

# State of Delaware

## Consolidated State Application Accountability Workbook

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

**DUE: JANUARY 31, 2003**

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1.2, 1.6, 2.1, 3.2, 3.2a, 3.2b, 5.3, 5.4, 7.1, 7.2, 10.1)  
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Revision submitted: Feb 11, 2008 for the 2007-08 school year (Section 3.2)  
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Revision submitted: May 29, 2009 for the 2008-09 school year (Section 3.2b)  
Revision submitted: June 9, 2009 for the 2008-09 school year (Section 3.2b)



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

## **Instructions for Completing Consolidated State Application Accountability Workbook**

By January 31, 2003, States must complete and submit to the Department this Consolidated State Application Accountability Workbook. We understand that some of the critical elements for the key principles may still be under consideration and may not yet be final State policy by the January 31 due date. States that do not have final approval for some of these elements or that have not finalized a decision on these elements by January 31 should, when completing the Workbook, indicate the status of each element which is not yet official State policy and provide the anticipated date by which the proposed policy will become effective. In each of these cases, States must include a timeline of steps to complete to ensure that such elements are in place by May 1, 2003, and implemented during the 2002-2003 school year. By no later than May 1, 2003, States must submit to the Department final information for all sections of the Consolidated State Application Accountability Workbook.

### **Transmittal Instructions**

To expedite the receipt of this Consolidated State Application Accountability Workbook, please send your submission via the Internet as a .doc file, PDF file, rtf or .txt file or provide the URL for the site where your submission is posted on the Internet. Send electronic submissions to [conapp@ed.gov](mailto:conapp@ed.gov).

A State that submits only a paper submission should mail the submission by express courier to:

Celia Sims  
U.S. Department of Education  
400 Maryland Ave., SW  
Room 3W300  
Washington, D.C. 20202-6400  
(202) 401-0113

## **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
<b>Principle 1: All Schools</b>	
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> .
<b>Principle 2: All Students</b>	
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> .
<b>Principle 3: Method of AYP Determinations</b>	
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> .
<b>Principle 4: Annual Decisions</b>	
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**

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**

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**

### **Instructions**

In Part II of this Workbook, States are to provide detailed information for each of the critical elements required for State accountability systems. States should answer the questions asked about each of the critical elements in the State's accountability system. States that do not have final approval for any of these elements or that have not finalized a decision on these elements by January 31, 2003, should, when completing this section of the Workbook, indicate the status of each element that is not yet official State policy and provide the anticipated date by which the proposed policy will become effective. In each of these cases, States must include a timeline of steps to complete to ensure that such elements are in place by May 1, 2003, and implemented during the 2002-2003 school year. By no later than May 1, 2003, States must submit to the Department final information for all sections of the Consolidated State Application Accountability Workbook.

All references to Delaware Code, Title 14 can be accessed by clicking on the link, <http://delcode.delaware.gov/title14/index.shtml#TopOfPage>

All references to Department of Education Regulation can be accessed by clicking on the link, <http://regulations.delaware.gov/AdminCode/title14/100/index.shtml#TopOfPage>

For more information about the DSTP click on the link, <http://www.doe.k12.de.us/programs/aab/>

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

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT 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"> <li>• 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 serves 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).</li> </ul>	<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**

Every public school and school district is currently included in a single statewide accountability system as defined in Delaware Code and Department of Education regulation. The State has a definition of “public school” and “school district.”

Definitions:

- Public School - A public school shall mean a school or Charter School having any or all of grades kindergarten through twelve, supported primarily from public funds and under the supervision of public school administrators. It also shall include the agencies of states and cities which administer the public funds.
- New Public School – A school shall be considered a new school if less than sixty percent (60%) of the students would have been enrolled in the same school together without the creation of the new school; or it is the first year of operation of a charter school; or two (2) or more grade levels have been added to the school or to a charter school’s charter.
- A reorganized or vocational-technical school district is considered an LEA for AYP purposes. A charter school authorized by the State will be considered a school and its own LEA for purposes of AYP. For a charter school authorized by a local school district, the authorizing local school district will be considered the LEA for AYP purposes.
- "School district" means a clearly defined geographic subdivision of the State organized for the purpose of administering public education in that area provided that "school district" shall not, for the purposes of this subchapter and subsection (k) of § 1028 of this title, include any district specifically created to administer a system of vocational and/or technical education.
- "Reorganized school district" or "newly reorganized school district" means a school district which is constituted and established in accordance with this chapter, provided that "reorganized school district" or "newly reorganized school district", for the purposes of this subchapter and subsection (k) of § 1028 of this title, shall not include any district specifically created to administer a system of vocational and/or technical education.

Schools with no tested grades (e.g., K-1, K-2 schools) will have their AYP determinations based on the scores of students who previously attended the school (e.g., when they take the grade 3 DSTP).

- References: Delaware Code, Title 14, § 154  
 Delaware Code, Title 14, § 155  
 Delaware Code, Title 14, § 1002  
 Delaware Code, Title 14, § 1021  
 Delaware Code, Title 14, § 1029  
 DDOE Regulations, § 255, 1.0

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<b>CRITICAL ELEMENT</b>	<b>EXAMPLES FOR MEETING STATUTORY REQUIREMENTS</b>	<b>EXAMPLES OF NOT MEETING REQUIREMENTS</b>
<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**

Delaware's accountability system includes an AYP determination for every public school and district. Currently has a single statewide accountability system that is applied to all public schools and districts and includes Adequate Yearly Progress (AYP) as part of the system.

State law indicates that the Delaware Department of Education will utilize the collective performance of all students tested in each grade on the assessments administered pursuant to § 151(b) and (c) of Delaware Code, Title 14 to determine school accountability. In schools that serve students from other schools, where the students are "tuition-based" special needs students, the district has the option of tracking the students back to the school of residence or to make the school that is providing the instruction the accountability school. Whatever option the district decides for accountability purposes in shall remain in effect.

Delaware's accountability system includes an AYP determination for every public school and district, which this year will whether the given school was above the AYP target, meets the AYP target or below the AYP target. In addition, Delaware plans this year to fully merge AYP with the state's prior accountability system by including both AYP and state progress determinations. These two components will form a single statewide accountability system. The state progress measure is based on the extent to which each school improved the performance of students across all performance levels and all core content areas (i.e., reading, math, science, and social studies). Schools will be given a state progress determination based on whether they perform above state performance targets ("A"), meet state performance targets ("M"), or score below state performance targets ("B"). The state progress determination will not mitigate AYP (i.e., a school that scores below the target for AYP for two consecutive years in the same content area/other indicator will be identified as under improvement) but will allow for more valid and reliable accountability determination and distinctions in performance for schools who are making significant progress in improving student achievement in addition to AYP.

