

New Hampshire Department of Education



2012 Adequate Yearly Progress (AYP) Appeal Process

District Appeals Instructions and Guidance

****Note****

Forms and Worksheets necessary for completing an AYP appeal are in a separate "*District Appeals Forms and Worksheets*" document .

Virginia M. Barry, Ph.D.
Commissioner of Education
NH Department of Education
101 Pleasant Street
Concord, NH 03301

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Introduction

In accordance with the No Child Left Behind Act¹, federal regulations², and New Hampshire school accountability law,³ district appeals of the preliminary AYP determination are allowable under certain circumstances.

This document contains an *Intent to Appeal* form and the necessary procedural guidance for local officials completing an appeal of a school district's 2012 AYP determination. A second document contains all other forms. Both documents are available at:

<http://www.education.nh.gov/instruction/accountability/ayp/index.htm>

- Select "2012 AYP Results"
- In the "AYP Appeals Materials" section, select both documents :
 - *District Appeals Instructions and Guidance*
 - *District Appeals Forms and Worksheets*

Appeals must follow all instructions and adhere to all deadlines in the appeals process timetable on Page 3.

Inquiries regarding the appeals process may be directed to either:

Marcia McCaffrey, Consultant
Bureau of Accountability
NH Department of Education
Tel. 271-3193
marcia.mccaffrey@doe.nh.gov

or

Merry Fortier, Consultant
Bureau of Accountability
NH Department of Education
Tel. 271-7382
merry.fortier@doe.nh.gov

Inquiries regarding the AYP data files may be directed to either:

Tim Kurtz, Assessment Director
Bureau of Accountability
NH Department of Education
Tel. 271-3846
timothy.kurtz@doe.nh.gov

¹ 20 USC 6316 §1116(b)(2) (2001).

² 34 C.F.R. §200.31

³ NH RSA 193-H:3, II (2003).

Timetable and Deadlines

The appeals submission and review process is extremely time sensitive and must be completed, by statute, within 30 calendar days of the release of AYP determinations. Please refer to the specific deadlines listed below. As stated, the Commissioner of Education must **receive** completed appeals, comprised of all completed forms and accompanying documentation, by the close of business **Monday, April 30 2012**. Note that receipt date differs from a postmark date. Appeals received after the April 29 deadline will not be considered.

Tuesday 4-3-12	NH Department of Education releases 2012 AYP reports. AYP determinations are preliminary.
Wednesday 4-4-12	Day 1 of the 30-day appeals process. First day for school principals to submit an appeal to district officials.
Friday 4-20-12	<i>Intent to Appeal</i> form filing deadline. Last day for school district officials to submit the <i>Intent to Appeal</i> form indicating the area(s) of the AYP report the school intends to appeal.
Monday 4-30-12 (close of business 4:30 p.m.)	Deadline for Commissioner of Education to receive an <u>original and 3 copies</u> of the completed appeal packet approved and certified by school district officials.
Friday 5-4-12	Deadline for Commissioner to notify district officials of decisions regarding submitted appeals. Preliminary AYP determinations and school in need of improvement designations become official.
Friday 5-11-12 (close of business 4:30 p.m.)	Deadline to submit intent to appeal the Commissioner's ruling to the New Hampshire State Board of Education
Friday 6-1-12 (close of business 4:30 p.m.)	Deadline to submit State Board of Ed appeal

Appeal Process: District-to-Commissioner

- If, after a thorough review of the data upon which the AYP report was based, district officials believe the district's AYP determination is in error, then the superintendent may file an appeal. The appeal must include statistical and/or substantive evidence of an error.
- An ***"Intent to Appeal"*** notice must be submitted to the NH Department of Education no later than **4:30 PM on Friday, April 20, 2012**. **A blank form is included in this document**. This notifies the Commissioner as to which area(s) of the AYP report the district intends to appeal. While this notice is required, it is also nonbinding. Therefore, district officials reserve the right to either not submit an appeal, or withdraw an appeal after one has been submitted.
- Should district officials elect to submit a district appeal, **one original and three photocopies** of the entire AYP appeal packet, including ALL appeal materials and supporting documentation, must be submitted to the NH Department of Education. As stated in the timetable on Page 3, the Commissioner of Education must receive the appeal packet no later than **4:30 p.m., Monday, April 30, 2012**.
- At the request of the Commissioner of Education, review teams comprised of district and NHDOE personnel review all appeals and present their recommendations to the Commissioner.
- If the Commissioner, upon review of the recommendations made by the review teams and the evidence provided in the appeal, determines that the AYP determination was in error due to allowable statistical or additional substantive reasons, then the Commissioner shall grant the appeal and communicate this decision in writing to the superintendent. The letter will also state the changes, if any, to the district's AYP determination resulting from the successful appeal.
- If the Commissioner determines that the appeal provides insufficient statistical or substantive evidence, then the Commissioner shall deny the appeal and communicate this decision in writing to the superintendent. The preliminary AYP determination remains unchanged and becomes final.

