

Kansas State Department of Education
Consolidated State Application
Accountability Workbook

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

AMENDED

May 2004

Contact:
Judi Miller, Assistant Director
Kansas State Department of Education
State and Federal Programs Team
120 SE 10th Avenue
Topeka, Kansas 66612-1182
Telephone: 785.296.5081
Email: judim@ksde.org

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

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.

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

STATUS Legend:

F – Final state policy

P – Proposed policy, awaiting State approval

W – Working to formulate policy

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Principle 5: Subgroup Accountability

| | | |
|---|-----|--|
| F | 5.1 | The accountability system <i>includes all the required student subgroups</i> . |
| F | 5.2 | The accountability system holds <i>schools and LEAs accountable for the progress of student subgroups</i> . |
| F | 5.3 | The accountability system includes <i>students with disabilities</i> . |
| F | 5.4 | The accountability system includes <i>limited English proficient students</i> . |
| 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 <i>primarily on academic assessments</i> . |
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Principle 7: Additional Indicators

| | | |
|---|-----|--|
| F | 7.1 | Accountability system includes <i>graduation rate for high schools</i> . |
| F | 7.2 | Accountability system includes an <i>additional academic indicator for elementary and middle schools</i> . |
| F | 7.3 | Additional indicators are valid and reliable. |

Principle 8: Separate Decisions for Reading/Language Arts and Mathematics

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|---|-----|---|
| F | 8.1 | Accountability system holds students, schools and districts separately accountable for <i>reading/language arts and mathematics</i> . |
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Principle 9: System Validity and Reliability

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|---|-----|---|
| F | 9.1 | Accountability system produces <i>reliable decisions</i> . |
| F | 9.2 | Accountability system produces <i>valid decisions</i> . |
| F | 9.3 | State has a plan for addressing <i>changes in assessment and student population</i> . |

Principle 10: Participation Rate

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

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

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

| CRITICAL ELEMENT | EXAMPLES FOR MEETING STATUTORY REQUIREMENTS | EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS |
|---|---|--|
| <p>1.1 How does the State Accountability System include every public school and LEA in the State?</p> | <p>Every public school and LEA is required to make adequate yearly progress and is included in the State Accountability System.</p> <p>State has a definition of “public school” and “LEA” for AYP accountability purposes.</p> <ul style="list-style-type: none"> • 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). | <p>A public school or LEA is not required to make adequate yearly progress and is not included in the State Accountability System.</p> <p>State policy systematically excludes certain public schools and/or LEAs.</p> |

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

1.1

The Kansas accountability system, the school accreditation system known as Quality Performance Accreditation, includes all public school districts and public schools in the state. The system produces adequate yearly progress (AYP) decisions for all public schools, including those with variant grade configurations, those serving special populations, and those with no grades assessed with the Kansas assessments. The Kansas assessment program, fully approved by the U.S. Department of Education under the 1994 ESEA regulations, is being revised to include the assessments from one grade in elementary, middle, and high school to that of each grade 3-8 as well as at least one grade in high school. In addition, the reading and mathematics standards are being reviewed to ensure grade level expectations are clearly articulated. Until the revisions are implemented in the 2005-2006 school year, those schools not having grades assessed will be held accountable through a “feeder pattern.” That is, the performance of the schools not having grades tested will be determined by the performance of the schools that students attend following their completion of the highest grade in the non-tested school. (See 1.2)

School for the Deaf and School for the Blind

Both the School for the Deaf and the School for the Blind are state schools and under the jurisdiction of the Kansas State Department of Education. Since both of these schools undertake the same accreditation process as do all schools seeking accreditation in Kansas, AYP is calculated for these schools in the same manner as all public schools. Assessment results, participation rates, graduation rates and attendance rates will be considered in determining AYP. If either school has any subgroups of 30 or more (40 for students with disabilities), then data will be disaggregated accordingly.

Correctional Facilities

There are four juvenile correctional facilities under the jurisdiction of the Juvenile Justice Authority in Kansas. Each has its own accredited school. Since these schools undertake the same accreditation process as do all schools seeking accreditation in Kansas, AYP is calculated for these schools in the same manner as all public schools. Assessment results, participation rates, graduation rates and attendance rates will be considered in determining AYP. If either school has any subgroups of 30 or more (40 for students with disabilities), then data will be disaggregated accordingly.

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| CRITICAL ELEMENT | EXAMPLES FOR MEETING STATUTORY REQUIREMENTS | EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS |
|--|---|--|
| <p>1.2 How are all public schools and LEAs held to the same criteria when making an AYP determination?</p> | <p>All public schools and LEAs are systematically judged on the basis of the same criteria when making an AYP determination.</p> <p>If applicable, the AYP definition is integrated into the State Accountability System.</p> | <p>Some public schools and LEAs are systematically judged on the basis of alternate criteria when making an AYP determination.</p> |

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

1.2

The Kansas definition of AYP has been established on the basis of performance on the 2002 state assessments, a 95 percent participation rate in state assessments for all schools, attendance rate for elementary and middle schools, and graduation rate for high schools. All schools, regardless of grade configuration, will be expected to make the required annual progress leading to all students performing at the proficient level on state assessments by 2013-2014. The Kansas standards and assessment system is being revised to include assessments of mathematics and reading in each of the grades 3-8 as well as at least one grade in high school.

Currently, 107 schools in Kansas lack a grade in which state reading assessments are administered and 77 have no state mathematics assessment. The Kansas State Reading Assessments are given in grades 5, 8 and 11. The Kansas State Mathematics Assessments are given in grades 4, 7 and 10. In the original accountability plan, schools without state assessments were linked to other schools through their feeder pattern. Whatever performance results occur in the school in which the assessment is administered, the same results were attributed to the school without the assessment. Many K-1, K-2, and K-3 schools stated concerns regarding their accountability being based on what happens at grade 5 in reading. As a result, the State of Kansas had the contractor for Kansas' assessments design reading assessments for grades K-4 and mathematics assessments for grades K-3. The grades 3-4 assessments will be available until the new state assessments in grades 3-8 are ready in 2005-2006. The K-2 assessment for both reading and mathematics will continue to be available in 2006 and beyond.

The Kansas State Department of Education was involved in the development of the new assessments to ensure that they meet the technical standards including alignment with the state content standards in reading and mathematics that all State assessments are required to meet. The results from these state-approved assessments are appropriate to use in making decisions regarding adequate yearly progress.

Kansas is asking that until 2005-06, when the new state assessments are available in grades 3-8, schools choose one of two options. The first option is to continue with the feeder pattern and base the adequate yearly progress (AYP) on the feeder school's performance. The second option is to administer the K-3 mathematics and/or the K-4 reading assessments as locally-selected assessments. The results from these assessments will be used to determine adequate yearly progress. Whichever option the school chooses will remain in effect until 2005-06. These assessments will take the place of the 5th grade reading assessment and the 4th grade mathematics assessment results of the students coming from the feeder school. Establishing the cut scores for determining proficiency will occur later this spring when actual data are available. The K-3 mathematics and the K-4 reading assessments will be submitted to the U.S. Department of Education for Peer Review.

1.2 (Continued)

The Kansas AYP definition has been integrated into the state's single accountability system, known as Quality Performance Accreditation. At the December 2002, Kansas State Board of Education meeting, the State Board passed, by roll call vote, new school accreditation regulations. New regulation 91-31-31 specifies the following: "(a) Each school shall be assigned its accreditation status based upon the extent to which the school has met the performance and quality criteria established by the State Board in this regulation. (b) The performance criteria shall be as follows: (1) Except as provided in subsection (d) of this regulation, having met the percentage prescribed by the State Board of students performing at or above the proficient level on state assessments or having increased overall student achievement by a percentage prescribed by the state board. . ." The statement regarding each school refers to all public schools and any private school seeking accreditation. (See attachment 1.1, 91-31-31)

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| CRITICAL ELEMENT | EXAMPLES FOR MEETING STATUTORY REQUIREMENTS | EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS |
|--|--|---|
| <p>1.3 Does the State have, at a minimum, a definition of <i>basic</i>, <i>proficient</i> and <i>advanced</i> student achievement levels in reading/language arts and mathematics?</p> | <p>State has defined three levels of student achievement: <i>basic</i>, <i>proficient</i> and <i>advanced</i>.¹</p> <p>Student achievement levels of <i>proficient</i> and <i>advanced</i> determine how well students are mastering the materials in the State’s academic content standards; and the <i>basic</i> level of achievement provides complete information about the progress of lower-achieving students toward mastering the <i>proficient</i> and <i>advanced</i> levels.</p> | <p>Standards do not meet the legislated requirements.</p> |

¹ System of State achievement standards will be reviewed by the Standards and Assessments Peer Review. The Accountability Peer Review will determine that achievement levels are used in determining AYP.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

1.3

By action of the Kansas State Board of Education in November 2002, Kansas has verified five levels of student performance on all state assessments, including those in reading and mathematics, in order to meet the requirements of at least a three-tiered system. The levels are exemplary, advanced, proficient, basic, and unsatisfactory. The definition of proficient was compared with that used by NAEP to assure comparability of definitions. When performance level cutpoints are set on new state assessments in 2005-2006 and empirical data are available, a validation study of cutpoints will be conducted to ensure that actual student performance matches definitions of student performance.

NAEP defines proficient as follows: Solid academic performance for each grade assessed. Students reaching this level have demonstrated competency over challenging subject matter, including subject-matter knowledge, application of such knowledge to real-world situations, and analytical skills appropriate to the subject matter.

The Kansas definition of proficient: Mastery of core skills is apparent. Knowledge and skills can be applied in most contexts. Ability to apply learned rules to most situations is evident. Adequate command of difficult or challenging content and applications is competently demonstrated. There is evidence of solid performance.

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|---|---|---|
| <p>1.4 How does the State provide accountability and adequate yearly progress decisions and information in a timely manner?</p> | <p>State provides decisions about adequate yearly progress in time for LEAs to implement the required provisions before the beginning of the next academic year.</p> <p>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.</p> | <p>Timeline does not provide sufficient time for LEAs to fulfill their responsibilities before the beginning of the next academic year.</p> |
| <p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p> | | |
| <p>1.4 Kansas assessments are administered in the spring in order to allow students as much time as possible to attain proficiency on the state standards before being tested over them. Results from the Kansas assessments are provided to districts and schools within two weeks of their submitting the answer sheets to the testing contractor, usually by early to mid-May. State results are provided to districts and schools in July, prior to the start of the next academic school year.</p> <p>The Kansas State Department of Education will use the data from the state assessments to work with districts and schools to determine whether they have made adequate yearly progress. Adequate yearly progress will be determined before the beginning of the school year so that schools will have adequate time to notify parents about public school choice or supplemental educational service options, parents will have adequate time to make informed decisions, and there will be time to implement choice and supplemental service options. The state’s established timelines meet the requirements of the law.</p> | | |

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|--|--|--|
| <p>1.5 Does the State Accountability System produce an annual State Report Card?</p> | <p>The State Report Card includes all the required data elements [see Appendix A for the list of required data elements].</p> <p>The State Report Card is available to the public at the beginning of the academic year.</p> <p>The State Report Card is accessible in languages of major populations in the State, to the extent possible.</p> <p>Assessment results and other academic indicators (including graduation rates) are reported by student subgroups</p> | <p>The State Report Card does not include all the required data elements.</p> <p>The State Report Card is not available to the public.</p> |

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

1.5

Kansas has produced since 1994 state and school report cards containing almost all of the requirements of the law, including reports by several student subgroups. The most recent building report cards, which include five years of data for most items and three years of state assessment data, can be viewed on the Kansas State Department of Education's website at www.ksde.org.

The Kansas State Board of Education has reviewed and provided input to the new framework Department staff is developing for report cards to be issued for the 2002-2003 school year. The new format will be in a more readable and useable format and will include the capability of comparing individual school data with data from Kansas schools with similar enrollment characteristics. The updated report card will be issued prior to the beginning of the 2003-2004 school year and will be revised to include any data elements included in Appendix A but not currently on the report cards. Report cards will also be prepared for districts.