Each school's AYP and state progress determinations will be combined to result in an overall accountability determination based on the classifications established in state law. The combinations and resulting classifications are shown in the table on the next page.

**PROPOSED DELAWARE SINGLE STATEWIDE ACCOUNTABILITY SYSTEM**

<b>AYP (ABSOLUTE PERFORMANCE)</b>	<b>+</b>	<b>STATE PROGRESS (IMPROVEMENT PERFORMANCE)</b>	<b>=</b>	<b>STATE ACCOUNTABILITY DETERMINATION</b>	<b>AFTER 2 CONSECUTIVE YEARS<sup>1</sup></b>
A		A		Superior	Academic Review
A		M		Superior	
A		B		Commendable	
M		A		Superior	
M		M		Commendable	
M		B		Commendable	
B		A		Academic Review	Academic Progress
B		M		Academic Review	Academic Progress
B		B		Academic Review	Academic Watch

**Schools  
facing  
appropriate  
consequences,  
per  
NCLB.**

This single statewide accountability system will place value on those schools whose performance of all students in all subject areas is improving in addition to AYP. It is consistent with Delaware’s prior accountability system which highly valued the improvement of all students as they progressed toward meeting or exceeding the standards in the core content areas of reading, mathematics, science and social studies.

References: Delaware Code Title 14, §§ 154, 155  
Department of Education Regulation § 103

<sup>1</sup> NCLB consequences apply to schools that have not met AYP for two or more consecutive years in the same subject area.

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CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT 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>.<sup>2</sup></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>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

<sup>2</sup> 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.

Delaware has five levels of student performance on the Delaware Student Testing Program (DSTP) assessments at grades 3 through 10 in reading and math and grades 4, 6, 8, and 11 in science and social studies: Distinguished (Excellent Performance), Exceeds the Standard (Very Good Performance), Meets the Standard (Good Performance), Below the Standard (Needs Improvement), and Well Below the Standard (Needs Significant Improvement). Proficient means that a student has scored at “Meets the Standard” level or better. Non-proficient means that a student has scored “Below the Standard” or “Well Below the Standard” levels.

The performance levels for reading and math at grades 3 through 10 and science and social studies grades 4, 6, 8 and 11 were set through a standard setting process detailed in the report Revisiting, Reviewing, and Establishing Performance Standards for the Delaware Student Testing Program Reading, Writing and Mathematics. The link above will provide access to this document. A similar document was established for science and social studies and can be found at this link, [http://www.doe.state.de.us/AAB/standard%20setting%20report\\_21.pdf](http://www.doe.state.de.us/AAB/standard%20setting%20report_21.pdf).

The DSTP scale scores for reading and math are reported on a developmental scale ranging from 150 to 800. The determination of the DSTP scale scores for grades 3 through 10 has been done using a procedure that involves linking to the Stanford Achievement Test version 10 (SAT 10) scores for reading and math. The DSTP in reading and math contains a portion of the SAT10.

References:

[http://www.doe.k12.de.us/programs/aab/DSTP\\_gen\\_info/performancelevel.shtml](http://www.doe.k12.de.us/programs/aab/DSTP_gen_info/performancelevel.shtml)  
<http://delcode.delaware.gov/title14/c001/sc03/index.shtml>, §101  
<http://www.doe.k12.de.us/AAB/Merged%20report%20of%20cut%20score%20review%20Oct%202005.pdf>

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CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<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>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

District and school profiles (report cards) are issued annually in August. These report cards will contain AYP and accountability ratings based on the state assessments that were administered in the spring of the same year (e.g. March 2003). The testing period for reading and math DSTP assessments occurs in March of each school year. The individual student assessment results are received from the testing vendor in an electronic score file the Friday before Memorial Day each year. Individual student results are released electronically to schools and districts in early June for student accountability purposes. AYP determinations will be calculated during the month of June and released to schools and districts the beginning of July. The review process would then begin and the final determinations would be released to schools and districts by the beginning of August. This provides time for schools to notify parents of any sanctions from NCLB or state law prior to the beginning of the school year.

References:

[http://www.doe.k12.de.us/programs/aab/DSTP\\_gen\\_info/testingdates.shtml](http://www.doe.k12.de.us/programs/aab/DSTP_gen_info/testingdates.shtml)

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CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<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**

State Report Card – Annual Statewide Summary and Educational Statistics Report

Delaware has produced a state report card (Annual Statewide Summary) annually since 1998. These documents contain a variety of information at the state level (student demographics, financial, student assessment, and accountability) as well as student assessment data at the school level. Beginning with the 1998-1999 school year data from the Delaware Student Information System (DELSIS) was used to disaggregate assessment results by the subgroups required under 1994 ESEA and NCLB.

The Department of Education has made the changes necessary to the report card format, release timing, and distribution process to comply with specific requirements in NCLB. This report card is available annually in August on the Delaware Department of Education website and will to the extent possible be published in accessible languages of major populations in Delaware. All assessment results and other academic indicators will be reported by race/ethnicity, income level, education type (special education v. not special education), and limited English proficiency status (LEP v. not LEP).

School and District Report Cards – School and District Profiles

Delaware has published school and district report cards since 1997. The Profiles are available on the Delaware Department of Education website and are distributed in hard copy to schools for distribution to parents. The public libraries in Delaware also house copies of current and previous school and district profiles. The current format requires all of the data elements as included by Appendix A. For the 2003-04 school year only, reliable HQ data will not be available in time for the printed form but will be included in the web-based format.

References: Delaware Code, Title 14, §§ 124, 124A

Delaware Annual Statewide Summary – [www.doe.k12.de.us](http://www.doe.k12.de.us)  
(DSTP Public Access)

School and District Profiles – [www.doe.k12.de.us](http://www.doe.k12.de.us)  
(School/District Profiles)

