

State of West Virginia 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)**

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**Steven L. Paine
State Superintendent of Schools**

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STATUS Legend:

F – Final state policy

P – Proposed policy, awaiting State approval

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

1.1 How does the State Accountability System include every public school and LEA in the State?

Every West Virginia public school and Local Education Agency (LEA) will be required to make adequate yearly progress (AYP) and will be included in the State Accountability System, as specified in West Virginia Board of Education Policy 2320.

For the purpose of determining AYP, West Virginia public schools are defined as those elementary and secondary schools established and maintained at public expense through the total basic foundation program/state aid formula outlined in W.Va. Code §18-9A-3 and W.Va. Code §18-9A-12. For the purposes of AYP determination, an elementary school is one that has a grade configuration that may include grades K-4 but does not contain grade 8 or higher. A middle school is a school that does not meet the definition of an elementary school and contains grade 8 but does not contain grade 12. A high school is any school that contains grade 12. The LEA is defined as the county school district.

Students who attend alternative education programs as defined in West Virginia Board of Education Policy 2418 shall be included in the state accountability system by having individual test scores aggregated in the results of the home county school district/school of referral.

The West Virginia Office of Education Performance Audits, through periodic on-site reviews completed at least once every three years, will determine AYP for public schools without grades assessed (i.e., K-2 schools). The performance audit will include a review of informal reading and mathematics student assessment results and will verify compliance with legislation and policies required by the State of West Virginia.

There are approximately 41 small schools in West Virginia that do not have a total of 50 in the tested class levels. For those small schools, Office of Education Performance Audits will determine AYP using the total subgroup only and averaging the scores for the current year tested plus the previous two years in order to make the AYP decision more reliable.

Evidence*:

W.Va. Code §§18-1-2, 18-9A-3 and 18-9A-12

West Virginia Board of Education Policy 2418, <http://wvde.state.wv.us/policies/p2418.html>

West Virginia Board of Education Policy 2320

*Note: A policy citation that does not include a website address is an indication that the policy is under revision.

1.2 How are all public schools and LEAs held to the same criteria when making an AYP determination?

As a Title I compliance agreement state, West Virginia will use its current assessment and accountability system as the basis for development of annual measurable objectives determined by the computations for adequate yearly progress during the transition period of 2002-03 until the state's new assessment and accountability system becomes effective in 2004. The current and revised systems of assessment and accountability are defined in West Virginia Board of Education Policy 2340: *Statewide Assessment System* and proposed Policy 2320: *A Process for Improving Education--Performance Based Accreditation System*.

The Accreditation System Policy 2320, Section 5 includes the state assessment, participation, graduation or attendance accountability standards revised to meet the NCLB federal language. The West Virginia Department of Education uses its current assessment system to identify schools in need of improvement. In terms of accountability, Policy 2320 will propose, during the transition year of 2002-2003 that AYP determination will be based on

- A minimum of 50% of students, in the aggregate and each subgroup, at or above the 3rd quartile in total basic skills on the SAT-9 assessment, or an increasing trend; and no more than 25% of students, in the aggregate and in each subgroup, performing within the 1st quartile in total basic skills on the SAT-9 assessment, or a decreasing trend.
- A minimum of ninety-five percent (95%) of all students at the time of test-taking participating in the statewide assessment (SAT-9 or the Alternate Assessment.)
- A student attendance rate for elementary and middle schools at or above ninety-three percent (93%) or improvement over the rate from the preceding year.
- A student graduation rate for high schools at or above eighty percent (80%) or improvement over the rate from the preceding year.

During the transition from the old assessment system to the new assessment system, the percent of students proficient from the 2002-2003 assessment and the percent of students proficient from the 2003-2004 assessment will be used to continuously identify schools in need of improvement. In the 2003-2004 school year, West Virginia will become fully compliant with NCLB by using all the required indicators and required subgroups for AYP determinations.

All West Virginia public schools and LEAs are systematically judged on the basis of the same criteria when making an AYP determination.

For the purpose of determining AYP, West Virginia public schools are defined as those elementary and secondary schools established and maintained at public expense through the total basic foundation program/state aid formula outlined in W.Va. Code §18-9A-3 and W.Va. Code §18-9A-12. For the purposes of AYP determination, an elementary school is one that has a grade configuration that may include grades K-4 but does not contain grade 8 or higher. A middle school is a school that does not meet the definition of an elementary school and contains grade 8

but does not contain grade 12. A high school is any school that contains grade 12. The LEA is defined as the county school district.

Students who attend alternative education programs as defined in West Virginia Board of Education Policy 2418 shall be included in the state accountability system by having individual test scores aggregated in the results of the home county school district/school of referral.

The West Virginia Office of Education Performance Audits, through periodic on-site reviews completed at least once every three years, will determine AYP for public schools without grades assessed (i.e., K-2 schools). The performance audit will include a review of informal reading and mathematics student assessment results and will verify compliance with legislation and policies required by the State of West Virginia.

All students with disabilities in West Virginia public schools as defined under section 602(3) of the Individuals with Disabilities Education Act (IDEA) amendments of 1997 and West Virginia Board of Education Policy 2419: *Regulations for the Education of Exceptional Students*, will participate in the West Virginia Assessment Program. The Individualized Education Program (IEP) Team will determine how students with disabilities will participate in the statewide assessment program (i.e., West Virginia Educational Standards Test (WESTEST) or West Virginia Alternate Assessment Program) as defined in West Virginia Board of Education Policies 2340 and 2419. The West Virginia Alternate Assessment will yield Reading/Language Arts and Mathematics assessment results for inclusion in AYP determination.

West Virginia has identified five performance levels for the new assessments (WESTEST). WESTEST is comprised of custom-developed assessments that include multiple measures in the areas of reading/language arts, mathematics, science, and social studies. The assessments will be administered in grades 3 through 8 and grade 10.

Students' scores from the West Virginia Alternate Assessment will be aggregated with those from the WESTEST for all students and each subgroup. The following process was developed to aggregate the scores from the West Virginia Alternate Assessment with those from the WESTEST for the school, district, and state results. (See Section 5.3.)

All of the required subgroups, including students with disabilities, who are enrolled in a public school for a full academic year will be included in the performance measures that determine AYP, accreditation status of schools, and the approval status of LEAs. (West Virginia Board Policy 2320: *A Process for Improving Education—Performance Based Accreditation System*, 2003)

Evidence:

W. Va. Code §18-1-2

WV Board of Education Policy 2418, <http://wvde.state.wv.us/policies/p2418.html>

WV Board of Education Policy 2340

WV Board of Education Policy 2320

WV Board of Education Policy 2419, <http://wvde.state.wv.us/policies/p2419.html>

West Virginia's Title I Compliance Agreement and West Virginia's State Consolidated Plan

1.3 Does the State have, at a minimum, a definition of *basic, proficient, and advanced* student achievement levels in reading/language arts and mathematics?

West Virginia has defined five levels of student achievement for the WESTEST: distinguished, above mastery, mastery, partial mastery and novice. A general description of each of these levels is listed below:

- **Distinguished:** Student demonstrates knowledge, comprehension, application, analysis, synthesis, and evaluation of skills, which exceed the standard.
- **Above Mastery:** Student demonstrates knowledge, comprehension, application, and analysis of skills, which exceed the standard.
- **Mastery**:** Student demonstrates knowledge, comprehension, and application of skills, which meet the standard.
- **Partial Mastery:** Student demonstrates knowledge and recall of skills toward meeting the standard.
- **Novice:** Student does not demonstrate knowledge and recall of skills needed to meet the standard.

For each of the content standards in reading and English language arts and mathematics, five levels of performance descriptors have been developed. Mastery Level is the Proficient Level of performance for West Virginia.

All of the WESTEST assessments will be aligned to the content standards and descriptors. There will be two cuts below proficient and two cuts above proficient as per the above-mentioned performance levels. In order to determine achievement levels, the four cut scores will be set on a composite scale using Bookmark methodology. In October 2003, West Virginia will set standards, using the statewide field test as impact data and, if needed, will complete another standard setting on the results of two baseline data years in summer of 2005. For example, the Reading/Language Arts panel will be provided item booklets comprised of reading language arts items ordered by their composite scale score locations. The panel's task will be to find the point on the composite scale score at which the student reaches a given achievement level for the skills defined in the content standards and performance descriptors.

**West Virginia has identified the mastery level as meeting the proficient level specified in *No Child Left Behind*.

Evidence:

WV Board of Education Policy 2510
WV Board of Education Policy 2520.1
WV Board of Education Policy 2520.2
West Virginia Standard Setting Procedure
Request for Proposal for Alignment Study

1.4 How does the State provide accountability and adequate yearly decisions and information in a timely manner?

West Virginia will provide decisions about adequate yearly progress in time for LEAs to implement the required provisions of *No Child Left Behind* before the beginning of the next academic year.

Current West Virginia Board of Education Policy 2340 and W.Va. Code §18-2E-4 requires data input, scoring, and the reporting of results to schools and parents. For the purpose of determining AYP, the West Virginia Department of Education will ensure that results of the State academic assessment will be available to the LEAs in a timely manner. (See chart 1.)

Chart 1. Timeline

Timeline	Activity
Mid-April Test Administration Week (annually)	Statewide Assessment Administration
The week following Test Administration will become the Make-Up Week (annually)	Statewide Assessment Make-Up window
At the end of the testing window (annually)	Collection of information on students enrolled for full academic year
Six to Eight Weeks from Assessment Administration	Assessment vendor required to provide assessment results to the WVDE
July (annually)	Schools receive assessment results
July (annually)	Schools will be notified of preliminary AYP status
No later than the first day of school	LEA notification to parents regarding school choice and supplemental services
No later than thirty days after preliminary identification of Schools/LEAs not meeting AYP (annually)	District/LEA Appeals Process Begins Challenged agency renders final determination in response to appeal

Evidence:

W.Va. Code §18-2E-4

WV Board of Education Policy 2340

WV Board of Education Policy 2320

Right Response Summaries: Student, School, County and State

1.5 Does the State Accountability System produce an annual State Report Card?

West Virginia has published a State Report Card as required by W. Va. Code §18-2E-4 since 1989. Using the existing management information system, a NCLB Report Card for schools and LEAs will be published annually according to No Child Left Behind (NCLB) requirements for state reporting.

The West Virginia Department of Education operates a management information system for all schools and all county boards of education. The system is on-line, is interactive and operates over a privately addressed Intranet. Standard data element definitions and codes are used statewide.

The West Virginia Department of Education collects from school files the information needed for state and federal reporting and decision-making. The enrollment collection contains information about the enrollment of the student attributes such as active special education, limited English proficient (LEP), migrant, grade level, gender, race, free/reduced lunch status, etc. This file is collected three times during the school year for NCLB purposes: mid-October, early February, and May (end of the testing window). Schools are required to verify the data submitted in these files to assure accuracy.