The report cards have been and will continue to be on the department's website, www.ksde.org. Press briefings regarding the data have been held routinely; that, too, will continue. To the extent practicable, the reports will be made available in Spanish as well as English.

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| CRITICAL ELEMENT | EXAMPLES FOR MEETING STATUTORY REQUIREMENTS | EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS |
|--|---|---|
| <p>1.6 How does the State Accountability System include rewards and sanctions for public schools and LEAs?²</p> | <p>State uses one or more types of rewards and sanctions, where the criteria are:</p> <ul style="list-style-type: none"> • Set by the State; • Based on adequate yearly progress decisions; and, • Applied uniformly across public schools and LEAs. | <p>State does not implement rewards or sanctions for public schools and LEAs based on adequate yearly progress.</p> |

² 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

1.6

Kansas has for several years recognized schools and students that achieve at a high level on the state assessments. In addition, schools that have made significant improvements and are working with the most diverse student groups are also recognized for that accomplishment. Both recognition programs will continue. Kansas' single accountability system, Quality Performance Accreditation, also includes public recognition of accomplishment. The portion of the accreditation regulations dealing with rewards follows.

“91-31-39. Rewards. (a) Each school that attains the status of accredited shall receive from the state board a letter of accreditation and a press release announcing that school's accreditation status.

(b) Any school that attains the status of accredited may be recognized in additional ways by the state board.”

Quality Performance Accreditation also subjects all public schools to sanctions and interventions based on adequate yearly progress decisions and on accredited status. Among the sanctions are working with a technical assistance team and a recommendation that the legislature abolish or reconfigure the local district. Following is the regulation containing possible sanctions through the accreditation system.

“91-31-40. Sanctions. One or more of the following sanctions may be applied by the state board to a school that is conditionally accredited or not accredited:

(a) An order that district personnel or resources be reassigned or reallocated within the district by the local board of education;

(b) an order that the local board of education hire one or more designated persons to assist the school in making the changes necessary to improve student performance;

(c) a recommendation to the legislature that it approve a reduction in state funding to the local school district by an amount that will be added to the local property tax imposed by the local board of education;

(d) a recommendation that the legislature abolish or restructure the local district;

(e) a letter of notification and a press release announcing the accreditation status of the school; or

(f) other action, as deemed appropriate by the state board.”

Title I schools and districts must also meet the specific requirements of Title I Section 1116, including providing supplemental services and school choice as well as following corrective action steps contained in the law.

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

| CRITICAL ELEMENT | EXAMPLES FOR MEETING STATUTORY REQUIREMENTS | EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS |
|---|--|---|
| <p>2.1 How does the State Accountability System include all students in the State?</p> | <p>All students in the State are included in the State Accountability System.</p> <p>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.</p> | <p>Public school students exist in the State for whom the State Accountability System makes no provision.</p> |
| <p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p> | | |
| <p>2.1</p> <p>All Kansas students are required to participate in the Kansas state assessments, including the modified or alternate assessments used for students with disabilities and assessments with accommodations available to certain students. When a student with disabilities is placed by a district in a school (receiving) other than their home attendance center (sending), Kansas will abide by the decision of the USDE and not assign a “weight” of .5 for that student in each school’s AYP. The sending and receiving school will determine and notify KSDE whether the student is to be included in the AYP determinations of the sending or the receiving school. KSDE will monitor these situations to ensure that all students with disabilities are being assessed and their results are included in a school’s AYP determination. KSDE is developing guidelines for districts to follow when determining which school should include the student’s results in AYP determinations.</p> <p>The state’s assessment administration guidelines and procedures, which include turning in answer sheets registering all enrolled students, and the training provided to test coordinators and administrators assure that the requirements for participation are met. Beginning in 2003-2004, the required use of student answer sheets that are pre-slugged with student identification information will help with the monitoring process for participation. In addition, Kansas annually monitors participation rates to identify potential under-participation.</p> <p>Participation rates in Kansas’ state assessments have risen dramatically in the last several years. In 2001-2002, the lowest rate of participation on the state’s reading assessments, administered at grades 5, 8, and 11, was for students with disabilities at grade 11, where only 96.3 percent of the eligible students participated in the assessment. The lowest rate of participation in the mathematics assessments administered at grades 4, 7, and 10 was 95.3 for migrant students at grade 10.</p> | | |

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|---|--|--|
| <p>2.2 How does the State define “full academic year” for identifying students in AYP decisions?</p> | <p>The State has a definition of “full academic year” for determining which students are to be included in decisions about AYP.</p> <p>The definition of full academic year is consistent and applied statewide.</p> | <p>LEAs have varying definitions of “full academic year.”</p> <p>The State’s definition excludes students who must transfer from one district to another as they advance to the next grade.</p> <p>The definition of full academic year is not applied consistently.</p> |
| <p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p> | | |
| <p>2.2</p> <p>The Kansas assessment results are reported for all students, regardless of length of time in the district. The assessment results of students enrolled in that school on the September 20 enrollment date of the fall preceding the spring test administration will be included in determining AYP of schools. The district AYP will be calculated based on students enrolled in the district on September 20 of the fall preceding the spring test administration. All Kansas students, including those who have not been enrolled in a single school district for the full academic year, will be part of the statewide AYP calculation.</p> <p>These definitions and procedures apply to all Kansas public school districts and schools. The September 20 enrollment has been in use in Kansas for at least twenty years, enabling schools to use a long-standing data collection point.</p> | | |

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|--|---|---|
| <p>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?</p> | <p>State holds public schools accountable for students who were enrolled at the same public school for a full academic year.</p> <p>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.</p> | <p>State definition requires students to attend the same public school for more than a full academic year to be included in public school accountability.</p> <p>State definition requires students to attend school in the same district for more than a full academic year to be included in district accountability.</p> <p>State holds public schools accountable for students who have not attended the same public school for a full academic year.</p> |

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

2.3

The Kansas assessment results are reported for all students, regardless of length of time in the district and regardless of whether they were tested or not. The student answer sheets used in the state's assessment program include a space for marking that a student enrolled and attended but was not tested.

For determining AYP of schools, the assessment results of students enrolled in that school on the September 20 of the fall preceding the spring test administration will be included. (September 20 is the state's date for determining official enrollments for purposes of state financial support to school districts.) The district AYP will also be calculated based on students enrolled in the district on September 20 of the fall preceding the spring test administration, regardless of which school they are attending.

For a number of years, answer sheets for the Kansas assessments have required that students or school personnel provide information indicating whether the student has been in the specific school for the entire year and whether they have been in the district for the entire year. Responses to those questions are used to determine whether student results are reported for the school, the district, or both. The Kansas State Assessment Manual contains specific instructions about completing that part of the answer sheet so that the information is captured correctly.

These definitions and procedures apply to all Kansas public school districts and schools.

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 REQUIREMENTS | EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS |
|--|---|--|
| <p>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?</p> | <p>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 arts³ and mathematics, not later than 2013-2014.</p> | <p>State definition does not require all students to achieve proficiency by 2013-2014. State extends the timeline past the 2013-2014 academic year.</p> |
| <p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p> | | |
| <p>3.1 The Kansas State Board of Education has as one of its goals the improvement of student academic achievement. With the passage of No Child Left Behind, the state is accepting the challenge of the statute and the goal of having 100% of Kansas’ students at least proficient in reading and mathematics by 2013-2014. The Kansas State Board of Education’s adoption in December of accreditation regulation 91-31-32 (b) indicates that intent:</p> <p style="padding-left: 40px;">“(b) The performance criteria shall be as follows: (1) . . . having met the percentage prescribed by the state board of students performing at or above the proficient level on state assessments or having increased overall student achievement by a percentage prescribed by the state board. . .”</p> <p>The percent proficient will be calculated for all students in each public school and district and for any subgroup that meets the minimum number to be statistically valid.</p> <p>The annual measurable objectives and intermediate goals will be determined based on the 2001-02 starting point and the ultimate goal of 100% proficient by 2013-2014.</p> | | |

³ 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.

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

3.2

To determine whether or not a school makes Adequate Yearly Progress, Kansas will use the following steps:

- Determine the number of students who meet the definition of being in the school a full academic year
- Calculate participation rate for all students and each appropriate subgroup
- Compare the graduation and/or attendance rate against the state rate and/or calculate improvement from the previous year
- Using results of students who meet the definition of being in the school a full academic year, calculate separately for reading and mathematics the percent of all students who score at proficient or above
- Determine whether or not subgroups within each school meet the minimum number
- Calculate the percent proficient for each appropriate subgroup
- Compare the percent of all students and each subgroup against the annual measurable objectives
- **Apply confidence intervals (99%) to any subgroup below the annual measurable objective**
- Calculate safe harbor for those groups that do not meet or exceed the annual measurable objectives
- **Apply a confidence interval of 75% to the safe harbor formula at the school, district and state levels whenever the decrease in the percent proficient is less than 10%. In order to qualify for safe harbor, a subgroup must first meet the participation rate, and where applicable, attendance and graduation goals. By applying the confidence interval, a measure of fairness is added by taking the size of the subgroups into account. Safe harbor is intended to show the movement of the poorest-performing and most disadvantaged students toward 100% proficiency. (Kansas will continue to collect data in order to assess the impact of confidence intervals and safe harbor.)**

To ensure that decisions are valid and reliable, confidence intervals will be used with schools when results are questionable. Confidence intervals will determine whether the results are within the acceptable standard error of measurement. The standard error of measurement as specified in the technical manual for each state assessment will be applied. If the schools results fall within the range determined through the standard error of measurement, then KSDE will issue AYP status with **99%** confidence in the school's status.

Confidence intervals will be determined separately for reading and mathematics, using the standard error of measurement for each assessment. Improvement ratings will be issued only when a **99%** confidence level is achieved. **Currently Kansas is using a one-tailed hypothesis test for a single population proportion; however, it is called a confidence interval when communicating with the field. The initial Kansas accountability plan included a confidence interval at 95% when determining the performance results against the annual measurable objectives. Moving to a 99% confidence level reduces the chance of a false determination**

3.2 (Continued)

to 1% for that specific test and subgroup. If there are several subgroups in the school or district that are subject to the hypothesis test, the chance of a false determination goes up proportionately. Kansas proposes changing the confidence interval from 95% to 99% when determining the percent at proficient and above relative to the annual measurable objective.

Any school that meets or exceeds the annual measurable objectives for all students and appropriate subgroups (or makes safe harbor), has 95% participation rate and meets the other indicators is classified as making AYP. Schools that do not meet any of the previous requirements are considered as not making AYP.

Kansas has disaggregated results on state assessments since 1991. The State Board of Education's current contract with its testing contractor specifies the following:

"I. Data Files for KSDE

- Aggregated Data
- Disaggregated Data
 - Building Level Data by Grade Level
 - Disaggregated by population (all students; students with disabilities; English language learners (ELL), and migrant) . . .
- Disaggregated Data
 - Same data as specified above, except further disaggregated by gender, ethnicity, mobility and lunch status (e.g. disadvantaged) . . ."

Subgroups for whom data will be disaggregated for purposes of determining adequate yearly progress are all students, students with disabilities, English language learners, students who are economically disadvantaged, African American, American Indian, White, Hispanic, Asian/Native Hawaiian/Pacific Islander and Multicultural students. Students for whom racial/ethnic identification is not provided on the assessment answer sheets will be included in the Multicultural group.

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| <p>3.2a What is the State's starting point for calculating Adequate Yearly Progress?</p> | <p>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.</p> <p>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.</p> <p>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...).</p> | <p>The State Accountability System uses a different method for calculating the starting point (or baseline data).</p> |

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

3.2a

Kansas has reviewed state assessment results from the 2001-02 school year data to determine the starting points for mathematics and reading. For Kansas, the starting point in all cases is the percentage of proficient students in the public schools at the 20th percentile of the state's total enrollment among all schools ranked by the percentage of students at the proficient level. That point is greater in every applicable instance than the percentage at the proficient level in the lowest achieving student subgroup.

The starting point in reading for schools with any grades K-8 is 51.2. For schools with any grades 9-12, the starting point in reading is 44.

The starting point in mathematics for schools with any grades K-8 is 46.8; the starting point is 29.1 for schools with any grades 9-12.