Appeal Process: District-to-State Board of Education

- New Hampshire state statute allows a second appeal process to the State Board of Education. This appeal must be filed within 30 days of the Commissioner's decision to deny an appeal.
- Appeals to the State Board must contain additional or amended information or data not previously contained in the appeal to the Commissioner. The NHDOE will forward to the State Board the district's original appeal materials as well as the Commissioner's decision and rationale for denying the appeal. The district must submit any new or amended information to the NHDOE by the deadline stated on Page 3.
- The superintendent will be notified of a hearing date to present the appeal at a regularly-scheduled meeting of the State Board. The burden of proof that the decision of the Commissioner was in error rests with the district. Presentations to the State Board must be limited to the statistical or substantive reasons permitted by the *No Child Left Behind Act* (20 USC 6316 §1116(b)(2)(B) 2001)).

Allowable Reasons for an Appeal

In accordance with the No Child Left Behind Act, a district appeal challenging the preliminary AYP determination is allowable for statistical reasons (Data Error), substantive reasons (Special Circumstances), or for both statistical and substantive reasons.

Data Error Appeal

An appeal challenging the data upon which the preliminary AYP determination was based must provide evidence of specific statistical errors or data inaccuracies since the time the data was certified by the Superintendent of Schools. A data error appeal for student participation or student performance calculations, student demographic information, attendance and/or graduation rates, must describe the data being disputed, the rationale as to how such errors occurred, and then provide the recalculated AYP determination using the revised data.

Special Circumstances Appeal

Special Circumstances appeals must explain unusual or extraordinary circumstances, such as a major natural disaster, community crisis, or other extraordinary or unforeseen event, that occurred during the time of testing and had a detrimental effect on student performance and/or student participation. The appeal must demonstrate why the student performance and/or student participation results are atypical, and show how, in the absence of such extenuating circumstances, the AYP determination would have been different. Additionally, the appeal must describe the action taken to avoid the occurrence of similar events in the future. If the event was beyond the district's control, the measures taken to reduce the likelihood of such circumstances having a similar impact in the future should be noted.

Clarification Regarding AYP Status of School Districts

District AYP is calculated for students in the aggregate for whom the district is responsible. Students placed out-of-district are included in the district AYP calculation.

Districts containing one level (elementary/middle or high school) that do not meet the student participation or student performance targets in a content area, or do not meet the target for the third indicator, do not make AYP in the applicable area.

Districts containing two levels only need to make AYP at one of those levels to make AYP.

Example: ABC district contains two levels, elementary/middle and high school. The district's AYP report is therefore comprised of two reports; an elementary/middle report and a high school report. The district made AYP in Reading at the elementary/middle level, but not at the high school level. As a whole, the district's AYP status for the 2012-2013 school year is "Made AYP in Reading" because one of the two levels made AYP.

Required Components of the Completed Appeal Packet

A complete appeal packet consists of the following components. Please use the sequence below to organize your materials and label any page with the district name where it does not already appear.

- A cover letter on school district letterhead which indicates the allowable reason for the appeal;
- An AYP Appeal Cover Page;
- A completed "District AYP Appeals Grid" indicating the specific area(s) being appealed;
- A copy of all 3 pages of the *2012 District AYP Report* that is the basis for the appeal (districts with two levels must submit a copy of both the elementary/middle and secondary level reports);
- A narrative description explaining the basis for the appeal and outlining important facts, logic, or special circumstances;
- A printout of the data from the *NH1112AccountabilityStudentData[District Code].csv* for each subgroup applicable to the appeal. The printout must include data for the entire subgroup(s), not just the data for individual students your appeal is seeking to revise. The file is located on the Measured Progress password protected reporting site <http://iservices.measuredprogress.org>. This file contains all students included in AYP calculations. By filtering the data file, authorized users can identify which students are included in participation rate and performance calculations. The demographic data associated with each student record is also provided. This is a district-level file accessible only by the superintendent who will need to sort by school if necessary;
- The completed Worksheets from the *Forms and Worksheets* document that are applicable to the appeal; and
- A revised/recalculated 2012 District AYP Report. Blank report shells are included in the *Forms and Worksheets* document.

Send the original and 3 copies of the completed appeal packet to:

Ellie Riel
Bureau of Accountability
NH Department of Education
101 Pleasant Street
Concord, NH 03301

**DEADLINE FOR RECEIPT:
April 30, 2012
Close of Business
4:30 p.m.**

Recommended Resources and Reference Materials

Reference materials such as those listed below are available at the following NHDOE web address by clicking on “2012 AYP Results.”

