



Wyoming Department of Education

Dr. Jim McBride, Superintendent of Public Instruction
Hathaway Building, 2nd Floor, 2300 Capitol Avenue
Cheyenne, WY 82002-0050

Phone 307-777-7673 Fax 307-777-6234 Website www.k12.wy.us

MEMORANDUM NO. 2010-211

TO: School District Superintendents
Curriculum Directors
District PAWS Coordinators
Title I Directors
Special Education Directors
School Principals

FROM: Alan Moore, Director
Standards and Assessment Division

APM

DATE: November 19, 2010

SUBJECT: 2010 District and School Preliminary AYP Determinations

INFORMATION TO SHARE – TIME SENSITIVE MATERIAL

Preliminary Adequate Yearly Progress (AYP) determinations for 2010 have now been made. The AYP determinations and reports are posted on Wyoming Education Fusion portal at <http://fusion.edu.wyoming.gov>. To view these reports you MUST login to Fusion. If you do not know your username and/or password, there is a Password Help link located in the upper center of the screen. If you do not have an account, you can choose Request Login and complete the required information. Once logged in to Fusion, choose the blue Data Reporting square. On the left hand side under Data Reporting Links choose the Assessment Confidential link. This will then provide a list of confidential reports available to view. Choose the report link you would like to view. Reports available include: Decision Summary, Participation Rates, Academic Achievement Indicators, Additional Indicators, Safe Harbor, and 3-Year Comparisons.

Please review these determinations for your district and schools in your district. If, after your review, you believe an error has been made in a preliminary 2010 AYP determination, please submit the attached 2010 Adequate Yearly Progress Graduation Rate Determination District Request for Review Form to Alan Moore, amoore@educ.state.wy.us or

School District Superintendents
Curriculum Directors
District Assessment Coordinators
Title I Directors
Special Education Directors
School Principals
Memorandum No. 2010-211
November 19, 2010
Page 2 of 2

2020 Grand Ave., Suite 500, Laramie, WY, 82070, no later than December 3, 2010. **Preliminary 2010 AYP determinations for your district and schools in your district will be considered accurate and final, if no Request for Review of Graduation Rates Form is received by December 3, 2010.**

As you recall, due to anomalies in the 2009-2010 PAWS administration, the Wyoming Department of Education (WDE) requested on July 9, 2010, from the U.S. Department of Education a one-year waiver on Title I, Part A statutory and regulatory requirements (copy attached). WDE was notified on November 16, 2010, that the waiver was granted from the U.S. Department of Education (copy attached).

What this means for Wyoming is that, with exception of graduation rate determinations for high schools, all AYP determinations and district or school improvement statuses for 2009-2010 will be same as those for the 2008-2009 academic year.

If you have questions related to the 2010 AYP determinations, please contact Alan Moore at amoore@educ.state.wy.us or (307) 721-1930.

If you experience any difficulties viewing any of the reports mentioned above or logging in to Fusion, please contact Cassie Lallak at 307-777-5463 or clalla@educ.state.wy.us.

AM/tc

Attachments: 2010 AYP District Request for Review Form
WDE AYP Waiver Letter 7-9-10
WY Waiver Letter 11-16-10
WDE AYP Graduation Rate Goal and Targets
WY Minimum N-Size Graduation Rate Process



Wyoming Department of Education

Dr. Jim McBride, Superintendent of Public Instruction

2020 Grand Avenue, Suite 500

Laramie, WY 82070

Phone 307-721-1900

Fax 307-721-1901

Website www.k12.wy.us

2010 Adequate Yearly Progress Graduation Rate Determination District Request for Review Form

Please indicate your reason(s) for review of the preliminary 2010 Adequate Yearly Progress graduation rate determination:

- Data Error (statistical)
- Special Circumstances (substantive)
- Both

Please indicate what should be reviewed:

- District
- School

Names of School(s):

The request for review must be received at the Wyoming Department of Education within 15 days of the preliminary AYP results being sent to the districts. **Documentation showing why the requested change is needed must be attached in order for the District Request for Review Form to be considered.** After receiving the District Request for review and the documentation, the Wyoming Department of Education will provide the information to the Accountability System Review Team to make a determination on the district's request for review. A letter will be sent to the school/district informing them of the outcome of the review completed by the Accountability System Review Team.