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| <p>3.2b What are the State’s annual measurable objectives for determining adequate yearly progress?</p> | <p>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.</p> <p>The State’s annual measurable objectives ensure that all students meet or exceed the State’s proficient level of academic achievement within the timeline.</p> <p>The State’s annual measurable objectives are the same throughout the State for each public school, each LEA, and each subgroup of students.</p> | <p>The State Accountability System uses another method for calculating annual measurable objectives.</p> <p>The State Accountability System does not include annual measurable objectives.</p> |

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

3.2b

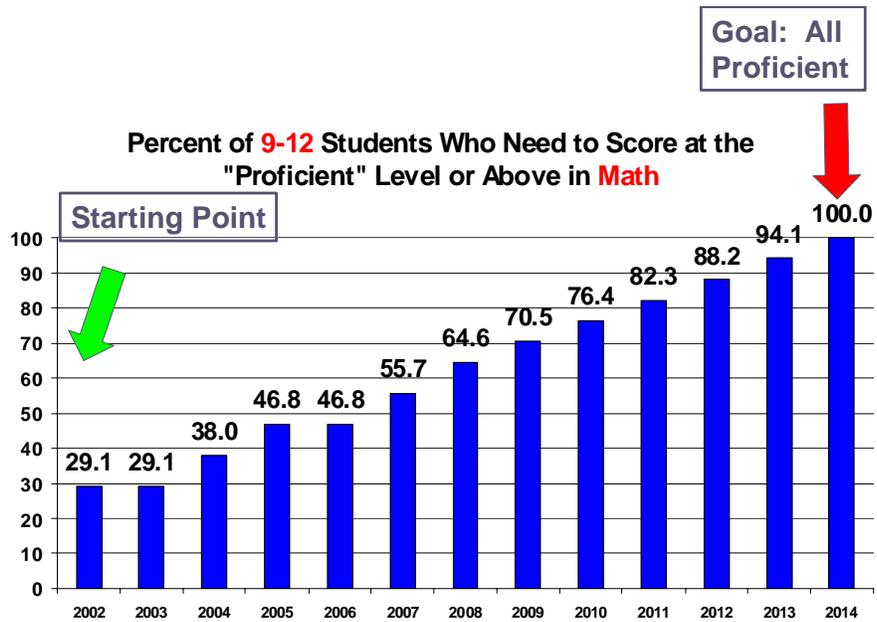
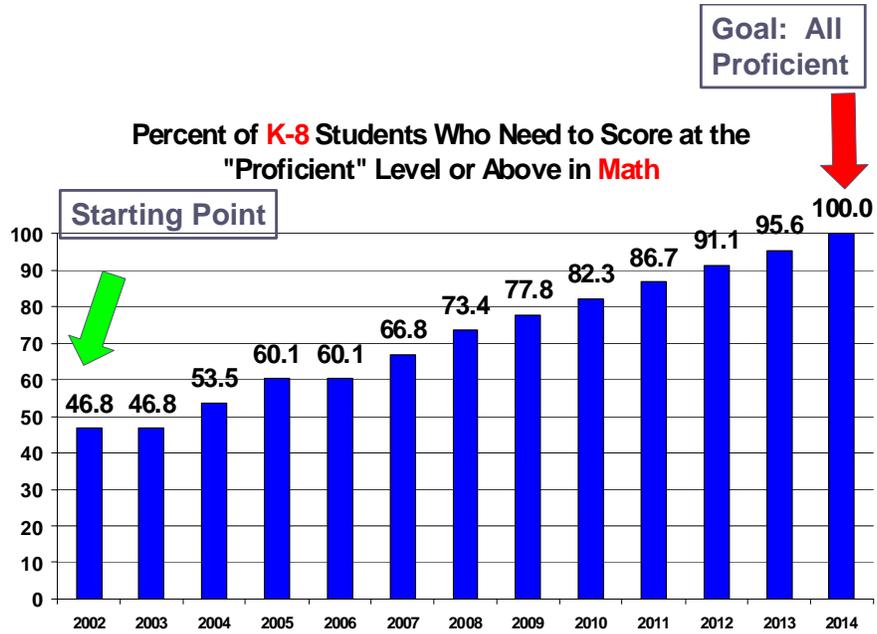
Kansas has established annual measurable objectives for mathematics and reading consistent with the intermediate goals and the ultimate goal of 100% proficiency by 2013-2014. The annual measurable objectives are key to determining whether or not a school makes AYP and are the minimum percentage of students each year that must either meet or exceed the proficient level on the state assessments. The same annual measurable objectives will apply to all public schools and districts throughout the state and to each subgroup within the schools and districts.

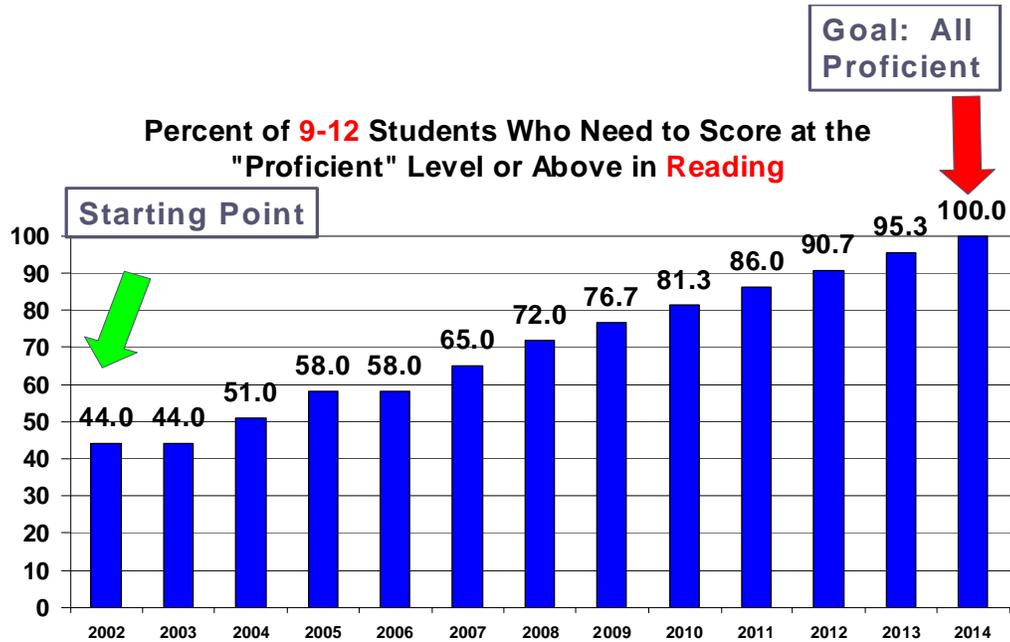
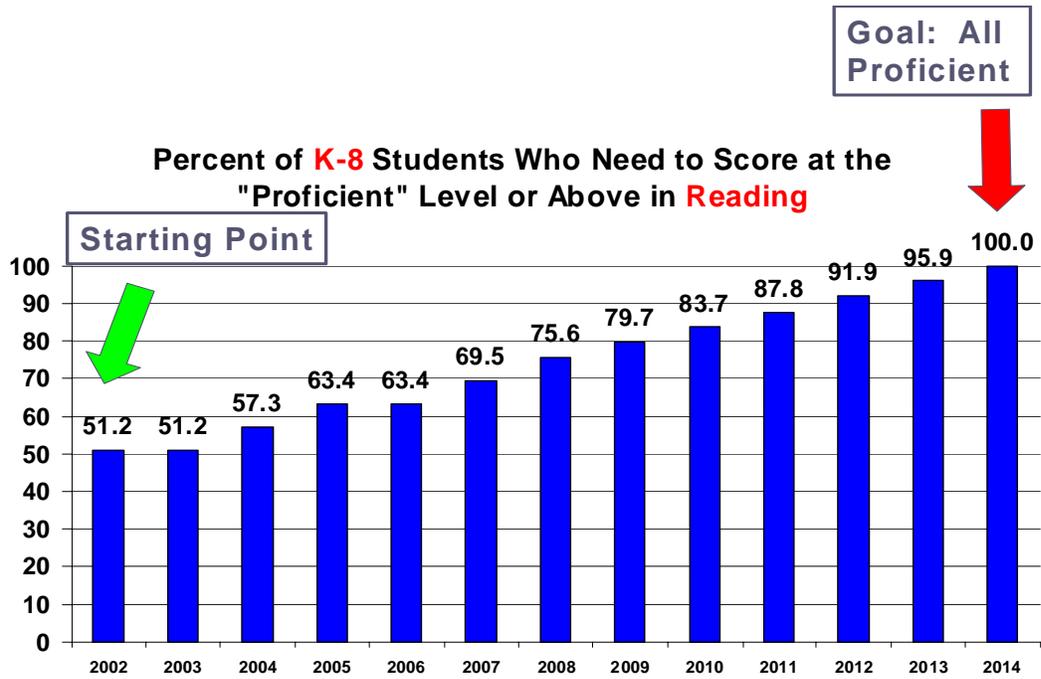
Kansas' annual measurable objectives for grades K-8 and 9-12 for mathematics are shown in the first two graphs. Kansas' annual measurable objectives for K-8 and 9-12 for reading are shown in the last two graphs.

Following the Peer Review onsite visit, KSDE reviewed the data and the decision to use the 9-12 annual measurable objectives for the district AYP. The decision was reaffirmed through this review. There are different annual measurable objectives for K-8 and 9-12 for reading and for mathematics. The rationale for this decision includes the following:

- Kansas has over forty different configurations of school buildings including schools that are 6-12 and 7-12. When asked which annual measurable objectives (K-8 or 9-12) these schools are to meet, KSDE informed these schools that they must meet the 9-12 annual targets rather than trying to split the grades and meet both since high school is considered the “exit” or highest level of public schooling. If the district is to be treated as though it is one very large school (K-12) in determining AYP, then the expectation is that the district will reach the 9-12 annual measurable objectives for students in the aggregate and each disaggregated group.
- When establishing the starting points and annual measurable objectives by grade level, it was determined that the high schools were the lowest performing level. Since their twelve-year journey to having 100% of their students at proficient or above is starting at a lower point than the K-8; they will have to demonstrate a greater percent increase every year to make AYP.
- In Kansas, the definition of AYP will not set schools up for automatic failure! Thus, the district AYP will not have annual targets that are set higher than any grade level target.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS





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| 3.2c What are the State's intermediate goals for determining adequate yearly progress? | <p>State has established intermediate goals that increase in equal increments over the period covered by the State timeline.</p> <ul style="list-style-type: none"> •The first incremental increase takes effect not later than the 2004-2005 academic year. •Each following incremental increase occurs within three years. | <p>The State uses another method for calculating intermediate goals.</p> <p>The State does not include intermediate goals in its definition of adequate yearly progress.</p> |

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

3.2c

Kansas has established equal intermediate goals to ensure that schools and districts are on track for meeting the goal of 100% of the students being proficient on the state assessments in reading and mathematics by 2013-2014. Goals have been set separately for reading and mathematics. The first intermediate goal will be in 2004-05; other intermediate goals are set for 2007-08 and 2010-2011.

Following are Kansas' intermediate goals for reading and mathematics

| | 2004-2005 | 2007-2008 | 2010-2011 |
|-------------------|-----------|-----------|-----------|
| Reading, K-8 | 63.4 | 75.6 | 87.8 |
| Reading, 9-12 | 58.0 | 72.0 | 86.0 |
| Mathematics, K-8 | 60.1 | 73.4 | 86.7 |
| Mathematics, 9-12 | 46.8 | 64.6 | 82.3 |

These goals will be applied to all public schools and all districts in the state, including all students and appropriate subgroups.