The 2004 West Virginia Report Card will include information, in the aggregate, on student achievement at each proficiency level on the state academic assessment (WESTEST) including the West Virginia Alternate Assessment, disaggregated by (1) all students, (2) race, (3) gender, (4) disability, (5) migrant status, (6) limited English proficiency status, and (7) economically disadvantaged status. After the second year of WESTEST test administration, the report card will include the most recent two-year results in student achievement in reading/language arts and mathematics performance levels. The percent of students not tested, graduation rates for secondary schools, and attendance rates for elementary/middle schools will be reported in aggregate.

The professional qualifications of teachers in the State and the number of such teachers teaching with emergency or provisional credentials will be provided on the State report card. The percent of classes not taught by highly qualified teachers will be disaggregated by high poverty compared to low poverty schools.

The NCLB Report Card will contain information on schools not making AYP according to NCLB, Section 1116. A listing of all schools that failed to make AYP for the year will be reported.

The State Report Card will be published for libraries and schools in print form and will be made available to the public on the West Virginia Department of Education website.

Statewide assessment results are provided to the West Virginia Department of Education in August and the NCLB Report Card will be made available to schools prior to the first day of October. In 2004, the new assessment data will be available for publication in the Report Card and West Virginia will become fully compliant with the NCLB legislation.

While the West Virginia Department of Education is operating under the Title I Compliance Agreement, the Department will report by school, district, and state the following information:

SAT-9 - Total Basic Skills Scores

The percent of students scoring in each quartile for each subgroup for the school

The percent of students scoring in each quartile for each subgroup for the county

The percent of students scoring in each quartile for each subgroup for the state

AYP Determination

Each subgroup will be evaluated to see if the Policy 2320 standard for assessment has been met. An indicator will be indicating whether the school made AYP in all subgroups

Participation Rate

Participation rate for each subgroup will be displayed by subgroup

Additional Indicators

The graduation rate for high schools or the attendance rate for elementary/middle schools will be displayed (not by subgroup)

Teacher Quality

The number of teachers who are not highly qualified in that school

Interpretive Information

In addition to the numbers being reported in the NCLB Report Cards, explanatory/interpretive information will be provided.

WVDE currently produces the WV Report Cards for schools, LEAs, and the state. The requirements of this publication are included in WV Code. By September 2003, WVDE will make a proposal to the State Legislature to modify the requirements of the WV Report Cards so that the NCLB requirements can be incorporated to allow production of a single Report Card serving both purposes. This change will involve getting the parents, the public, business community, and school community involved in the design of the new Report Card.

The first production of the new revised Report Card will be in the fall of 2004, after the administration of the new statewide assessments. This publication will include all that is required by NCLB and the WV Legislature.

Trend data has been a part of the WV Report Card for several years. The trend data for the new assessments will be included as WV administers the test in future years.

Evidence:

West Virginia State Code § 18-2E-4

1.6 How does the State Accountability System include rewards and sanctions for public schools and LEAs?

As a Title I compliance agreement state, West Virginia will use its current assessment and accountability system as the basis for development of annual measurable objectives determined by the computations for adequate yearly progress during the transition period of 2002-03. Beginning in 2003-2004, West Virginia will administer the new assessments to determine AYP for West Virginia school systems. The revised system of assessment is defined in West Virginia Board of Education Policy 2340: *Statewide Assessment System*. Both the current and revised accountability standards are described in proposed Policy 2320: *A Process for Improving Education: Performance Based Accreditation System*.

West Virginia’s current state accountability system is reflected in a state accreditation system that includes rewards and sanctions for public schools and LEAs. The State’s accreditation policy, West Virginia Board of Education Policy 2320, prescribes consequences for schools/LEAs that do not meet accreditation standards. These consequences range from revision of the Unified School Improvement Plan or Unified County Improvement Plan to possible State takeover of the school or LEA. In addition, all Title I public schools are subject to the requirements of section 1116 of NCLB. (See Chart 2: West Virginia School Sanctions; and Chart 3: West Virginia LEA Sanctions.)

Chart 2. West Virginia School Sanctions

West Virginia School Sanctions		
Not Meeting AYP After	State School Policy 2320	Title I School Section 1116
Year 1	Recommend Unified School Improvement Plan revision to address identified deficiencies	Recommend Unified School Improvement Plan and Title I Plan revision to address identified deficiencies
Year 2	Temporary Accreditation Status <ul style="list-style-type: none"> • Revise USIP with improvement date certain (1-5 yrs) • Upgraded to Conditional Status when approved • State will provide assistance 	School Improvement <ul style="list-style-type: none"> • Improvement Plan • 10% of Title I allotment identified for staff development • Technical Assistance (SEA & LEA) • LEA must offer School Choice
Year 3	Continue Conditional Status or be designated as Seriously Impaired if date certain not met <ul style="list-style-type: none"> • State assigns Improvement Consultant Team • State may designate a Distinguished Educator to provide assistance 	School Improvement <ul style="list-style-type: none"> • Previous year sanctions plus • Supplemental Services for eligible students
Year 4	Continue Conditional Status or be designated as Seriously Impaired <ul style="list-style-type: none"> • Schools revise USIP with a date certain • School Choice after 1 year as Seriously Impaired 	School Improvement <ul style="list-style-type: none"> • Previous year sanctions plus • Corrective Action

Chart 2. West Virginia School Sanctions (continued)

Year 5	<p>Seriously Impaired Status</p> <ul style="list-style-type: none"> Required State intervention with a monitor 	<p>School Improvement</p> <ul style="list-style-type: none"> Previous year sanctions plus Develop a plan for Alternative Governance
Year 6	<p>Seriously Impaired Status</p> <ul style="list-style-type: none"> State intervention and control which may include replacing the principal 	<p>School Improvement</p> <ul style="list-style-type: none"> Previous year sanctions plus Implement Alternative Governance Plan

Chart 3. West Virginia LEA Sanctions

West Virginia LEA Sanctions		
Not meeting AYP after	State LEA Policy 2320	Title I LEA Section 1116
Year 1	Recommend Unified County Improvement Plan revision to assist with school improvement	Recommend Unified County Plan and Title I County Plan revision to assist with school improvement
Year 2	Recommend Unified County Improvement Plan revision to assist with school improvement	<p>LEA Improvement</p> <ul style="list-style-type: none"> LEA Two-Year Improvement Plan 10% Of Title I allotment for Staff Development Technical SEA Assistance
Year 3	<p>County placed on Temporary Approval</p> <ul style="list-style-type: none"> Revise UCIP with date certain set for improvement deadline 	<p>LEA Improvement</p> <ul style="list-style-type: none"> Previous Sanctions
Year 4	<p>LEA continues Conditional Approval or is placed on Nonapproval Status if the date certain is not met</p> <ul style="list-style-type: none"> State of Emergency declared (WV Code § 18-2E-5) LEA must pay for monitor of Seriously Impaired schools not meeting date certain 	<p>LEA Improvement</p> <ul style="list-style-type: none"> Corrective Action
Year 5	<p>LEA continues Conditional Approval or placed on Nonapproval</p> <ul style="list-style-type: none"> State intervention at the LEA level possible 	
Year 6	<p>LEA continues Conditional Approval or placed on Nonapproval</p> <ul style="list-style-type: none"> State intervention at the LEA level possible 	

Rewards

Exemplary status is issued to a public school when the measure of the school's student and school performance and progress substantially exceeds the minimal level performance on the standards adopted by the West Virginia Board of Education. The West Virginia Department of Education also recognizes *exemplary programs* in individual schools or LEAs that contribute to outstanding student performance. Title I schools that exceed the West Virginia performance standards are recognized as West Virginia Distinguished Schools.

Evidence:

WV Board of Education Policy 2320

West Virginia Title I Compliance Agreement

West Virginia RFP for Supplemental Services Providers

Approved List of Supplemental Services Providers

West Virginia Office of Education Performance Audits Book of Ratings (Accountability Ratings)

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

2.1 How does the State Accountability System include all students in the State?

All West Virginia public schools and LEAs are systematically judged on the basis of the same criteria when making an AYP determination using data collected through the West Virginia Education Information System (WVEIS). This system is the statewide management system for all public schools and LEA school systems (LEAs). The system provides an on-line interactive Management Information System (MIS) for student management (student information, scheduling, grades, and attendance) and financial applications (financial accounting, payroll, personnel, fixed assets, and warehousing). All public schools and school systems use standard codes and definitions for data entry. The WVDE extracts data for state and federal reporting from these active files. Every student enrolled in the state has a record in WVEIS. Every student in the state has assessment results, which are imported, into the WVEIS data files. This will allow student records to be matched for the determination of AYP.

For the purpose of determining AYP, West Virginia public schools are defined as those elementary and secondary schools established and maintained at public expense through the total basic foundation program/state aid formula outlined in W.Va. Code §19-9A-3 and W.Va. Code §18-9A-12. For the purposes of AYP determination, an elementary school is one that has a grade configuration that may include grades K-4 but does not contain grade 8 or higher. A middle school is a school that does not meet the definition of an elementary school and contains grade 8 but does not contain grade 12. LEA is defined as the county school district. (W. Va. Code § 18-1-2)

For all students in every public school and local education agency (LEA), all data regarding assessment and attendance and/or graduation is collected for each student through the West Virginia Education Information System (WVEIS) and is used for reporting school, district and state accountability results.

Students in alternative education programs as defined in West Virginia Board of Education Policy 2418 are included in the state accountability system by having individual test scores aggregated in the results of the home county school district/school of referral.

The West Virginia Office of Education Performance Audits, through periodic on-site reviews completed at least once every three years, will determine AYP for public schools without grades assessed (i.e., K-2 schools). The performance audit will include a review of informal reading and mathematics student assessment results and will verify compliance with legislation and policies required by the State of West Virginia.

All students with disabilities in West Virginia public schools as defined under section 602(3) of the Individuals with Disabilities Education Act (IDEA) amendments of 1997 and West Virginia Board of Education Policy 2419: *Regulations for the Education of Exceptional Students*, will participate in the West Virginia Assessment Program. The Individualized Education Program (IEP) Team will determine how students with disabilities will participate in the statewide assessment program (i.e., WESTEST or West Virginia Alternate Assessment Program) as

defined in West Virginia Board of Education Policies 2340 and 2419. The West Virginia Alternate Assessment will yield Reading/Language Arts and Mathematics assessment results for inclusion in AYP determination.

All students with limited English proficiency in West Virginia public schools are required to participate in the West Virginia Statewide Assessment Program (West Virginia Board of Education Policy 2340: *The Statewide Assessment Program*.) Limited English Proficiency (LEP), when used with reference to individuals, means (a) individuals who were not born in the United States or whose native language is a language other than English; (b) individuals who come from environments where a language other than English is dominant; and (c) individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English. **For purposes of making AYP determinations, West Virginia will count the scores of former LEP students in the LEP subgroup for two years after those students are no longer considered to be LEP.** For accountability purposes, West Virginia State Board Policy 2320: *A Process for Improving Education--Performance Based Accreditation System* outlines the inclusion of all students with limited English proficiency (LEP) who have attended a school for a full academic year.

