



Wyoming Department of Education

Dr. Jim McBride, Superintendent of Public Instruction

Hathaway Building, 2nd Floor, 2300 Capitol Avenue

Cheyenne, WY 82002-0050

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MEMORANDUM NO. 2009-040

TO: School District Superintendents
Special Education Directors

FROM: Laurel Ballard, Supervisor for Accountability
Educational Quality and Accountability Unit *LJB*

DATE: March 6, 2009

SUBJECT: AYP – Exception Requests to Exceed the 1% PAWS-ALT Cap

IMPORTANT AND TIME SENSITIVE

This contains important information regarding how your district may apply for an exception to the 1% PAWS-ALT Cap used in determining Adequate Yearly Progress (AYP) and also outlines critical timelines to be met. Requests for an exception to the 1% PAWS-ALT Cap for AYP determinations must be submitted to Laurel Ballard by **April 15, 2009 by 5:00 pm.** This is a change from the original April 1, 2009 deadline. The WDE-659 form is now available for use by the districts on the WDE Forms Inventory website. A copy of the form is attached to assist districts in compiling the requested information.

Read this letter carefully in its entirety to ensure you understand the required actions your districts must make. If you have questions, please contact Laurel Ballard, at 307-777-7016 or lballa@educ.state.wy.us.

This memo contains information about the following:

- I. 1% PAWS-ALT Exception Timeline
- II. U.S. Department of Education Regulation Information;
- III. Exception Requests;
- IV. Distribution of Scores Regulation;
- V. Methodologies for Distribution of Proficient Scores to Non-proficient Scores for AYP Determination Purposes; and
- VI. Adequate Yearly Progress 1.0 Percent Cap Student Assignment

I. 1% PAWS-ALT Exception Request Timeline

Date	Event
February 26, 2009	WDE-659 form released to districts
April 15, 2009	WDE-659 form due to WDE
May 15, 2009	Districts notified of exception approval status
June 18, 2009	Districts notified if exceeding 1% PAWS-ALT Cap
June 25, 2009	Adequate Yearly Progress 1.0 Percent Cap Student Assignment Form due back to WDE
July 15, 2009	Preliminary AYP decisions reported to districts
July 15, 2009	AYP request for review period begins
July 30, 2009	AYP request for review period ends
August 5, 2009	Public Release of AYP

II. U.S. Department of Education Regulation Information

Under the December 9, 2003, regulation from the U.S. Department of Education, districts are allowed to count the proficient and advanced scores of students with the most significant cognitive disabilities who were administered the 2009 PAWS-ALT, provided that the number of proficient and advanced scores does not exceed 1.0 percent of all enrolled students in your district in grades 3-8 and 11. The enrollment will be based on the March 31, 2009, student roster. This data will be finalized with the WDE on June 6, 2009. The 1.0 percent cap is calculated for Mathematics and Language Arts separately.

The percentage of proficient or advanced scores on the PAWS-ALT is calculated as follows:

$$\text{Percentage of Prof. or Adv. on PAWS-ALT} = \frac{\text{Number Prof. or Adv. on PAW-ALT}}{\text{Total Number of Students Enrolled in Grades 3-8 and 11}}$$

The US Department of Education regulation can be found at <http://www.ed.gov/legislation/FedRegister/finrule/2003-4/120903a.html>. The non-regulatory guidance related to the 1.0 percent cap provided by the U.S Department of Education can be found at <http://ed.gov/admins/lead/account/saa.html#guidance>.

III. Exception Requests

When unique circumstances arise, districts may apply for exceptions in order to **slightly** exceed the 1.0 percent cap. The State may grant exceptions to the 1.0 percent cap. The WDE will have a 1.0 Percent Cap Committee review the 1.0 percent cap exception requests once districts have fully provided the WDE with valid evidence of the need for the exception request. The 1.0 Percent Cap Committee is comprised of accountability, assessment, and special education representatives. Exception requests may be granted when a district accurately and satisfactorily addresses the issues outlined on the WDE-659 form. This information must include:

1. Incidence rates of students participating in the alternate assessment;
2. Documentation the district has implemented several safeguards limiting the inappropriate use of alternative achievement standards including the utilization of the *Participation Guidelines in the 2009 PAWS-ALT* and other related information found on the IEP that is related to participation in State accountability tests; and
3. Circumstances in the district that would explain the higher incidence rates (such as specialized health programs or facilities or a very small student population). **An explicit and detailed explanation of these circumstances must be included with documentation supporting these claims.**

The safeguards help to ensure students are not inappropriately restricted in their access to the curriculum. To make certain districts have appropriate and sufficient safeguards intact and are being utilized, districts must submit documentation of all of the following for each content area in which the 1.0 percent cap was exceeded:

1. Utilization and implementation of Guidelines for Participation in Wyoming's Alternate Assessment for Students with the Most Significant Cognitive Disabilities 2008-2009. These guidelines can be found at http://www.k12.wy.us/SAA/paws/paws_alt.htm;
2. Parents/Guardians were provided with information of present academic achievement of the student;
3. Documentation of the test-taking patterns of individual students;
4. Degree of inclusion of the student in the general academic curriculum;

5. Information about the selection and administration of individual assessment accommodations; and
6. Documentation that teachers and other educators participate in Wyoming Department of Education professional trainings about the administration of the 2009 PAWS-ALT.

Exception requests must be submitted to Laurel Ballard at the WDE. Please return the WDE-659 form **no later than April 15, 2009, by 5:00 pm**. Requests must be signed by the District Superintendent and can be faxed to 307-777-6719 or emailed to Laurel at lballa@educ.state.wy.us with the signed, original form mailed to:

Laurel Ballard
Wyoming Department of Education
2020 Grand Ave, Suite 500
Laramie, WY 82070

Districts will receive written notification from the WDE by May 15, 2009, as to whether the exception was granted.

IV. Distribution of Scores

When districts exceed the 1.0 percent cap and no exception has been granted or exceed the cap approved on the exception request, the district must assign a calculated number of non-proficient scores to students who participated in the 2009 PAWS-ALT. Distribution of scores exceeding the 1.0 percent cap (or approved exception cap) presents some special challenges. The US Department of Education regulation states that if the percentage of proficient and advanced scores on alternative assessments using alternate achievement standards exceeds the 1.0 percent cap at the district level, the state must:

1. Include all scores of students with the most significant cognitive disabilities. All students tested on the 2009 PAWS-ALT will be included in the AYP calculations.
2. Count as non-proficient the proficient and advanced scores exceeding the 1.0 percent cap. All scores on the 2009 PAWS-ALT exceeding the 1.0 percent cap must be included in AYP, but the proficient and advanced scores for those students will be counted as non-proficient.

3. Ensure which proficient and advanced scores to count as non-proficient in schools and districts responsible for students who take an alternate assessment based on alternative achievement standards. WDE has included the districts in this process.
4. Include those proficient and non-proficient scores in each applicable subgroup (e.g. economically disadvantaged, ethnicity, language minority, etc.) at the school, district, and state level. Any student's score counted as non-proficient for AYP will be counted in any applicable subgroup for that student. The 1.0 percent cap is calculated at the district level. The non-proficient scores resulting from exceeding the 1% PAWS-ALT Cap will be used in the AYP calculations at the school, district, and state levels. Individual student scores are not impacted.
5. Ensure that parents are informed of the actual achievement levels of their children. The student level report sent both to the school and the parents will have the true achievement of any student that is shown as non-proficient due to exceeding the 1.0 percent cap.

V. Methodologies for Distribution of Proficient Scores to Non-proficient Scores for AYP Determination Purposes

The WDE has developed two methods for districts to use in determining which students will be assigned as non-proficient for AYP. Through the selection of one of these developed methods, the determination of which students will be counted as proficient and which students will be included in AYP as non-proficient is made.

