



Frequently Asked Questions about State Accountability Plans And Their Relationship to Waivers

The No Child Left Behind Act (NCLB) requires each state to develop a state accountability plan describing its policies for implementing the law's accountability provisions and its timeline for meeting student achievement goals. The original plans, sometimes referred to as accountability workbooks, had to be submitted to the U.S. Department of Education (ED) by January 31, 2003.

States may also submit amendments to their plans for approval by the Secretary of Education. This option can lead to more flexibility for states in implementing the NCLB accountability requirements without having to request a waiver. Since 2003, all states have submitted amendments to their plans, and many have been approved.

Why are state accountability plans important?

State accountability plans specify, among other things, how the state will determine whether public schools and school districts have made adequate yearly progress (AYP) in raising achievement. These AYP policies are very important because they identify which schools and districts will be subject to the consequences laid out in Title I of the Elementary and Secondary Education Act (ESEA). Title I, which provides funds to school districts to serve low-achieving students in low-income schools, is the largest of the programs amended by NCLB. Title I contains accountability and AYP requirements that affect all schools and districts to some extent and schools receiving Title I funds to a great extent. Schools that receive Title I funds and that fail to make AYP for two or more consecutive years must undergo interventions that become more severe over time, starting with providing public school choice and ending with undergoing a major restructuring of the school's governance. Some states also apply these interventions to non-Title I schools.

How do amendments to state accountability plans differ from waivers?

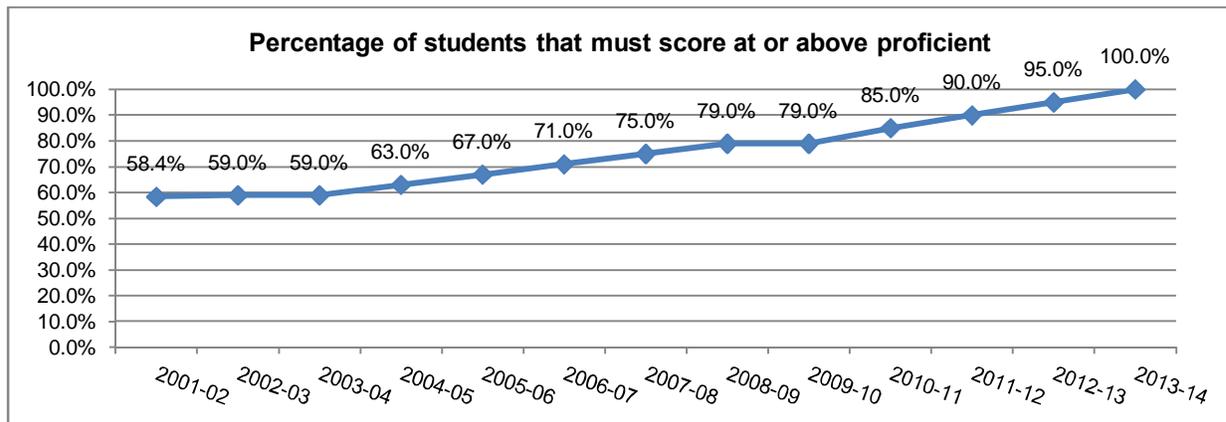
Both amendments to state accountability plans and waivers granted by the Secretary of Education under section 9401 of ESEA offer states greater flexibility in meeting the NCLB accountability requirements. (More information about section 9401 waivers can be found in *Frequently Asked Questions Regarding the Secretary of Education's*

Authority to Waive ESEA Requirements, available on the Center on Education Policy's Web site at www.cep-dc.org.) Based on past patterns, changes requested through amendments to state accountability plans are generally more marginal and technical than those requested through waivers. However, if a state is granted a waiver that results in changes to its accountability policies, the state would generally have to amend its accountability plan to reflect the policies permitted by the waiver.

What elements are included in state accountability plans?

State accountability plans must lay out the achievement benchmarks schools and districts are expected to meet to make AYP. Most notably, states must set annual measurable objectives (AMOs) for the minimum percentages of students that must score at or above the proficient level on state tests each year. As required by NCLB, these AMOs rise over time until they culminate in the NCLB goal of 100% of students reaching proficiency in reading and math by the end of school year 2013-14. For example, Virginia's AMOs in mathematics look like this:

Virginia's annual measurable objectives for mathematics



Source: Virginia Department of Education, *School Report Card: Accountability & Virginia Public Schools, 2011-2012*, http://www.doe.virginia.gov/statistics_reports/school_report_card/accountability_guide.shtml.