<http://www.education.nh.gov/instruction/accountability/ayp/index.htm>

- ***Understanding the 2012 AYP Reports*** (powerpoint)
- ***AYP Summary Report Explained*** (detailed explanation of the 3-page report)
- ***Demographic Data Definitions and Sources***
- ***Accountability for Students Placed Out of District*** (policy explained)
- ***AYP Index Confidence Interval (CI) Look-up Table and Look-up Table Explained*** (If submitting an appeal for student performance, this table may be needed)
- ***Preliminary AYP Results and Status for All Districts***
- ***Preliminary AYP Status - Districts In Need of Improvement***

Accessing the Student Data File

The data file labeled NH1112AccountabilityStudentData[District Code].csv is available on the Measured Progress password-protected reporting site at <http://iservices.measuredprogress.org>

This file contains all students included in AYP calculations. By filtering the data file, authorized users can identify which students are included in participation rate and performance calculations. The demographic data associated with each student record is also provided. This is a district-level file accessible only by the superintendent and can be sorted by school as necessary.

1. Go to <http://iservices.measuredprogress.org>
2. Select New England Common Assessment Program (NECAP) from the drop-down menu and click on the “Enter” button
3. On the left-hand side of the screen, click on “NECAP Reporting”
4. On the next screen, click on the shape representing the State of New Hampshire
5. On the next screen, enter your User Name and password in the appropriate boxes
6. Click on the “Login” button
7. A successful login directs you to the Home page of the confidential site. A user manual is available from this page.
8. Select “Reports” from the options available in the blue bar
9. Select “2011-2012” from the drop-down menu for the year
10. Select “AYP” from the Administration menu
11. From the school drop-down menu choose “District-Level”
12. Select “Student-Level Accountability Data file” (NH1112AccountabilityStudentData [District Code].cvs)

Submitting an Appeal for Participation Rate

If an appeal for participation rate is being considered, please review the explanation below about how the calculation is determined and then contact Tim Kurtz for technical assistance at timothy.kurtz@doe.nh.gov. Please include your name, school, contact information, and a detailed explanation regarding the basis for appeal.

95% Participation Rate: This statistic is the number of students enrolled on the first day of testing who participated in the assessment divided by the number eligible to participate, reported to the nearest 1%. Each group of 40 or more students is evaluated for this requirement.

If a group either does not meet the participation rate requirement or contains fewer than 40 students, data from the prior year is added to the calculation, and the group is reevaluated.

If the group still does not meet the participation rate requirement or still contains fewer than 40 students, data from the prior two years is added to the calculation, and the group is reevaluated for a final time.

In summary, the enrollment and participation data shown on the AYP report are for the current year only. The participation rate shown on the report is an aggregate rate that may contain up to three years of data.

The following students are not included (by content area) in the participation rate calculation:

- students with a state approved special consideration, who were registered with the New Hampshire Department of Education (NH DOE);
- students who withdrew from the school prior to finishing testing; and
- students who enrolled after October 1.

NH Alt students are included in the participation rate for the school they attended during school year 2010–2011.

Participation requirements of English Language Learners (ELL) are described in the [2012 Adequate Yearly Progress Summary Report Explained](#) document.

Remember, districts are held accountable for the performance and participation of students placed out of district. For guidance on out of district placed students see *Accountability for Students Placed Out of District*.

http://www.education.nh.gov/instruction/accountability/ayp/documents/aypoodchart_9_29_08.pdf .

Submitting an Appeal for Student Performance

Note: In accordance with New Hampshire's approved accountability plan, student performance is not calculated for subgroups of fewer than 11 students.

Note: Students tested out-of-district (OOD) are included in the District AYP Report.

Step 1

1. Go to <http://iservices.measuredprogress.org>
2. Select New England Common Assessment Program (NECAP) from the drop-down menu and click on the "Enter" button
3. On the left-hand side of the screen, click on "NECAP Reporting"
4. On the next screen, click on the shape representing the State of New Hampshire
5. On the next screen, enter your User Name and password in the appropriate boxes
6. Click on the "Login" button
7. A successful login directs you to the Home page of the confidential site. A user manual is available from this page.
8. Select "Reports" from the options available in the blue bar
9. Select "2011-2012" from the drop-down menu for the year
10. Select "AYP" from the Administration menu
11. From the school drop-down menu choose "District-Level"
12. Select "Student-Level Accountability Data file" (*NH1112AccountabilityStudentData [District Code].cvs*)

Step 2

Use the data file referenced above to obtain the pertinent data (i.e. content area and subgroup) that is applicable to your appeal.