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
1.6 How does the State Accountability System include rewards and sanctions for public schools and LEAs? <sup>3</sup>	<p>State uses one or more types of rewards and sanctions, where the criteria are:</p> <ul style="list-style-type: none"> <li>• Set by the State;</li> <li>• Based on adequate yearly progress decisions; and,</li> <li>• Applied uniformly across public schools and LEAs.</li> </ul>	State does not implement rewards or sanctions for public schools and LEAs based on adequate yearly progress.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>Delaware’s system of rewards and sanctions focuses on support for continuous improvement of all public schools and districts as well as for the state as a whole. This system is structured to ensure full compliance with the No Child Left Behind requirements and to align consequences for Title I and non-Title I. Current Delaware Code, Title 14, § 154 requires all schools, regardless of Title I status, to complete a School Improvement plan if the school is Under School Improvement. The plan requires a representation of the broad school community, including parents, to develop and implement an appropriate school-based plan. The plan must include a thorough review of appropriate data and must be approved by the local board of education after receiving public comment. In addition, Delaware has in place a district-level consolidated application process that requires districts to prepare an overall district plan for continuous improvement based on strong data analysis, collaborative community involvement and comprehensive program reviews.</p> <p>AYP and accountability decisions for each public school and for each LEA will be made annually. This will take place following Delaware’s receipt of testing results and completion of accountability calculations. The first identification of schools and districts under the new provisions occurred in July, 2003. As noted in critical element 1.5, Delaware Code (Title 14, §§ 124, 124A) requires that school and district profiles (report cards) be issued annually. They include information about accountability as well as assessment, discipline, and teacher qualification information. Delaware has been assigning accountability ratings to schools based on student assessment data since school year 2000-2001.</p> <p>Delaware has a system of rewards and consequences for all public schools and districts including Title I and non-Title I schools and districts. The following chart summarizes the rewards and consequences.</p>

<sup>3</sup> 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)].

**SUMMARY OF PROPOSED DELAWARE INTEGRATION OF FEDERAL AND STATE REWARDS AND CONSEQUENCES**

SCHOOL Status		REWARDS AND CONSEQUENCES For Title I and Non-Title I Schools
Rewards	<i>Superior or Commendable</i>	<ul style="list-style-type: none"> <li>▪ Recognition</li> <li>▪ Flexibility/Autonomy</li> </ul>
Consequences	Academic Review	<ul style="list-style-type: none"> <li>▪ <b>Revise school improvement plan</b> (which are required of all schools, regardless of status), <sup>4</sup> including presentation to local board (charter schools under DDE must submit plans to DDE)</li> <li>▪ <i>Must</i> use school improvement planning process; <i>may</i> use School Review process</li> </ul>
	AP/AW (Year 1 <sup>5</sup> )	<p><b>The above plus:</b></p> <ul style="list-style-type: none"> <li>▪ Submit revised school improvement plan to DDE</li> <li>▪ <b>Receive technical assistance from LEA</b> (and DDE as appropriate); may include site visits; AP schools <i>may</i> and AW schools <i>must</i> use School Review process</li> <li>▪ <b>Spend 10% of Title I funds on professional development</b> (non-Title I schools must target professional development toward subgroups that did not meet AYP)</li> <li>▪ <b>Offer public school choice to designated schools w/in the district</b></li> </ul>
	AP/AW (Year 2 <sup>6</sup> )	<p><b>The above plus:</b></p> <ul style="list-style-type: none"> <li>▪ <b>Provide supplemental educational services</b> (non-Title I schools must target state required extra time toward subgroups that did not meet AYP)</li> <li>▪ AP and AW schools <i>must</i> use School Review process</li> </ul>
	AP/AW (Year 3 <sup>6</sup> )	<p><b>The above plus:</b></p> <ul style="list-style-type: none"> <li>▪ <b>Corrective action, including at least one of the following: replace appropriate school staff relevant to failure to make AYP; institute new curriculum; significantly decrease school management authority; appoint outside expert to advise school; extend school day or year; or restructure internal organization of school</b></li> <li>▪ LEA chooses corrective action(s) and submits plan to DDE for approval, which will work w/ LEA to resolve any issues.</li> </ul>
	AP/AW (Year 4 <sup>6</sup> )	<p><b>The above plus:</b></p> <ul style="list-style-type: none"> <li>▪ <b>Plan for restructuring (see below).</b></li> <li>▪ LEA chooses restructuring action(s) and submits plan for DDE and State Board approval.</li> </ul>
	AP/AW (Year 5 <sup>6</sup> )	<p><b>The above plus:</b></p> <ul style="list-style-type: none"> <li>▪ <b>Restructuring/alternative governance consistent with state law, including at least one of the following: reopening as public charter school; replacing all school staff relevant to failure to make AYP; contract with an entity to operate the public school; or any other major restructuring that makes fundamental reforms and has substantial promise of enabling the school to make AYP</b></li> <li>▪ Implement restructuring plan as approved.</li> </ul>

<sup>4</sup> Consequences in bold type are required by NCLB (for Title I schools)

<sup>5</sup> Consequences apply to all schools that have not met AYP for two or more consecutive years in the same subject area or other indicators.

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DISTRICT Status		Districts
<b>Rewards</b>	<b>Superior or Commendable</b>	<ul style="list-style-type: none"> <li>▪ Recognition</li> <li>▪ Flexibility/Autonomy</li> </ul>
<b>Consequences</b>	Academic Review	<ul style="list-style-type: none"> <li>▪ <b>Revise district improvement plan</b> (which are required of all LEAs, regardless of status)<sup>6</sup></li> <li>▪ Submit district improvement plan to DDE</li> </ul>
	AP/AW (Year 1)	<p><b>The above plus:</b></p> <ul style="list-style-type: none"> <li>▪ Obtain DDE approval of district improvement plan</li> <li>▪ <b>Spend 10% of Title I funds on professional development</b> (non-Title I districts must target professional development toward subgroups that did not meet AYP)</li> <li>▪ <b>Specify responsibilities of the SEA including specifying the technical assistance the SEA will provide upon LEA request</b>, including District Review process and/or site visits as appropriate</li> <li>▪ <b>May take corrective action (below)</b></li> </ul>
	AP/AW (Year 2)	<ul style="list-style-type: none"> <li>▪ Revise district improvement plan</li> </ul>
	AP/AW (Year 3)	<p><b>The above plus:</b></p> <ul style="list-style-type: none"> <li>▪ <b>Corrective action consistent with state law, including at least one of the following: defer programmatic or reduce administrative funds; institute new curriculum; replace appropriate district staff relevant to failure to make AYP; remove particular schools from the district’s jurisdiction and establish alternate public governance; appoint receiver or trustee in place of local superintendent and school board; abolish or restructure LEA; authorize students to transfer to higher-performing LEA and provide transportation</b></li> <li>▪ LEA chooses corrective action(s) and submits plan to DDE for approval, which will work w/ LEA to resolve any issues. DDE will finalize plan and present to State Board for approval</li> </ul>

Delaware places a high value on an accountability system that produces interventions, which lead to improved student achievement.

Reference: Delaware Code, Title 14, §§§ 124, 124a, 154

<sup>6</sup> Consequences in bold type are required by NCLB. NCLB requires a district improvement plan only after two consecutive years in need of improvement.

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

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT 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>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

All students in Delaware public schools, including students with disabilities and students with limited English proficiency, are required to participate in the statewide assessment program and the data for all students who have been in the school, district or state, as appropriate, for a full academic year are included in accountability decisions. Delaware Code, Title 14, Section 151, establishes a statewide testing program in which all students participate. Students with disabilities and/or limited English proficiency may take the test with certain testing accommodations per the *Guidelines for Inclusion* document, Delaware Department of Education Regulation § 101, 1.1.

