DOCUMENT RESUME

ED 478 280 UD 035 807

TITLE	The ABCs of "AYP": Raising Achievement for All Students.
INSTITUTION	Education Trust, Washington, DC.
PUB DATE	2003-04-00
NOTE	9p.
AVAILABLE FROM	The Education Trust, 1725 K Street, NW, Suite 200, Washington, DC 20006. Tel: 202-293-1217; Fax: 202-293-2605; Web site: http://www.edtrust.org.
PUB TYPE	Guides - Non-Classroom (055)
EDRS PRICE	EDRS Price MF01/PC01 Plus Postage.
DESCRIPTORS	*Academic Achievement; *Academic Standards; *Accountability; Economically Disadvantaged ; Educational Policy; Educational Quality; Elementary Secondary Education; Equal Education; Federal Legislation; Special Needs Students
IDENTIFIERS	No Child Left Behind Act 2001; *Progress Monitoring

ABSTRACT

This guide summarizes the accountability requirements of Title I of the No Child Left Behind Act (NCLB), presenting a five-step process to help states decide whether schools are making adequate yearly progress (AYP): states determine what all students should know and be able to do; states calculate the starting point for AYP; states set specific targets to measure whether all groups of students are making AYP in language arts and math; states measure the performance of students, schools, and school districts; and states are required to take steps to help students in schools that do not make AYP. The next section examines what AYP does not mean for states, schools, and students, addressing such myths as: states or schools that do not make AYP will be penalized by losing federal funding; the federal government will determine whether or not local schools are succeeding; AYP penalizes states with high standards and creates incentives for states to lower their standards; an unreasonably large number of successful schools will be identified as needing improvement; schools that educate the most severely disabled students will be penalized under AYP formulas; and AYP means that schools must improve test scores every single year to avoid being labeled as needing improvement. (SM)

The ABCs of "AYP"

Raising Achievement for All Students

As states develop and implement systems for measuring progress under the No Child Left Behind Act, parents, teachers, school officials, and policymakers have raised many questions and concerns about what the law requires.

This guide is an effort to summarize the accountability requirements of Title I of the No Child Left Behind Act (NCLB) and to clear up some of the most common misconceptions.

The Overall Bargain

By participating in Title I—a voluntary federal program that provides more than $11 billion to participating states to help educate low-income children—states agree to commit themselves to the goal of all students proficient in language arts and math by 2014. In order to tell whether schools and districts are on-track to meet that goal, each state sets benchmark goals to measure whether schools and districts are making "Adequate Yearly Progress" (or AYP) toward teaching all students what they need to know. While this report speaks in terms of school-level accountability, the same basic AYP rules apply to determine whether school districts have made AYP.

In the past, states had complete freedom in defining progress under Title I however they saw fit. But many states fell down on the job. Some set goals so modest that it would have taken more than a hundred years to see meaningful progress; one even defined "progress" as not falling backward very far. Many even failed to report the achievement of low-income and minority students.

Accordingly, when Congress passed NCLB, it made the accountability provisions clearer and stronger. The AYP provisions in NCLB set a new standard for defining success. Schools are expected to meet **clearly defined** goals for teaching **all students** to state standards.

- **Clearly defined goals:** To ensure that all schools are on-target for teaching kids up to state standards, each state sets specific benchmark goals for the percentage of students in each school that are expected to demonstrate proficiency on state tests in language arts and math. These target goals are raised over time.
- **All students:** Schools are accountable for overall student achievement and for the achievement of low-income students, students of different racial and ethnic backgrounds, limited-English proficient students, and students with disabilities. Old accountability systems allowed schools and districts to get high marks even while groups of students—often low-income and minority students—were not getting the education they deserved. Under NCLB, if a school doesn't make AYP for one of these subgroups, it doesn't make AYP.

These are ambitious goals. To reach them, public education will have to change the way it does business. But evidence from states that have already implemented rigorous accountability and instructional support systems demonstrates beyond any reasonable doubt that public schools *are* capable of meeting the expectations in the law.

What is AYP, exactly?

What AYP means for States, Schools and Students.

States decide whether schools are making Adequate Yearly Progress through a five-step process.