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

| CRITICAL ELEMENT | EXAMPLES FOR MEETING REQUIREMENTS | EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS |
|---|--|--|
| 4.1 How does the State Accountability System make an annual determination of whether each public school and LEA in the State made AYP? | AYP decisions for each public school and LEA are made annually. ⁴ | AYP decisions for public schools and LEAs are not made annually. |
| STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS | | |
| <p>4.1</p> <p>The accountability system in Kansas annually determines the progress of schools and districts. Based on this existing system, AYP decisions will be made annually for each school and district in Kansas beginning this school year 2002-2003. The formal contract with the testing contractor includes providing assessment results to the Kansas State Department of Education in a timely manner so that AYP may be calculated and schools identified for improvement well before the beginning of the next school year. Kansas State Board of Education Regulation 91-31-37 includes the following regarding annual determination for adequate yearly progress:</p> <p>“ (a) A written recommendation regarding the accreditation status to be assigned to each school shall be prepared annually by the state department of education. . .”</p> <p>With the December 2002 adoption of the new Quality Performance Accreditation regulations, each school is required to report annually to the district, parents and the community its accreditation status and the progress the school has made in school improvement. State Board of Education regulation 91-31-41, which follows, includes that requirement.</p> <p>“Public disclosure. At least once each year, each school shall notify the local board of education, parents, and community of the school’s accreditation status and the progress that the school has made in school improvement. Within 60 days after being notified by the state board of the final determination of the school's accreditation status, each school shall disclose the accreditation results, including any performance or quality criteria that are not met, to the local board of education, parents, and community. The school shall make all notices and disclosures available in the primary languages of the community.”</p> | | |

⁴ Decisions may be based upon several years of data and data may be averaged across grades within a public school [§1111(b)(2)(J)].

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

| CRITICAL ELEMENT | EXAMPLES FOR MEETING REQUIREMENTS | EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS |
|--|---|--|
| <p>5.1 How does the definition of adequate yearly progress include all the required student subgroups?</p> | <p>Identifies subgroups for defining adequate yearly progress: economically disadvantaged, major racial and ethnic groups, students with disabilities, and students with limited English proficiency.</p> <p>Provides definition and data source of subgroups for adequate yearly progress.</p> | <p>State does not disaggregate data by each required student subgroup.</p> |
| <p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p> | | |
| <p>5.1 Kansas has disaggregated results on state assessments since 1991. The State Board of Education’s current contract with its testing contractor specifies the following: “I. Data Files for KSDE</p> <ul style="list-style-type: none"> • Aggregated Data • Disaggregated Data <ul style="list-style-type: none"> * Building Level Data by Grade Level * Disaggregated by population (all students; students with disabilities; English language learners (LEP), and migrant). . . • Disaggregated Data <ul style="list-style-type: none"> * Same data as specified above, except further disaggregated by gender, ethnicity, mobility and lunch status (e.g., disadvantaged). . .” <p>Subgroups for whom data will be disaggregated for purposes of determining adequate yearly progress are all students, students with disabilities, English language learners, students who are economically disadvantaged, African American, American Indian, Asian/Native Hawaiian/Pacific Islander, Hispanic, Multicultural, and White students. Students for whom racial/ethnic identification is not provided on the assessment answer sheets will be included in the Multicultural group.</p> | | |

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| <p>5.2 How are public schools and LEAs held accountable for the progress of student subgroups in the determination of adequate yearly progress?</p> | <p>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.</p> | <p>State does not include student subgroups in its State Accountability System.</p> |

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

5.2 All student subgroups of thirty or more (**40 for students with disabilities**) must meet the state’s established annual, measurable performance objectives in order for a school or district to make AYP. Adequate yearly progress is calculated separately for mathematics and reading for each of the three instructional levels included in the current state assessment system. Kansas State Board of Education accreditation regulations adopted in December 2002 include provisions for schools being held accountable. Following are the relevant portions of state accreditation regulation 91-31-38.

- “Accreditation status. (a) Each school shall be classified as one of the following:
- (1) Accredited;
 - (2) accredited on improvement;
 - (3) conditionally accredited; or
 - (4) not accredited. . .”

The conditions that would lead to a school’s being classified in any of the above categories are included in State Board of Education regulation 91-31-31, which includes the definitions relevant to the entire set of regulations. Following are the definitions from that section.

- “91-31-31. Definitions. (a) "Accredited" means the status assigned to a school that meets the minimum performance and quality criteria established by the state board.
- (b) "Accredited on improvement" means the status assigned to a school that, for two consecutive years, is described by any of the following:
- (1) The school fails to meet one or more of the performance criteria applicable to the school.
 - (2) The school has a prescribed percentage of students in one or more student subgroups that fails to meet one or more of the performance criteria applicable to the school.
 - (3) The school fails to meet three or more of the quality criteria applicable to the school.
- (c) "Conditionally accredited" means the status assigned to a school that, for three consecutive years, is described by either of the following:
- (1) The school has a prescribed percentage of all students assessed that scores below the proficient level on the state assessments.
 - (2) The school fails to meet four or more of the quality criteria applicable to the school. . .
- (g) "Not accredited" means the status assigned to a school that, for five consecutive years, is described by either of the following:
- (1) The school has a prescribed percentage of all students assessed that scores below the proficient level on the state assessments.
 - (2) The school fails to meet four or more of the quality criteria applicable to the school.”

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| <p>5.3 How are students with disabilities included in the State's definition of adequate yearly progress?</p> | <p>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.</p> <p>State demonstrates that students with disabilities are fully included in the State Accountability System.</p> | <p>The State Accountability System or State policy excludes students with disabilities from participating in the statewide assessments.</p> <p>State cannot demonstrate that alternate assessments measure grade-level standards for the grade in which students are enrolled.</p> |

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

5.3

For several years, Kansas has assessed all students, including those with disabilities, in the belief that schools, districts, and the state need to be accountable for the results of education for all children and that all students need to be included in the state’s accountability system. A small number of the students with disabilities use the alternate assessment forms. The alternate assessment forms are in place for all of the grade levels tested in both mathematics and reading.

Kansas State Board of Education Regulation 91-31-31 (o) specifically includes students with disabilities as a subgroup to be included in accreditation decisions: “ ‘Student subgroup’ means those students within a school who, for monitoring purposes, are classified by a common factor, including economic disadvantage, race, ethnicity, disability, and limited English proficiency.”

Regulation 91-31-32 makes clear the expectation that each student subgroup will be included in determining adequate yearly progress:

“(b) The performance criteria shall be as follows:

- (1) . . . having met the percentage prescribed by the state board of students performing at or above the proficient level on state assessments or having increased overall student achievement by a percentage prescribed by the state board;
- (2) having 95% or more of all students and 95% or more of each student subgroup take the state assessments . . .”

In 2004, the USDE established a limit on the percent of alternate assessments based on alternate academic achievement standards that may count as proficient. Kansas will apply the 1% cap for those students with significant cognitive disabilities who participated in the alternate assessment based on alternate academic achievement standards and who scored proficient and above. Kansas fully intends to follow the law and accompanying regulations and abide by final policy.

According to the 2004 Title I Final Rule, districts or states that exceed the 1% cap are to reassign the excess scores as below proficient. This reassignment occurs at all levels (school, district and state) and applies to all subgroups to which the “student” belongs. Since the Kansas State Department of Education (KSDE) calculates adequate yearly progress (AYP) for all levels, KSDE will apply the following guidelines when reassigning scores as below proficient:

- 1. Prior to reassigning any scores, KSDE will determine the number of students taking the alternate assessments in each district who could score proficient and above and not exceed the 1% cap.**

5.3 (Continued)

- 2. Once it is determined which districts exceed the 1% cap, then the actual number of scores that are to be reassigned are figured for each district.**
- 3. For each school administering the alternate assessment, the proportion of the total population of students with disabilities who took the alternate assessment is calculated for each school.**
- 4. That same proportion is then applied to the scores that need to be reassigned to determine what proportion of the excess scores each school will have reassigned to them as below proficient.**
- 5. Scores are reassigned only to schools that actually administered the alternate assessment.**
- 6. In selecting which specific student scores to reassign, the following are to be considered:**
 - a. Students in the fewest subgroups will be reassigned first.**
 - b. Students with the lowest scores will be reassigned first.**
- 7. If at all possible, scores will be reassigned to schools that are not making AYP without the addition of reassigned scores.**

Kansas has a strict and established procedure for defining who is eligible to participate in an alternate assessment. In Kansas, Individual Educational Program (IEP) teams must specify the type of assessment a student with a disability will receive. Only those students with severe cognitive impairments, those who are professionally judged as so significantly cognitively disabled and unable to benefit from the general curriculum, whose “learning objectives and expected outcomes focus on functional application[s]”, and who have “scored at or below the 4th percentile on a nationally or locally-normed assessment” are eligible for alternate assessments. Eligibility criteria explicitly prohibit assigning alternate assessments based on absence; disability category; social, cultural or economic differences; time spent receiving special education services; or low achievement.

Kansas continues to expect all students to participate in the Kansas assessments. In addition, Kansas holds all public schools, districts and itself accountable for providing opportunities for Kansas’ children to learn at the highest levels. Sometimes, however, one-size formulas do not fit all situations. In response to the 1% cap, Kansas will implement a waiver process similar to the U.S. Department of Education’s process. If a district exceeds the 1% cap and believes there is sufficient reason for that excess, the district may appeal to KSDE for a waiver from the cap.

Districts that are over the limit and in danger of having some students reclassified, will be informed and given the opportunity to review their data, make corrections or prepare a

waiver request. The process districts will use to seek a waiver to the 1% cap will be as follows:

- **Districts seeking a waiver will provide KSDE a written explanation of the circumstances or unusual situations that resulted in more than 1.0% of the students with the most significant cognitive disabilities participating in the state alternate assessment based on alternate academic achievement standards and who achieved a proficient or above score. The explanation will include information on any special schools or cluster programs that include high numbers of such students.**
- **District data showing the incidence rate of students with the most significant cognitive disabilities will be compared with state incidence rates. Data will also be reviewed to see if the district shows a pattern of disproportionately higher incidence of disabilities, both in general and by the particular disability categories in reference to severe cognitive disability. The district's data will be compared to the state databases that include incidence information—the state special education management information system (MIS) database and the state assessment databases.**
- **District data on the percentage of students scoring proficient or above on general assessments will be compared to the percentage of students scoring proficient or above on alternate assessments. Rates are expected to be comparable.**
- **The district will explain its procedures on following the alternate assessment criteria for which students are eligible for the alternate assessment.**
- **If applicable, districts will provide information and data will be reviewed to support an exception based on the small size of the testing pool. Kansas has many small, rural districts. In 2002-2003, there were 114 out of 303 school districts that had fewer than 100 students total in their testing pool for mathematics. Likewise, there were 116 school districts that had fewer than 100 students in their testing pool for reading. In a rural state like Kansas, with many small schools and districts, the distribution of students with disabilities is not even. Many districts will have few students with disabilities; others may have several. Districts with fewer than 200 students in the testing pool will be able to count no less than two students in the district who scored proficient on the alternate assessments based on alternate academic achievement standards as proficient when calculating AYP.**
- **KSDE will convene a Waiver Review Committee to analyze the waiver request. The committee's recommendations will be forwarded to a KSDE leadership team that includes at a minimum the state director of special education, assistant commissioner of learning services, and the director of school improvement.**

In addition, KSDE will continually review data and monitor the situations to ensure that exceptions to the 1% cap are based on appropriate information including district testing pool size and the number of students with significant cognitive disabilities. Data will also be reviewed to determine the impact on the 1% cap at the state level.

