

Adequate Yearly Progress (AYP) and No Child Left Behind

What could AYP mean for your child, school, and community?

Justin Wageman, Ph.D.
Assistant Professor
School of Education

Karin Bartoszuk, Ph.D.
Child/Adolescent Specialist
Child Development and Family Science
NDSU Extension Service

The purpose of this guide is to help parents and community members understand the important changes that have taken place in public education.

Part I provides a description of “Adequate Yearly Progress” (AYP). Part II is an explanation of the consequences if a school doesn’t achieve AYP. Part III offers some tips for parents. Part IV is a question and answer section covering school choice and supplementary services.

PART I:

Adequate Yearly Progress (AYP)

Who?

Each school in North Dakota that receives Title I monies must adhere to the AYP requirements in the No Child Left Behind (NCLB) Act (Public Law-107-110).

What?

AYP is the accountability portion of NCLB. It is designed to provide schools and districts a way to measure student progress on a yearly basis. The ultimate goal of NCLB is for 100 percent of students to be working at grade level in reading

and math by the year 2014. The accountability system is managed at a statewide level and applies to all public schools receiving Title I monies. In addition, the Act requires that at least 95 percent of the children enrolled in the state and at least 95 percent of each major subgroup (ethnicity, disability, limited English proficiency and economically disadvantaged) participate in the assessment.

Why?

There is a growing gap among groups of students in our nation that has caused increased concern about student abilities and success in school. This gap is generally observed between “rich” school districts and “poor” school districts. The Adequate Yearly Progress portion of NCLB has been designed to ensure that schools help students improve their skills. Each school is responsible for student success.

When?

By the 2005-06 school year, states will test every student yearly in reading and math from grades 3-8 and at least once between grades 10 and 12. North Dakota has chosen 11th grade for this assessment. By 2007-08, states must test students in science at least once during grades 3-8, grades 6-9 and grades 10-12.

How?

Each year, schools will administer state approved assessments to each student attending public schools. Each state sets a measurable goal for student achievement on state assessments. The results of these



assessments will be analyzed to determine if the school has met its required progress for that year. A school has met its AYP when the assessment results meet the state's standard requirements. Schools must show improvement each year. This is how NCLB has built continued improvement in the new system. In North Dakota, an independent consulting firm was hired to determine the most statistically significant method to apply to schools with small populations. This statistical method is called Binomial Distribution. It allows districts to make valid and reliable decisions in determining if a school with a small population has made AYP.

All assessments (reading/language arts, mathematics, and later, science) will be measured against state standards for those subject areas. This will be reported as proficiency levels rather than percentile scores. Cut scores are set by North Dakota to determine what level is proficient (grade-level). In North Dakota, a team of teachers worked together and rank ordered the questions on state assessments. They then determined the "cut" score for each assessment at each grade level. This refers to the minimum number of questions answered correctly, which will then identify a student's score at "novice level," "partially proficient level" or "proficient level."

ND state assessment allows a comparison of individual students, classrooms within a given school and school district, schools within the state and school districts within the state. The test scores must also allow for comparisons based on things like gender, ethnicity and economic status.

PART II:

What Happens if the School My Child Attends Does NOT Make AYP?

Year 2

Schools that do not make AYP for two consecutive years, in the third year, must begin a two-year improvement plan (submitted within three months of identification). They will receive Technical Assistance (TA) from federal monies. The district must also offer "public school choice" (the option to transfer to another public school) to all students in the school. In this case the district must pay for transportation, and five percent of the district's Title I funds must be allocated to pay for transportation costs.

Year 3

Schools that do not make AYP for three consecutive years, in the fourth year, will continue activities from the first year of school improvement. The district must continue to offer public school choice and pay for transportation costs. Additionally, the district must use an additional five percent of its Title I funds for "supplemental services." These services are designed to provide help for students in reading, mathematics and language arts.

Supplemental Services

These may include tutoring before or after school, or online tutoring. Supplemental services must be provided outside regular school hours. These services may be provided by any person or group (profit or non-profit) that can demonstrate they have the required abilities and effectiveness to increase students academic achievement. These providers must be on a state-approved list, and their services must be consistent with the instructional program of the district and states academic standards. In addition, these providers must give progress reports on the children served to parents and schools. They must also meet required health, safety and civil rights laws.

Year 4 – Corrective Action Designation

Schools that do not make AYP for four consecutive years, in the fifth year, must continue public school choice and supplemental services. In addition, the district must implement a "corrective action plan."