No students are exempted from the assessment or accountability system based on demographics, instructional program or type of school. However, as permitted in the new guidance, where an unexpected medical condition prohibits inclusion during the test window, the school or district may, on a case-by-case basis with documentation, request that a student be dropped from the participation rate.

Currently, for accountability purposes, students are tracked back to the school that provided the instructional services on a pro-rated basis for grades K - 3. When students take the grade 3 assessment, provided that the student was in the school for full academic year, then: the school that provided Kindergarten services gets 10% of the score; the school that provided first grade services gets 30% of the score; the school that provided second grade services gets 30% of the score; and the school that provided third grade service gets 30% of the score. For grades 4 through 8 and grade 10, 100% of the score will be apportioned to the single grade. Students in grade 4 and beyond are not tracked back over the grade clusters.

Reference: *Guidelines for the Inclusion of Students with Disabilities and Students with Limited English Proficiency*

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CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<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>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

The following definitions of full academic year will be used for determining which students will be included in accountability decisions:

For school accountability (AYP): Students enrolled continuously in the school from September 30 through May 31 of a school year will be deemed as being enrolled for a full academic year.

For district accountability (AYP): Students enrolled continuously in the district (but not necessarily the same school) from September 30 through May 31 of a school year will be deemed as being enrolled for a full academic year.

For state accountability (AYP): Students enrolled continuously in the state (but not necessarily the same school or district) from September 30 through May 31 of a school year will be deemed as being enrolled for a full academic year.

Because of our statewide pupil accounting system and DELSIS, the state can track where students are enrolled on a weekly basis. Individual student data is received in the Department from every school and district on a weekly basis including updated student demographic data.

CONSOLIDATED STATE APPLICATION ACCOUNTABILITY WORKBOOK

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<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**

As explained in 2.1 and 2.2, the state’s definition of a full academic year uses information from the statewide pupil accounting system that all public schools and districts, including charter schools, are required to use. The statewide pupil accounting system (DELSIS) is updated by schools and districts weekly so that state level student demographic data are current. Every student enrolled in a Delaware public school is assigned a unique six-digit ID number upon entering the public school system. Student IDs are not re-assigned upon leaving the system or graduation. They are assigned to the student for a lifetime.

Data requirements for all schools and districts are published annually in the Data Acquisition Calendar. Meetings are held throughout the year to inform and update pupil accounting users.

**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 NOT 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 arts<sup>7</sup> and mathematics, not later than 2013-2014.</p>	<p>State definition does not require all students to achieve proficiency by 2013-2014.</p> <p>State extends the timeline past the 2013-2014 academic year.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>Starting points, intermediate goals and annual measurable objectives have been set separately for reading and mathematics. In both cases, Delaware's definition of AYP requires that all students meet or exceed proficiency in the Delaware Student Testing Program no later than 2013-2014. All schools and districts will be rated based on the percent of students meeting or exceeding proficiency in relation to the target performance, which increases over time.</p>

<sup>7</sup> 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 NOT 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**

For a school or district to meet AYP, the aggregate student population and each sub-population of students must meet or exceed the target for percent proficient (using a confidence interval); 95% of the students as an aggregate and within each sub-population must participate in the state assessments of reading/language arts and math; and the school must show progress towards the state target for other academic indicators. Students are extended back to the school that provided the instructional services for the grade clusters as explained in critical element 2.1. In calculating the percent proficient each year, the state will average the most recent two years of test scores (including the current year's scores) and compare the results to the current year's percent proficient. The highest percent proficient score will be used to determine the school or district AYP status.

If a school or district fails to meet the target for percent proficient (using a confidence interval of 98%) for a given sub-population or for the school in aggregate, safe harbor provisions will be examined for that population. Safe harbor will be used when the percentage of students not meeting or exceeding the standards decreases by at least 10% when compared with the previous year's data, the participation rate for that population is at least 95%, and the subgroup shows progress on the other academic indicator. Further, a confidence interval of 75% will be used for determining whether or not a subgroup meets required decrease.

The following is the sequence of steps used to determine the accountability ratings and make AYP decisions:

1. Determine the number of students in each school for reporting and accountability decisions (critical element 2.2) by total school and subgroup. If the subgroup is smaller than the minimum number of students for accountability purposes ( $n \geq 40$ ), then the subgroup will not be used in determining accountability or AYP.
2. Determine the participation rate as defined in critical element 10.1 for the total school and each subgroup identified in step 1 individually for reading and math.
3. If the school as a whole or any subgroup does not have 95% participation in either reading or math, then the school is deemed as NOT making AYP for this year.
4. Determine the percent of students that were proficient or better in reading and were also in the school for a full academic year.
5. Determine if the total school and each subgroup of sufficient size met the annual objective or intermediate target for reading/language arts using a 98% confidence interval.
6. If the total school or a subgroup of sufficient size did not meet the target/goal, apply the safe harbor provision as described by NCLB.
7. Determine the percent of students that were proficient or better in math and were also in the school for a full academic year.

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8. Determine if the total school and each subgroup of sufficient size met the annual objective or intermediate target for math using a 98% confidence interval.
9. If the total school or a subgroup of sufficient size did not meet the target/goal, apply the safe harbor provision as described by NCLB using a confidence interval of 75%.
10. If the school as a whole or any subgroup does not meet the targets for reading, math or other indicator and safe harbor provisions are not met, then the school is deemed as NOT making AYP for this year.

The same process will be used for determining district AYP decisions.

A school that does not meet AYP for two consecutive years in the same content area or other indicators will be classified as Under Improvement. References made to not meeting AYP for two consecutive years in the same content areas includes reading, math, or other indicators. A district that does not meet the AYP target in the same content area or other indicator at all three levels of elementary, middle and high school for two consecutive years will be classified as Under Improvement.

For the 2008-09 school year, Delaware will continue to participate in the growth model as approved by the USED on December 22, 2008. The growth model proposal can be found at

<http://www.doe.k12.de.us/aab/Delaware's%20Growth%20Proposal%20for%202006%20as%20of%20033106.doc>

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CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<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 20<sup>th</sup> 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**

The state uses a single statewide starting point for reading and a single starting point for math calculated using the procedures specified in NCLB and USED regulations for Title I. The starting points were determined using two years of data from the Spring reading and math assessments from 2001 and 2002.