This is a large file. Be sure to study the Student Data Layout file located in report list at the site above. For the most part, you will find all the information you need in the first 49 columns of the spreadsheet. Be sure to review columns 26-39 of the data file to determine if the student record in question was or was not included in the subgroup you are appealing.

Step 3

Review your file to determine whether or not there is a data error in your report. If you identify a student record with a data error, insert a blank row below the student's record and retype the SASID under column 35 (SASID column) in the blank row to ensure the reviewers are examining data for the correct student. Then, insert your corrected data in the blank row directly underneath the appropriate column.

Next, use the "Hide Column" feature in Excel to hide unnecessary columns including student names so that the printed copy of the student level data file accompanying your appeal does not reveal the students' identities. Print out and submit the data for the entire subgroup(s) being appealed, so that the total number of students in the subgroup may be determined. Do not include data for subgroups not being appealed. *Please, no student names.*

Step 4 (blank pages of the AYP Report are located in the *AYP Appeals Forms* document)

Recalculate the *District Index Report(s)* (Page 3 of the AYP Report).

- Use the applicable blank form (elementary/middle level and/or high school level) and tally the number of students in each subgroup
- Combine all grades together for that level
- Calculate the Index using the formula at the bottom of the Index Report page

Step 5

Complete the District Data Report(s) (Page 2 of the AYP Report). Record the results from the above Index calculations on blank *District AYP Data Report* form(s).

Step 6

Complete the applicable *Performance Worksheet(s)* located in the *District AYP Appeals Forms and Worksheets* document.

- Use the results from Steps 4 and 5 to determine if the recalculated Index score meets or exceeds the Annual Measurable Objective (AMO) target listed in the upper right-hand corner of the *Performance Worksheet*.
- If the score does not meet the AMO requirement, the next step is to check the Confidence Interval Lookup Table to see if the minimum index score has been met for that number of students.
- If the score does not meet the Confidence Interval target, calculate Safe Harbor. To meet Safe Harbor, all three conditions described on the *Performance Worksheet* must be met.

Step 7

Use the results from steps 4, 5, and 6 to create a new page 1 of the AYP report (*District Summary Report*), correcting only the sections applicable to your appeal.

Submitting an Appeal for the “Other” Indicator

Attendance Rate (District Elementary/Middle Level)

Complete an *Attendance Rate Worksheet* located in the AYP Appeals Forms document.

1. Provide the following information from the grades 1-8 that were in your district for the school year 2010-2011:
 - number of students
 - total number of ½ days of attendance
 - total number of ½ days of enrollment (attendance + absences)
2. Calculate the attendance rate (AR) (rounded to the nearest 0.1%).
Attendance Rate % = $\frac{\text{Sum of } \frac{1}{2} \text{ days of attendance}}{\text{Sum of } \frac{1}{2} \text{ days of enrollment}} \times 100$
3. Compare the calculation to the 90% attendance rate requirement.

If $AR_{2010-2011} \geq 90\%$, then the standard is met for 2012 AYP Report.

Graduation Rate (District High School Level)

Beginning in 2011, the high school graduation rate target changed as well as the manner in which graduation rate is calculated. These changes were in accordance with federal requirements. As a result, a four-year cohort graduation rate is now used to calculate high school graduation rate for AYP. The graduation rate target increased in 2011 from 75% to 80% and in 2012 from 80% to 85%.

To appeal the graduation rate, submit a copy of the 2009-10 Cohort Graduation and Dropout Rate report produced by the NHDOE Bureau of Data Management and posted at www.education.nh.gov/data/dropouts.htm, together with a narrative explaining any changes and supporting documentation of those changes. To obtain student level cohort data used to calculate graduation rate, go to the I4see workbench – select I4see- Analysis – Anomaly and State Reports – Select BOY – High School Cohort Data. The field called Graduated with Regular/Adult High School Diploma is your source for a list of graduates.

District Appeal of the “Other” Indicator

If appealing the “other” indicator, place an “X” in the appropriate non-shaded box below and also enter one of the following codes in the corresponding shaded box to identify the reason(s) for the appeal.

APPEAL BASIS CODES

DE=Data Error (*statistical*) SC=Special Circumstances (*substantive*) BOTH = Both Reasons

Complete this chart if considering an appeal for the “other” indicator	Attendance Rate (90% Target) Elem/MS		Graduation Rate (85% Target) HS	
	Did not make AYP	Appeal Basis Code	Did not make AYP	Appeal Basis Code

District Information (please provide all information)

District and SAU: _____

Superintendent: _____

Phone/Fax: _____

Email Address: _____

School District Official Signature

_____ Superintendent of Schools	_____ Date
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Complete both pages of this form and fax no later than 4:30 p.m. April 20, 2012 to:

Ellie Riel
 Bureau of Accountability
 NH Department of Education

FAX: 603-271-7381