an adverse impact on the graduation rate—possibly by as much as 10 percent. The graduation rate used for AYP evaluations lags one year, so the 2006-07 evaluations will be the first that include a graduation rate for a class governed by the graduation requirement. The Arizona Department of Education requests that the graduation rate goal, currently 71 percent, be adjusted to reflect the impact of the high-stakes requirement. Schools will be experiencing a decrease in their graduation rate that had nothing to do with their efforts, but rather the legislative requirement for a high stakes graduation test.

The enrollment and graduation data for the 2006 cohort is currently being examined and corrected by schools and ADE. Once this is concluded we will calculate the impact of the high stakes test on the graduation rate and submit an adjusted goal for your approval. We anticipate submitting a proposed adjustment to you by June.

7. Adjust the graduation rate to give schools credit for graduating *all* students. Arizona wishes to give schools the incentive to continue working with students past their scheduled graduation time so that the students may receive a diploma. We believe this is true to the spirit of No Child Left Behind.

We propose that Students who graduate more than four years after their first enrollment in ninth grade be counted fractionally—.70—in the graduation rate formula. For example: School A has 100 students in the class of 2006. Of these, 60 graduate on time. In addition, at the end of the 2006 school year, 10 students from previous years' cohorts graduate. The 2006 graduation rate for the school would then be:

$$\frac{60 + 10 \times .7}{100 + 10 \times .7} = \frac{67}{107} = 63\%$$

as opposed to 60 percent.

An adjusted graduation rate would be especially significant for those schools, including many of Arizona's charter schools, whose specifically stated mission is to educate students at risk of dropping out. These students include those who work to support their family, pregnant teens, immigrants, and students who dropped out of school for a period of time due to family

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difficulties, poor personal decisions, or financial reasons. Completing their education and earning a high school diploma is important to their future.

Finally, since the approved September 1st release date of AYP evaluations falls on a weekend this year, ADE will release the 2007 evaluations on September 5th.

Please feel free to contact my staff for additional explanation, clarification, or supporting material.

Sincerely,

Tom Horne
Superintendent of Public Instruction