1) States determine what all students should know and be able to do.

Each state begins by setting academic *standards*—a process of deciding what all students should know and be able to do. States then develop tests that measure whether schools are teaching students what the state expects students to know. Students need to learn many things to be successful, but language arts and math are the building blocks for all further learning. NCLB focuses school accountability on the fundamental literacy and math skills that all kids need to learn.

Under NCLB, each state must set a specific score on its tests that indicates whether students at different grade levels are "proficient" in language arts and math.[1] Expecting students to be "proficient" in language arts and math isn't the same as expecting every student to become an expert or to get 100% on the state reading and math tests. Being "proficient" simply means that the student is on grade level. It's another way of saying that the student received a passing score on the state test.

2) States calculate the starting point for AYP.

The goal of NCLB is for all students to be proficient in language arts and math by 2014. But the law doesn't expect that to happen overnight, so it allows states to set a much lower beginning target (for example, 40% of students meeting the standard) and to raise that target incrementally until it reaches 100% by 2014.

The beginning targets need to be set at least as high as **the bigger** of the following two numbers:

- the percent proficient in the lowest performing subgroup of students (low-income students, students with disabilities, students who are limited-English proficient, or students from each major racial and ethnic group); or,
- the percent proficient in the school at the 20th percentile of student enrollment within the state.

Using 2001-02 data, states calculate separate baselines in math and language arts. Chart 1 shows how the calculation might work for elementary reading in a hypothetical state. States can compute one baseline for all grade levels or calculate separate baselines for elementary, middle and high schools.

Chart 1: State Starting Point Calculation

Elementary Reading Assessment Results, 2001-02

State starting point will be the larger of:

State average proficiency by subgroup	
African American	38%
Asian	62%
Latino	39%
Native American	32%
White	64%
Limited English Proficient	25%
Low-income	36%
Special Education	30%

- or -

20th percentile school within state	40%

State Starting Point= 40%

States cannot set separate starting points for different groups of students, however. If the beginning target in a state is that 40% of students must pass the test, then 40% of all groups in a school or district must pass the test. Whether it is a whole school or a particular group of students below the initial target, educators need to focus immediate attention on helping those students.

3) States set specific targets to measure whether all groups of students are making Adequate Yearly Progress in language arts and math.

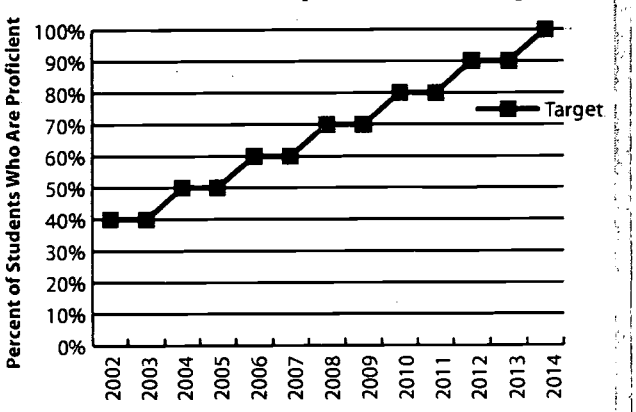
Once the baseline is established, states set targets for increasing the number of students who are proficient over time, culminating with 100% proficient in 2014.

[1]By 2007-08, states must also assess science annually in at least one grade in each of the grade spans: 3-5, 6-9, and 10-12, but it is not part of the accountability system/AYP calculation.

For example, see Chart 2. In the first year, only schools with students or subgroups of students currently below the starting point of 40% fail to make AYP. But as the years progress toward 2014, states are required to periodically increase the target percentage of students meeting proficiency.

The first improvement target needs to occur by 2004-05,

Chart 2: An Example of AYP Targets



and the others must be no more than three years apart. The increases must be in equal increments—a state that starts at 40% in 2001-02 might raise the bar to 50% in 2004, 60% in 2006, 70% in 2008, etc. *These targets must be the same for all schools serving the same grades and for all subgroups of students within schools.*

States also have to set one additional measure of academic progress. For high schools, the additional measure must be the graduation rate. For elementary/middle schools, the state selects the additional measure (many states have chosen to use attendance rates).[2]

State plans for measuring AYP were submitted to the U.S. Department of Education on or before January 31, 2003. Final AYP plans must be approved by the U.S. Department of Education and in place by May 1, 2003, when states also need to provide their starting points and intermediate goals for assessing whether schools and districts have made AYP.