The procedures for calculating the starting points were as follows:

1. Calculate the ELA percent proficient for each school based on a combination of the DSTP 01 and DSTP 02 scores.
2. Rank orders the schools by percent proficient and includes the enrollment for the school.
3. Count from the bottom of the rank listing until the 20<sup>th</sup> percentile of enrollment is found.
4. The ELA percent proficient for the school at the 20<sup>th</sup> percentile of enrollment is the starting point.
5. Repeat the process for math.

This results in a single statewide starting point for all schools and subgroups in the state.

The annual target for 2008-09 for reading/language arts is 73% and math is 58%.

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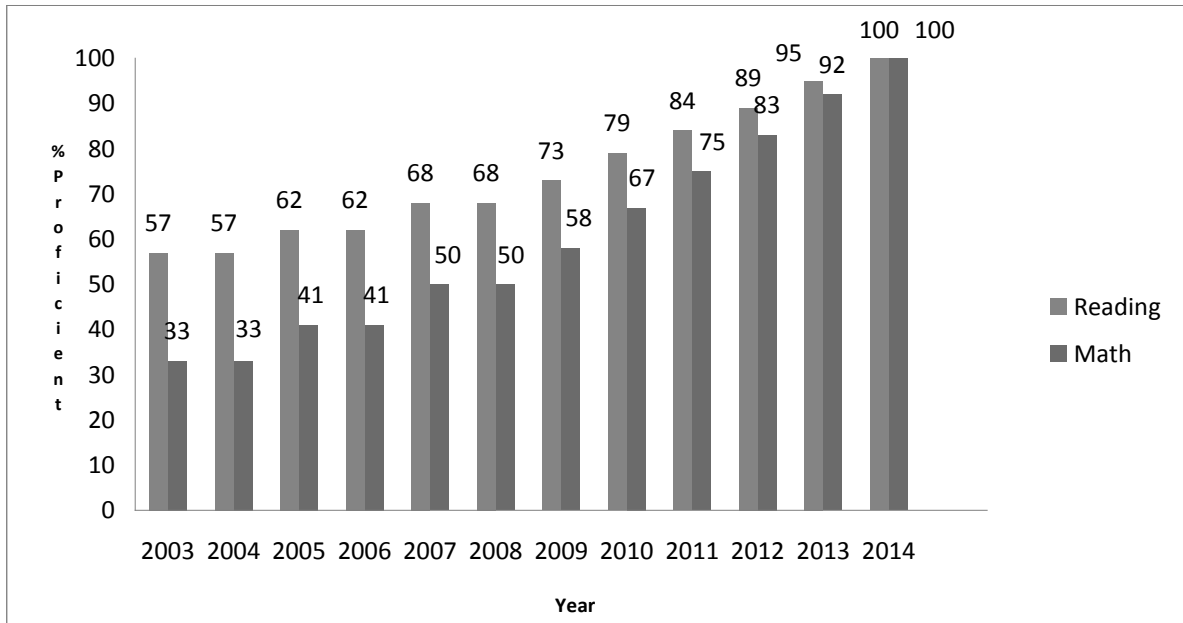
CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>3.2b What are the State's annual measurable objectives for determining adequate yearly progress?</p>	<p>State has annual measurable objectives that are consistent with a state's intermediate goals and that identify 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**

The graph below shows the annual measurable objectives for AYP proficiency in **reading** and mathematics over time. The annual measurable objectives are the same for all schools, districts and subgroups of students. In 2008, state legislation mandated the removal of the writing tests effective 2008-09 school year. Delaware's FY09 State Appropriations Act, Senate Bill 300 reads as follows:

- Section 351.** Effective July, 1, 2007, notwithstanding the provisions of 29 Del. C. c. 69, during fiscal Year 2008, the Department of Education is authorized to extend, for a period not to exceed two years, its existing contract including any subsequent negotiated administrative changes for student assessment as required under the federal No Child Left Behind Act. For the remainder of the DSTP contract, the Department of Education is authorized to modify the administration of the Delaware Student Testing Program to eliminate the writing assessment for grades 3,4,6,7, and 9.

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Annual Targets for Reading (5.375%)  
Starting Point (2003) is 57%

Annual Targets for Math (8.375%)  
Starting Point (2003) is 33%

Year	Actual
2003	57%
2004	57%
2005	62%
2006	62%
2007	68%
2008	68%
2009	73%
2010	79%
2011	84%
2012	89%
2013	95%
2014	100%

Year	Actual
2003	33%
2004	33%
2005	41%
2006	41%
2007	50%
2008	50%
2009	58%
2010	67%
2011	75%
2012	83%
2013	92%
2014	100%

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CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>3.2c What are the State's intermediate goals for determining adequate yearly progress?</p>	<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"> <li>• The first incremental increase takes effect not later than the 2004-2005 academic year.</li> <li>• Each following incremental increase occurs within three years.</li> </ul>	<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**

The state has established seven intermediate goals with the first intermediate goal occurring in the 2004-2005 school year. The second intermediate goal will occur in 2006-2007; the third in 2008-2009; the fourth in 2009-2010, the fifth in 2010-2011, the sixth in 2011-2012, the seventh in 2012-2013. By 2014, all students will be meeting or exceeding the standards in reading/language arts and math per the accountability system (see table in 3.2b for more information).

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

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT 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. <sup>8</sup>	AYP decisions for public schools and LEAs are not made annually.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>AYP decisions for each public school and for each LEA are made annually in July as referenced in critical element 3.2. As noted in critical element 1.5, Delaware Code (Title 14, §§ 124, 124A) requires that school and district profiles (report cards) be issued annually. They include information about accountability as well as assessment, discipline, and teacher qualification information. Delaware has been assigning accountability ratings to schools based on student assessment data since school year 2000-2001.</p> <p><u>Reference:</u> Delaware Code, Title 14, §§§ 124, 124a, 154</p>

<sup>8</sup> 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
5.1 How does the definition of adequate yearly progress include all the required student subgroups?	<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>	State does not disaggregate data by each required student subgroup.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>The definition of AYP includes all student subgroups required by federal law: major race/ethnic populations (white, Black, Hispanic, Asian/Pacific Islander, American Indian/Alaska Native), students with disabilities, economically disadvantaged students and students with limited English proficiency. Sub-population data are aggregated from the student level state assessment system by individual student ID.</p> <p>Schools and districts submit student-level enrollment and demographic data on an on-going basis (see 2.1). A description of the data requirements may be found at: <a href="https://login.doe.k12.de.us/DELSIScode/codestartpage.ASP">https://login.doe.k12.de.us/DELSIScode/codestartpage.ASP</a> and click on Data Elements.</p> <p>Dates by which the data collections are due can be found in the Data Acquisition Calendar found at: <a href="http://www.doe.k12.de.us/files/pdf/dedoe_dataacqcal.pdf">http://www.doe.k12.de.us/files/pdf/dedoe_dataacqcal.pdf</a></p>

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CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<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**

Delaware’s accountability system holds each school and district accountable for meeting the state determined annual and/or intermediate goals by subgroup in both reading/language arts and math in order to meet AYP. Students are considered members of the subgroup provided that they meet the criteria for subgroup membership.