If you have any questions, or need further explanation, please contact Alan Moore at amoores@educ.state.wy.us or 307-721-1930. Thank you for your prompt response to this request.

District Superintendent

Date



Wyoming Department of Education

Dr. Jim McBride, Superintendent of Public Instruction
Hathaway Building, 2nd Floor, 2300 Capitol Avenue
Cheyenne, WY 82002-0050
Phone 307-777-7673 Fax 307-777-6234 Website www.k12.wy.us

July 9, 2010

Thelma Meléndez de Santa Ana
Assistant Secretary for Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave., S.W.
Washington, D.C. 20202-6100

Dear Assistant Secretary Meléndez de Santa Ana:

I am writing on behalf of Wyoming to request a one-year waiver of the following Elementary and Secondary Education Act of 1965 (ESEA), Title I, Part A statutory and regulatory requirements:

- Sections 1111(b)(3)(C)(v)(I) and 1111(b)(3)(C)(vii) of the ESEA and 34 C.F.R. § 200.5(a)(2), which require a state to assess students in reading/language arts and mathematics in each of grades 3 through 8 and at least once in grades 10 through 12;
- Section 1111(b)(C)(v)(II) and 34 C.F.R. § 200.5(b), which require a state to assess students in science at least once during each of three specified grade spans of 3-5; 6-9; and 10-12; and,
- Section 1116(a)(1)(A), which requires a state to use the state's academic assessments and other academic indicators described in the state plan to review the progress of each school to determine whether the school is making AYP.

The above request will also include a waiver of the Wyoming's Carl D. Perkins Act of 2006 requirement for reporting secondary performance in reading/language arts and mathematics identified in the following for one-year:

- Section 113(b)(2)(A)(i);
- Section 113(b)(2)(F).

Wyoming seeks a waiver of these statutory and regulatory requirements because Wyoming encountered substantial difficulties during the administration of the Spring 2010 statewide assessments required by ESEA. In particular, Wyoming's online assessment system experienced a significant malfunction, and consequently, no valid achievement data from the 2009-2010 test administration can be recovered. Moreover, the malfunction has prevented Wyoming from determining student progress toward achieving the State's academic standards. This is the other indicator for adequate yearly progress (AYP) determinations for elementary and middle schools,

as well as the participation rate on the State's assessments. As a result, Wyoming cannot make AYP determinations based on current assessment data (i.e., assessment data collected in the 2009-2010 school year).

Prior to submitting this waiver request, Wyoming provided all Local Education Agencies (LEAs) in the State with notice and a reasonable opportunity to comment on this request on July 2, 2010, via a Superintendents' Memorandum sent by e-mail (see copy of notice attached). Superintendents' Memoranda are also placed on the Wyoming Department of Education's website for public access. Copies of all comments that Wyoming received from LEAs in response to this notice will be forwarded to the Assistant Secretary by July 23, 2010. Wyoming has also provided notice and information regarding this waiver request to the public, by placing a classified advertisement in 45 Wyoming newspapers reaching more than 175,000 households through the Wyoming Classified Ad Network (<http://www.wyopress.org/services.php>) during the week of July 4, 2010 (see copy of noticed attached).

If the waiver is granted, and as AYP for the English Language Learners (ELL) subgroup is also used for Title III accountability as Annual Measurable Achievement Objective #3 (AMAO #3), Wyoming requests that whatever is done for AYP for the ELL subgroup (i.e. using last year's AYP determinations for this year) is also used for AMAO #3.

