

---

---

# Maryland Adequate Yearly Progress Appeals Manual

For Elementary, Middle, and High Schools

June 2010

---

---

This manual covers procedures for appealing AYP designations for the following reasons:

- Coding errors (2010 will be the final year for coding appeals.)
- Serious medical emergencies
- Participation Rate for AYP calculations affected by the impact of student absences during the State testing window for the 2010 Maryland School Assessment. Absences must be related to H1N1 or flu-like symptoms. This is an allowable appeal for 2010 only.



---

---

## Table of Contents

---

---

### A. Background Information on AYP and School Improvement

- A.1 Introduction
- A.2 Process for AYP appeals activities
- A.3 How MSDE determines a school's AYP status
- A.4 How AYP status relates to school improvement
- A.5 How schools progress through school improvement
- A.6 How to plan for remaining 2010 AYP releases

### B. Directions for Appeals Based on Data and Coding Problems *(2010 will be the final year for coding appeals.)*

- B.1 How to appeal a school's AYP designation
- B.2 How to develop the letter for an appeal based on data and coding problems

### C. Directions for Appeals Based on Medical Emergencies

- C.1 Appealing AYP based on a medical emergency
- C.2 How to develop the letter for an appeal based on a medical emergency

### D. Directions for Appeals for Participation Rate Because of H1N1

### E. Elementary/Middle/High School Appeals Form

### F. Procedures for Submitting Student-Level Data Files

## A.1 Introduction

---

---

The *Maryland Adequate Yearly Progress Appeals Manual for Elementary, Middle, and High Schools 2010* provides you with procedures for developing an appeal to the Maryland State Department of Education for schools for which you think the initial Adequate Yearly Progress (AYP) designation should be revisited. School systems can appeal school AYP designations for the following reasons:

- **Coding Errors.** Students are miscoded or attributed to the wrong group, subgroup, or school, or there are data problems. This would include errors in coding participation. (2010 will be the final year for coding appeals.)
- **Serious Medical Emergency.** A student was unable to take the State assessment or the make-up exams due to a serious medical emergency.
- **Participation Rate.** Schools may appeal for a waiver of the 95% required Participation Rate if student illnesses during the 2010 State testing window can be documented as related to H1N1 or flu-like symptoms.

Section A of this manual outlines the criteria by which MSDE determines AYP for a school and School Improvement status for the coming year. Note that A.2 outlines the schedule of data releases and other activities regarding AYP and School Improvement over the coming months. Reference charts are also included to aid you in understanding and communicating procedures to school staffs. Sections B, C, and D provide specific directions for determining if the AYP designation for a school should be appealed. Section F provides the procedures that must be followed by the local school system to submit changes to the student-level data file.

Names of Department staff and their contact information are provided in each section for your assistance.

---

---

## A.2 2010 process for AYP appeals activities

---

---

*Below is the process for the release of the MSA results and AYP for elementary and middle schools. Specific dates will be announced.*

\*\*

The embargoed AYP data file, upon which the preliminary Schools in Improvement list is based, is sent to local accountability coordinators so they can analyze the data and begin working on any appeals of AYP status.

**MSA, Alt-MSA, and attendance data will be released publicly via a news release and published on MSDE's Report Card Web site: [www.mdreportcard.org](http://www.mdreportcard.org).**

The preliminary AYP data and Schools in Improvement list will not be made public at this time, as these are subject to change due to appeals.

School systems likely will not be submitting appeals for most schools and, therefore, should begin as soon as possible to notify parents of students in affected Title I schools of their school choice and supplemental educational services.

**Appeals must be received and signed for in MSDE's Division of Academic Policy by the announced deadline.** Appeals will be processed in priority order received. Title I schools that may be required to offer or terminate Choice and SES services will be processed first.

Local school systems will receive information on the planning requirements for the schools and systems at each level of improvement and specific guidelines for corrective action and restructuring plans in accordance with the federal No Child Left Behind (NCLB) Act.

Public release of AYP data for elementary and middle schools, and public release of elementary and middle Schools in Improvement list. (Please note, the Schools in Improvement list is based on schools operating in the 2009-10 school year.)

*Following is the process that will be followed for the release of the HSA results and AYP for high schools when that information is available.*

## A.2 Process for AYP appeals activities

Algebra/data analysis, biology, English, and government HSA data will be released publicly. Preliminary AYP status will not be released publicly at that time.