Students with disabilities are defined as students with an Individual Education Program (IEP) under the Individuals with Disabilities Education Act (IDEA).

Limited English Proficient students will be included in the LEP subgroup until they score at the “Meets the Standard” level on the reading DSTP for two consecutive years. Two consecutive years of meeting the standard demonstrates that a student can read, write and understand the English language. Therefore, for accountability purposes, a student will be included in the LEP subgroup for two years after receiving LEP services since continuous monitoring of those students occurs during those two years.

Economically disadvantaged students are defined as students who are eligible for the free or reduced lunch meal plan.

The number of students in each subgroup will be the number of students who were instructionally served by the school and were in the school for a full academic year.

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CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<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**

All students with disabilities participate in the Delaware Student Testing Program (DSTP) with appropriate accommodations per their IEP. Included under the DSTP umbrella is an alternative assessment, the Delaware Alternate Portfolio Assessment (DAPA), for students with the most significant cognitive disabilities. The accommodation codes and procedures for using accommodations for students with disabilities can be found in the Department of Education's *Guidelines for the Inclusion of Students with Disabilities and Students with Limited English Proficiency*. A Disabilities Task Force reviews data and makes recommendations about accommodations and inclusion of students with disabilities annually. A Technical Advisory Committee for the DSTP and one for the DAPA also review data and accommodations to provide national expertise on the inclusion of students with disabilities.

Per recent USED regulations, Delaware will include in AYP determinations the scores of students with the most significant cognitive disabilities on the DAPA with a cap of 1% compared to enrollment, with exceptions granted to districts by the state on a case-by-case basis and with an exception to be sought by the Department of Education from the USED if necessary.

Students with disabilities are also included in all accountability decisions. Regulation 103, § 2.1 provides specific mandates for schools and districts in the inclusion of students with disabilities. Beginning in the school year 2003-2004, the "out-of-level" accommodation will not be used – all students will participate in the grade level assessment according to their enrolled grade. All references to this accommodation will be taken out of the *Guidelines for the Inclusion of Students with Disabilities and Students with Limited English Proficiency*.

References: Department of Education Regulation § 103  
 Guidelines for the Inclusion of Students with Disabilities and Students with Limited English Proficiency  
 (link: <http://www.doe.k12.de.us/aab/GFI%202007-2008%20GFI-04302007.pdf> )

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>5.4 How are students with limited English proficiency included in the State’s definition of adequate yearly progress?</p>	<p>All LEP students 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**

All limited English proficiency students will participate in the statewide assessment program (DSTP). However, per recent USED guidance, those LEP students who have been enrolled in a U.S. school less than 1 year are not required to participate in the READING assessment and will not be included in the percent proficient calculation for READING and math (but will be included in participation rate). All LEP students are required to take the language proficiency assessments. Some LEP students participate with accommodations as appropriate including providing the test items in a content area in the native language or directions in the native language. The Department of Education's *Guidelines for the Inclusion of Students with Disabilities and Students with Limited English Proficiency* provides the framework and procedures for accommodations.

An English Language Learner is a student who:

- was either born in the United States or outside the United States and whose native language is a language other than English and comes from an environment where a language other than English is dominant OR
- is a Native American, or Alaska Native, or a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English proficiency OR
- is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant AND
- has sufficient difficulty speaking, reading, writing, or understanding the English Language that may interfere with the student’s opportunity to learn successfully in classrooms where the language of instruction is English, or to participate fully in society. Criteria for determining ELL status is below.

**Criteria for Identifying the ELL Student:**

The criteria for identifying an ELL student are as follows:

**Home language survey:**

The home language survey must be administered to all new students in the Delaware schools. Each district has a question on their student enrollment form asking if another language other than English is spoken in the home or by the student. If the answer is “yes,” the student may be an ELL. The next step is to test the student using the English proficiency test, ACCESS (Assessing Comprehension and Communication in English State to State) test of English language proficiency.

**ACCESS (Assessing Comprehension and Communication in English State to State):**

The ACCESS test (reading, writing, listening, and speaking) is administered to students identified using the Home Language Survey.

ACCESS performance levels are as follows:

Level 1—Entering

Level 2—Beginning

Level 3—Developing

Level 4—Expanding

Level 5—Bridging

References: Department of Education Regulation § 103

Guidelines for the Inclusion of Students with Disabilities and Students with Limited English Proficiency

(Link: <http://www.doe.k12.de.us/aab/GFI%202007-2008%20GFI-04302007.pdf> )

CONSOLIDATED STATE APPLICATION ACCOUNTABILITY WORKBOOK

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<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.<sup>9</sup></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>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

By regulation, the minimum number of students required in a subgroup for **reporting** purposes has been and will continue to be 15 students in a subgroup. This definition is applied to all public schools and districts across the state, including charter schools.

The initial analysis done by the Department of Education indicates that forty (40) should be the minimum number of students required in a subgroup for **accountability** purposes. In the continued review of data this is the point at which subgroup data becomes more stable and reliable.

Reference: Department of Education Regulation, §103

<sup>9</sup> The minimum number is not required to be the same for reporting and accountability.

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CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
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. <sup>10</sup>	Definition reveals personally identifiable information.

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

All reporting of accountability and AYP results is provided online through two separate systems: public access and restricted access. The public access site only provides school, district and state data for subgroups with the number of students equal to or greater than 15. The restricted access site does provide student identifiable information but is only accessible by password with appropriate security clearances and assurances. Passwords are only established for state, district, school administrators and teachers upon written supervisor approval. Teachers have access to students in the school for which they have instructional contact. Building level administrators have access to building level data only. District administrators have access to school level data within their district and district level data as appropriate.

Student information sent or retrieved through DELSIS is secure. Student confidentiality is protected by both Delaware Code and Department of Education Regulation.

As percentages move closer to 100% proficient, Delaware intends to adopt regulation that provide for percentages close to 100% be reported as >95% and percentages close to 0% to be reported as <5%.

Reference: Department of Education Regulation § 250  
<http://www.doe.k12.de.us/programs/aab/>  
 Delaware Code, Title 14, § 4111

<sup>10</sup> 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 NOT MEETING REQUIREMENTS
6.1 How is the State’s definition of adequate yearly progress based primarily on academic assessments?	<p>Formula for AYP shows that decisions are based primarily on assessments.<sup>11</sup></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**

Delaware Code mandates a statewide assessment system that includes student assessments in the core content areas of reading, math, science and social studies. The assessments measure individual student progress on meeting state content standards in those four areas. Further, Delaware Code mandates the use of these assessments in a single statewide accountability system for determining AYP. All students participate in the DSTP unless they meet the criteria for participation in the Delaware Alternate Portfolio Assessment as described below. This information is also available in the Department of Education's *Guidelines for the Inclusion of Students with Disabilities and Students with Limited English Proficiency*.