All of the required subgroups, including students with limited English proficiency, who are enrolled in a school for a full academic year will be included in the performance level measures that determine AYP, accreditation status of schools, and the approval status of LEAs.

West Virginia will grant participation rate exemptions for students with a significant medical emergency.

Evidence:

W. Va. Code § 18-1-2

West Virginia Board of Education Policy 2320

West Virginia Board of Education Policy 2340

West Virginia Board of Education Policy 2419, <http://wvde.state.wv.us/policies/p2419.html>

2.2 How does the State define “full academic year” for identifying students in AYP decisions?

The following definition of students to be included in the accountability system through the completion of a full academic year has been developed by a statewide committee appointed by the West Virginia Board of Education and will be inserted in Policy 2320:

For inclusion in AYP determination

A student who is enrolled continuously in that school from the fifth instructional day of school to the spring testing window will be included when determining if the school has made adequate yearly progress. A student is continuously enrolled if s/he has not transferred or dropped out of that school. A student who is enrolled continuously in the LEA from the fifth instructional day of school to the spring testing window will be included when determining if the LEA has made adequate yearly progress. A student who is enrolled continuously in the state from the fifth instructional day of school to the spring testing window will be included when determining if the state has made adequate yearly progress.

For the state and each LEA, and school to make AYP, 95% of the students enrolled **at the time of testing** in each subgroup must be assessed, as specified in Policy 2320.

Evidence:

W.Va. Code §§18-2E-1, 18-2E-1a, 18-2E-8 (c)(1)

WV Board of Education Policy 2340

WV Board of Education Policy 2320

WV Board of Education Policy 2510

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?

The following definition of students to be included in the accountability system through the completion of a full academic year has been developed by a statewide committee appointed by the West Virginia Board of Education and will be inserted in Policy 2320:

For inclusion in AYP determination

All **schools, LEAs and the State** are held accountable **for** the AYP indicators:

A student who is enrolled continuously in that school from **the fifth instructional day of school to the spring testing window** will be included when determining if the school has made adequate yearly progress.

A student who is enrolled continuously in the LEA district from **the fifth instructional day of school to the spring testing window** will be included when determining if the LEA has made adequate yearly progress.

A student who is enrolled continuously in the state from **the fifth instructional day of school to the spring testing window** will be included when determining if the state has made adequate yearly progress.

Additionally, a student is continuously enrolled if s/he has not transferred or dropped out of that school. Students who are serving suspensions/expulsions are still considered to be enrolled students.

Beginning July 1, 2003, every student enrolled in West Virginia public schools will be given a unique identification number that will not change as long as the student is enrolled in West Virginia public schools. The West Virginia Education Information System (WVEIS) will use the unique student identification numbers to track student enrollment and student achievement over time. Students not continuously enrolled for a full academic year at the school level will be included in the determination for AYP at the local and state accountability levels. All students not enrolled for the full academic year at the school level will be tracked by the unique identification number used by WVEIS.

Evidence:

WV Board of Education Policy 2320

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.

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 school year?

West Virginia’s definition of adequate yearly progress (AYP) requires all students to be proficient in reading/language arts and mathematics by the end of the 2013-14 school year and requires all students and each subgroup to be held accountable to meet all of the academic indicators used to measure AYP (percent proficient in reading/language arts and mathematics; percent of participation in the assessments; graduation rate for secondary schools; and attendance rate for elementary and middle schools.) (See Chart 4.)

The West Virginia definition of AYP will be submitted to the West Virginia State Board of Education in January 2003, for submittal approval to the United States Department of Education.

Chart 4. Accountability Subgroups and Academic Indicators

	Academic Indicators		Participation Rate		Graduation/Attendance Rate *
	Reading/LA % Meeting Standard	Mathematics % Meeting Standard	Reading/LA	Mathematics	
All Students					
Economically Disadvantaged					
R/E White					
R/E Black					
R/E Hispanic					
R/E Asian					
R/E Am. Indian/Alaskan					
Students with Disabilities					
LEP Students					

* The school/LEA will not be required to disaggregate graduation rate and attendance rate data into the subgroups for accountability unless the school /LEA is using the “Safe Harbor” provision to meet AYP.

All subgroups identified in Chart 4 will be held accountable to the academic indicators of reading/language arts and mathematics. West Virginia’s Compliance Agreement with the United States Department of Education outlines a ten-year timeline for public schools to reach the goal of 100% of students proficient in reading/language arts and mathematics by the end of the 2013-14 school year. Annual intermediate goals **have been** established, beginning in the school year 2005–06, to assure increases in the percent of students proficient in reading/language arts and math over the next eight years.

As West Virginia defines annual intermediate goals, the first increase **has been established in spring of 2007. The trajectories provide** annual incremental increases to assure that West Virginia public schools and districts meet the goal of 100% proficiency in 2013-14.

The development of intermediate goals includes the following assumptions for West Virginia:

- 1) Calculate the starting point for determining AYP based on 2003-04 assessment data that follows the recommendations of the United States Department of Education. (See Chart 6 in this document.) This percent will serve as the standard for AYP for the 2003-04 school year.
- 2) Recalculate the starting point, using the average of two years of assessment data (2003-04 and 2004-05) for reading/language arts and mathematics. This will serve as the AYP standard for the 2004-05 school year. These averages will be used to determine intermediate goals and annual measurable objectives by grade configuration for the next eight years.

In the summer of 2005, elementary, middle and high school grade span starting points **were** established from two years of baseline data to determine the state-level projections for intermediate goals and annual measurable for reading/language arts and mathematics through 2014. The goals and objectives **were** set separately for reading/language arts and mathematics. Additionally, the goals and objectives may be different for each grade configuration. **The annual measurable objectives are defined in Section 3.2b and the intermediate goals are defined in 3.2c. These objectives and goals** will assure that all students will reach the proficient level of performance by 2013-2014.

GROWTH OBJECTIVE (“Safe Harbor” Provision)

If any student sub-groups do not meet or exceed the state annual measurable objectives, the public school or LEA may be considered to have met AYP if the percent of students in the non-proficient subgroup:

- 1) Decreased by 10% on the reading/language arts and mathematics indicators from the preceding school year, and
- 2) Made progress on one or more of the other indicators, or is at/above the target goal for that indicator.

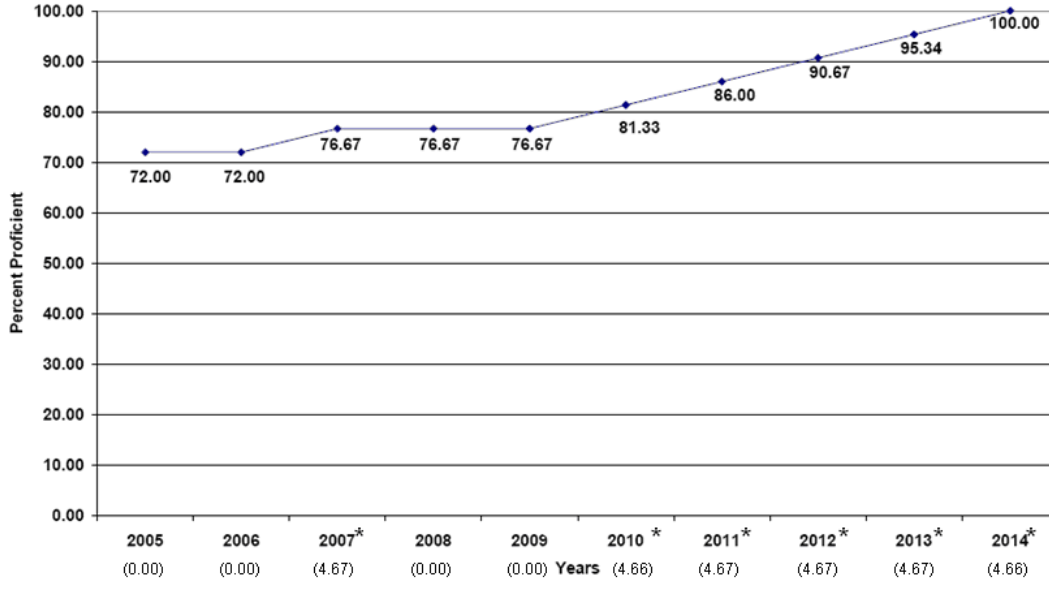
West Virginia’s assessment window includes ten school calendar days. The first week of the testing window is considered the test administration window and the second week is considered the make-up window.

The following six (6) West Virginia trajectories were calculated using the process outlined in Chart 6 (page 26) in this document.

- **The first three (3) trajectories provide the percentage of progress required in reading for elementary, middle and secondary schools by intermediate goals and annual measurable objectives.**
- **The next three (3) trajectories provide the percentage of progress required in mathematics for elementary, middle and secondary schools by intermediate goals and annual measurable objectives**