4) States measure the performance of students, schools, and school districts.

Beginning no later than 2005-06, states must assess reading/language arts and math every year in grades 3-8, as well as once in grades 10-12.[3]

"Regular" AYP

Under NCLB, a decision has to be made every year about whether or not a school is meeting the state-established achievement targets described in the section above. To make this determination, states compare the percentage of students in each school who meet proficiency standards—as well as the percentage of students in each subgroup *within* each school—to the statewide goals for the year in question. States also have to measure whether the school met the statewide goal for th additional academic indicator.

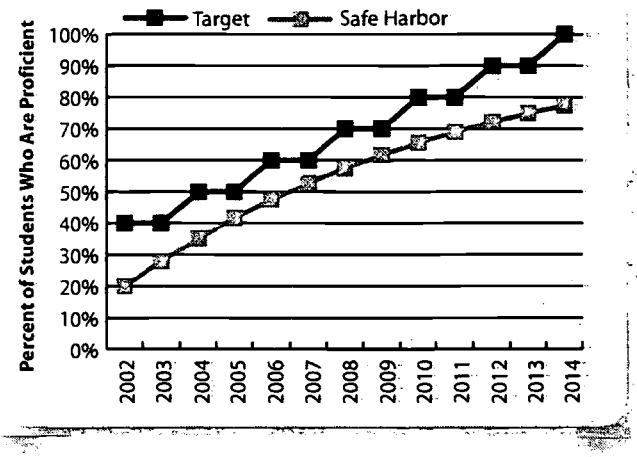
If the school as a whole and each individual subgroup *within* the school meet or exceed the statewide goal in math and language arts and the school met the statewide goal for the additional academic indicator, then the school has met AYP. At least 95% of the students in each subgroup must take the test for the results to be valid.

"Safe Harbor" AYP: Flexibility in Meeting AYP

Even if a school *doesn't* meet the statewide goal in a given year, the school will still make AYP if it reduces the percent of students below proficient by 10% from the previous year (and makes progress on the other academic indicator). Schools can also apply this safe harbor analysis to any subgroup of students that fails to meet the statewide goal.

For example, Chart 3 shows a school where only 20%

Chart 3: How "Safe Harbor" Works



[2]Unlike goals for students reaching proficiency in reading and math, goals for the additional indicator do not need to increase over time.

[3]By 2007-08, states must also assess science annually in at least one grade in each of the grade spans: 3-5, 6-9, and 10-12, but it is not part of the accountability system/AYP calculation.

of low-income students meet proficiency in 2003, meaning that 80% of low-income students *do not* meet proficiency. If the state achievement target for 2004 is 40%, but only 28% of the low-income students are proficient in 2004, the school has missed the 40% target. However, because the percentage of low-income students *not* meeting proficiency declined by 10%, from 80% to 72%, the school made AYP after all (as long as the school or group of students made progress on the other academic indicator).

A school can steadily decrease its percentage of students who are not proficient by 10% every year (as in Chart 3) and always make AYP, even if it never meets the state performance target. This is referred to as the "safe harbor" provision. It ensures that schools will get credit for making significant year-to-year improvement, even if they miss the overall target.

As states work to modify their existing accountability systems to meet NCLB's requirements, more flexibility might be possible. For example, to date the U.S. Department of Education has already approved two state accountability plans (Massachusetts and New York) that build on the "safe harbor" concept by giving additional credit to schools that significantly improve the performance of very low-performing students, even if those students don't quite meet the standard of proficiency.

There are a number of additional provisions in place to ensure that AYP determinations are as fair and accurate as possible. They include:

- **Averaging scores** - States can average scores from the current year with scores from either the previous year or the previous two years when calculating the score that will be compared to the state performance target for the purposes of determining AYP. Schools can also average scores across all grades within a school.
- **Only full-year students** - Schools are only accountable for the performance of students who have been enrolled in the school for at least one full academic year.
- **Minimum number of students for subgroup accountability** - Schools are only accountable for groups that are large enough to reveal "statistically valid and reliable" data; each state has discretion to set the minimum number of students required for subgroup accountability.