**Participation in the Delaware Alternate Portfolio Assessment (DAPA)**

Under testing condition 4, students may be included in DAPA. The student’s IEP team must evaluate the possible inclusion of the student in each of the five parts of the DSTP: reading, writing, mathematics, science, and/or social studies.

**Participation**

To include the student in the DAPA, the student’s IEP team must complete all of the following steps. If it is determined that there is sufficient information to support ALL of the criteria below, the IEP team should document this decision on the student’s current IEP and sign the *Participation Guidelines* (see Appendix F). Students who do not meet all of the criteria will participate in the DSTP, with or without accommodations. The achievement of students in the DAPA is based on alternate achievement standards. Alternate achievement standards allow the use of a different scoring system. Students who participate in the DAPA are working on the same academic standards as their peers; however, they are working on these standards in less complex ways. The signed *Participation Guidelines* must be submitted with the DAPA on the designated due date.

<sup>11</sup> State Assessment System will be reviewed by the Standards and Assessments Peer Review Team.

## Documentation

The IEP team must clearly document in the student's IEP the basis for its decision. School staff must support the inclusion decision by using current and longitudinal data, such as:

- performance data across multiple settings in the areas of academics, communication, cognition, social competence, recreation or leisure, domestic community living and vocational skills.
- behavioral observations in multiple settings.
- adaptive behavior.
- continuous assessment of progress on IEP goals and objectives.

Such documentation will verify that the student meets the criteria listed below.

## Criteria

The following are the participation guidelines for inclusion in the Delaware Alternate Portfolio Assessment (DAPA). The student's record must have sufficient data to support all of the following:

### **Criterion #1: Evidence of Significant Cognitive Disabilities**

Student's levels of cognitive skills and adaptive behavior are such that extensive modifications are required in order to access the general curriculum.

### **Criterion #2: Intensity of Instruction**

Student requires extensive direct instruction and/or extensive supports to accomplish the application and transfer of skills to school, home, work, and community environments.

### **Criterion #3: Curricular Outcomes**

The student requires extensively modified instruction focusing on a less complex application of skills in order to access the Delaware Content Standards.

### **Criterion #4: Exclusions**

The decision to include the student in the DAPA is NOT based on the following:

1. existence of an IEP;
2. specific categorical label;
3. educational placement;
4. English language learner status;
5. socio-economic or cultural differences;
6. excessive or extended absences;
7. disruptive behavior;
8. student's reading level; or
9. the expectation that the student will not perform well on the DSTP.

All assessments included in the DSTP have been determined by a group of national experts to be valid and reliable. Delaware also has been through a peer review for standards and assessments and we were deemed to be in full compliance with the 1994 ESEA. Delaware is also an Ed Flex state per the requirements in the 1994 ESEA.

References: Delaware Code, Title 14, § 151

[http://www.doe.k12.de.us/programs/aab/Report\\_and\\_documents/Technical\\_Reports.shtml](http://www.doe.k12.de.us/programs/aab/Report_and_documents/Technical_Reports.shtml)

[http://www.doe.k12.de.us/programs/aab/Report\\_and\\_documents/Special\\_Populations.shtml](http://www.doe.k12.de.us/programs/aab/Report_and_documents/Special_Populations.shtml)

**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 NOT MEETING REQUIREMENTS
<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"> <li>• 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,</li> <li>• Uses another more accurate definition that has been approved by the Secretary; and</li> <li>• Must avoid counting a dropout as a transfer.</li> </ul> <p>Graduation rate is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause<sup>12</sup> to make AYP.</p>	<p>State definition of public high school graduation rate does not meet these criteria.</p>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

<sup>12</sup> See USC 6311(b)(2)(I)(i), and 34 C.F.R. 200.20(b)

The graduation rate is the number of students in one cohort who started in the school/district in 9<sup>th</sup> grade and graduated 4 years later with a regular diploma or in the timeframe specified by the IEP divided by the same number plus those who have dropped out during the 4 year period. Students earning a GED certificate will not be counted as graduates but will be included in the denominator for calculation of graduation rate.

Delaware has individual student data from DELSIS and graduation/exit data; thus can calculate the graduation rate by disaggregated subgroup. In fact, the graduation rate has been reported by school, district, and state in school and district report cards since the late 1990's.

The target for this indicator for high schools will be a graduation rate of 90% by the school year 2013-2014 with intermediate targets as illustrated in the table below. Beginning in 2003, when compared to the previous year, each school, or subgroup if used in safe harbor, will be expected to maintain its graduation rate or show positive progress when compared to the previous year towards the state target for that time period or meet/exceed the state target for that school year. A school that does not maintain its graduation rate, show positive progress from the previous year towards the state target, or meet the state graduation target will be considered as not meeting AYP for that year.

For district accountability, a district will also be expected to maintain its graduation rate or show positive progress when compared to the previous year towards the state target or meet/exceed the state target for that school year AND a district will also be expected to meet the other academic indicator target for elementary/middle schools as defined in 7.2.

State accountability will be the same as described in district in the paragraph above.

School Year	Graduation Target
2003-04	75%
2004-05	76.5%
2005-06	78%
2006-07	79.5%
2007-08	81%
2008-09	82.5%
2009-10	84%
2010-11	85.5%
2011-12	87%
2012-13	88.5%
2013-14	90%

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CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<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.<sup>13</sup></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>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

For elementary and middle schools, the additional academic indicator will be determined by how well a school improves the performance of its lower achieving students in reading and math combined (i.e., students who are scoring below “meets the standard”, Performance Level 3, in reading and math). The average scale score for the students who score at performance levels 1 and 2 in reading and math will be determined for the current year and the previous. Scores from the current year will be compared to the previous year to determine if the school has shown progress with the lowest achieving students. A confidence interval will be applied to the current year average scale score. Students included in this calculation have to have been in the school or district for the full academic year. Beginning in 2005-06, scale scores in reading and math for students in grades 3 through 8 will be used for the elementary/middle school other academic indicator.

To show progress, a school or district must maintain or show an increase in the average scale score from one year to the next OR show that the percent of students in performance level 1 in reading or math has decreased from one year to the next or is below an absolute level to be set by the state. The state target for this other academic indicator for 2013-14 is 0% of the students scoring at performance level 1.