West Virginia Achieves

Annual Measurable Objectives for Elementary School Reading

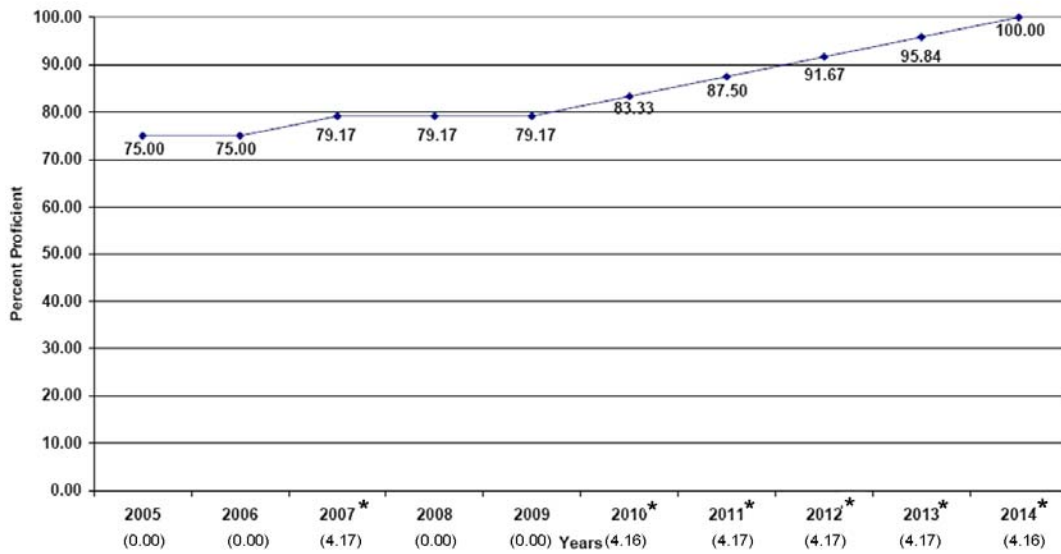


*Intermediate Goal

() indicates AYP as defined by the West Virginia Department of Education

West Virginia Achieves

Annual Measurable Objectives for Middle School Reading

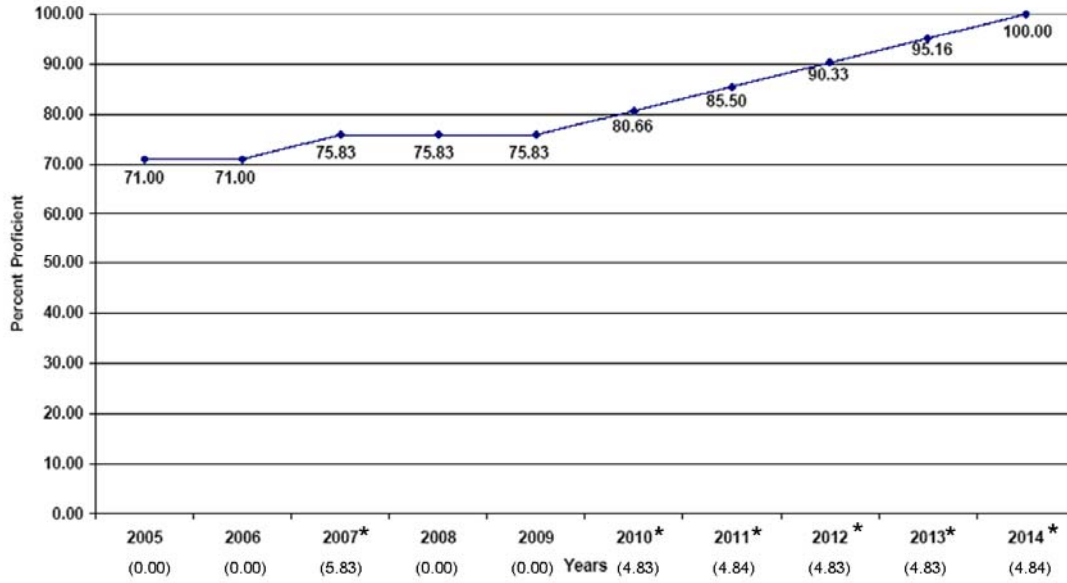


*Intermediate Goal

() indicates AYP as defined by the West Virginia Department of Education

West Virginia Achieves

Annual Measurable Objectives for Secondary School Reading

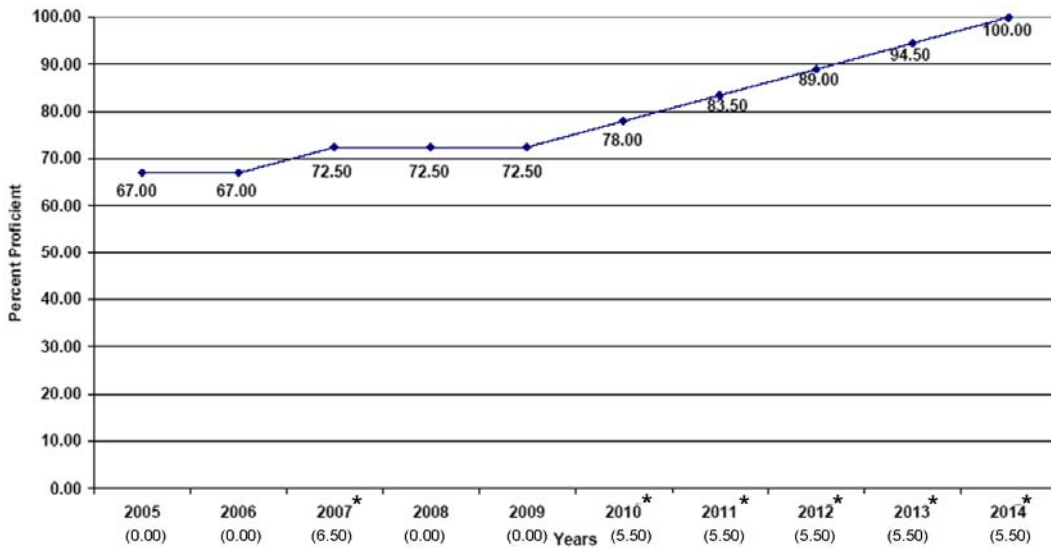


*Intermediate Goal

() indicates AYP as defined by the West Virginia Department of Education

West Virginia Achieves

Annual Measurable Objectives for Elementary School Math

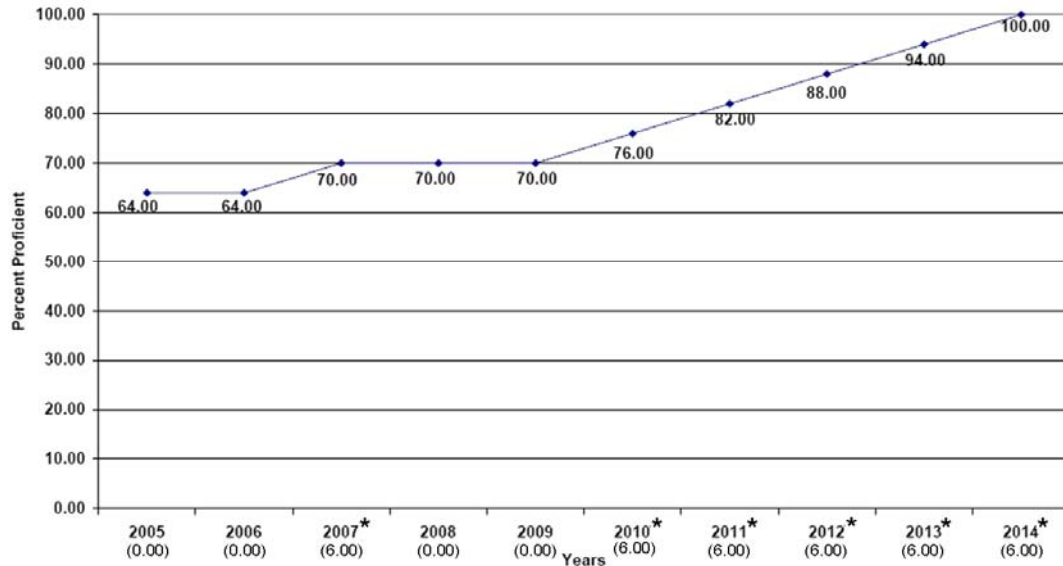


*Intermediate Goal

() indicates AYP as defined by the West Virginia Department of Education

West Virginia Achieves

Annual Measurable Objectives For Middle School Math

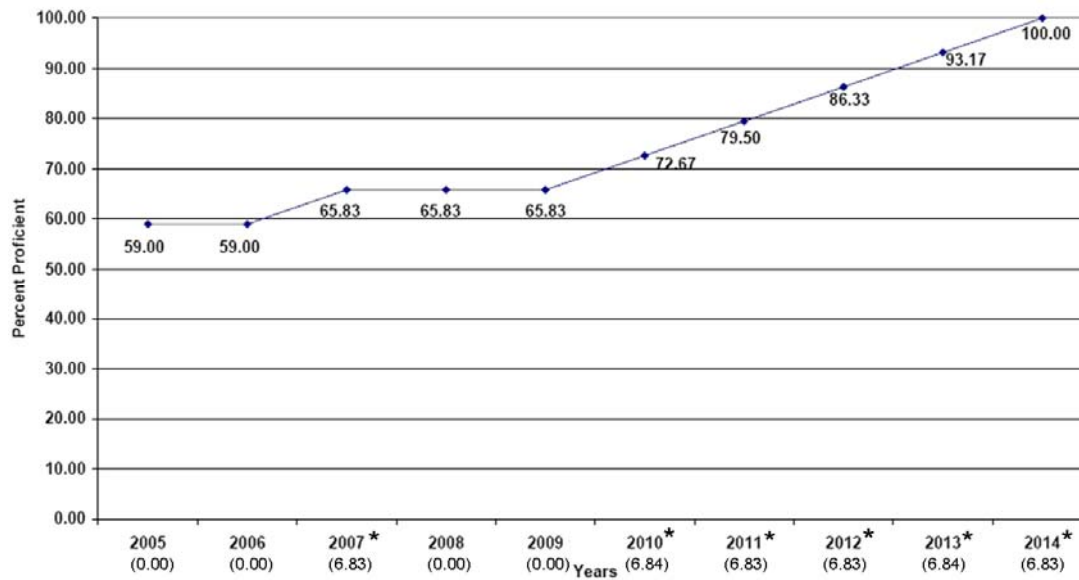


*Intermediate Goal

() indicates AYP as defined by the West Virginia Department of Education

West Virginia Achieves

Annual Measurable Objectives for Secondary School Math



*Intermediate Goal

() indicates AYP as defined by the West Virginia Department of Education

Evidence:

West Virginia Board of Education Policy 2340

West Virginia's Request For Proposal for the Statewide Assessment Program (Executive Summary)

West Virginia's Title I Compliance Agreement

West Virginia's State Consolidated Plan

West Virginia's Statewide Assessment Schedule

3.2 How does the State Accountability System determine whether each student subgroup, public school and LEA makes AYP?

West Virginia’s State Accountability System bases its annual determination of whether each subgroup, public school and LEA makes AYP on the achievement of all students, including these subgroups: economically disadvantaged, racial/ethnic, students with disabilities, and limited English proficient. West Virginia’s AYP calculation also incorporates the other academic indicators of graduation rate (for secondary schools) and attendance rate (for elementary and middle schools). (See Chart 4.)

(NOTE: For accountability purposes, the school or LEA will not be required to disaggregate graduation rate and attendance rate data into the subgroups unless the school or LEA is using the “Safe Harbor” provision to meet AYP.)

West Virginia will use a decreasing trend calculation under the “Safe Harbor” provision to identify schools that failed to meet AYP by the method outlined in Chart 5. A West Virginia public school or LEA may be considered to have made AYP if the percent of students in the non-proficient subgroup:

- 1) Decreased by 10% from the preceding school year, and
- 2) Made progress on the other academic indicators, or is at/above the target for that academic indicator, and
- 3) Attained a 95% participation rate.

Chart 5. “Safe Harbor” Provision for AYP Determination with Accountability Subgroups and Indicators

	Academic Indicators		Participation Rate		Graduation/Attendance Rate*
	Reading/LA % Meeting Standard	Mathematics % Meeting Standard	Reading/LA	Mathematics	
	Decrease by 10% that percent of students from the preceding year in the school	Decrease by 10% that percent of students from the preceding year in the school	Attained a 95% Participation Rate	Attained a 95% Participation Rate	Meets or shows progress toward this indicator by that sub-group
All Students					
Economically Disadvantaged					
R/E White					
R/E Black					
R/E Hispanic					
R/E Asian					
R/E Am. Indian/Alaskan					
Students with Disabilities					
LEP Students					

*The school/LEA will not be required to disaggregate graduation rate and attendance rate data into the subgroups for accountability unless the school/LEA is using the “Safe Harbor” provision to meet AYP.