To make AYP, schools and districts must meet the AMOs not only for students overall, but also for each of several designated subgroups of students, including major racial/ethnic groups, low-income students, students with disabilities, and English language learners. The accountability plans also include benchmarks for graduation rates in high schools and an additional academic indicator, such as attendance rates, in elementary and middle schools.

In addition to the AMOs and other academic benchmarks, state accountability plans must include the following elements:

- A description of the state assessment system, including the tests used to measure achievement for NCLB purposes
- Definitions of achievement levels on state tests, including, at a minimum, definitions of basic, proficient, and advanced levels of achievement
- Policies for assessing the achievement of students with disabilities and English language learners
- Provisions for reporting assessment and AYP results
- Provisions for protecting student privacy
- The definition of a %full academic year+used to hold schools accountable for the achievement of students enrolled in the school for a full academic year
- The minimum number of students that must comprise a subgroup in order for the subgroup to be included in AYP determinations and reporting
- Policies for using confidence intervals to determine whether schools and districts have made AYP. (A confidence interval is a statistical technique, somewhat like a margin of error in an opinion poll, that makes allowances for natural fluctuations in test scores due to factors unrelated to student learning.)
- Procedures for calculating student participation in state testing and implementing the NCLB requirement to test 95% of students overall and in each subgroup
- Provisions for incorporating changes in assessments into AYP determinations
- Provisions for implementing the NCLB interventions- including school or district improvement, corrective action, and restructuring- in schools and districts that do not make AYP for two consecutive years or more
- Outcome-based rewards for schools and districts with high levels of performance, where applicable

What is the process for amending state accountability plans?

Every state has submitted one or more amendments to its state accountability plan since these plans were first approved in 2003. States may submit proposed changes to their plans to ED at any time. These requests are not waivers, and the ESEA requirements for Secretarial waivers do not apply to them. The amendments proposed by states are sometimes approved by ED without revision, sometimes approved with changes, and sometimes rejected.

Typically, requests for changes to accountability plans are initiated by the states, and this may occur in response to a variety of factors. In some cases, states are responding to new regulations or policy guidance from ED, such as changes in federal assessment and AYP policies for students with disabilities and English language learners, or to

issues raised by ED staff during monitoring visits. In other cases, states are responding to revisions in state policies, such as the adoption of new state assessments or new standards for proficient performance. In many cases, states initiate plan amendments based on their continuing experience with implementing NCLB or a growing awareness of what other states have been permitted to do. For example, many states have amended their plans to allow the use of the confidence intervals in determining AYP.

What types of general changes have states proposed to their accountability plans?

State amendments range from changes addressing a unique situation in a particular state to those addressing common issues affecting all states. The types of changes states have proposed, as well as ED's responses to these changes, have also shifted somewhat over the years.

The Council of Chief State School Officers (CCSSO) has published a series of reports that compile detailed information about specific amendments to accountability plans proposed by states from 2003 through 2010, along with ED's responses to these changes. These reports are based on information provided voluntarily by the states to CCSSO. According to the most recent such report, published in June 2011, the most frequent types of amendments requested in 2009 and 2010 propose modifications or clarifications in the following areas:

- Methods for calculating AYP
- Policies for assessing and determining AYP for students with disabilities, including the use of modified academic achievement standards
- Methods for calculating graduation rates
- AMOs (see the next section)
- Policies for determining AYP for English language learners
- Timelines for delivering AYP information to schools and districts
- Other elements of state accountability plans

Source: W. J. Erpenbach, *Statewide Educational Accountability Systems Under the NCLB Act—A Report on 2009 and 2010 Amendments to State Plans*,

http://www.ccsso.org/Resources/Publications/Statewide_Educational_Accountability_Systems_Under_the_NCLB_ACT.html

Over the years, many of the changes proposed by states and accepted by ED, including some of the changes listed above, have had the effect of making it easier for schools and districts to demonstrate AYP, as noted in a 2005 report by the Center on Education Policy, *States Test Limits of Federal AYP Flexibility*.

What types of changes have states proposed to their AMOs?

Between 2003 and 2010, states submitted 52 amendments to their accountability plans that dealt specifically with AMOs and related issues, according to the CCSSO reports mentioned above. Some states submitted multiple changes. The number of requests for AMO-related changes was highest in 2006, when states made 14 such requests. Requests for AMO-related changes totaled 6 per year in both 2009 and 2010.