Deadline for submitting appeals will be announced.

Final AYP status for high schools will be published on the Web and the list of high schools on the Schools in Improvement list will be released publicly following the conclusion of the appeals process.

---

---

## A.3 How MSDE determines a school's AYP status

---

---

### **Achieving Adequate Yearly Progress**

For a school to achieve Adequate Yearly Progress (AYP), it must achieve all of the targets or Annual Measurable Objectives (AMOs) in a particular year. Nineteen group and subgroup checks for AMOs must be met for a school to achieve AYP, and elementary, middle, and high schools must meet the 95% participation requirement.

Not making AYP does not automatically identify a school for School Improvement. For example, in some instances, a school will not achieve a target in one subject in a particular year. The next year the school may make the target in that subject but miss it in another subject. Such schools will not be identified for School Improvement.

### **Annual Measurable Objectives**

The AMOs for reading performance, math performance, and the other academic indicators increase each year. The AMOs for the current and next years can always be found on the Report Card Web site, [www.mdreportcard.org](http://www.mdreportcard.org). From the page displaying the state, system, or school Adequate Yearly Progress status chart, click on the blue links for reading and math proficiency and the links for attendance, graduation, and/or dropout rate.

### **Entering School Improvement**

Schools that do not meet targets in the same subject for two or more consecutive years are identified for School Improvement. Same subject is defined as reading (participation or performance) or mathematics (participation or performance) or other academic indicator (attendance or graduation rate). See Section A.4 for more information on State School Improvement.

### **95% Participation Requirement**

A 95% participation rate is required. The participation rate calculation is based on the number of students enrolled during the testing window.

Maryland's method for checking and ensuring a 95% participation rate remains unchanged. Participation rate is computed for each subgroup, and in the aggregate, for each of the reading and mathematics assessments by dividing the number of students present in each testing group by the number of enrolled students in that group. The participation rate is calculated for each subgroup and for the aggregate separately in each of reading and mathematics assessments where a group includes at least:

- i. 30 students for schools with one grade tested,
- ii. 60 students for schools with two or more grades tested, or
- iii. 60 students for school systems.

Groups not meeting the minimum criteria listed are not checked for participation rate. (Note the minimum group size (N) for checking performance remains 5.)

**Adequate Yearly Progress Overview**

- To make AYP, a school must meet the annual measurable objective in all 19 cells shown below and schools must meet the 95% participation rate for groups and subgroups.
- A school is identified for School Improvement only if it does not meet targets in the same subject—reading (performance or participation), mathematics (performance or participation), or other academic indicator—for two consecutive years. In high schools, reading and mathematics are measured by the High School Assessment in English and algebra/data analysis, respectively. The “other academic indicator” is attendance for elementary and middle schools and graduation rate for high schools. Some atypical high schools may use dropout rate.

All Students Subgroups of Students		Adequate Yearly Progress		
		Reading (performance and participation)	Mathematics (performance and participation)	Other Academic Indicator
All Students				
Race/ Ethnicity Subgroups	Am. Ind./Native Amer.			
	Asian/Pacific Islander			
	African American			
	White (not of Hispanic origin)			
	Hispanic			
Special Services Subgroups	Special Education			
	Limited English Proficient			
	Free/Reduced Price Meals			

**Using the Safe Harbor Provision**

If a school does not meet the AMO for each subgroup, federal rules include a provision called Safe Harbor that still allows a school to make AYP if the school:

- Meets all participation requirements, meets all AMOs in the aggregate, the percentage of students achieving below the proficient level in that subgroup decreases by 10 percent, **and**
- For elementary and middle schools: if the subgroup that did not meet the AMO shows improvement in that subgroup’s attendance rate or meets the attendance AMO.

### A.3 How MSDE determines a school's AYP status

- For high schools: if the subgroup that did not meet the AMO shows improvement in that subgroup's graduation rate or meets the graduation AMO.

---

---

## A.4 How AYP status relates to School Improvement

---

---

### **What should I do with the list of schools NOT achieving AYP?**

Please note the descriptions below and use this reference document to check the status of each school on your list.