Uniform averaging procedure

West Virginia will use a uniform averaging procedure for both grades and years. West Virginia will average the percent proficient across grades within a school and district to determine AYP. The percent proficient will be calculated based on the number of tested students that were enrolled for a full academic year. The mean percent will be calculated separately for reading and mathematics. In 2005, West Virginia will average the most recent two years of test scores (including the most recent year's scores) and compare the results to the current year's test scores. The higher score will be used to determine the district/school AYP status. Beginning in 2006, West Virginia will average the most recent three years of test scores (including the most recent year's scores) and compare the results to the current year's test scores. The higher score will be used to determine the district/school AYP status.

Safe harbor provision

In 2005, West Virginia will average the most recent two years of test scores (including the most recent year's scores) and compare the results to the current year's test scores. The higher score will be used to determine whether the school or district achieved the ten percent reduction in the number of non-proficient students from the previous year. Beginning in 2006, West Virginia will average the most recent three years of test scores (including the most recent year's scores) and compare the results to the current year's test scores. The higher score will be used to determine whether the school or district achieved the ten percent reduction in the number of non-proficient students from the previous year.

Confidence interval

WVDE will apply a confidence interval of 99% to reading/English language arts and mathematics assessment results for all subgroups to make final decisions for AYP determinations in years 2003-2004 through 2013-2014. The use of confidence intervals is not applied to safe harbor calculations.

West Virginia's data collection system, the West Virginia Education Information System (WVEIS), collects student, school, and LEA data by unique identifiers and generates aggregate school, LEA and state report cards by the different subgroups for assessment scores, participation rates, graduation rate or attendance rate, gender and migrant status.

Evidence:

W.Va. Code §18-2E-4

West Virginia Board of Education Policy 2340

West Virginia Board of Education Policy 2320

3.2a What is the State's starting point for calculating Adequate Yearly Progress?

Starting in the 2003–04 school year, West Virginia will set separate starting points for reading/language arts and mathematics for public schools by elementary, middle and high school grade spans, with the goal of having a common starting point statewide for all public schools with similar grade configurations based on WESTEST and WV Alternate Assessment results. The starting points calculated based on 2004 assessment data will serve as the AYP standard for 2003-2004. West Virginia will recalculate the starting point, using the average of two years of assessment data (2003-04 and 2004-05) for reading/language arts and mathematics. This will serve as the AYP standard for the 2004-05 school year. These averages will be used to determine intermediate goals and annual measurable objectives by grade configuration for the next eight years.

Chart 6. Calculating the Starting Point for AYP

Rank all West Virginia public schools in order according to the percent of students who scored at the proficient level or above in reading/language arts in spring, 2004. West Virginia will calculate different starting points for public elementary, middle and high schools. The same process is used to calculate the starting point for mathematics. (In Steps 1 through 5, references are made to Chart 6a, Example A, found on the following page.)

1. In a chart similar to Example A, record the total students in the enrollment records for each school after they have been ordered based on the percent of students who scored at the proficient level or above.
2. Beginning with the school with the smallest percent of proficient students in reading/language arts, calculate the cumulative enrollment. Referring to Example A, the cumulative enrollment for School X is 397 {200 (School Z) + 65 (School Y) + 132 (School X)}.
3. Multiply the total student enrollment for West Virginia public schools (top cumulative enrollment number) by 20 percent (.20) to find 20 percent of the total student enrollment. In the example, 20 percent of 1619 is 323.8. Rounding yields 324.
4. Count up from the school with the smallest percent of students proficient in reading/language arts to identify the public schools whose combined school populations represent 20 percent of the total student enrollment (cumulative enrollment). From Example A, 20 percent of the total student enrollment is 324. To reach this number, the student populations from School X, School Y, and School Z are combined.
5. Use the largest percent of students who scored at the proficient level in reading/language arts and mathematics from the public schools identified in Step 4. This percent is the minimum starting point for reading/language arts and mathematics. In Chart 6a, Example A, the minimum starting point is 30 percent (the percent of proficient students at School X).

Chart 6a. Example A

School Name	Percent of Students Proficient in Reading/Language Arts	Total students in enrollment records	Cumulative enrollment
School A	54 %	235	1619 (1384 + 235)
School B	40 %	400	1384 (984 + 400)
School W	38 %	587	984 (397 + 587)
School X	30 %	132	397 (265 + 132)
School Y	29 %	65	265 (200 + 65)
School Z	20 %	200	200

West Virginia's definition of Adequate Yearly Progress:

- 1) Percent of students meeting or exceeding the State's proficient level
- 2) Separate starting points for reading/language arts and mathematics by elementary, middle and high school grade spans
- 3) Intermediate goals
- 4) Annual objectives

Each intermediate goal will reflect annual measurable objectives based on state performance as defined in the federal legislation. Additionally, the school growth ("Safe Harbor" provision described in Section 3.1) calculation will be applied if the school or LEA did not meet AYP state annual objectives. The intermediate goals and annual objectives established by West Virginia will guide public schools in reaching the target goal of 100% proficiency by the end of the 2013-14 school year.

Evidence:

West Virginia Board of Education Policy 2340

West Virginia Board of Education Policy 2320

West Virginia's Calculations of Starting Points (when Spring 2004 assessment data is available)

3.2b What are the State’s annual measurable objectives for determining adequate yearly progress?

West Virginia **has** established annual intermediate goals/objectives for reading/language arts and mathematics for elementary, middle and high school grade configurations. These goals/objectives identify a single percent of students who must annually meet or exceed the proficient level of performance on the West Virginia Educational Standards Test (WESTEST) or the West Virginia Alternate Assessment.

Beginning in 2004-05, West Virginia **determined** annual intermediate goals/objectives separately for reading/language arts and mathematics. The annual intermediate goals/objectives will be used to determine AYP and serve as a guide to public schools in reaching the target goal by the end of the 2013-14 school year. These goals/objectives are the same for all public schools and LEAs for each grade configuration. The goals/objectives may be the same for more than one year. West Virginia **determined** these goals/objectives in 2004-05, and use them to determine AYP each school and LEA by each student subgroup through 2013-14. (Refer to Section 3.1.)

West Virginia has identified annual measurable objectives 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. The State’s annual measurable objectives ensure that all students meet or exceed the State’s proficient level of academic achievement within the timeline. The annual measurable objectives are the same throughout the State for each public school, each LEA, and each subgroup of students. West Virginia WESTEST Annual Measurable Objectives for 2006-2014 are as follows:

Year	Elementary Reading	Middle School Reading	High School Reading	Elementary Mathematics	Middle School Mathematics	High School Mathematics
2006	72.00	75.00	71.00	67.00	64.00	59.00
2007	76.67	79.17	75.83	72.50	70.00	65.83
2008	76.67	79.17	75.83	72.50	70.00	65.83
2009	76.67	79.17	75.83	72.50	70.00	65.83
2010	81.33	83.33	80.66	78.00	76.00	72.67
2011	86.00	87.50	85.50	83.50	82.00	79.50
2012	90.67	91.67	90.33	89.00	88.00	86.33
2013	95.34	95.84	95.16	94.50	94.00	93.17
2014	100.00	100.00	100.00	100.00	100.00	100.00

Evidence:

West Virginia Board of Education Policy 2320
 West Virginia Board of Education Policy 2340

3.2c What are the State’s intermediate goals for determining adequate yearly progress?

West Virginia **has** set annual objectives and intermediate goals for three grade configurations (elementary, middle, and high school.) The intermediate goals increase in equal increments toward the goal of having 100% of students proficient in 2013-14.

West Virginia’s intermediate goals will assist schools and LEAs in determining the annual measurable growth objectives. These objectives define the percent of students necessary for 100% of the students to meet or exceed the proficient performance level by 2013-14. West Virginia **determined** the goals in 2004-05, and **will** apply these goals to each school and LEA by subgroups to determine AYP status. Additionally, the “Safe Harbor” provision may be applied to meet AYP in West Virginia.

West Virginia has identified intermediate goals consistent with the identified annual measurable objectives and the State’s definition of adequate yearly progress. West Virginia WESTEST Intermediate Goals for 2006-2014 are as follows:

Subject	Grade Span	Starting Point	Intermediate Goals for six Incremental Increases in years 2007, 2010, 2011, 2012, 2013, 2014
Reading	Elementary	72	4.667
	Middle School	75	4.167
	High School	71	4.833
Mathematics	Elementary	67	5.500
	Middle School	64	6.000
	High School	59	6.833

West Virginia has identified intermediate goals consistent with the identified annual measurable objectives and the State’s definition of adequate yearly progress.

“Safe Harbor” Provision: If any student subgroups do not meet the state annual measurable objectives, the public school or LEA may be considered to have met AYP if the percent of students in the non-proficient subgroup:

- 1) Decreased by 10% on the reading/language arts and mathematics indicators from the preceding school year, and
- 2) Made progress on one or more of the other indicators, or is at/above the target goal for that indicator, and
- 3) Attained a 95% participation rate.

Example of Safe Harbor provision: If 70% of the students in a subgroup are not proficient in the first year, then the non-proficient subgroup must decrease the percent of non-proficient students by 7% (10 % of 70 %) when compared to the preceding year.

Evidence:

West Virginia Board of Education Policy 2320

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

4.1 How does the State Accountability System make an annual determination of whether each public school and LEA in the State makes AYP?

West Virginia currently makes annual determinations of AYP for all public schools and will include the LEA in the AYP accountability system in 2004. West Virginia Code requires that the West Virginia Department of Education publish a report of school, LEA and state performance annually. West Virginia State Code §18-2E-5 and West Virginia Board of Education Policy 2320 require annual decisions regarding school performance before the beginning of each school year. All required AYP decisions for each public school and LEA will be made annually.

Information used for AYP determination includes:

- the proficiency status of each student tested in the state based on the assessment results for the student. (Each student will have a total mathematics and a total reading/language arts score and students' proficiency will be determined for each test as provided by the testing company contracted to score and report test results.)
- whether each student has completed a full academic year at the school, LEA, or state level as determined by a comparison of the roster of students enrolled by the **fifth instructional day of school** who were continuously enrolled through the testing window in May (West Virginia students are continuously enrolled if they have not transferred or dropped out of school. All other situations constitute enrollment.)
- the number of students enrolled for a full academic year determined by comparing the number of continuously enrolled students with the number of tested students
- the percent of students enrolled for a full academic year
- the graduation rate for public high schools as determined by the formula indicated in Section 7.1 with information coming from the current Tenth Month Enrollment Report (June) and prior year dropout reports (by student)
- the attendance rate for public elementary and middle schools as determined by the Tenth Month Attendance register collection
- disaggregated test results, percent tested, graduation rate, and attendance rate across the required subgroups

All required subgroups will be identified based on subgroup membership indicated in the May enrollment collection. West Virginia will notify schools/LEAs of any subgroup that initially does not meet AYP in one year on any indicator (i.e., reading/language arts, mathematics, participation rate, attendance rate, or graduation rate); however, if that school/LEA successfully meets AYP for that same indicator the following year, that school/LEA will be considered to have met the AYP standard and will not be identified for school improvement. This approach will reduce the error of falsely identifying schools in need of improvement.