For district accountability, a district will also be expected to maintain its graduation rate, show positive progress when compared to the previous year towards the state target, or meet the state target AND a district will also be expected to maintain or show progress on the elementary/middle other academic indicator as described above.

State accountability will be the same as described in district in the paragraph above.

Reference: <http://www.doe.k12.de.us/programs/aab/default.shtml>

<sup>13</sup> NCLB only lists these indicators as examples.

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CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<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>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS
<p>Since the DSTP is the foundation for the other academic indicator for elementary/middle schools, this academic indicator is valid and reliable (see DSTP Technical Report).</p> <p>Delaware's graduation rate is described in 7.1 and excludes students who earn GED certificates. The student information system (DELSIS) with weekly updates will make the calculation valid and reliable.</p> <p><u>Reference:</u> DSTP Technical Report for 2001, 2002 and 2003.  <a href="http://www.doe.k12.de.us/programs/aab/Report_and_documents/Technical_Reports.shtml">http://www.doe.k12.de.us/programs/aab/Report_and_documents/Technical_Reports.shtml</a></p>

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

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<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.<sup>14</sup></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>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

Reading/language arts and math, as well as science and social studies, are measured separately against the state content standards in each of the areas. The determination for accountability (including AYP) will be based on the DSTP assessments that are given annually

Again, data are collected on an individual student basis, including assessment scores by content area; therefore, separate calculations for reading/language arts, math and by subgroups are easily incorporated into the accountability system.

<sup>14</sup> 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 NOT MEETING REQUIREMENTS
<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**

Delaware has created quality control and other measures to ensure reliability at every step of the process. At the assessment level, the DSTP meets requirements for acceptable reliability as reported in the Technical Report for the DSTP. The electronic scoring file from the testing vendor goes through an extensive quality control process by Delaware experts to ensure such things as the use of the correct equating table or interpolated norms. Upon release of the data to the schools and districts, school staff reviews the individual student results and Delaware has a process for re-scoring test documents if school staff or parents believe there may be an error. Delaware has also built in a control process for hand scored items. While most hand scored items are scored by a single trained scorer, 10% of the items are scored by two scorers to increase reliability. Also, if any item score is off by 2 points or more, a third scorer is utilized. As scorers work scoring student responses, student responses from the field test have been inserted randomly into the set. The purpose of this is to minimize scorer drift. Since the field test responses have been previously scored, the scorer must re-score the item and match identically the previous score points issued. This helps to ensure reliability in scoring.

In the process for hand scoring, Delaware teachers participate in selecting actual student work from the field test to identify student responses for training sets, calibration sets and anchor papers. The anchor papers are used in the actual scoring process and there is a full range for each score point including high, mid, and low.

As shown above, Delaware attempts to reduce the possibility of errors step-by-step. All public schools and districts give the same tests at the same time under the same conditions. There is extensive training provided by state assessment staff for all school and district coordinators. Training videos to ensure uniform test administration are produced annually by the state and distributed to all schools for use with proctors. The state also has a process for investigating possible test security breaches and conditions, which could result in invalid results. Proctors are required to abide by and sign assurances that the appropriate procedures were actually followed.

References: Contract with vendor  
District and School Building Coordinator Manuals

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CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
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**

Delaware has a process for schools and districts to appeal an accountability decision that has been established through regulation. The Department of Education's Regulation § 103 provides schools and districts the right to present clear and convincing evidence that the school or district has been misclassified through the accountability process.

Reference: Department of Education Regulation § 103 section 8.0

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CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
<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.<sup>15</sup></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>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

Delaware will adjust our definition of AYP so that we incorporate data from any new tests, should they be deemed necessary, while maintaining the timeline for all students to reach proficiency by 2014.

The reading and math DSTP assessments at grades 4, 6 and 7 were included in the AYP decisions beginning in 2006. Students in grades 4 through 8 will not have to be tracked back to the school of instruction for the grade cluster since all grades will be tested against grade level expectations. Five levels of performance have been established for grades 3 through 10.

For new schools, the first full year school year following the school's opening would be their first year of accountability determinations. The percent proficient by reading and math will be calculated for the overall school and each subgroup provided there are a sufficient number of students in the subgroup. The school will be required to meet the annual statewide goals in reading/language arts and math at the point in time when the school opened.

Delaware has a Technical Advisory Committee that has national expertise in the technical and instructional issues of student assessment. The committee meets twice a year to review and provide advice on technical and instructional issues relating to the DSTP. This provides a mechanism to deal with potential and emerging issues extending beyond reliability and validity.

Delaware also has established Bias Review Committees to review potential items for any bias prior to field testing the item. Again, national experts, especially in the areas of working with students with disabilities and students with limited English proficiency, provide advice and professional development to the reviewers and the Department of Education.

<sup>15</sup> 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.

**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.**

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<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
<p>Delaware has had a process for determining and reporting participation rates for schools, districts and the state on the DSTP for the past four years. The statewide pupil accounting system, the student ID system (DELSIS) and the assessment databases provide the necessary information for calculating the participation rates for each school, district and subgroup. Department Regulation § 101 requires that all students be assessed by the DSTP or participate in the alternate assessment (DAPA).</p> <p>The content area participation rate is the number of students scoring at performance levels 1 through 5 divided by the number of students enrolled in the school during the testing period. Using the pupil accounting database, the students enrolled during the testing period will be matched by ID to the assessment database to determine the number of students scoring at performance levels 1 through 5. This will serve as the numerator for participation rate. Participation rates by subgroup will only be populated for accountability purposes for those subgroups with at least 40 students in the group. They will be reported for subgroups with at least 15 students in the group.</p> <p>Delaware intends to make use of the new USED guidance and flexibility for participation rate. Delaware may average participation data over 2 years where appropriate.</p>

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CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
10.2 What is the State's policy for determining when the 95% assessed requirement should be applied?	State has a policy that implements the regulation regarding the use of 95% allowance when the group is statistically significant according to State rules.	State does not have a procedure for making this determination.

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

Current state law, Delaware Code, Title 14 §151 requires that all students participate in the DSTP or appropriate alternate assessment (DAPA). Department of Education Regulation § 101 section 1.1 also requires that schools and districts assess all students enrolled in that school during the test period. Student scores are assigned by student ID and are tracked by the pupil accounting system to the school where they are tested unless there is a situation as described in 14 DE Admin Code 103 sections 3.1 or 3.2

However, for accountability purposes, the participation rate will be calculated by performing the following: the number of students with performance level 1 through 5 from the current testing period divided by the number of students enrolled in the tested grades during the testing period.

References: Delaware Code, Title 14 §§ 151, 154  
Department of Education Regulation §101 and 103

## **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 disaggregating 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 disaggregating 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.