The two methods are:

1. **Random Assignment:** This method will randomly distribute the scores between the schools. Students included in the random assignment must be included in schools with students that were proficient or advanced on PAWS-ALT. When using random assignment, each student is equally likely to be counted as non-proficient. If a district selects this method, the WDE will randomly assign which proficient and advanced PAWS-ALT students will be counted as proficient or non-proficient until the district is at or below the 1.0 percent cap.
2. **Proportional Assignment:** This method requires districts to distribute non-proficient scores across schools in proportion to the number of students tested who received proficient and advanced achievement levels on the 2009

PAWS-ALT. This means schools testing larger numbers of students on the 2009 PAWS-ALT would receive a larger number of non-proficient scores.

Example Using the Proportional Assignment:

A district has 10,000 students enrolled in the assessed grades. The 1.0 percent cap requires that no more than 100 students' scores of proficient or advanced on the 2009 PAWS-ALT be counted as proficient for AYP. If 150 students in this district score proficient or advanced on the PAWS-ALT, and the district has not received an exception to exceed the 1.0 percent cap, then 50 students testing proficient or advanced on the 2009 PAWS-ALT must be counted as non-proficient. Suppose four schools in the district tested students on the 2009 PAWS-ALT.

- *In School A, there are 50 proficient scores*
- *In School B, there are 50 proficient scores*
- *In School C, there are 25 proficient scores*
- *In School D, there are 25 proficient scores*

The 50 scores that must be counted as non-proficient for AYP must come from these four schools. Using the proportional assignment method, the outcome would be:

- *In School A, 1/3 of the 50 students must be counted as non-proficient, resulting in 33 proficient scores and 17 non-proficient scores.*
- *In School B, 1/3 of the 50 students must be counted as non-proficient, resulting in 33 proficient scores and 17 non-proficient scores.*
- *In School C, 1/6 of the 50 students must be counted as non-proficient, resulting in 17 proficient scores and 8 non-proficient scores.*
- *In School D, 1/6 of the 50 students must be counted as non-proficient, resulting in 17 proficient scores and 8 non-proficient scores.*

Decisions determining which students in each school will be assigned as non-proficient are up to the district's discretion; however, the required number of non-proficient students must be maintained.

VI. Adequate Yearly Progress 1.0 Percent Cap Student Assignment

Districts must use one of these two methods. Your district will be notified if the 1% PAWS-ALT Cap has been exceeded (or is exceeding the approved exception cap) by **June 18, 2009**. If your district must reassign Proficient or Advanced students on the PAWS-ALT, you will receive a district specific form entitle *Adequate Yearly Progress 1.0 Percent Cap Student Assignment*. Any district that does not receive an exception (or exceeds the approved exception cap) must meet the June 25th deadline for the assignment of student scores. If a district needing to complete and return the *Adequate Yearly Progress 1.0 Percent Cap Student Assignment* form to the WDE does not do so by the due date, then the Random Assignment Method will be used by the WDE to distribute the non-proficient scores to be used in the AYP determinations. This **must** be completed before districts receive their PAWS and AYP data.

If you have any questions or need any assistance in completing the WDE-659 form, please do not hesitate to contact Laurel Ballard at 307-777-7016 or lballa@educ.state.wy.us.

LB:al

cc: District PAWS Coordinator
Title I Director
Principals

**DISTRICT REQUEST FOR WAIVER OF ONE PERCENT CAP
FOR CALCULATION OF DISTRICT AYP FOR THE 2008-09 SCHOOL YEAR**

Educational Quality and Accountability
Wyoming Dept. of Education
2020 Grand Avenue, Suite 500
Laramie, WY 82070
Contact: Laurel Ballard, (307) 777-7016
lballa@educ.state.wy.us

WDE-659
Revised: October 2008
Due: April 15, 2009
Expires: Oct 1, 2009

District ID - Name: _____
Contact Phone: _____
Contact Name: _____

Contact Email: _____
Date Submitted: _____

1. Report the district's incidents of students with the most significant cognitive disabilities for grades 3 through 8 and 11 as indicated below:
2. Complete the following chart indicating the total number of ALL students enrolled in your district at the October 1, 2008 snapshot and the number of students participating in the Alternate Assessment as documented on the IEP who were enrolled in your district at that time.
3. When complete, save a copy to your system, and mail the signed original to: Laurel Ballard, Wyoming Dept. of Education, 2020 Grand Avenue, #500, Laramie WY 82070.