Each school, LEA and sub-group will be required to meet the annual objectives and intermediate goals. Each school and LEA, including all subgroups, will be required to meet the 95% assessment participation rate indicator.

West Virginia will establish a statewide starting point for the graduation rate indicator (for secondary schools) and the attendance rate indicator (for elementary and middle schools). West Virginia will apply a growth standard to public schools that did not meet or exceed the starting points for graduation or attendance. (See Principle 7.)

Public schools will be accountable for all students who have been enrolled in the school for a full academic year. The LEA is accountable for all students who have been enrolled for a full academic year in that LEA. The SEA is accountable for all students who have been enrolled for a full academic year in that state. (See Section 2.2.)

The decision about whether a school has made AYP is currently the responsibility of the Office of Education Performance Audits (OEPA), under the direction of the West Virginia Board of Education. All accountability decisions will be based on the information collected by the West Virginia Department of Education through its education information system and database, WVEIS, and using the following electronic collections:

- May Enrollment of Students
- Tenth Month Enrollment Report (June)
- Total Year Student Registration Record
- Assessment Results by Student

Evidence:

West Virginia State Code §18-2E-5

West Virginia Board of Education Policy 2320

West Virginia Office of Education Performance Audits Book of Ratings (Accountability Ratings)

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

5.1 How does the definition of adequate yearly progress include all the required student subgroups?

West Virginia’s definition of AYP includes measuring and reporting the achievement of subgroups of students by the indicators and subgroups that appear in Chart 7 (Accountability Subgroups and Academic Indicators). Currently, West Virginia reports school, LEA, and state performance by the required student subgroups. This report card can be viewed at the West Virginia Department of Education website at <http://wveis.k12.wv.us/nclb/>.

Chart 7. Accountability Subgroups and Academic Indicators

	Academic Indicators		Participation Rate		Graduation/Attendance Rate*
	Reading/LA % Meeting Standard	Mathematics % Meeting Standard	Reading/LA	Mathematics	
All Students					
Economically Disadvantaged					
R/E White					
R/E Black					
R/E Hispanic					
R/E Asian					
R/E American Indian/Alaskan					
Students with Disabilities					
LEP Students					

* The school/LEA will not be required to disaggregate graduation rate and attendance rate data into the subgroups for accountability unless the school /LEA is using the “Safe Harbor” provision to meet AYP.

West Virginia’s definition of adequate yearly progress (AYP) requires all student subgroups to be proficient in reading/language arts and mathematics by the end of the 2013-14 school year. West Virginia has a 10-year timeline (according to the West Virginia Title I Compliance Agreement) by which all students reach proficient levels of performance. (See Section 3.1.)

West Virginia has a data collection system (WVEIS) that maintains all student, school, LEA, and state data. This data is disaggregated and reported for all schools, LEAs, and the state.

Evidence:

<http://wveis.k12.wv.us/nclb/>

5.2 How are public schools and LEAs held accountable for the progress of student subgroups in the determination of adequate yearly progress?

Using the West Virginia Education Information System, West Virginia can match student enrollment data with test results and with the other indicators to determine AYP for all required subgroups. Both school and LEA determinations of AYP are computed in this system. Each subgroup within the school or LEA must meet the objective for each indicator in order to make AYP.

West Virginia uses a uniform averaging procedure across grade levels in a school or LEA or the State to produce a single assessment score for reading/language arts and a single assessment score for mathematics. Using this data, the West Virginia Department of Education will determine the starting points by three grade configurations: elementary, middle and high school. Beginning in 2005, starting points will determine intermediate goals and annual measurable objectives for schools at those grade configurations. (See Section 3.1.) Additionally, West Virginia will apply the 95% participation rate, graduation rate, and attendance rate to student subgroups to complete the determination of AYP.

West Virginia will notify schools/LEAs of any subgroup that initially does not meet AYP in one year on any indicator (i.e., reading/language arts, mathematics, participation rate, attendance rate, or graduation rate); however, if that school/LEA successfully meets AYP for that same indicator the following year, that school/LEA will be considered to have met the AYP standard and will not be identified for school improvement. This approach will reduce the error of false identification of schools in need of improvement based on that standard.

The West Virginia Report Card will chart the progress of all groups of students and the status of each group in relation to annual measurable objectives based on the percent of students at the proficient level for reading/language arts and mathematics, the participation rate and the other academic indicators. The West Virginia Department of Education will provide an accountability report card by the end of September of each year for state, LEA, and school results that reflects this assumption.

Evidence:

West Virginia Board of Education Policy 2320

5.3 How are students with disabilities included in the State’s definition of adequate yearly progress?

All students with disabilities in West Virginia public schools are required to participate in the West Virginia Statewide Assessment Program as defined under section 602(3) of IDEA and West Virginia Board of Education Policies 2419 and 2340. West Virginia State Board Policy 2320: *A Process for Improving Education Performance Based Accreditation System* also outlines the inclusion of all students with disabilities who have been enrolled in a school for a full academic year in the accountability formula. Students with disabilities participate either in the WESTEST or in the West Virginia Alternate Assessment. The results of the students with disabilities will be included in all AYP determinations.

West Virginia will notify schools/LEAs of the student with disabilities sub group that initially does not meet AYP in one year on any indicator (i.e., reading/language arts, mathematics, participation rate, attendance rate, or graduation rate); however, if that school/LEA successfully meets AYP for that same indicator the following year, that school/LEA will be considered to have met the AYP standard and will not be identified for school improvement based on that standard.

West Virginia has identified five performance levels for the new assessments (WESTEST). WESTEST is comprised of custom-developed assessments that include multiple measures aligned to the content areas of reading/language arts, mathematics, science, and social studies. The Alternate Assessment to the WESTEST is aligned with the state-adopted academic content standards and results are reported using **alternate** academic achievement (or performance) standards for grades 3 to 8 and 10. The assessments will be administered in grades 3 through 8 and grade 10. All students are assessed at the grade at which they are enrolled and results are provided for all students at the grade at which they are enrolled. The percent of student scores in the Alternate Assessment to the WESTEST, counted as proficient or above in determining AYP, will not exceed 1% of all students in the grades assessed at the district and the State levels.

Students’ scores from the West Virginia Alternate Assessment will be aggregated with those from the WESTEST for all students and each subgroup. The following process will be used to aggregate the scores from the West Virginia Alternate Assessment with those from the WESTEST for the school, district, and state results. Two performance levels for the West Virginia Alternate Assessment are at **Mastery** and above.

- The number of students scoring at the **Awareness** performance level on the Alternate Assessment will be added to the number of students scoring within the **Novice** performance level of the WESTEST.
- The number of students scoring at the **Progressing** performance level on the Alternate Assessment will be added to the number of students scoring within the **Partial Mastery** performance level of the WESTEST.
- The number of students scoring at the **Competent** performance level on the Alternate Assessment will be added to the number of students scoring within the **Mastery** performance level of the WESTEST.

- The number of students scoring at the **Generalized** performance level on the Alternate Assessment will be added to the number of students scoring within the **Above Mastery** performance level of the WESTEST.

All of the required subgroups, including students with disabilities, who are enrolled in a school for a full academic year will be included in the performance measures that determine AYP, accreditation status of schools, and the approval status of LEAs. (West Virginia Board Policy 2320: *A Process for Improving Education—Performance Based Accreditation System*, 2003) West Virginia will calculate a proxy to determine the percentage of special education students (as defined in the Individuals with Disabilities Education Act) that is equivalent to 2.0 percent of all students assessed. For the year 2005-2006 school year, this proxy will then be added to the percent of students with disabilities who are proficient. This adjusted percent proficient is what West Virginia will use to reexamine if the school made AYP for the 2005-06 school year. What follows is a step-by-step explanation.

1. Calculate what 2.0 percent of the total number of students assessed within the State equates to solely within the SWD subgroup by dividing 2.0 by 17.024 %, the percentage of identified students with disabilities. This number (11.75), which will be a constant for every school, will be the basis for flexibility in school AYP determinations.
2. Identify all schools that did not make AYP solely on the basis of the SWD subgroup and the proficiency rate of those students in each school.
3. Calculate the adjusted percent proficient for each school's SWD subgroup. This adjustment is equal to the sum of the actual percent of proficient scores of this subgroup plus the proxy percent calculated in Step 1.
4. Compare this adjusted percent proficient for each school identified in Step 2 to the State's annual measurable objective (AMO). This comparison will be conducted without the use of confidence intervals or other statistical treatments.
 - a. If the adjusted proficiency rate for the school's SWD subgroup meets or exceeds the State's AMO, the school may be considered to have made AYP for the 2005-06 school year.
 - b. If the adjusted proficiency rate for the school's SWD subgroup does not meet or exceed the State's AMO, the school did not make AYP for the 2005-06 school year.
5. This process will be followed for reading and mathematics separately and also repeated at the district level, as needed.
6. The actual percent proficient will be reported to parents and the public and West Virginia may also report the adjusted percent proficient.

Evidence:

W. Va. Code §18-1-2

WV Board of Education Policy 2340

WV Board of Education Policy 2320

WV Board of Education Policy 2419, <http://wvde.state.wv.us/policies/p2419.html>

Alternate Assessment Contract with Measured Progress

Statewide Assessment Report

5.4 How are students with limited English proficiency included in the State’s definition of adequate yearly progress?

All students with limited English proficiency in West Virginia public schools are required to participate in the West Virginia statewide assessment using appropriate accommodations and modifications (West Virginia State Board Statewide Assessment Policy 2340). Limited English Proficiency (LEP), when used with reference to individuals, means (a) individuals who were not born in the United States or whose native language is a language other than English; (b) individuals who come from environments where a language other than English is dominant; and (c) individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English.

Additionally, the West Virginia State Board Policy 2320: *A Process for Improving Education Performance Based Accreditation System* outlines the inclusion of all students with limited English proficiency (LEP) who have been in a school for a full academic year in the accountability formula. **For purposes of making AYP determinations, West Virginia will count the scores of former LEP students in the LEP subgroup for two years after those students are no longer considered to be LEP.** The policies and documents will be revised to reflect the changes in the assessment program and the accountability and accreditation system.

All of the required subgroups, including students with limited English proficiency, who are enrolled in a school for a full academic year will be included in the performance level measures that determine the AYP, accreditation status of schools, and the approval status of county boards. West Virginia will notify schools/LEAs of the LEP subgroup that initially does not meet AYP in one year on any indicator (i.e., reading/language arts, mathematics, participation rate, attendance rate, or graduation rate); however, if that school/LEA successfully meets AYP for that same indicator the following year, that school/LEA will be considered to have met the AYP standard and will not be identified for school improvement based on that standard.