### **When does a school NOT achieve AYP?**

A school does not achieve AYP when it does not meet the 95% participation rate requirement for all students and for subgroups, or when it does not achieve...

- the Annual Measurable Objective (AMO), or
- the bottom limit of the confidence interval (except confidence interval cannot be used to achieve AYP for graduation rate), or
- Safe Harbor (see page 6)

for any group or subgroup in reading or mathematics, or for overall performance on the other academic indicator (attendance or graduation rate).

A school not achieving AYP does not necessarily go into School Improvement.

In August 2008, Maryland received approval from the U. S. Department of Education to participate in a Differentiated Accountability pilot for school improvement, allowing the state to better target resources and provide interventions better suited to the needs of a school working to improve student achievement. For more detailed information about Maryland's Differentiated Accountability pilot, go to [www.marylandpublicschools.org](http://www.marylandpublicschools.org).

### **When does a school move into the School Improvement process?**

After failing to achieve AYP for two consecutive years, school results are analyzed. Schools that missed AMOs in the same reported area (reading, mathematics or the other academic indicator) for the two consecutive years are placed on two different pathways, pending the scope of the school's needs as shown by the results. Schools must also meet the 95% participation requirement in the tested area. For example:

- **Reading.** A school that does not achieve the reading AMO for any of the student subgroups for two years in a row will be placed in School Improvement. A school that does not achieve a reading AMO one year and does not meet the participation requirement in reading the next year would also be placed in School Improvement.
- **Mathematics.** The same would be true if the school did not achieve the mathematics AMO and/or meet the participation requirement in mathematics for two years in a row.

- **Other Academic Indicator.** A school that does not achieve the AMO for attendance or show improvement in attendance over the previous year or a high school that does not achieve the AMO for graduation rate or achieve the school-specific Graduation Growth Rate Target will enter the School Improvement process as well.

### **What are the School Improvement Pathways?**

Schools entering School Improvement are placed in one of two pathways: Comprehensive Needs or Focused Needs.

- **Comprehensive Needs Pathway.** This pathway is similar to the NCLB traditional pathway, but it is limited to schools with a wider pattern of student subgroup failures. Typically, these schools will have failed to meet the AMO for either reading or mathematics for the All Students group and/or will have failed to achieve AMOs for three or more subgroups in either reading or mathematics.
- **Focused Needs Pathway.** This pathway includes schools that have not achieved the AMO in one or two subgroups in the same reported area, permitting school systems to attend to the specific needs of schools in that pathway. A school with a population consisting of 100% of students from a special services population, regardless of the number of AMOs it misses, will enter the Developing Schools stage as a Focused Needs school.

### **How do schools progress through the Pathways?**

Schools that repeatedly fail to achieve AYP progress through stages in the assigned Pathway. These stages parallel the traditional NCLB steps currently in the federal law.

- **Developing Schools Stage.** The first three stages are referred to as the Developing Schools Stage and include the NCLB-mandated School Improvement Years 1 and 2 and Corrective Action.
- **Priority Schools Stage.** Schools that continue to not make AYP over several years despite the early interventions will move into the Priority Stage. This stage replaces Restructuring Planning and Implementation from the NCLB-mandated stages. The most significant interventions will be required for all schools in this stage regardless of their pathway.

A school will maintain its previous year's status if it achieves the AMO target in the reported area where it previously failed to meet the AMO.

### **When does a school move out of School Improvement?**

A school can move out of School Improvement only when it makes Adequate Yearly Progress for two consecutive years. To make AYP, a school must meet the 95% participation requirement and achieve all AMOs. (See the chart on page 6.)

- **Schools Exiting School Improvement**
  - A school will exit School Improvement when it makes Adequate Yearly Progress overall for two consecutive years.
  
- **Schools On Alert Requiring Local Attention**
  - Schools Not Achieving AYP for the First Time. These are schools that met all AYP targets in 2009 but missed one or more of the targets for the first time in 2010. (These schools must achieve all 2011 AYP targets in the subject in which they failed in 2010.)

or

  - Schools Not Achieving AYP for a Second Year, but Missed the Targets in a Different Subject. These are schools that missed targets in one subject only in 2009, are now achieving targets for that same subject in 2010, but are now missing targets in *another* reported area for 2010. These schools are also alerted that they cannot miss additional AMOs in 2011 in the reported area in which they failed to achieve targets in 2010. Again, these schools are *not* placed in School Improvement, but they should be aware of their possible status if continued failures occur.