Furthermore, the waiver will affect the State's Annual Performance Report (APR) to be submitted to OSEP by February 1, 2011, as required by IDEA, Part B (34 C.F.R. §300.602(b)(2)). The State's assessment data affect Indicator 3 (*Participation and Performance of Children with IEPs on Statewide Assessment*) and Indicator 20 (*Submission of Timely and Accurate Data*) of the APR. In addition, Table 6 of the 618 Data, due to OSEP on November 1, 2010, will be impacted by lack of valid assessment data. Upon submission of the APR, OSEP gives each state a score or *determination level* (34 C.F.R. §300.603(b)) which is based in large part on the timely and accurate data submitted within APR and 618 Data Tables.

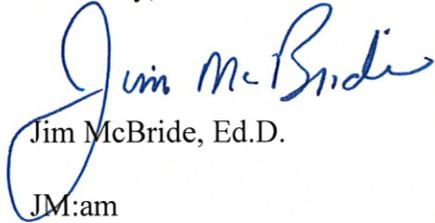
Wyoming hereby assures that, if the requested waiver is granted, Wyoming will implement the waiver in compliance with the following conditions:

- Except as provided below with respect to high schools, Wyoming will assign all schools and districts the same improvement status as was assigned based on 2008-2009 assessment results and report these statuses on state and district report cards providing results of assessments administered in 2009-2010, as well as in reporting for the 2009-2010 Consolidated State Performance Report, with a note of the events that caused a repetition of last year's reported AYP status;
- Except as provided below with respect to high school, no school or district will have its improvement status changed as a result of repeating last year's AYP results (i.e., no school or district will exit, enter, or move further into improvement status);
- Every school and district will continue to carry out all required improvement activities based on their assigned improvement status (e.g., offering public school choice and supplemental educational services);

- A high school that does not meet the other academic indicator (graduation rate), and would not make AYP regardless of student results on the Statewide assessments or participation rate, will enter or move further into school improvement status, as appropriate;
- Wyoming will continue its statewide accountability system and require Title I schools that are currently in improvement, corrective action or restructuring to notify parents that their children are eligible for public school choice or supplemental educational services 14 days prior the opening of school. However, Wyoming requests a waiver from the 14-day notification requirement for a High School that has a status change due to graduation rates. Title I High Schools in improvement will notify parents before the beginning of the 2010-2011 school year;
- Wyoming will submit to the USDE, within thirty days (30) of receipt of the waiver, a corrective action plan detailing the actions it will take to prevent this problem from arising in the event of another malfunction of its online assessment system; and,
- Wyoming will submit all other reporting requirements pertaining to the Carl D. Perkins Act of 2006 by the deadline of December 31, 2010.

Please feel free to contact me by phone at 307-777-7675 or email at supt@educ.state.wy.us, if you have any questions regarding this request. Thank you for your consideration.

Sincerely,



Jim McBride, Ed.D.
JM:am

Attachments: Copy of Superintendent's Memorandum 2010-122
Copy of Classified Advertisement

Cc: Alexa Posny
Ruth Ryder



Wyoming Department of Education

Dr. Jim McBride, Superintendent of Public Instruction

2020 Grand Avenue, Suite 500

Laramie, WY 82070

Phone 307-721-1900

Fax 307-721-1901

Website www.k12.wy.us

MEMORANDUM NO. 2010-122

TO: School District Superintendents

FROM: Alan Moore, Director
Standards and Assessment Division *APM*

DATE: July 2, 2010

SUBJECT: AYP Waiver Request

TIME SENSITIVE MATERIAL INFORMATION TO SHARE

This memorandum invites comment from Wyoming school districts (LEAs) regarding a proposed request by the Wyoming Department of Education (WDE) to the U.S. Department of Education (USDE) for a 1-year waiver of the Title I, Part A statutory and regulatory requirements related to reporting of Adequate Yearly Progress (AYP).

WDE is requesting the waiver of the requirement to use the state's academic assessments and other academic indicators described in the state plan to review the progress of each school to determine whether the school is making AYP. The proposed waiver letter is attached to this memorandum.

The letter requesting the waiver is scheduled to be sent on July 9, 2010. One of the requirements of the waiver guidelines is that LEAs be notified and provided opportunity for comments about the proposed waiver request. Copies of all comments received from LEAs must then be submitted to USDE along with the waiver request.