The West Virginia Department of Education document, *LEP Inclusion Documentation Form*, addresses the participation of LEP students in the statewide assessment. This document outlines the criteria that a school-based team must evaluate for each individual LEP student to determine the appropriate participation in the WESTEST. LEAs may approve assessment with accommodations and modifications on a case-by-case basis for individual students.

For a LEP student who is also identified as a student with disabilities under IDEA, the IEP team will determine whether the student participates in the WESTEST or meets the criteria for the West Virginia Alternate Assessment.

Evidence:

WV Board of Education Policy 2340

WV Board of Education Policy 2320

WV Board of Education Policy 2417

LEP Inclusion Documentation Form

5.5 What is the State’s definition of the minimum number of students in a subgroup required for reporting purposes? For accountability purposes?

Reporting Purposes:

The West Virginia Department of Education’s minimum “n” for reporting is ten (10) students. West Virginia Report Card does not report student data for less than ten (10) students. In addition, when the cell being reported is greater than 95% or less than 5%, only the symbols >95% or < 5% will be reported. This will further reduce the possibility of inadvertently identifying information about individual students.

West Virginia Board Policy 2320: *A Process for Improving Education Performance Based Accreditation System* outlines the achievement performance measures for reporting the “school’s total students and each subgroup (Migrant Students, Gender of Students, Students with Disabilities, Limited English Proficient Students, Economically Disadvantaged Students, Race/Ethnicity to include White, Black, Hispanic, Asian/Pacific Islander, and Alaskan/Native American) which contains 10 or more students.”

Accountability Purposes:

The West Virginia Department of Education’s minimum “n” for accountability is fifty (50) students. The minimum “n” of 50 will apply to the 2002-2003 SAT-9 test scores only. When assessment data from the WESTEST are available in 2004, WVDE will examine the impact of the various “n” values that are statistically defensible for making valid and reliable AYP decisions. **WVDE will apply a confidence interval of 99% to reading/English language arts and mathematics assessment results for all subgroups to make final decisions for AYP determinations in years 2003-2004 through 2013-2014. The use of confidence intervals is not applied to safe harbor calculations.**

West Virginia has a very homogeneous student population. Approximately 95% of students are white, 4% are black, and 1% is identified as either Hispanic, Asian, or American Indian. Less than ½% of students are LEP students. No schools are evaluated for AYP for the subgroups Hispanic, Indian, and migrant for an “n” size of 50 or 30. One Asian and two LEP schools would be evaluated using a 50 “n” size. One additional school would be included using an N count of 30. A cell count of 30 would include students with disabilities as a subgroup in an additional 143 schools. Many of the students with disabilities would be taking the statewide norm-referenced test under non-standard conditions. This is part of the reason for requesting the use of 50 for the current year. The SAT-9 test has been given for several years and most of the special education students have taken the test under non-standard conditions. Adding the non-standard test takers to the standard test takers is not a valid measure. To avoid falsely identifying those schools, West Virginia will use the “n” count of 50 for accountability for the 2002-2003 year only.

West Virginia Board Policy 2320: *A Process for Improving Education Performance Based Accreditation System* outlines the achievement performance level measures for accountability as the “school’s total students and each subgroup (Students with Disabilities, Limited English

Proficient, Economically Disadvantaged, and Racial/Ethnic to include White, Black, Hispanic, Asian/Pacific Islander, and Native American) that contains fifty or more students.”

Evidence:

WV Board of Education Policy 2340

WV Board of Education Policy 2320

WV Board of Education Policy 2419, <http://wvde.state.wv.us/policies/p2419.html>

WV Board of Education Policy 4350, <http://wvde.state.wv.us/policies/p4350.html>

5.6 How does the State Accountability System protect the privacy of students when reporting results and when determining AYP?

West Virginia uses a minimum “n” of 10 for reporting of school and LEA results. This minimum is acceptable for Family Educational Rights and Privacy Act (FERPA) requirements. Additionally, the State Board of Education Policy 4350 (The Collection, Maintenance and Disclosure of Student Data) assures the privacy rights of all students.

Individual student results are never reported to the public. In order to assure that individual students cannot be identified, school results are not publicly reported or displayed when the number of students in a subgroup is less than 10. Asterisks will be used on West Virginia Report Card when data has been suppressed.

Results greater than 95% will be reported as “> 95%” and results less than 5% will be reported as “< 5” in order to prevent the reporting of information that would violate the privacy of individual students.

Evidence:

W.Va. Code §§18-2E-1, 18-2E-1a, 18-2E-8 (c)(1)

West Virginia Board of Education Policy 4350, <http://wvde.state.wv.us/policies/p4350.html>

West Virginia Board of Education Policy 2419, <http://wvde.state.wv.us/policies/p2419.html>

WV Board of Education Policy 2320

WV Board of Education Policy 2510

PRINCIPLE 6. State definition of AYP is based primarily on the State’s academic assessments.

6.1 How is the State’s definition of adequate yearly progress based primarily on academic assessments?

West Virginia’s definition for AYP is based primarily on reading/language arts and mathematics assessments for all student subgroups. The 2003-2004 and 2004-2005 will be baseline data years for the assessment indicators. In 2005, annual measurable objectives and intermediate goals will be set separately for reading/language arts and for mathematics by the three grade configurations (elementary, middle, high school).

To meet or exceed AYP, all student subgroups are required to 1) meet the state’s definition of proficient for reading/language arts and mathematics, or 2) beginning in school year 2005-06, increase the percent of students who are at the proficient level in that school or LEA based on 2003-2004 and 2004-2005 baseline data.

The assessments that will be used to determine AYP calculations for schools and LEAs in West Virginia are designated by “X” and on the following chart:

Chart 8. West Virginia’s Accountability Assessments

Grade	WESTEST		WV Alternate Assessment	
	R/LA	M	R/LA	M
K				
1				
2				
3	X	X	X	X
4	X	X	X	X
5	X	X	X	X
6	X	X	X	X
7	X	X	X	X
8	X	X	X	X
9				
10	X	X	X	X
11				
12				

The same performance level standards will be applied to public schools and LEAs, disaggregating the data into the federally-defined subgroups to determine the minimum percent of students at or above the state performance level of proficient (Mastery) for the respective grade spans using the starting point calculations outlined in Chart 6. These calculations will identify the percent of students making adequate yearly progress for 2003-04 and 2004-05; determine AYP intermediate goals/annual objectives based on state performance through 2013-14; and determine annual growth objectives based on school performance up to 2013-14.

In addition to meeting the 95% assessment participation rate, a graduation rate will be used as an indicator for public high schools and an attendance rate will be used for elementary and middle public schools as indicators for determining AYP. Public schools and LEAs must 1) meet the graduation and attendance standards to meet the AYP requirements or 2) demonstrate growth toward the standards to meet the AYP requirements for the graduation and attendance indicators.

Evidence:

W.Va. Code §§18-2E-1, 18-2E-1a, 18-2E-8 (c)(1)

WV Board of Education Policy 2340

WV Board of Education Policy 2320

WV Board of Education Policy 2510

WVEIS website: <http://wveis.k12.wv.us/nclb/>

WV Key Activities Chart

WV Assessment Timeline

Quality Controls Documentation

WV Assessment Development Teacher Participation Lists

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).

7.1 What is the State definition for public school graduation rate?

For West Virginia, the graduation rate is measured using the number of students who graduate from a 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. As per final regulation 200.19 (B), West Virginia will include a provision for students with disabilities that allows the IEP team to determine the standard number of years for graduation. **For students with limited English proficiency (LEP), the LEP committee will determine the standard number of years for graduation.** The number of high school graduates and dropouts by grade has been reported to the West Virginia Department of Education for the last five years.

The calculation for West Virginia’s graduation rate is the method recommended by the National Center for Education Statistics (NCES): the total number of 4-year graduates divided by the sum of the total number of 4-year graduates plus the dropouts for the four years of high school for this class of graduates as represented in the following formula:

$$g_t / (g_t + d_t^{12} + d_{(t-1)}^{11} + d_{(t-2)}^{10} + d_{(t-3)}^9)$$

Where:

- g = graduates
- t = year of graduation
- d = dropouts
- 12, 11, 10, 9 = class level

The West Virginia Board of Education **has established a graduation rate standard of 80%**. Schools will be considered as having met AYP if they meet or exceed the standard or if they have made improvement toward the standard.

For the AYP determination, the graduation rate calculation will be used for accountability at the school/LEA levels, but will not be calculated for each subgroup. However, for schools/LEAs that must use the “safe harbor” provision to meet AYP for the achievement indicator, the graduation rate standard must then be met by the subgroup(s) that failed to meet AYP on the assessment standards.

Evidence:

- W.Va. Code §18-2E-4
- WV Board of Education Policy 2320
- WVEIS website: <http://wveis.k12.wv.us/nclb/>

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?

West Virginia schools have reported attendance rate annually for the last twelve years. The West Virginia Department of Education has selected attendance rate as the additional academic indicator for calculating AYP for elementary and middle schools. The calculation for the student attendance rate is:

$$\text{[total days present / (total days present + total days absent)] X 100}$$

State policy related to the attendance rate is under revision.

The West Virginia Board of Education **has established an attendance rate standard of 90%**. Schools will be considered as having met AYP if they meet or exceed the standard or if they have made improvement toward the standard.

For the AYP determination, the attendance rate calculation will be used for accountability at the school/LEA levels, but will not be calculated for each subgroup. However, for schools/LEAs that must use the “safe harbor” provision to meet AYP for the achievement indicator, the attendance rate standard must then be met by the subgroup(s) that failed to meet AYP on the assessment standards.

Evidence:

W.Va. Code §§18-8-1, 18-8-1a, 18-8-2, 18-8-3, 18-8-4

WV Board of Education Policy 2340

WV Board of Education Policy 2320

WV Board of Education Policy 4110, <http://wvde.state.wv.us/policies/p4110.html>

WV Board of Education Policy 2510

WVEIS website: <http://wveis.k12.wv.us/nclb/>

7.3 Are the State's academic indicators valid and reliable?

West Virginia has defined academic indicators that are valid and reliable as demonstrated by the use of clear definitions (e.g., United States Department of Education-recommended calculation formulas) for data elements and the use of a statewide system, West Virginia Education Information System (WVEIS) for data collection. The West Virginia Department of Education reviews data submitted by LEAs, including school/LEA graduation and attendance rates, and publishes this information in school/LEA/state report cards. The WVEIS database is monitored to verify the accuracy of these data.