## A.5 How schools progress through School Improvement

### Identification and Progression

Schools that do not meet the targets—Annual Measurable Objectives for performance and 95% participation—in the same subject for two or more consecutive years are identified for School Improvement. Same subject is defined as reading, mathematics, or other academic indicator.

A school is held at the previous year’s School Improvement status if it achieves all the targets in the subject for which it was identified for School Improvement. A school exits School Improvement when it achieves all the targets (i.e., makes Adequate Yearly Progress) two years consecutively.

The chart below outlines the five consecutive steps in the School Improvement process. Schools on Alert Requiring Local Attention are shown for contextual purposes only. There is no state requirement for Schools on Alert Requiring Local Attention.

Years Not Achieving AYP	DIFFERENTIATED ACCOUNTABILITY SCHOOL PATHWAYS	
	0	<b>Achieving Schools</b>
1	Meeting AYP Alert Schools Exited School Improvement	
	Comprehensive Needs Schools	Focused Needs Schools
2	Developing Comprehensive	Developing Focused
3	Needs Schools	Needs Schools
4		
5	Priority Comprehensive Needs	Priority Focused Needs
6	Schools	Schools
7+		

---

---

## A.6 How to plan for remaining 2010 AYP releases

---

---

### Preparing for the Release of Data for Elementary and Middle Schools

Elementary and Middle Schools It is estimated that the first round of AYP data as described in this manual will be released in June. At the elementary and middle school levels, we report reading, mathematics, and attendance—the data needed to make AYP designations for those schools. **School systems will have 5 business days beginning the day the data is released to the local system to file appeals for elementary and middle schools.** After the appeal process is completed, MSDE will release the final status for elementary and middle schools and the list of elementary and middle schools in improvement.

### Preparing for the Release of Data for High Schools

High Schools School systems will receive data on the High School Assessments in algebra/data analysis, biology, English, and government in June. At that time, school systems should notify schools and parents of student results, complete their end of year (status model) file with students' best scores to submit to MSDE no later than June 30 with data finalized by July 26, and plan for student participation in summer programs and testing and/or the Bridge Plan for Academic Validation. Mod-HSA data will be available at the same time in June.

Preliminary AYP results will be released in early to mid-August. **School systems will have 5 business days beginning the day the data is released to the local system to identify and correct data coding errors.** The HSA scores in biology and government are not used to calculate AYP.

At the conclusion of the final AYP process, MSDE will publish the status for high schools and the list of high schools in improvement.

School Systems Once school AYP status is complete, MSDE can determine System Improvement status.

---

---

## B.1 How to appeal a school's 2010 AYP designation

---

---

### Local School System Next Steps

The following steps should be taken after you receive the list of schools identified for your school system:

1. Review the list of schools and confirm their present (2009-2010) status and the status they will enter in 2010-2011. Schools will be listed as follows:
  - Schools in School Improvement
  - Schools Exiting School Improvement
  - Schools Requiring Local Attention (There is no state requirement for Schools Requiring Local Attention.)

If you have questions about the placement of any school, please contact the Division of Academic Policy (Sandy Shepherd at 410-767-0476 or [sshepherd@msde.state.md.us](mailto:sshepherd@msde.state.md.us)) to discuss your question.

2. Review the AYP data for each school to determine if the data are correct. The data are available in the data files transmitted to your local accountability coordinator.
3. Determine if you wish to file an appeal with MSDE. In previous years, common errors on which appeals were based included the following state or local errors:
  - *Miscoding* Most discrepancies in data resulted from students whose records were incorrectly attributed to the wrong category. For instance, a regular education student may have been coded improperly and identified inaccurately as a special education student.
  - *Full academic year* For elementary and middle schools, ensure that students included in calculations have been in the school for a full academic year (e.g., enrolled in the school on September 30 of the school year). This is only applicable to elementary and middle schools.

4. Compile documentation for your appeal. If you believe that there are coding or mathematical errors in the identification of any school that merit an appeal, you should compile appropriate documentation to support your appeal. Documentation should include:
  - photocopies of appropriate student records,
  - a detailed explanation of the rationale for the appeal outlining the suspected source of error, and
  - other supporting information as appropriate.