5) Steps are taken to help students in schools that do not make AYP.

Once there is a process in place for determining whether schools and school districts are making AYP, states are required to take a variety of steps to help schools that are struggling—that is, consistently *not* making AYP. For schools that receive funds under the federal Title I program, which provides additional funding for the education of low-income students, the following actions must be taken. Below is how it would all play out for a school not making AYP:

- **IN YEAR ONE:** A school is going about its business as usual.
- **IN YEAR TWO:** School finds out that it did not make AYP for the previous school year. Under the law, there are *no consequences* for not making AYP for one year. Schools and districts should use this information to identify areas that need attention and make necessary adjustments, but nothing happens under NCLB.
- **IN YEAR THREE:** If a school fails to make AYP for **two consecutive years**, parents need to be notified and given the option to transfer their children to a higher performing school in the district. Priority needs to be given to the lowest achieving low-income students in that school. Student transfers are paid for with federal funds. Schools must also identify the specific areas that need improvement and work with parents, teachers, and outside experts to develop a plan to raise student achievement.
- **IN YEAR FOUR:** If a school fails to make AYP for another consecutive year, then tutoring and other supplemental educational services must be made available to low-income students at that school. Like student transfers, supplemental services are paid for with federal funds.
- **IN YEAR FIVE: CORRECTIVE ACTION.** If a school does not make AYP for four years, it is identified for "**corrective action.**" Children can continue to transfer to other schools or to receive tutoring and other services. In addition, the district

and school are required to implement at least one, but not necessarily all, of the following corrective actions:

- Replace the school staff who are "relevant to the failure to make AYP."
- Institute a new curriculum, including appropriate professional development.
- "Significantly decrease management authority" at the school level.
- Appoint an outside expert to advise the school.
- Extend the school year or the school day for the school.
- Restructure the school's internal organizational structure.

- **IN YEAR SIX: PLAN FOR RESTRUCTURING.** If the school fails to make AYP for five years, the school must continue corrective action and develop an "alternate governance" plan.

  The "alternate governance" plan must include one of the following:

  - Reopen the school as a public charter school.
  - Replace all or most of the staff responsible for the lack of progress.
  - Enter into a contract with a private company to operate the school.
  - Turn over operation and management of the school to the state.
  - Implement other fundamental reforms approved by the state.

- **IN YEAR SEVEN: RESTRUCTURING.** If a school does not make AYP for six years, the "alternate governance" plan that was developed the previous year must be implemented.

Just as it takes two consecutive years of *not making* AYP to be identified for improvement under NCLB's accountability system, it takes two consecutive years of *making* AYP for a school to no longer be identified as needing improvement. If an identified school makes AYP for one year, it does not proceed to the next level of the improvement process (i.e., offer supplemental services, implement corrective action or restructuring, depending on what level the school was in). If the school makes AYP for a second consecutive year, it is no longer identified as needing improvement. If the school only makes AYP for one year and then fails to make AYP the next, it must continue implementing NCLB's school improvement process.

The steps described above briefly outline what AYP means, and what actions must be taken under NCLB to help schools where students persistently fail to make academic progress.

What AYP *Doesn't* Mean For States, Schools, and Students.

Unfortunately, the AYP provisions of NCLB have generated a number of misconceptions regarding what the law does and does not mean. Here is our attempt to separate the myths from the realities of AYP:

Myth: *States or schools that don't make AYP will be penalized by losing federal funding.*

REALITY: There are no financial penalties in NCLB for schools that fail to make AYP.[5] In fact, the law requires states to set aside a portion of funds received under the federal Title I program to provide *additional* assistance to schools that have been identified for improvement. In 2003, $234 million will be given to states to assist schools in the improvement process. Because of a formula in the law, that amount will more than double in 2004.

A state could jeopardize federal funding for its schools and children if it categorically rejects the goals embodied in NCLB by refusing to implement a system of standards, assessments and accountability. But NCLB doesn't penalize schools for low student achievement—it penalizes states that refuse to *measure* student achievement, hold schools accountable, or help them improve.