AMO-related changes to state plans have often focused on the following issues:

- Switching from relatively large increases in AMOs every three years to smaller annual increases
- Revising the trajectory toward 100% proficiency to reflect the introduction of tests in additional grades
- Recalibrating AMOs when the state has changed its assessments or standards for proficiency
- More recently, extending the deadline for the 100% proficiency goal to a later year than 2013-14

According to the CCSSO reports, ED approved a majority of these requests, although no changes in the 2013-14 deadline for 100% proficiency have been approved yet.

What's the difference between state accountability plans and consolidated state performance reports?

State accountability plans describe state policies for accountability under NCLB. States must also submit another type of document to ED called a consolidated state performance report (CSPR). The CSPRs include selected *results* of the state's accountability policies, as well as performance data for ESEA programs other than Title I. For example, the CSPRs include results on state tests by subject, student subgroup, and grade level; graduation and dropout rates by student subgroup; the number, percentage, and identity of schools and districts that made AYP; and the number and identity of schools and districts identified for improvement, corrective action, or school restructuring; details about the time periods when state tests are administered; and details about other forms of flexibility the state has received permission to use. The CSPRs may be accessed at <http://www2.ed.gov/admins/lead/account/consolidated/index.html#info>. The most recent reports currently available cover school year 2009-10.

What will happen to states, districts, and schools that fail to meet the requirement for 100% student proficiency by 2014?

As 2014 grows near, the deadline for bringing 100% of students to proficiency is likely to be a major focus of state waiver requests or accountability plan amendments. As required by NCLB, all states have set an AMO of 100% for 2013-14. It is important to clarify what this deadline does, and does not, mean under current law and policy.

No state will lose Title I funds or other federal funds if it fails to meet the 100% proficiency goal. The only consequence in the NCLB law for states that fail to make AYP for two consecutive years is that the Secretary of Education will provide technical assistance to the state.

Nor will districts or schools that fall short of 100% proficiency lose their federal funds or eligibility for funding, at least not directly. Barring possible changes in the ESEA statute or a waiver from the Secretary of Education, districts and schools that fail to make AYP for two consecutive years or more will continue to face the consequences in the NCLB statute, including improvement, corrective action, and eventually restructuring (in the case of schools). The extent of these consequences may vary significantly, however, depending on whether the state has received or will receive an accountability-related waiver from the Secretary or whether the state is participating in the differentiated accountability pilot, which allows states to vary the interventions used in schools identified for improvement depending on the extent to which a school has failed to make AYP and the specific student subgroups that have fallen short. Moreover, grants to individual schools identified for improvement might be indirectly reduced to cover the district's costs of implementing the public school choice and supplemental educational services interventions under NCLB.

In addition, there are some notable exceptions to the NCLB accountability provisions that have already helped districts and schools make AYP and could allow them to continue making AYP even if they fall short of 100% proficiency in 2013-14:

- Schools and districts that fall short of the 2014 target or the AMOs for any earlier year may still make AYP through Title I's safe harbor provision. A subgroup may qualify for safe harbor if its number of students scoring below proficient declines by 10% or more compared with the previous year.
- Only the student groups specified in Title I—major racial/ethnic groups defined by the state, low-income students, students with disabilities, and English language learners—are counted in AYP determinations, along with overall results for all students in a school or district. Moreover, these groups are counted for AYP purposes only if they meet the state's criteria for minimum subgroup size. Many small schools have just a few subgroups that exceed the minimum size and count for AYP purposes.
- Most states now apply confidence intervals to their AYP determinations. This means that subgroups that missed the 100% target (or an earlier year's AMO)

are still considered to have met the target as long as the percentage proficient for that group falls within a plus or minus band defined by the confidence interval. Confidence intervals often vary depending on the size of the subgroup, with larger confidence intervals for smaller subgroups.

- Some states have been granted waivers to use growth models for determining AYP that focus on student growth in achievement, rather than just on whether students have reached the proficient level. Depending on a state's specific growth model criteria, subgroups that have not reached the 100% goal may still make AYP if students are on a path of growth toward proficiency.

Where can state accountability plans and amendments be obtained?

Current approved state accountability plans are posted on the ED Web site at <http://www2.ed.gov/admins/lead/account/stateplans03/index.html>.

ED's decision letters to the states about proposed changes to state plans are posted at <http://www2.ed.gov/admins/lead/account/letters/index.html>. Often there is a lag between the time a decision is made and the time a decision letter is posted. Also, the cover pages of some states' accountability plans indicate the number of times the plan has been revised and, in a few cases, the specific provisions revised each time. Proposed amendments that have not yet been approved or rejected by ED are not posted on the Department's Web site.

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