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| <p>5.4 How are students with limited English proficiency included in the State’s definition of adequate yearly progress?</p> | <p>All LEP student participate in statewide assessments: general assessments with or without accommodations or a native language version of the general assessment based on grade level standards.</p> <p>State demonstrates that LEP students are fully included in the State Accountability System.</p> | <p>LEP students are not fully included in the State Accountability System.</p> |

| STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS |
|---|
| <p>5.4</p> <p>Kansas State Board of Education Regulation 91-31-31 (o) specifically includes students with limited English proficiency as a subgroup to be included in accreditation decisions: “ ‘Student subgroup’ means those students within a school who, for monitoring purposes, are classified by a common factor, including economic disadvantage, race, ethnicity, disability, and limited English proficiency.”</p> <p>Regulation 91-31-32 makes clear the expectation that each student subgroup will be included in determining adequate yearly progress:</p> <p>“(b) The performance criteria shall be as follows:</p> <p>(1) . . . having met the percentage prescribed by the state board of students performing at or above the proficient level on state assessments or having increased overall student achievement by a percentage prescribed by the state board;</p> <p>8. having 95% or more of all students and 95% or more of each student subgroup take the state assessments . . .”</p> <p>All Kansas students with limited English proficiency are included in the State’s definition of AYP, if they have been enrolled for a full academic year as defined by the State. All participate in the state’s assessments, some taking assessments written in plain English (mathematics) and some taking assessments with accommodations (reading). Directions for administering all state assessments are provided in both English and Spanish on the Kansas State Department of Education’s website, www.ksde.org and in the examiner’s manuals. Kansas is considering developing a Spanish version of the general assessment for future use. A consideration in that decision is that only 8 percent of the state’s student population is Hispanic.</p> |

(5.4 continued)

The 2003 Kansas Reading Assessments Examiner's Manual states the following:

A listening comprehension assessment can be given in lieu of the Kansas Reading Assessment for certain English language learners. . . This assessment is available only for English language learners scoring 1 or 2 on the LAS or 40 or below on the IPT. Please note that a listening comprehension assessment may not always be the most appropriate assessment for students scoring 2 on the LAS or between 28 and 40 on the IPT. In these cases, student participation in this assessment should be based on careful teacher/administrator analysis of student performance. If the listening comprehension assessment is not appropriate for a student, he/she should take the reading assessment without this accommodation.

The listening assessment is the actual State Reading Assessment; however, it is on CD or tape as an accommodation. The state allows certain accommodations for all students in the following: test administration setting, test presentation, student response and assistive devices. The only instance in which the Listening Assessment is viewed as an accommodation in test presentation is with students who are English language learners. Any student may receive an accommodation when it is appropriate for that student; however, that student must regularly receive the accommodation during routine classroom instruction and assessment activities.

KSDE provided the Peer Reviewers a paper *Rationale for ELL Listening and Reading* which explains why the listening comprehension assessment is considered appropriate for certain English language learners as an accommodation. That paper is included as Attachment 5.4

The listening comprehension assessment has the same five performance levels as do all State assessments: exemplary, advanced, proficient, basic and unsatisfactory. English language learners who take the listening comprehension assessment will be included in the determination of adequate yearly progress (AYP) for the school, the district and the state. Those students who are at proficient and above will be included in the calculations used to determine the percent of students at proficient and above. In addition, if a school or district has a minimum of 30 English language learners in the grades assessed, the disaggregated data for ELL will include the results from the listening comprehension assessment as well as the other reading assessments: general assessments, assessments with other accommodations, and any ELL students with disabilities taking the modified or alternate assessments.

On February 23, 2004, the U.S. Department of Education released additional flexibility regarding English Language Learners (ELL) and adequate yearly progress (AYP). Kansas appreciates the additional flexibility and intends to incorporate it into the accountability plan. Following are the guidelines sent to districts regarding the additional flexibility and how Kansas collected data as of 2004:

(5.4 continued)

1. English Language Learners who are in their first year of enrollment in a U.S. school (The *first year of enrollment in a U.S. school* means that the student enrolled some time during the 2003-2004 school year.):

- **Must be assessed in reading and mathematics but the results are not included in determining AYP**
- **Will count for participation**
- **Must take the Kansas mathematics assessment**
- **May take an English language proficiency (ELP) assessment in place of the Kansas Reading Assessment; districts will determine which assessment to use. Only these three ELP assessments are approved for use in Kansas: the Language Assessment Scales (LAS), the Idea Proficiency Test (IPT) and the Language Proficiency Test Series (LPTS).**

For students in their first year in a U.S. school, state assessments answer sheets are coded as follows:

- **In the “NT” (not tested) column, fill in #9 and**
- **Fill in the “PE” (plain English) in the “ELL” (English Language Learners) box.**

In addition, if these students are taking the LAS, the IPT or the LPTS instead of the Kansas Reading Assessment, their answer sheets for the Kansas Reading Assessment are still submitted. Their answer sheets will be marked as above but not have any answers to the test completed on the reverse side. This will give the student credit for participation.

2. Additional flexibility is also available in how Kansas defines the English Language Learners subgroup for determining adequate yearly progress (AYP).

- **Former ELLs (those who are now proficient in English) may be included in the ELL subgroup in determining AYP.**
- **Former ELLs’ scores may be included in the ELL subgroup for up to two years in the AYP calculations.**

If a district chooses this option, they must code the state assessment answer sheets of the former ELLs with the following:

- **Mark the student as ELL in the ELL box by**
- **Filling in “RA” for regular assessment.**

Since Kansas will not have an statewide individual student record database in place until 2005-2006 when the new assessments are also in place, districts will have to decide during the interim period whether or not to use the increased flexibility.

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|---|---|--|
| <p>5.5 What is the State's definition of the minimum number of students in a subgroup required for reporting purposes? For accountability purposes?</p> | <p>State defines the number of students required in a subgroup for reporting and accountability purposes, and applies this definition consistently across the State.⁵</p> <p>Definition of subgroup will result in data that are statistically reliable.</p> | <p>State does not define the required number of students in a subgroup for reporting and accountability purposes.</p> <p>Definition is not applied consistently across the State.</p> <p>Definition does not result in data that are statistically reliable.</p> |

⁵ The minimum number is not required to be the same for reporting and accountability.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

5.5

Minimum N for Group Size for Determining AYP

Kansas requires that subgroups have at least ten students for reporting purposes. For purposes of adequate yearly progress, a group size of thirty will be used for all groups **except for students with disabilities who will have forty for group size**. In instances in which there are fewer than thirty students in a subgroup within a school and/or district, the AYP calculation for that subgroup will apply to the next level, either the district or the state.

To ensure that decisions are valid and reliable, confidence intervals will be used with schools when results are questionable. Confidence intervals will determine whether the results are within the acceptable standard error of measurement. The standard error of measurement as specified in the technical manual for each state assessment will be applied. If the schools results fall within the range determined through the standard error of measurement, then KSDE will issue AYP status with **99%** confidence in the school's status.

As of 2004, Kansas will adjust the minimum number (N) required for students with disabilities to 40 to be considered a subgroup. All other subgroups will continue to use 30 as the minimum group size for determining adequate yearly progress. The size of the subgroup for reporting purposes will continue to be 10 students. Upon further review of the data relative to students with disabilities, a cell size of 40 appears to be a more valid and reliable method when determining performance results and progress. Upon reviewing the data with an "N" of 30, and as a result of the 13 disability categories, many district assessment results produced individually identifiable data. Additionally, when one considers the variations in assessments (accommodations, modifications and/or alternate assessments) that impact students with disabilities, a larger minimum number appears to be fairer for these students and the schools they attend.

In addition, Kansas has many small districts. Over one third of the districts in Kansas have fewer than 100 students total. Regardless of whether an "N" of 30 or 40 is used, more than one-third of Kansas districts will never be held accountable for subgroups. By raising the "N" for students with disabilities to 40, less than 3% fewer districts will be held accountable. Specifically, the following data are provided:

- **37.5% of school districts in Kansas had fewer than 100 students total in the mathematics testing pool**
- **38.2% of school districts in Kansas had fewer than 100 students total in the reading testing pool**
- **44% of school districts in Kansas have an "N" of 30 for students with disabilities**
- **41% of school districts in Kansas have an "N" of 40 for students with disabilities.**

5.5 (Continued)

Small Schools with Fewer than 30 in the “All Students”

Results from small schools in which the aggregate of students is less than 30 will be reviewed on an individual basis to ensure that annual movement toward 100% proficiency is occurring. Kansas will use a mix of previous and current year data to make AYP determinations. When the aggregate across grades is fewer than 30, KSDE will review the current year results and the results from adding the previous 2-3 years' data with the current school year of data. Whichever is higher will be used for that year. The number of students determines whether 2 or 3 years of data is averaged. Two years of data will be used if the aggregate reaches 30; otherwise, three years of data will be considered. Some schools may still not have 30 students even with three years of data.

If data is not available for averaging or if three years does not yield a number close to 30, confidence intervals using the standard error of the proportion will be applied to determine if the current year's results are within an acceptable statistical range. In addition, all schools, including small ones, will be included in the district level AYP. In 2005-06 when assessments are in grades 3-8, there be significantly fewer schools having fewer than 30 students.

Small requested that safe harbor be applied to their results when appropriate. In the 2002 Kansas accountability plan, small schools (those with less than 30 in the *all students* category) had their AYP determined by combining 2-3 years of results. Confidence intervals were applied to the combined scores when they did not meet the annual target. In addition, the averaged scores were compared to the most recent results and the higher of the two was used to determine AYP status. In the past, averaging scores precluded the use of safe harbor. Beginning in 2004, Kansas will apply safe harbor to small schools by comparing the current year's results with the previous year's results to determine whether or not the small school made AYP by reducing the percent of students below proficient by 10%.

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| 5.6 How does the State Accountability System protect the privacy of students when reporting results and when determining AYP? | Definition does not reveal personally identifiable information. ⁶ | Definition reveals personally identifiable information. |
| STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS | | |
| <p>5.6 Since the number required for disaggregating results is thirty (40 for students with disabilities), Kansas should encounter no difficulty in protecting the privacy of students when reporting AYP. While building assessment reports include information about individual students so that teachers can align instruction to student needs, assessment results are not reported publicly unless there are at least ten students in a group. Only appropriate persons enter information about eligibility for free and reduced priced lunches on assessment answer sheets. Kansas is very sensitive to the provisions of the Family Educational Rights and Privacy Act and take every precaution to assure that the state is in compliance with the act. Both the state’s IDEA and State Consolidated plans include statements of adherence to FERPA provisions. The state has encountered no breach of student privacy in the twenty-plus years of state assessments.</p> | | |

⁶ 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 REQUIREMENTS | EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS |
|---|--|--|
| <p>6.1 How is the State’s definition of adequate yearly progress based primarily on academic assessments?</p> | <p>Formula for AYP shows that decisions are based primarily on assessments.⁷</p> <p>Plan clearly identifies which assessments are included in accountability.</p> | <p>Formula for AYP shows that decisions are based primarily on non-academic indicators or indicators other than the State assessments.</p> |

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

6.1

The accountability system in Kansas is based primarily on the State assessments in reading and mathematics, which are based on curriculum standards adopted by the Kansas State Board of Education. The Kansas State Board of Education also adopted in December 2002 new Quality Performance Accreditation (QPA) regulations which define the performance criteria as meeting “the percentage prescribed by the state board of students performing at or above the proficient level on state assessments . . . having 95% or more of all students and 95% or more of each student subgroup take the state assessments.”

Schools are accredited when they meet the performance and quality criteria established by the State Board. When they do not meet the criteria, they are accredited on improvement, conditionally accredited or not accredited.

The determination of whether or not schools make AYP is based on the state assessment results in mathematics and reading. The results from all forms of the assessments are included in the determination; these forms include regular assessments, assessments with accommodations, assessments with modifications, and alternate assessments. Participation rate is also based on all of the assessments in reading and mathematics.

Graduation and attendance will be incorporated into the determination of AYP, but the primary emphasis is on state assessment results and the movement toward the goal of 100% of students being proficient on the state assessments. Safe harbor is also calculated first on the state’s other indicators. If a subgroup meets the requirements of those indicators, then data are reviewed to determine if there has been a 10% improvement on state assessment results.

⁷ State Assessment System will be reviewed by the Standards and Assessments Peer Review Team.

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

| CRITICAL ELEMENT | EXAMPLES FOR MEETING REQUIREMENTS | EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS |
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| <p>7.1 What is the State definition for the public high school graduation rate?</p> | <p>State definition of graduation rate:</p> <ul style="list-style-type: none"> • 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. <p>Graduation rate is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause⁸ to make AYP.</p> | <p>State definition of public high school graduation rate does not meet these criteria.</p> |

⁸ See USC 6311(b)(2)(I)(i), and 34 C.F.R. 200.20(b)

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

7.1

Currently in Kansas, cohort data are used to determine graduation rate. The measurement looks at the same group or cohort of students from the ninth grade year through the twelfth grade. The data are presented as a cohort rate. Dropouts and transfers over the four-year period are included when determining the class graduation rate. The graduation rate is determined by dividing the total number of 12th grade graduates by the sum of twelfth grade graduates and all students who dropped out or transferred in during the ninth to twelfth grade years. Students who transfer out are subtracted from the total number of students. Since Kansas has previously allowed the inclusion of students earning the GED in calculating graduation rate, that change will be made to data collected for school year 2002-2003 and following.