**Submit all appeals to Mary Gable, Assistant State Superintendent for Academic Policy, to ensure receipt at MSDE by close of business on day of the announced deadline. Obtain a signed copy of your system cover letter from the Division of Academic Policy.** If you have any questions about the appeal process, contact M. Gable at 410-767-0473 or [mgable@msde.state.md.us](mailto:mgable@msde.state.md.us).

## Title I Schools

5. Prepare for Title I requirements. Using final AYP determinations, develop your list of receiving schools to which students may transfer. More than one school must be offered for School Choice. Notify all parents about their option to transfer their child to another public school in the LEA that is not identified as a Priority Needs school or a Comprehensive Needs school.

Contact Maria Lamb (410-767-0286) in MSDE's Title I office to assist your local staff in ensuring that you meet the requirements associated with this offering.

6. Identify Supplemental Educational Services options. Develop your slate of supplemental educational services options to offer parents of Title I eligible students who are attending schools that are identified as a Comprehensive Needs school or a Focused Needs school for two or more years. The local list of options must be developed from the state list of current approved supplemental educational service providers. Questions should be referred to Maria Lamb.
7. Notify Title I parents of options. Communicate to parents of affected Title I schools prior to 14 days before the start of school, the options you will offer them for school choice and supplemental educational services. An aggressive communication plan that is clear, concise, and distinguishable from other school improvement information is critical to ensure that all parents are aware of their options under federal law. Maria Lamb will assist local staff in ensuring that they meet the requirements outlined in state and federal law.

---

---

## B.2 How to develop the letter for an appeal based on data and coding problems

---

---

There are several possible causes for appeals. The appeal letter should be explicit in its introduction so MSDE reviewers can understand the cause for the appeal (coding or data problems, medical exemptions). An appeal for any one school may have multiple causes. These directions are specific to appeals letters regarding data and coding problems. Please refer to section C of this manual for additional specifications for letters regarding medical exemptions and to section D for information regarding appeals for participation rate.

The letter should come from the local superintendent and include adequate information so MSDE can review the documentation, complete the verification, and act on the request. Be sure to submit the completed *Elementary/Middle/High School Appeals Form 2009-10* for each school (section D). It is important to include accurate and complete documentation to expedite the review process. As you begin the letter, please adhere to the following:

- The superintendent must sign the appeal letter. (An appeal cannot be filed by a principal of a school or by a central office employee other than the superintendent.) Submit the superintendent's letter with an appeal form for each school (see section E).
- A school system contact name, phone number, and email address must be included so that MSDE can follow up with questions and requests if needed.
- The letter should include a detailed explanation for the appeal, including a description of the documentation that is enclosed.
- The letter must include the school's four-digit identification number and school name. If the school has changed name or number in the last year, please ensure that changes are cited and explained. If the school grade configuration has changed in the past year, please describe that change.
- For students whose records are involved in the appeal, it will be critical to have the full names of the students and the state's unique student number.
- Data reports and student record cards that support the appeal and are cited in the body of the letter should be photocopied and attached to the letter.

If you have questions about the structure of details of the appeals letters or attachments, please contact Leslie Wilson in the Division of Accountability and Assessment at 410-767-0027 or by email at [lewilson@msde.state.md.us](mailto:lewilson@msde.state.md.us). All appeals letters must be received by close of business on the day of the announced deadline.

---

---

## C.1 Appealing AYP based on a medical emergency

---

---

The United States Department of Education granted Maryland permission to omit students from the performance calculation when such students cannot take the State assessment during the entire testing window, including the make-up dates, because of a significant medical emergency.

A significant medical emergency is a significant health impairment that renders the student incapable of participating in ANY academic activities, including State assessments, for the primary and make-up testing window. Examples might include hospitalization for a life-threatening condition or a serious car or other accident. Determination of a “significant medical emergency” must be made by a medical doctor and documentation must be kept available at the district for review.

For the 2010 administration of MSA and for AYP purposes, this year, MSDE will offer school systems the opportunity to identify any such cases where significant medical emergencies have resulted in absence from testing. The school system can file an appeal with MSDE with documentation so that a recalculation of scores and AYP could be pursued. It is expected that school systems maintain appropriate documentation for such students who have been determined by a medical practitioner to be incapacitated to the extent they are unable to participate in the appropriate State assessment. Recognizing medical confidentiality guidelines, appeals letters will be accepted on this topic.