West Virginia's graduation rate calculation is consistent with the National Center for Education Statistics (NCES) completer formula with modifications that only 4-year graduates with standard diplomas are included. West Virginia will include a provision for students with disabilities IEP team to determine the standard number of years for graduation. Both the graduation rate and the attendance rate are subject to an auditing process conducted by the West Virginia Office of Education Performance Audits (OEPA) and are subject to monitoring at the LEA and state levels.

Evidence:

WV Board of Education Policy 2340

WV Board of Education Policy 2320

WV Board of Education Policy 2510

WVEIS website: <http://wveis.k12.wv.us/nclb/>

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

8.1 Does the state measure achievement in reading/language arts and mathematics separately for determining AYP?

For accountability purposes, using the WESTEST, achievement in reading/language arts and mathematics are measured separately. (See Chart 4.) Starting in the 2003–04 school year, West Virginia will implement the new assessment program.

2003–04

State reading/language arts and mathematics starting points for all student groups will be calculated separately using data from West Virginia’s new assessment program. These starting points will be calculated using three grade configurations: elementary, middle, and high school as defined by the West Virginia Board of Education. During this first year of the new assessment program, the statewide aggregate percent of students that meet or exceed the performance level of proficient (mastery) for the respective grade spans will serve as the state’s AYP definition.

2004–05

Using the 2003-04 and 2004-05 assessment data, West Virginia will recalculate separately the reading/language arts and mathematics starting points of students at the proficient level in reading/language arts and in mathematics. The statewide aggregate percent of students that meet or exceed the performance level of proficient (mastery) from the two years of data at the respective grade configurations will serve as the state’s AYP definition for the 2004-05 school year.

Using two years of baseline data, grade span starting points will be used to establish the state-level projections for intermediate goals and annual measurable objectives for reading/language arts and mathematics for each grade span (elementary/middle and high school) until 2013-14. These goals and objectives will be set separately for reading/languages arts and mathematics. Additionally, the goals and objectives will be different for each grade configuration.

District AYP will be determined annually for districts. A district will be identified for improvement status only if all grade spans, elementary, middle, and high school fail to make AYP for the current year in one or more of the student groups. However, if at least one of the grade spans makes AYP, the district will not be identified for improvement. AYP for each grade span will be calculated by considering the percent of students proficient for the grade span compared to the established AMO for that grade span. Confidence interval, minimum N size, Safe Harbor, and uniform averaging provisions will also apply to this calculation.

A district identified for improvement status will be removed from that status if the district makes AYP for 2 consecutive years or if at least one of the district's grade spans make AYP for 2 consecutive years.

Evidence:

W.Va. Code §§18-2E-1, 18-2E-1a, 18-2E-8 (c)(1)

WV Board of Education Policy 2340

WV Board of Education Policy 2320

WV Board of Education Policy 2510

WVEIS website: <http://wveis.k12.wv.us/nclb/>

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

9.1 How do AYP determinations meet the State's standard for acceptable reliability?

In accordance with the terms of the Compliance Agreement, West Virginia will provide the process that creates evidence that the State Accountability System of AYP system is reliable no later than December 2004. The reliability of accountability system determinations will be assured through:

- uniform averaging of scale scores across grade levels within the school and LEA to produce a single school or LEA score.
- multiple year averages to determine reading/language arts and mathematics proficient levels of performance for rating public schools. Two years of data (2003-04 and 2004-05 WESTEST and WV Alternate Assessment) will be used as baseline for determining starting point. West Virginia will establish the trajectory of intermediate goals and all annual objectives beginning in 2005-2006.
- statistical tests to support the minimum "n" decision.

Initially a minimum subgroup size of 50 will be used for accountability. **WVDE will apply a confidence interval of 99% to reading/English language arts and mathematics assessment results for all subgroups to make final decisions for AYP determinations in years 2003-2004 through 2013-2014. The use of confidence intervals is not applied to safe harbor calculations.**

- methods for determining an acceptable level of reliability for consistent decisions about cells for two years.
- Safe Harbor provision and evidence that this rule increases reliability of decisions about schools.

Evidence:

Assessment Data analysis from WESTEST and WV Alternate Assessment (Spring, 2004)

9.2 What is the State’s process for making valid AYP determinations?

West Virginia’s accountability process is designed for construct validity and consequential validity.

Construct validity:

Components of the accountability system include content standards, assessment, data collection and reporting, the identification of schools for improvement, providing rewards and sanctions, and technical assistance to the purpose of improving West Virginia schools. The following components work in harmony to accomplish school improvement:

Assessment:

The WESTEST and WV Alternate Assessment results are the primary indicators on which AYP determinations are made for public schools and LEAs. Students with disabilities and LEP students may receive accommodations and modifications on the WESTEST or students with disabilities may be assessed through West Virginia Alternate Assessment, if they meet the criteria as determined by the IEP Team. Our assessment system will provide technical data to include:

- Evidence of reliability and validity
- Internal and external alignment studies
- Internal and external bias studies
- Systemic procedures for quality checks

Data Collection:

Enrollment information about students and their membership in specific subgroups is determined at the school level through programs provided by WVDE. Each school and LEA must verify the accuracy of the information contained in the files submitted to WVDE for enrollment and group identification purposes.

Accountability Policy 2320:

The West Virginia Board of Education Policy 2320 requires that all students enrolled for a full academic year be included in the accountability formula. This policy also outlines the procedures for instituting and maintaining a valid system.

Consequential validity:

Reliable assessments aligned with content standards will result in accurate identification of schools and LEAs in need of improvement. Accurate data collection and reporting will support the inferences drawn from the accountability system. Schools and LEAs will have access to an appeals procedure following preliminary identification.

In order to increase the validity of accountability decisions, Policy 2320 will include the following Appeals Process:

- 1) The West Virginia Board of Education determines preliminary identification of all schools and LEAs that have not met AYP according to the state criteria. The LEA will notify Title I schools who are identified for school improvement.
- 2) Within 30 days of preliminary identification, the agency (LEA/school) reviews its data and may challenge its identification. The agency (LEA/school) not meeting AYP may appeal its status and provide evidence to support the challenge to the agency making the identification (West Virginia Board of Education or LEA).
- 3) No later than thirty days after preliminary identification, the identifying agency reviews the appeal and makes a final determination of identification for school improvement. {Section 1116 (b) (2) (A) (B) (C)}

A valid and reliable accountability system has been designed for the 2003-04 new assessment program that includes the requirements of NCLB. The new accountability system will be designed to create the most advantageous balance of 1) reliable results, 2) public confidence in the results, 3) including all public schools in the accountability formula, and 4) capacity building and development of resources to serve West Virginia students and schools.

As the new West Virginia Accountability System is implemented, West Virginia will regularly examine the validity and reliability of the data related to the determination of AYP and decision consistency for holding public schools and LEAs accountable within this system. Updated analysis and reporting of decision consistency will be shared with the public at appropriate intervals.

Evidence:

W.Va. Code §§18-2E-1, 18-2E-1a, 18-2E-8 (c)(1)

WV Board of Education Policy 2340

WV Board of Education Policy 2320

WV Board of Education Policy 2510

WVEIS website: <http://wveis.k12.wv.us/nclb/>

West Virginia Office of Education Performance Audits Book of Ratings (Accountability Ratings)

Statistical analyses (Spring, 2004)

9.3 How has the State planned for incorporating into its definition of AYP anticipated changes in assessment?

As a Title I compliance agreement state, West Virginia will use its current assessment and accountability system as the basis for development of annual measurable objectives determined by the computations for adequate yearly progress during the transition period of 2002-03. Beginning in 2003-2004, West Virginia will administer the new assessments to determine AYP for West Virginia school systems. The revised system of assessment and accountability is defined in West Virginia Board of Education Policies 2340: *Statewide Assessment System* and 2320: *Performance Based Accreditation System*.

The percent of students who meet or exceed the proficient level definition on the 2002-03 assessment and the percent of students who meet or exceed the proficient level definition on the 2003-04 assessment will be used to continuously identify schools in need of improvement during the transition from the old assessment program to the new assessment program. This procedure will be used for future determinations of AYP when new assessments replace the old assessments in 2007-2008.

The performance of new schools will be tracked with student identification numbers on the data collection system, WVEIS, and student results will be available immediately. Students attending new public schools for the first year will be included in the LEA and state levels for AYP determinations. In the second year of operation, students attending the new school will be included in school, LEA, and state AYP determinations.

Evidence:

W.Va. Code §§18-2E-1, 18-2E-1a, 18-2E-8 (c)(1)

WV Board of Education Policy 2340

WV Board of Education Policy 2320

WV Board of Education Policy 2510

WVEIS website: <http://wveis.k12.wv.us/nclb/>

PRINCIPLE 10. In order for a public school or LEA to make AYP, the State ensures that it assessed at least 95 percent of the students enrolled in each subgroup.

10.1 What is the State’s method for calculating participation rates in the State assessments for use in AYP determinations?

The West Virginia Department of Education manages a statewide management information system (WVEIS) for schools and school systems. The schools are required by W.Va. Code §18-2-26(e) to use the system for student and financial applications. The student applications are the source of enrollment, student registration, and student biographic and demographic information.

To determine **participation rates** of students tested, a final Testing Pre-slug file (enrollment file for tested grades) is created and submitted to WVDE at the end of the testing window in April. The students identified as enrolled in the tested grades on the date of the final Testing pre-slug are those students that are expected to have taken the statewide assessment or WV Alternate Assessment. Once the tests are scanned and scored, the file of students tested is matched against the Pre-slug enrollment file to determine who did and who did not take the test for each academic subject. The number of tested students divided by the number of enrolled students is the percent tested. The number enrolled but not tested divided by the number enrollment is the percent not tested.

The calculation for participation rate is:

$$\frac{\text{students not tested}}{\text{students enrolled}} \times 100 = \% \text{ not tested}$$
$$\frac{\text{students tested}}{\text{students enrolled}} \times 100 = \% \text{ tested}$$

Participation rate will be determined for each subject and for each subgroup. **West Virginia will average data over two and/or three years (including the most recent year) for calculating the participation rate of all students and all required subgroups and compare the results to the current year. The highest score will be used to determine whether a school or LEA met the required 95% participation rate.**

West Virginia will grant participation rate exemptions for students with a significant medical emergency.

Evidence:

- W.Va. Code §18-2-26(e)
- W.Va. Code §§18-2E-1, 18-2E-1a, 18-2E-8 (c)(1)
- WV Board of Education Policy 2340
- WV Board of Education Policy 2320
- WV Board of Education Policy 2510
- WVEIS website: <http://wveis.k12.wv.us>

10.2 What is the State’s policy for determining when the 95% assessed requirement should be applied?

For determining AYP, West Virginia will apply the 95% of total enrollment for grades tested for all schools and subgroups unless the subgroup has less than the minimum “n.” For subgroups less than the minimum “n,” the 95% assessed requirement will be applied at the LEA and state levels. **Students whose scores have been invalidated will be included in the denominator but not the numerator for participation rate calculations.**

Evidence:

<http://wveis.k12.wv.us>