INSTRUCTIONS

Guidelines for Participating in Wyoming's Alternate Assessments

Entry #	STUDENTS ENROLLED AT THE TIME OF STATE TESTING	1	2	3	4	5	6	7	8
		TESTED GRADE LEVEL							
		3rd	4th	5th	6th	7th	8th	11th	TOTAL
1	All students (Indicate a number in each column.)								0
2	Count of students participating in the Alternate Assessment (Indicate a number in each column.)								0
3	Incidence of students participating in the Alternate Assessment	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

Required Documentation

9	
The LEA can document that it is fully & effectively addressing the requirements of 34 CFR § 200.6. Specifically, the following documentation must be attached:	
4	1. The district documents, utilizes and implements the 'Guidelines for Participating in Wyoming's Alternate Assessments' for IEP teams to apply in determining when a child's significant cognitive disability justifies assessment based on alternative academic achievement standards;
	2. The district documents that parents of such students are informed that their child's achievement will be based on Alternate Achievement Standards;
	3. District can document students are, to the extent possible, included in the general curriculum and in assessments aligned with that curriculum;
	4. The district can document that it disseminates information and promotes the use of appropriate accommodations to increase the number of students who are tested against grade-level academic achievement standards;
	5. The district can document that general and special education teachers and other appropriate staff are knowledgeable about the administration and content of assessments, including general and alternate assessments and make appropriate use of accommodations for students with the most significant cognitive disabilities.

I HEREBY CERTIFY that the information provided is true and correct to the best of my knowledge.

Signature of Superintendent

Date Signed

**DISTRICT REQUEST FOR WAIVER OF ONE PERCENT CAP
FOR CALCULATION OF DISTRICT AYP FOR THE 2008-09 SCHOOL YEAR**

Educational Quality and Accountability
Wyoming Dept. of Education
2020 Grand Avenue, Suite 500
Laramie, WY 82070
Contact: Laurel Ballard, (307) 777-7016
lballa@educ.state.wy.us

WDE-659
Revised: October 2008
Due: April 15, 2009
Expires: Oct 1, 2009

ELIGIBILITY VERIFICATION							
10							
5	<table border="1"> <tr> <td style="width: 70%;">Indicate the cap exception requested for the 2008-09 school year:</td> <td style="width: 30%; text-align: center;">PERCENT</td> </tr> <tr> <td colspan="2"> Explain why the incidence of students participating in the alternate assessment in the combined grades assessed exceeds 1.0 percent of all students in those combined grades. (Use the box below to explain. Documentation <i>MUST</i> be provided to support your explanation listed below.) </td> </tr> </table>	Indicate the cap exception requested for the 2008-09 school year:	PERCENT	Explain why the incidence of students participating in the alternate assessment in the combined grades assessed exceeds 1.0 percent of all students in those combined grades. (Use the box below to explain. Documentation <i>MUST</i> be provided to support your explanation listed below.)			
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6	<table border="1"> <tr> <td style="width: 10%;"></td> <td>School, community, or health programs that draw large numbers of families of students with the most significant cognitive disabilities to live in the district (Provide this explanation below; and attach documentation with this form.)</td> </tr> <tr> <td></td> <td>Such a small overall student population that it takes only a very few students who participate in alternate assessment to exceed 1.0 percent. (Provide this explanation below; and attach documentation with this form.)</td> </tr> <tr> <td></td> <td>Other (Provide this explanation below; and attach documentation with this form.)</td> </tr> </table>		School, community, or health programs that draw large numbers of families of students with the most significant cognitive disabilities to live in the district (Provide this explanation below; and attach documentation with this form.)		Such a small overall student population that it takes only a very few students who participate in alternate assessment to exceed 1.0 percent. (Provide this explanation below; and attach documentation with this form.)		Other (Provide this explanation below; and attach documentation with this form.)
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	Other (Provide this explanation below; and attach documentation with this form.)						
Explanation							
11							
7							

FOR WYOMING DEPARTMENT OF EDUCATION USE ONLY	
Exception Granted:	<input type="checkbox"/> YES <input type="checkbox"/> NO If yes, cap percentage exception approved 2008-09 _____