In addition, the district must implement a "corrective action plan." Examples include implementing a new curriculum, extending the school day or year, or replacing certain school staff. There is also increased state oversight. For more information see:

www.state.nd.us/lr/assembly/58-2003/interim-info/committee.html#ed (Education Committee)

www.state.nd.us/lr/assembly/58-2003/interim-info/membership/index.html#nc (No Child Left Behind Committee)

Year 5 – Restructuring (Alternative Governance)

Schools that do not make AYP for five consecutive years, in the sixth year, the district must develop a plan for significant alternative governance actions, such as allowing state takeover, hiring a private management contractor, converting to a charter school or other fundamental reforms.

PART III:

Tips For Parents

Avoid labeling schools as “failing.” There are many reasons a school may not meet its AYP. One example occurred in the Fargo/Moorhead community. On the given test day, the required 95 percent of one subgroup of students was not present to take the state assessment, so the school was deemed as not meeting AYP.

It is important to understand *why* a particular school did not meet AYP. It is also very important to commend schools that are making good progress, even if they haven’t made AYP.

Do not rely *only* on the media for all information. Ask detailed questions to find out the specific reasons a school didn’t make its AYP. In some cases, it may be due to circumstances out of the school’s control, or it may represent a glitch in the way the law was written.

There are many internet sources set up for people to learn and understand what No Child Left Behind means to their children. Two of these sites are listed below:

www.ndsu.edu/ndci

www.learningfirst.org

PART IV:

Q & A

(taken from the American Federation of Teachers; January, 2003)

School Choice

What if there are no other schools in the district to transfer to?

In cases like this the school district will have to work out inter-district agreements. Schools are also strongly encouraged to offer “supplemental services” to students in their district a year earlier than required by law. If no cooperative agreement exists, then the school must offer supplemental services in the first year of school improvement. Parents must still be notified that their child is *eligible* for choice, but that no choices are currently available.

Can a district deny students the option to transfer to certain schools due to a lack of capacity, including health and safety reasons like overcrowding?

No. A district must either create additional capacity or provide other choices of schools. Districts must find ways to provide public school choice consistent with their obligation to provide a healthy and safe learning environment.

What happens to the students who have transferred if their original school is taken off the school improvement list?

Students who have chosen to transfer to other public schools may continue to attend these schools until they reach the top grade of that school, but the district is no longer responsible for paying the transportation costs.

What if the funds for public school choice transportation are limited?

All students must have the option to transfer, but districts are required to serve the lowest-achieving low-income students first. A district may not be able to pay the transportation costs for all students who wish to transfer.

Must students with disabilities be offered their choice of the same schools as nondisabled students?

No. A school district must ensure that students with disabilities receive a free appropriate public education (FAPE) when they enroll in their school of choice. School districts may match the abilities and needs of a student with disabilities to the possible schools that have the ability to provide the student FAPE.

Supplemental Services

What are supplemental educational services?

Supplemental educational services refer to additional educational opportunities for students provided outside the regular school day. These services may include tutoring, remediation and other educational interventions.

Who is eligible for supplemental educational services?

Low-income students who attend schools designated for school improvement for the second consecutive year as well as students who attend schools designated for corrective action or restructuring are eligible.

What are the district's obligations in notifying parents about the availability of supplemental educational services?

The district must notify parents annually if their children are eligible for supplemental services. The notification must be understandable and, where practicable, in the parent's language. The notice must:

- Provide a list of approved providers within the district or reasonably available in neighboring districts.
- Provide a brief description of the services, qualifications and demonstrated effectiveness of such providers.
- Describe the procedures and timelines that parents must follow to select a provider.

Districts also must help parents select a supplemental educational service provider if the parents request such assistance.

Can a district set a deadline by which parents must request supplemental services?

Yes.

What happens after a parent selects a supplemental service provider for his or her child?

The district must develop, in consultation with the parents and the provider, a statement of specific achievement goals for the student, how the student's progress will be measured and a timetable for improving achievement. The plan must also describe how the parents and teachers of the student will be regularly updated on the student's progress, provide for the termination of the agreement if the provider cannot meet the goals and timetable and contain provisions on how the district will pay the provider.

How does the district pay for these services?

A district may pay a provider directly or issue a certificate or coupons to parents to purchase services from an approved provider.

How much money can be spent per-pupil?

The district can spend the lesser of the per-pupil Title I allocation or the actual costs of providing the supplemental educational services.

Is the district required to pay for or provide transportation to the service providers?

No.

For how long must supplemental services be provided?

Services must be provided until the end of the school year, unless the amount of funds or intensity of services limits the availability of services to a shorter period of time.

Can a parent switch to another provider if they are not happy with the services their child is receiving?

Yes.

Can a provider refuse to serve a student with disabilities?

No. A provider may not, on the basis of a disability, exclude a qualified student with disabilities or a student covered under Section 504 of the Rehabilitation Act of 1973 if the student can, with minor adjustments, be provided supplemental educational services.

For more information from the American Federation of Teachers, see:

www.aft.org/esea/

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For more information on this and other topics, see: www.ag.ndsu.nodak.edu