Myth: *The federal government will determine whether or not local schools are succeeding.*

REALITY: Student success under NCLB is defined and determined by states, not the federal government. Each state decides what its students need to learn by setting academic standards. Each state decides how to measure its students' success in meeting those standards by developing state-specific tests in areas like reading and math. Each state decides the score students need to reach on those tests to be deemed "proficient" in meeting the

[5]The Congressional Research Service confirmed this to the U.S. House of Representatives Committee on Education and the Workforce in a memorandum dated February 20, 2003.

standards. In determining whether schools and students are making Adequate Yearly Progress, states have a great deal of discretion to define what students need to learn, how well they are learning, and what level of learning constitutes success.

While states set all the substantive standards, NCLB does require them to have a real process in place for identifying schools that are not making AYP, focusing resources and reform efforts on these schools, and communicating with parents about what is happening.

Myth: *AYP penalizes states with high standards and creates incentives for states to lower their standards.*

REALITY: Standards are an expression of what states expect their public school students to know and be able to do after receiving a public education. By now, virtually every state has set standards. And when they did, state leaders loudly claimed that they were for "all" students.

But standards are only meaningful if they are used to measure learning, to set clear goals, to identify schools that need to improve, and to focus additional energy and resources on the schools that have the farthest to go. That's basically what NCLB asks states to do. For if a state has high standards but does not establish a system to ensure that schools are meeting those standards, then they are "high" standards only on paper or in speeches. Children need more than that.

It is possible that some states might lower standards to reduce the number of schools identified for improvement. It is indeed possible that some of them may have overshot—setting standards at a level that students are not really expected to meet. More often, however, discussions about lowering standards reveal a lack of confidence among state leaders that their schools can teach or that their students can learn up to the state standards. Surely, teachers and children deserve more credit than that.

Myth: *AYP is unfair because the number of schools not making AYP varies wildly across states.*

REALITY: Because each state develops its own standards and assessments (and then sets its own cut-score for what constitutes "proficient"), there will always be differences in the numbers of schools identified in different states. Under the prior version of Title I, states had wide discretion in establishing not just the standards and assessments, but the accountability systems, too. Some of the AYP systems developed under the old law were very weak. Others were stronger in identifying schools but weaker in ensuring that meaningful assistance reached those schools.

It is important to note here that the wild variations reported last year in the number of schools that different states identified as "needing improvement" were largely a vestige of the previous federal law, under which states defined their own accountability systems. For example, it was AYP formulas implemented *prior to the enactment of NCLB* that led to more than 1,500 schools failing to make AYP in Michigan, and no schools failing to make AYP in Arkansas, after the 2001-02 school year. As each state now moves to bring all groups of students to proficiency under a common timetable, such differences should diminish somewhat over time.

Myth: *Identifying a school as "needing improvement" means the school is failing:*

REALITY: Nothing in NCLB requires states to label schools that have been identified as "needing improvement" as "failing." Indeed, some schools identified as needing improvement may be succeeding with most students, but not with one group. This is not a "failing" school, but clearly needs to improve.

This also means that some "needs improvement" schools will need more assistance than others. For example, a school that has not met the state target for one group only will likely need different strategies from a school that has not taught any group to state goals.

Myth: *An unreasonably large number of successful schools will be identified as needing improvement.*

REALITY: By measuring school success on a school's lowest-performing group of students, NCLB raises the bar for what it means to be a successful school. NCLB will undoubtedly shed new light on the performance of many schools. Some schools that have traditionally been considered to be successful based on their highest performing students or on school-wide averages will find themselves labeled as "needing improvement" because they are not making progress with particular groups of students.

This is not an unintended consequence of NCLB. Rather, it is one of the main reasons the law was passed. If a so-called "successful" school is identified as "needing improvement," it is because the school is NOT being successful with at least one group of students. Defining success based on *average student progress*—across student groups—has long masked achievement gaps between groups and left the most vulnerable students behind.