Questions on this issue can be directed to Leslie Wilson at 410-767-0027.

## C.2 How to develop the letter for an appeal based on a medical emergency

---

---

As with the data and coding appeals letters, the letter should come from the local superintendent and include adequate information so that the MSDE can review the documentation, complete the verification, and act on the request. It is important that accurate and complete documentation be included to expedite the review process. Please note that you should file only one letter per school, and the letter should include all of the issues that you wish to resolve via appeal. In addition, please complete the *Elementary/Middle/High School Appeals Form 2009-10* (see section E.) for each school and each appeal.

As you begin the letter, please adhere to the following:

- The superintendent must sign the appeal. (An appeal cannot be filed by a principal of a school or a central office employee other than the superintendent.) Submit the superintendent's letter with an appeal form for each school (see section E.).
- A school system contact name, phone number, and email address must be included so that MSDE can follow up with additional questions and requests if necessary.
- The letter should include a detailed explanation for the appeal, including a description of the documentation that is enclosed.
- The letter must include the school's four-digit identification number and school name. If the school has changed name or number in the last year, please ensure that changes are cited and explained. If the school grade configuration has changed in the past year, please describe that change to the reader.
- For any student for whom a medical exemption from AYP is requested, it will be critical to have the full name of the student and the state's unique student number. Determination of a "significant medical emergency" must be made by a medical doctor and documentation clearly outlining the significant medical emergency causing absence from the test administration is necessary. Dates must be included in documentation so that it is clear that the absence is directly related to the medical emergency. This documentation must be kept available at the district for review.

If you have questions about the structure or details of the appeals letters or necessary attachments, please contact Leslie Wilson in the Division of Accountability and Assessment at 410-767-0027 or by email at [lewilson@msde.state.md.us](mailto:lewilson@msde.state.md.us). Due date for all appeals letters is by the close of business on the day of the announced deadline.

## D. Appealing AYP based on Participation Rate

---

---

The United States Department of Education granted Maryland permission to allow a one-year waiver of the required 95% Participation Rate on the State assessments for each of the required subgroups, including the all students group, **if the school's, or LEA's, failure to make AYP is solely due to the failure to make the 95% Participation Rate because of flu-related absences during the State testing window.** This waiver is available for the 2009-2010 school year only.

**To be eligible, local school systems must verify that the flu-related absences comprise at least 50% of the absences on two or more days during the State testing window. Schools or LEAs that do not meet the 50% threshold may also apply for a Participation Rate waiver; however, those requests, with supporting documentation, will be forwarded to USDE for final determination on a case-by-case basis.**

### How to Appeal

For schools or LEAs that are granted waivers, the 2008-09 Participation Rate will be used in making AYP determinations based on assessments administered during the 2009-10 school year.

- The superintendent must sign the appeal. Submit the superintendent's letter with an appeal form for each school (see section E). Include the school's four-digit identification number and the name of the school in the letter.
- The request for a waiver must include information concerning the circumstances believed to warrant the waiver and sufficient evidence to support the request. This could include evidence that the number of absences during a reported H1N1 outbreak was significantly higher than the number of absences during a similar timeframe in prior years (or during other periods in the same school year), and reports from media or health organizations regarding an H1N1 outbreak within a particular school.
- Evidence must include the total number of absences for the school or school system for the dates in question AND the total number of documented absences due to H1N1 or flu-like symptoms. Failure to document that incidences of absenteeism are related to flu-related illnesses will either negate the waiver request or will result in a requirement to submit evidence of an H1N1 outbreak or outbreaks in the community served by the school. This additional evidence may include documented admissions or treatments for H1N1 or flu-like symptoms for community hospitals, clinics, doctors' offices, or records of incidences from community health department files for the dates in question. If additional evidence is requested, the local school system will have five business days to make the submission.

D. Appealing AYP based on Participation Rate

- The waiver request cannot result in a delay of the publication of Adequate Yearly Progress results for affected schools. If it is determined that there is inadequate time for the school or school system to produce the required documentation, the calculated AYP determination for the affected school or school system will stand.

