

Safeguards for Schools Regarding Adequate Yearly Progress

- **Student Attendance and Adequate Yearly Progress Determination.**
All students need to have been enrolled in a particular school for one full year in order for their achievement scores to be used in the Adequate Yearly Progress determination scores. Students who have not attended the school for a full year will still participate in the State assessment. Their scores will not be used to determine Adequate Yearly Progress for the school, but will be used to determine Adequate Yearly Progress for the district. Previously, our definition stated that one full year begins with the first day of the current school year. Our revised definition will define a full academic year as one where a student has been enrolled at a school for a period equal to or exceeding 173 instructional days.
- **A State’s Accountability System Must Be Statistically Valid and Reliable.**
In determining Adequate Yearly Progress, a State is not required to use disaggregated data when the number of students in a subgroup is (a) too small to yield statistically reliable information or (b) the results would reveal personally identifiable information. North Dakota has chosen to use binomial distribution and statistical reliability to ensure valid and reliable results.
- **Safe Harbor Provision**
If students in a subgroup make a 10 percent reduction in the numbers of students not proficient, they are in a “safe harbor” and not considered as not making AYP. However, ALL subgroups must meet safe harbor.

Example:

Group A – 60% not proficient
40% are proficient

10% of 60 = 6%

School needs a 6% decrease in the not proficient category to meet safe harbor.

So, if only 54% of the students are not proficient the next year, the school has made a 10% improvement of the number of students who are not proficient, and it meets safe harbor.

- **Students with Significant Cognitive Disabilities**
When measuring Adequate Yearly Progress, state, school districts, and schools may now count the “proficient” scores of students with the most significant cognitive disabilities who take assessments based on alternate achievement standards.

As many as one percent of all students in the grades tested under the alternate achievement standards may have their scores counted as “proficient”.

Without the alternate achievement standards, those scores would have to be measured against grade-level standards and considered “not proficient”. This new provision protects students, parents, and teachers while providing flexibility to states, districts, and schools.

- **Participation Rates.**

A state may use data from the previous one or two years to average the participation rate data for a school and/or subgroup as needed. If this two- or three-year average meets or exceeds 95 percent, the school will meet this AYP requirement. Thus, schools that are performing well in this category may not be unduly identified as “in need of improvement” because of a one-or two-year dip in their participation rates.

Students who are unable to take the state assessment during the three-week testing window, including make-up dates, due to significant medical emergency may be omitted from the school participation rate calculations. This will ensure that schools whose participation rates may be affected by such situations will not be unduly identified for improvement.

- **Title I “Trump”.**

The *No Child Left Behind Act* allows for the election of a local school district to determine adequate yearly progress for a Title I targeted assistance school based solely on the achievement of students who are served by Title I or who are eligible to receive Title I services. This option now exists because of a recent amendment in our Accountability Plan.

- **New Policies for Limited English Proficient (LEP) Students.**

This policy allows North Dakota to omit AYP scores for LEP students during their first year of enrollment in United States schools and allows a two-year extension of LEP status for reporting.

- **Graduation Rates.**

North Dakota’s amendment to our state plan extends the graduation cohort beyond four years for students served within provisions of the Individuals with Disabilities Education Act or as provided within a LEP service program for specified LEP students. This request will help eliminate any impediment to proper delivery of instruction for LEP students or students on an IEP.