The state has included graduation rates on school report cards since their inception in and reports trend data for a five-year period. The building report cards, which include these data, can be accessed on the Kansas State Department of Education website at www.ksde.org.

Graduation rate applies to the “all students” category when determining a school and district AYP. Graduation rate for disaggregated groups applies only when determining whether or not safe harbor has been met.

A school or district is said to meet the graduation rate requirement for AYP as established by the Kansas State Board of Education when its graduation rate is at or above the graduation rate established by the State Board (75%) or it shows improvement from the previous year’s graduation rate. The expected rate will be established based on current data; once the state has data that do not include students who have earned the GED; the rate will be adjusted if necessary.

The reason for establishing the rate at 75% or showing improvement from the previous year is threefold. First, the graduation data collected over the years has included GED as well as other completers who took more than the standard four years to graduate. KSDE is changing the data collection instrument, *The Building Principal’s Report*, to ensure that GED are not included in calculating graduation rate. Secondly, in setting the graduation rate, KSDE reviewed graduation data for all high schools by considering standard deviations from the State graduation mean. The 75% graduation rate is approximately one standard deviation from the State mean. This is acceptable statistically to KSDE. Incidentally, there are twenty-nine schools, which include numerous alternate high schools and special education secondary centers, below the 75% rate. Thirdly, in calculating safe harbor, the graduation rate will be disaggregated for the appropriate subgroups. Again, KSDE needs to ensure that the graduation data excludes the GED.

Kansas adopted the definition for graduation that was specified in No Child Left Behind and the USDE’s Accountability Workbook. The definition excludes students who earned a

7.1 (Continued)

GED or students with disabilities whose individualized education plan (IEP) allowed longer than four years to complete graduation requirements. Kansas recognized this as a disservice to those students with disabilities who have earned the right to be called “graduate”. The definition for graduation in Kansas was expanded to include *IEP Graduates*. The IEP graduate includes the following:

- **Only students with disabilities**
- **Students through the age of 21**
- **Students who are graduating with a regular diploma**
- **Students who have been in high school for more than four years and**
- **Students who have completed their course of study as specified in their IEPs.**

It is important to not exclude any student who is graduating; this is especially important since graduation rate is a critical factor in determining AYP. By including this additional group in the definition of graduation, schools and districts will benefit from the good work they are doing in helping students stay in school and completing their education.

The Principal’s Building Report is the data collection instrument for graduation data. Principals already report the four-year cohort graduation data as well as IEP graduates and GED students. Kansas will include the IEP graduates when calculating graduation rates for AYP.

New school accreditation regulations specify that a school will be annually accredited based upon its meeting both the quality and performance criteria established by the Kansas State Board of Education. The performance criteria include the following in State Board Regulation 91-31-32 (b).

- “(1) . . . having met the percentage prescribed by the state board of students performing at or above the proficient level on state assessments or having increased overall student achievement by a percentage prescribed by the state board;
- (2) having 95% or more of all students and 95% or more of each student subgroup take the state assessments;
- (3) having an attendance rate equal to or greater than that prescribed by the state board; and
- (4) for high schools, having a graduation rate equal to or greater than that prescribed by the state board.”

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| <p>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?</p> | <p>State defines the additional academic indicators, e.g., additional State or locally administered assessments not included in the State assessment system, grade-to-grade retention rates or attendance rates.⁹</p> <p>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.</p> | <p>State has not defined an additional academic indicator for elementary and middle schools.</p> |

⁹ NCLB only lists these indicators as examples.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

7.2

The other indicator at the elementary and middle school level is attendance rate. In Kansas, attendance rate has been collected for years using the following definition:

The attendance rate is the percentage of students attending school as measured by dividing the average daily attendance (ADA) by the average daily membership (ADM).

Average daily attendance is calculated by (1) adding together the number of students attending each day that the school was in session during the school year, and (2) dividing that total by the number of days school was in session with students in class. Average daily membership is calculated by (1) adding together the number of students attending each day plus the number absent each day that the school was in session during the school year, and (2) dividing that total by the number of days school was in session with students in class.

State Board of Education regulation 91-31-33 requires that schools submit data regarding school attendance: *91-31-33. Data submission. Each school shall provide to the state department of education information concerning each of the following, upon request: . . .(b) student attendance*

For Quality Performance Accreditation purposes, attendance data must not be gathered or reported in increments of less than half-days. Building attendance rates are based upon grades in a particular building.

Attendance rate applies to the “all students” category when determining a school and district AYP. Attendance rate for disaggregated groups applies only when determining whether or not safe harbor has been met. A school or district is said to meet the attendance rate requirement for AYP when its attendance rate is at or above the State’s attendance rate established by the Kansas State Board of Education (90%) or it shows improvement from the previous year’s rate.

Kansas has established a policy for considering, on a case-by-case basis, appeals from schools that experience major outbreaks of illness, such as influenza or chicken pox, and suffer a resulting significant decline in attendance rate.

No Child Left Behind requires states to include state assessment results, participation rates, graduation rates and an additional indicator at the elementary and middle schools to determine adequate yearly progress. Kansas selected attendance as the additional indicator and applied it to not only elementary and middle schools but also high schools.

Overall, attendance rates in Kansas are high (92-96%). High schools believe, however, that they are being held to higher criteria for AYP since they have one more indicator than do the elementary and middle schools. This could be potentially significant for those schools in which safe harbor is being calculated. Kansas, as of 2004, will exclude attendance as an indicator for determining adequate yearly progress for high schools.

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| <p>7.3 Are the State's academic indicators valid and reliable?</p> | <p>State has defined academic indicators that are valid and reliable.</p> <p>State has defined academic indicators that are consistent with nationally recognized standards, if any.</p> | <p>State has an academic indicator that is not valid and reliable.</p> <p>State has an academic indicator that is not consistent with nationally recognized standards.</p> <p>State has an academic indicator that is not consistent within grade levels.</p> |
| <p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p> | | |
| <p>7.3 Quality Performance Accreditation regulations adopted by the Kansas State Board of Education in December 2002 require both graduation rate and attendance rate to be included as indicators when determining a school's performance. Kansas has been collecting both graduation and attendance rate data using the definitions for a number of years. The graduation rate calculation will be changed to comply with the requirement of not including those students who earn a GED.</p> <p>Both the graduation and attendance rates are subject to audit and verification at the state level. Schools report their data annually on the Building Principal's Report and the Quality Performance Accreditation Annual Report. The Kansas Department of Education reviews graduation and attendance rate data submitted by school districts and identifies any substantial change from past performance. The Kansas Department of Education then works with individual school districts in verifying data that represent significant change from past results.</p> <p>The data reported by schools are included in the School Report Cards that are posted on the Kansas State Department of Education's website, www.ksde.org. Data from the last five years on both graduation and attendance are reported for each school, as are the state rates for each year.</p> | | |

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

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| <p>8.1 Does the state measure achievement in reading/language arts and mathematics separately for determining AYP?</p> | <p>State AYP determination for student subgroups, public schools and LEAs separately measures reading/language arts and mathematics.¹⁰</p> <p>AYP is a separate calculation for reading/language arts and mathematics for each group, public school, and LEA.</p> | <p>State AYP determination for student subgroups, public schools and LEAs averages or combines achievement across reading/language arts and mathematics.</p> |
| <p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p> | | |
| <p>8.1 Kansas calculates adequate yearly progress (AYP) separately for reading and for mathematics. The starting points, intermediate goals and annual measurable objectives are set separately for reading and mathematics. The final goal of having 100% of the students proficient on the state assessments by 2013-2014 is the same for both content areas.</p> <p>Adequate yearly progress for mathematics and reading are calculated separately for all public schools and districts in Kansas. Two or more consecutive years of failing the AYP requirements in the same content area is the basis for identifying schools and districts for improvement. In addition, two consecutive years of making AYP in the same content area is necessary to be removed from the list of schools and districts identified for improvement.</p> | | |

¹⁰ 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.

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

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

9.1

Among the factors that affect individual test score consistency are test length, location of the cutscore within the score distribution, and similarity of the score distribution among the four test forms used in each subject area on the Kansas assessments. These factors in turn affect decision consistency for AYP. In addition, decision consistency is affected by the sample size of the various school buildings in Kansas.

The state's assessment contractors in conjunction with the Kansas Technical Advisory Council are determining (1) the mechanism for determining decision consistency, (2) an acceptable range of decision consistency for AYP determinations, and (3) appropriate statistical remedies to be used if decision consistency falls outside of the acceptable range. Commonly accepted rules for determining decision consistency will be applied.

The state will publicly report (1) the method for determining decision consistency, (2) the estimate of decision consistency related to the state's AYP determination, and (3) the acceptable range of decision consistency on the KSDE website, the Center for Education Testing and Research website, in the state's accountability report, and in the technical manual for the Kansas assessments.

The state will update this analysis and reporting yearly and will annually review the analysis to assure that decision consistency is within the range Kansas finds acceptable and meets professional standards and practice.

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| 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 | | |
| <p>9.2</p> <p>The formula for making AYP determinations will be announced publicly and will be posted on the KSDE website. If individual buildings believe there has been an error in calculating AYP because of a mistake affecting state assessment scores, attendance rate, or graduation rate, the administrator may informally contact appropriate persons at the Kansas State Department of Education or the state's assessment contractor in order to ask for confirmation of quantitative indices.</p> <p>If there are extenuating circumstances causing the school or LEA to wish to appeal the AYP determination, the administrator may contact the Kansas Commissioner of Education to ask for a formal review of the school's situation. A hearing will be set up whereby the school may seek to have the negative AYP determination overturned. The make-up of the panel of judges is yet to be determined, but might likely include Department of Education staff, personnel from various organizations such as the Kansas National Education Association and the Kansas Association of School Boards, and administration and staff from other Kansas schools.</p> | | |

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| <p>9.3 How has the State planned for incorporating into its definition of AYP anticipated changes in assessments?</p> | <p>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.¹¹</p> <p>State has a plan for including new public schools in the State Accountability System.</p> <p>State has a plan for periodically reviewing its State Accountability System, so that unforeseen changes can be quickly addressed.</p> | <p>State's transition plan interrupts annual determination of AYP.</p> <p>State does not have a plan for handling changes: e.g., to its assessment system, or the addition of new public schools.</p> |

¹¹ 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.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

9.3

New State Assessments

Kansas has begun the revision of state curriculum standards, including the addition of grade-specific standards where they did not previously exist. The standards will be the basis of new assessments to be implemented in the 2005-2006 school year. At that time the starting point for adequate yearly progress will be recalculated with adjustment in annual and intermediate goals as necessary. The same long-term goal of having all Kansas students proficient in mathematics and reading by 2013-2014 will be retained. The transition between the current assessments and the new ones will be accommodated in part through maintaining the same expectation for results for the 2004-2005 and 2005-2006 school years.

Kansas will administer new assessments in 2005-06 to meet the *No Child Left Behind* requirements of having annual assessments in grades 3-8 in reading and mathematics. The results from the new assessments will be available by May 15, 2006. Using these results, KSDE will follow the same process as used in 2002-03 in calculating the starting points, intermediate goals, and annual measurable objectives with the final goal of having 100% of the students proficient by 2013-14. Adjustments will be made to the remaining annual measurable objectives and intermediate goals to reflect the new data. The timeline for reaching 100% by 2013-14 will not change.

The law does not require annual measurable objectives to vary every year. Thus, the annual measurable objective for 2005-06 will be the same as 2004-05 until the new data is available and the annual objectives are adjusted to reflect the new assessment results.

Kansas is developing new assessments in reading and mathematics that will be administered in 2005-06. In the 2002 Kansas accountability plan, the intention was to design a two-part high school mathematics assessment that students would take when they had completed coursework on the standards. A student might take part one as a sophomore and part two as a junior.

Since then, the design of the high school mathematics assessment has changed. Administrators, teachers and the math community advocated for a single assessment rather than a two-part assessment. Respecting the input from the field, the design was amended to a single mathematics assessment during high school.