Myth: *Schools that educate the most severely disabled students will be penalized under AYP formulas.*

REALITY: All students with disabilities can take assessments that have been modified to accommodate their special needs, as long as the assessments still measure grade-appropriate achievement in reading and math. There are of course some students with disabilities so severe that grade-level tests are not appropriate. The Department of Education proposed a regulation on March 20, 2003, that will allow states and districts to exempt up to 1% of their students from taking grade-level assessments. Individual schools could exceed the 1% limit (for instance, a school that specializes in serving students with disabilities), as long as the district as a whole stayed below the 1% level. States and districts that need to exempt more than 1% of students from grade-level assessments could apply for a waiver.

Putting aside the most severely disabled students, the law envisions most special education students meeting state standards. Given what research shows about the overidentification of students in special education—particularly of minority students—states and districts need to examine their policies to ensure that students with special needs are accurately identified and that they receive the help they need to achieve up to state standards.

Myth: *AYP means that schools must improve test scores every single year to avoid being labeled as needing improvement.*

REALITY: AYP stands for *adequate* yearly progress, not *annual* yearly progress. This language in the law can be misleading, because it implies that every school has to make progress every year in order to make AYP. In fact, if a school makes great gains in one year, only to fall back slightly in the next year, it still makes AYP as long as it stays above the state's target performance level.

For example, take a school in which 40% of students are proficient in 2002. Assume that the state improvement plan specifies that 50% of students must be proficient in 2004. The school makes great improvement in 2003, increasing the number of students who are proficient from 40% to 55%. In 2004, however, performance declines somewhat, to 52%. Does this drop in test scores from 2003 to 2004 mean that the school will be labeled as needing improvement? No, because the school's 52% score in 2004 remains above the state target of 50%.

In addition, to account for fluctuations in test scores, AYP determinations can be made on the basis of two- or three-year rolling averages. In other words, the percent proficient for the school in this example in 2004 could be based on a proficient rate of 53.5%—the average of the most recent two years of test scores.

Moreover, remember that it takes **two consecutive** years of failing to make AYP for a school to be identified as needing to improve. No consequences apply to a school that misses AYP for one year.

Challenges Ahead

AYP is basically a signaling system—it will identify schools that aren't meeting state goals and bring sharper focus to existing achievement gaps. The important next step is to use this data to put into place new practices so that schools will make much-needed progress in raising overall achievement and closing gaps between different groups of students.

The challenge for educators and state policymakers will be to stay the course on AYP when it reveals disturbing deficiencies and disparities, even in schools that the public has believed are just fine. High average scores can no longer substitute for making sure that *all* students get the education they deserve. At the same time, it is imperative to identify the extent to which various schools "need improvement," so that greater resources and attention can be provided to the schools and students that are the farthest from meeting the state's goals.

In the end, holding schools accountable for student learning makes sense only if one believes that schools are capable of raising student achievement, even among very poor children. There is abundant evidence that this is

possible. The Education Trust alone has identified nearly 800 high-poverty and high-minority schools performing in the top third of their states in multiple subjects, at multiple grade levels, for multiple years. These schools, along with some districts and some whole states, are pointing the way. The challenge is to make educational excellence the rule for all students in all schools.

But the belief that these schools are "outliers" is pervasive. It can be heard in the voices of educators who think it's unfair to be judged on the performance of "those" kids and seen in the data that demonstrate schools educating the highest concentrations of poor and minority students get less than their fair share of every important resource, especially high quality teachers.

Until policymakers, practitioners, and the public at large summon the will to provide solid educational opportunities to poor and minority students, AYP determinations will tell us as much about our own prejudices as they tell us about student achievement. To make AYP meaningful, we must dedicate ourselves to providing a high-quality public education to every child.

About The Education Trust

The Education Trust, Inc. was created to promote high academic achievement for all students, at all levels—kindergarten through college. While we know that all schools and colleges could better serve their students, our work focuses on the schools and colleges most often left behind in education improvement effort: those serving Latinos, African American and low-income students.

The Education Trust works side-by-side with policy makers, parents, education professionals, community and business leaders—in cities and towns across the country—who are trying to transform their schools and colleges into institutions that genuinely serve all students. We also share lessons learned in these schools, colleges and communities with policy makers.

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