Districts will determine when students take the new assessments; however, all students must take the high school mathematics and reading assessments by the end of eleventh grade. Students will be assessed after they have had the opportunity to learn the content.

Kansas will have an individual student database by 2005-2006 and will be able to ensure that all students participate. Kansas also recognizes any changes in the state standards and assessments must be submitted to USDE for peer review.

New Schools

Students attending public schools in their first year of operation will be included in the district and state calculations of AYP. Such schools include not only those that are opening for the first time, but also those that are newly-reconfigured with new students, new staff, or new organization, or all three. Adequate yearly progress determinations for new schools will begin with their second year of operation, when students attending the new school will be included in calculations for building, district, and state levels. The schools, however, will have their assessment results provided to them for their review and use.

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.

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

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

10.1

Kansas will continue to calculate and report participation rates as it has during the last several years. The first day that the Kansas State Reading and Mathematics Assessments are administered locally is the date upon which participation rates are calculated to determine whether or not 95% of all students and 95% of each subgroup with the minimum “N” participated in the assessments.

Each school is required to register every student at the grades assessed by completing the student identification information on the student answer sheet. Students who do not participate in the assessment are coded as NT (not tested). No exemptions of any kind are allowed. All answer sheets are returned to the testing contractor whether or not the student has participated in the assessments. Percentage of students not tested is reported on building reports and on building report cards.

The Kansas State Department of Education monitors discrepancies by comparing number of students accounted for with numbers of students enrolled on September 20 and by comparing number of students in subgroups accounted for with number listed in official counts of students with disabilities and students with limited English proficiency. Schools will be informed this year that they must keep careful documentation of all those not participating in assessments because random audits will be performed after the assessment is complete. The audits must show that all students are tested or otherwise accounted for.

The 2002 Kansas accountability plan calculated participation rate as the number of students tested divided by the enrollment of the school. However, enrollment data in Kansas are collected by the state only once a year; the official enrollment date is September 20. Unfortunately, there is no system in place yet that connects individual student enrollment with assessment data. This problem will be rectified in 2005-2006 with the implementation of an individual student database in which each student will have a unique state identifier.

Until 2006, Kansas will calculate participation rates as follows. Since the mid-1990’s, schools have been required to send in state assessment answer sheets for every student in any grade having a state assessment. The answer sheets have codes for students who are not tested. Thus, the formula for participation rate is the number of tests of which students have attempted to complete at least some part divided by the total number of answer sheets submitted by each school. Kansas will continue to review the numbers to ensure that students are not being deliberately left out of the assessment process. As part of the quality control procedures, Kansas instituted the required “pre-slugging” of answer sheets with student identification information in 2003-2004. Lists of students for whom answer sheets were pre-slugged can be compared with actual answer sheets returned to the testing contractor.

In addition, Kansas intends to apply the new policy of the U.S. Department of Education for calculating participation rates as announced by Secretary Paige on Monday, March 29, 2004. The first change relates to schools with high participation rates that may experience a dip one year. When appropriate, participation data from the previous one or two years will be averaged with the current year's data for a particular school and/or subgroup. If the average meets or exceeds 95%, then the school will be classified as meeting the AYP participation requirement.

The second change relating to medical emergencies will be reviewed by KSDE on a case-by-case basis. District testing coordinators will notify KSDE when a particular student is unable to take the state assessments during the entire testing window, including make-up dates, due to a significant medical emergency. If KSDE agrees with the situation, that student will be excluded when calculating participation rates.

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| CRITICAL ELEMENT | EXAMPLES FOR MEETING REQUIREMENTS | EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS |
|--|---|---|
| <p>10.2 What is the State's policy for determining when the 95% assessed requirement should be applied?</p> | <p>State has a policy that implements the regulation regarding the use of 95% allowance when the group is statistically significant according to State rules.</p> | <p>State does not have a procedure for making this determination.</p> |
| <p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p> | | |
| <p>10.2 The Kansas assessment system includes tracking student participation rates and the disaggregation of the data into student subgroups required in the statute, that is, economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. The 95% requirement is applied to any student subgroup of thirty or more students (40 for students with disabilities) and is reported for any student subgroup of ten or more. Thirty is determined to be the point at which data are stable, that is, relatively free from chance fluctuations because of sample size.</p> | | |

Appendix A

Required Data Elements for State Report Card

1111(h)(1)(C)

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.
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.
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.
4. The most recent 2-year trend in student achievement in each subject area, and for each grade level, for the required assessments.
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.
6. Graduation rates for secondary school students disaggregated by student subgroups.
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.
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.

Attachment 1.1 Kansas State Board of Education Accreditation Regulations

91-31-31. Definitions. (a) "Accredited" means the status assigned to a school that meets the minimum performance and quality assurance criteria established by the state board.

(b) "Accredited with recognition" means the status assigned to a school that has a prescribed percentage of students scoring at or above the proficient level on the state assessments and that meets the other performance and quality assurance criteria applicable to the school.

(c) "Accredited with excellence" means the status assigned to a school that has a prescribed percentage of students scoring at or above the proficient level on the state assessments and that meets the other performance and quality assurance criteria applicable to the school.

(d) "Conditionally accredited" means the status assigned to each school that is accredited, accredited with recognition, or accredited with excellence and that, in the second year of the school's next two-year accreditation period, fails to meet one or more of the performance criteria or three or more of the quality assurance criteria established by the state board.

(e) "Conditionally accredited on improvement" means the status assigned to a school that, for two consecutive years, fails to meet one or more of the performance criteria or three or more of the quality assurance criteria established by the state board.

(f) "Conditionally accredited on warning" means the status assigned to a school that, for four consecutive years, fails to meet one or more of the performance criteria or three or more of the quality assurance criteria established by the state board.

(g) "Curriculum standards" means statements, adopted by the state board, of what students should know and be able to do in specific content areas.

(h) "External technical assistance team" means a group of persons selected by a school for the purpose of advising school staff on issues of school improvement, curricula and instruction, student performance, and other accreditation matters.

(i) "Local board of education" means the board of education of any unified school district or the governing body of any nonpublic school.

(j) "Not accredited" means the status assigned to a school that, for five consecutive years, does not meet one or more of the performance criteria or three or more of the quality assurance criteria established by the state board.

(k) "On-site visit" means a visit at a school by either the school's external technical assistance team or a state technical assistance team.

(l) "School" means an organizational unit that, for the purposes of school improvement, constitutes a logical sequence of elements that may be structured as grade levels, developmental levels, or instructional levels.

(m) "School improvement plan" means a plan developed by a school that states specific actions for achieving continuous improvement in student performance.

(n) "Standards of excellence" means the expectations for academic achievement that the state board has set for Kansas schools.

(o) "State assessments" means the assessments that the state board administers in order to measure student learning within the Kansas curriculum standards for mathematics, reading, science, history and government, and writing.

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(p) "State board" means the state board of education.

(q) "State technical assistance team" means a group of persons appointed by the state department of education to assist schools in meeting the performance and quality assurance criteria established by the state board.

(r) "Unit of credit" means a measure of credit that may be awarded to a student for satisfactory completion of a particular course or subject. A full unit of credit is credit that is awarded for satisfactory completion of a course or subject that is offered for and generally requires 120 clock-hours to complete. Credit may be awarded in increments based upon the amount of time a course or subject is offered and generally requires to complete. Individual students may be awarded credit based upon demonstrated knowledge of the content of a course or subject, regardless of the amount of time spent by the student in the course or subject.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

91-31-32. Performance and quality assurance criteria. (a) Each school shall be assigned its accreditation status based upon the extent to which the school has met the performance and quality assurance criteria established by the state board in this regulation.

(b) The performance criteria shall be as follows:

(1) Except as provided in subsection (d) of this regulation, having met the percentage prescribed by the state board of students performing at or above the proficient level on state assessments or having increased overall student achievement by a percentage prescribed by the state board;

(2) having an attendance rate equal to or greater than that prescribed by the state board; and

(3) for high schools, having a graduation rate equal to or greater than that prescribed by the state board.

(c) The quality assurance criteria shall consist of the following quality assurance measures, which shall be required to be in place at each school:

(1) A school improvement plan that may be for a period of from two to five years and that includes a results-based staff development plan;

(2) an external technical assistance team;

(3) locally determined assessments that are aligned with the state standards;

(4) formal training for teachers regarding the state curriculum standards;

(5) 100% of the teachers assigned to teach in those areas assessed by the state or described as core academic subjects by the United States department of education, and 95% or more of all other faculty, fully certified for the positions they hold;

(6) policies that meet the requirements of S.B.R. 91-31-34;

(7) local graduation requirements that include at least those requirements imposed by the state board;

(8) curricula that allow each student to meet the regent's qualified admissions requirements and the state scholarship program;

(9) if an elementary school, enrollment of 10 or more students on September 20;

(10) programs to support student learning and growth at both the elementary and secondary levels, including the following:

(A) Computer literacy;

(B) counseling services;

(C) fine arts;

(D) language arts;

(E) library services;

(F) mathematics;

(G) physical education, which shall include health and instruction about human sexuality and AIDS;

(H) science;

(I) services for students with special learning needs; and

(J) history and government. Each local board of education shall include in its history and government curriculum, within one of the grades seven through 12, a course of instruction in Kansas history and government. The course of instruction shall be offered for at least nine consecutive weeks. The local board of education shall waive this requirement for any student who transfers into the district at a grade level above that in which the course is taught;

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(11) programs to support student learning and growth at the secondary level, including the following:

- (A) Business;
- (B) family and consumer science;
- (C) foreign language; and
- (D) industrial and technical education; and

(12) local policies ensuring compliance with other accreditation regulations and state education laws.

(d) If the grade configuration of a school does not include any of the grades included in the state assessment program, the school shall use a locally determined assessment that is aligned with the state standards.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

91-31-33. Data submission. Each school shall provide to the state department of education information concerning each of the following, upon request:

- (a) Qualifications of the school's teachers;
- (b) student attendance;
- (c) the number of high school students who graduate; and
- (d) any other data requested by the state board.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

91-31-34. Local board of education requirements. (a) General. Each local board of education shall ensure that each school meets the requirements of this regulation.

(b) Staff.

(1) Except as otherwise provided in this subsection, in filling positions for which a license or certificate is issued by the state board, each school district shall employ persons who hold licenses or certificates with specific endorsements for the positions held.

(2) If a teacher holding an appropriate license or certificate is not available, the school district shall use a substitute teacher holding a valid Kansas teacher or administrator license or certificate at any level or in any field or subject. A school district shall not allow any person holding a Kansas teaching license or certificate to substitute teach for more than 125 days in the same assignment.

(3) If a substitute teacher holding a valid Kansas teacher or administrator license or certificate is not available, the school district shall use a substitute teacher holding a valid Kansas substitute teaching license or certificate. A school district shall not allow a person holding a substitute teaching license or certificate to teach for more than 90 days in the same assignment.

(4) If a substitute teacher holding a valid Kansas substitute teaching license or certificate is not available, the school district shall use a person who holds a baccalaureate degree and an emergency substitute teaching license or certificate. A school district shall not allow a person who holds a baccalaureate degree and an emergency substitute teaching license or certificate to teach for more than 30 days in the same assignment.

(5) (A) If a person holding a baccalaureate degree and an emergency substitute teaching license or certificate is not available, the school district shall use a person who has been licensed or certified by the state board as an emergency substitute teacher. A school district shall not allow any person who does not hold a baccalaureate degree to teach for more than 15 days in the same assignment or more than 60 days in a semester.

(B) If a local board of education documents that there is an insufficient supply of substitute teachers, the board may appeal to the commissioner of education for authority to allow individuals holding an emergency substitute teaching license or certificate to continue to teach for an additional length of time that shall not exceed a total of 93 days in a school year.

(6) If the state board of education has declared a time of emergency, any person holding a five-year substitute teaching license or certificate or an emergency substitute teaching license or certificate with a baccalaureate degree may teach for the duration of the time of emergency in a position made vacant by reason of the emergency.

(7) Each school shall report the name of each licensed or certified staff member on the personnel report or the supplemental personnel report required by the state board. Each licensed or certified personnel staff change that occurs between September 15 and the end of the school year shall be reported on a form prescribed by the state board within 30 days after the staff change.

(c) Student credit. Each school, through the local board of education, shall have a written policy specifying that the credit of any pupil transferring from an accredited school shall be accepted.

(d) Records retention. Each school shall permanently retain records relating to each student's academic performance, attendance, and activities.

(e) Interscholastic athletics.

(1) A local board of education shall not allow any student below the sixth grade level to participate in interscholastic athletics.

(2) A local board of education may allow any student at the sixth grade level or higher to participate in interscholastic athletics.

(3) If a local board of education allows students at the sixth grade level to participate in interscholastic athletics, the local board of education shall comply with the guidelines adopted by the state board.

(4) A local board of education may join the Kansas state high school activities association and participate under its rules. A local board of education that does not join that association shall comply with guidelines for interscholastic athletics adopted by the state board.

(f) Athletic practice.

(1) Any elementary or middle school that includes any of the grades six through nine may conduct athletic practice during the school day only at times when one or more elective academic courses or a study period is offered to students.

(2) A high school shall not conduct athletic practice during the school day, and athletic practice shall not be counted for credit or as a part of the school term.

(3) A school shall neither offer credit for athletic practice nor count athletic practice as a physical education course.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

91-31-35. Graduation requirements. (a) Each local board of education shall adopt a written policy specifying that pupils are eligible for graduation only upon completion of at least the following requirements:

(1) Four units of English language arts, which shall include reading, writing, literature, communication, and grammar. The building administrator may waive up to one unit of this requirement if the administrator determines that a pupil can profit more by taking another subject;

(2) three units of history and government, which shall include world history, United States history, United States government, including the Constitution of the United States, and, except as otherwise provided in S.B.R. 91-31-32, a course of instruction in Kansas history and government;

(3) three units of science, which shall include physical, biological, and earth and space science and which shall include one unit as a laboratory course;

(4) three units of mathematics, including algebraic and geometric concepts;

(5) one unit of physical education, which shall include health and which may include safety, first aid, or physiology. This requirement shall be waived if the school district is provided with either of the following:

(A) A statement by a licensed physician that a pupil is mentally or physically incapable of participating in a regular or modified physical education program; or

(B) a statement, signed by a lawful custodian of the pupil, indicating that the requirement is contrary to the religious teachings of the pupil;

(6) one unit of fine arts, which may include art, music, dance, theatre, debate, and other similar studies selected by a local board of education; and

(7) six units of elective courses.

(b) A minimum of 21 units of credit shall be required for graduation.

(c) Any local board of education may increase the number of units of credit required for graduation. Any additional requirements of the local board of education that increase the number of units of credit required for graduation shall apply to those students who will enter the ninth grade in the school year following the effective date of the additional requirement.

(d) Unless more stringent requirements are specified by existing local policy, the graduation requirements established by this regulation shall apply to those students who enter the ninth grade in the school year following the effective date of this regulation and to each subsequent class of students.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

91-31-36. Technical assistance teams. (a) Each school shall select an external technical assistance team, which shall be approved by the local board of education. Each team shall be comprised of two or more people who are not affiliated with the school. The school shall determine the number of on-site visits to be made by this team.

(b) If a school is conditionally accredited on improvement, the school shall be assigned a state technical assistance team to assist the school in meeting the performance and quality assurance criteria established by the state board. The state technical assistance team shall determine the number of on-site visits that the team needs to make to the school. This team shall remain assigned to the school until the school either attains accredited status or is not accredited.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

91-31-37. Accreditation recommendation and appeal. (a) A written recommendation regarding the accreditation status to be assigned to each school that currently is accredited, accredited with recognition, or accredited with excellence shall be prepared biennially by the state department of education. A written recommendation regarding the accreditation status to be assigned to each school that currently is conditionally accredited, conditionally accredited on improvement, or conditionally accredited on warning shall be prepared annually by the state department of education. Each recommendation shall include a statement of the reasons for the recommendation.

(b) The state department of education's recommendation shall be submitted to the local board of education of the school district in which the school is located.

(c) If the local board of education disagrees with the recommendation, the local board may file an appeal with the commissioner of education within 15 days after receipt of the recommendation.

(d) (1) If the local board of education files an appeal, a consultation shall be ordered by the commissioner and shall be conducted by an appeal team appointed by the commissioner.

(2) The appeal team shall consult with one or more staff members who made the recommendation and one or more representatives of the local board of education.

(3) If there is agreement on the recommendation following the appeal, the appeal team shall forward the accreditation recommendation to the state board.

(4) If there is not agreement on a recommendation following the appeal, the appeal team shall request the commissioner to appoint a hearing officer to conduct a hearing and forward an accreditation recommendation to the state board.

(e) Each recommendation for accreditation status shall be acted upon by the state board.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

91-31-38. Accreditation status. (a) Each school shall be classified as one of the following:

- (1) Accredited;
- (2) accredited with excellence;
- (3) accredited with recognition;
- (4) conditionally accredited;
- (5) conditionally accredited on improvement;
- (6) conditionally accredited on warning; or
- (7) not accredited.

(b) Each school that is accredited, accredited with recognition, or accredited with excellence and that, in the second year of the school's next two-year accreditation period, fails to meet one or more of the performance criteria or three or more of the quality assurance criteria shall be classified as conditionally accredited.

(c) Each school that, for two consecutive years, fails to meet one or more of the performance criteria or three or more of the quality assurance criteria shall be classified as conditionally accredited on improvement.

(d) If a school is conditionally accredited on improvement, the school shall develop and implement a corrective action plan that shall be approved by the state technical assistance team assigned to the school.

(e) Each school that is conditionally accredited on improvement and that, for four consecutive years, fails to meet one or more of the performance criteria or three or more of the quality assurance criteria shall be classified as conditionally accredited on warning.

(f) Each school that is conditionally accredited, conditionally accredited on improvement, or conditionally accredited on warning shall implement any corrective action required by the state board and may attain the status of accredited by meeting, for two consecutive years, the criteria for that status.

(g) Each school that is conditionally accredited on warning and that, for a fifth consecutive year, fails to meet one or more of the performance criteria or three or more quality assurance criteria shall be classified as not accredited.

(h) If a school is not accredited, sanctions shall be applied.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

91-31-39. Rewards. (a) Each school that attains the status of accredited with recognition or accredited with excellence shall receive from the state board a letter of accreditation and a press release announcing that school's accreditation status.

(b) Any school that attains the status of accredited with recognition or accredited with excellence may be recognized in additional ways by the state board.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

91-31-40. Sanctions. One or more of the following sanctions may be applied by the state board to a school that is conditionally accredited, conditionally accredited on improvement, conditionally accredited on warning, or not accredited:

- (a) An order that district personnel or resources be reassigned or reallocated within the district by the local board of education;
- (b) an order that the local board of education hire one or more designated persons to assist the school in making the changes necessary to improve student performance;
- (c) a recommendation to the legislature that it approve a reduction in state funding to the local school district by an amount that will be added to the local property tax imposed by the local board of education;
- (d) a recommendation that the legislature abolish or restructure the local district;
- (e) a letter of notification and a press release announcing the accreditation status of the school; or
- (f) other action, as deemed appropriate by the state board.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

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91-31-41. Public disclosure. At least once each year, each school shall notify the local board of education, parents, and community of the school's accreditation status and the progress that the school has made in school improvement. Within 60 days after being notified by the state board of the final determination of the school's accreditation status, each school shall disclose the accreditation results, including any performance or quality assurance criteria that is not met, to the local board of education, parents, and community. The school shall make all notices and disclosures available in the primary languages of the community.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.)

91-31-42. Waiver. (a) Any school may request a waiver from one or more accreditation requirements imposed by the state board. Each request for a waiver shall meet the following requirements:

(1) The school shall make the request, in writing, to the commissioner of education.

(2) The chief administrative officer of the school shall sign the request. If the request is by a public school, the superintendent of the unified school district shall sign the request.

(3) In the request, the school shall state the specific requirement or requirements for which the school is requesting a waiver and shall indicate how the granting of the waiver would enhance improvement at the school.

(b) Within 30 days after the receipt of a request for a waiver, a recommendation shall be made by the commissioner of education to the state board to either grant or deny the request.

(c) The request and the recommendation from the commissioner of education shall be considered by the state board, and the final decision on whether to grant or deny the request shall be made by the state board.

This regulation shall be effective on and after July 1, 2005. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 2005.) July 1, 2005.)

ATTACHMENT 5.4**Rationale for ELL Listening and Reading**

Educators regularly view reading and listening as mutually exclusive skills, and, indeed, as long as we are encouraged to train and test discrete skills in the general population, this view may be appropriate. However, when considering the needs of English Language Learners, it is necessary to move outside the skill-focused parameters of testing and to consider the broader cognitive challenges facing all second-language learners. In short, we must remember that ELL students are learning to think in a new language. This fact forces us to reevaluate the logic behind assessing students in the very inchoate stages of language acquisition according to a decidedly behavioral model that distinguishes between the skill of listening and the skill of reading. After all, before students are able to read or listen, they must be able to think, and though both reading and listening undoubtedly show evidence of thinking, neither is equivalent to thinking. Educators must help ELL students make the transition from one language to another on a cognitive level, and if we look closely enough at reading and listening, we see that though each is an aspect of *language* neither is wholly equivalent to cognition.

Reading can be approached from two different analytic vantage points—the *behavioral* and the *cognitive*. The former stresses particular skills such as decoding whereas the latter stresses cognitive abilities such as comprehension and reasoning. Definitions of reading such as those found in *The Literacy Dictionary* bear this out insofar as they range in describing reading as “the recognition of printed or written symbols” to simply “reasoning.”¹ Recent research suggests, however, that human cognition (i.e., thinking), though it may be discursive, is not equivalent to reading. That is, the “mentalese” we use in cognition is not solely a function of our language; rather, our language articulates the byproducts of our thinking hardware.² Furthermore, the Sapir-Whorf hypothesis asserting that our thoughts are a function of our language and that speakers of different languages view the world differently is no longer accepted.³ Therefore, though we may be able to define reading as at once a rational and behavioral skill, we still cannot say that it is equivalent to thinking.

Knowing that reading alone is not equivalent to thinking should dissuade us from uncritically adopting the tacit hierarchy of reading, speaking, and listening (with reading, of course, being at the top). Because cognition does not rely on decoding the particulars of any one printed language, we should be wary of tacitly assuming cognition to be fundamentally a visual

enterprise. There is no doubt that we use words and sentences to think, but words and sentences do not lend themselves exclusively to representation by any one medium. A word depends on syllables, consonant clusters, phonemes, and allomorphs whether it exists visually, orally, or aurally, and anyone *using* a language must correctly interpret the discrete parts of words and sentences. The word *bird* inscribed with ink can be attended to with the eye; it is visually static. The spoken word *b-i-r-d* makes use of the same phonemes and letters and requires the same facility with English; however, it is transient and tied to our short-term memory. Indeed, spoken words are going out of existence at the same time they are coming into existence. Understandably, then, meaning-making from speech is often more difficult than from writing because in the case of the former cognition is wrapped up with (and frustrated by) time. So, instead of making a hard-and-fast distinction between visual representation and auditory-oral representation, we should remember that the concept *bird* (whether it exists as *pajaro*, *oiseau*, or *vogel*) must have a language to make itself explicit, and that language lends itself equally to eyes and ears. In summary, we can say that neither eyes nor ears have any special privilege regarding language use.

By administering our Kansas assessments for ELL students, we hope to determine whether or not ELL students are making the necessary transition from thinking in a native language to thinking in a second language. Obviously, the device used to measure this thinking is language. We believe strongly that measuring cognition through a non-native language requires the composite skills of both listening and reading.

¹Theodore L. Harris and Richard E. Hodges eds. *The Literacy Dictionary: The Vocabulary of Reading and Writing* (Newark, DE: International Reading Association, 1995)

²Steven Pinker, *The Language Instinct* (New York: W.W. Norton & Company, 1997) 59-147.

³Steven Pinker, *The Language Instinct* (New York: Harper Perennial, 1994) 57.