WDE will accept comments to the proposed waiver request from LEAs through July 16, 2010, and forward these to USDE. Please submit any comments to Tracy Stibitz, tstibi@educ.state.wy.us, Wyoming Department of Education, 2020 Grand Ave., Suite 500, Laramie, WY 82070, (307)721-1902.

AM/al

Attachment (1): USDE Waiver Letter

Classified Advertisement submitted to the Wyoming Classified Ad Network (<http://www.wyopress.org/services.php>) and published in Wyoming newspapers during the week of July 4, 2010.

The Wyoming Department of Education is requesting public comment and feedback on its request for a one-year waiver of specific Title I, Part A statutory and regulatory requirements. Please visit www.k12.wy.us/sa/usdoe_waiver.asp, call 307-777-7690 or write WDE c/o Alan Moore, 2020 Grand Ave., Suite 500, Laramie, WY 82070 for a copy of the waiver and to submit comments.



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

NOV 16 2010

ASSISTANT SECRETARY

The Honorable Jim McBride
State Superintendent of Public Instruction
Wyoming Department of Education
Hathaway Building, 2nd Floor
2300 Capitol Avenue
Cheyenne, Wyoming 82002-0050

Dear Superintendent McBride:

I am writing in response to Wyoming's request to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. Specifically, Wyoming requested one-year waivers of the requirements to assess all students annually in grades 3 through 8 and once in high school in reading/language arts and mathematics and in three grade spans in science, and to use the results of the reading/language arts and mathematics assessments to make adequate yearly progress (AYP) determinations for schools and districts. Wyoming requested these waivers because of a systemic malfunction of its new online assessment system that prevented the state from collecting valid statewide assessment data for the 2009–2010 school year.

After reviewing Wyoming's request, and in consideration of the exceptional circumstances forming the basis of the request, I am granting Wyoming waivers of the following statutory and regulatory requirements:

- Section 1111(b)(3)(A) and 34 C.F.R. § 200.2(a)(1), which require a state to assess students annually in reading/language arts, mathematics, and science.
- Section 1111(b)(3)(C)(vii) of the ESEA and 34 C.F.R. § 200.5(a)(2), which require a state to assess annually students in reading/language arts and mathematics in each of grades 3 through 8 and at least once in grades 10 through 12.
- Section 1111(b)(3)(C)(v)(II) and 34 C.F.R. § 200.5(b), which require a state to assess students in science at least once during each of three specified grade spans.
- Section 1116(a)(1)(A) and 34 C.F.R. § 200.30, which require an LEA to use the state's academic assessments and other academic indicators described in the state plan to review the progress of each school to determine whether the school is making AYP.
- Section 1116(c)(1)(A) and 34 C.F.R. § 200.50(a), which require a state to use the state's academic assessments and other academic indicators to review the progress of each LEA to determine whether the LEA is making AYP.

I would like to reiterate, as I stated in my May 26, 2010 letter to you, that assurances from a contractor that a test will be administered properly are not sufficient to relieve your agency of its statutory and regulatory obligations. However, due to the statewide failure of Wyoming's online assessment system, I am granting a one-year waiver of the statutory and regulatory requirements listed above. These waivers are granted on the conditions detailed in the enclosure to this letter. Please be sure to review the enclosure carefully, particularly as it indicates that Wyoming must provide documentation that ensures that the state will address any future test administration problems so that the state can make AYP determinations.

400 MARYLAND AVE., S.W. WASHINGTON, D.C. 20202

www.ed.gov

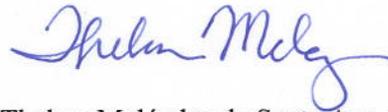
Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

Alexa Posny, Assistant Secretary for Special Education and Rehabilitative Services, has asked me to remind you that these waivers will affect Indicators 3 and 20 of the State's Federal fiscal year (FFY) 2009 Annual Performance Report (APR) under Part B of the Individuals with Disabilities Education Act (IDEA) to be submitted to the Office of Special Education Programs (OSEP) by February 1, 2011. Data collected for the 2009–2010 school year on Table 6 (Report of the Participation and Performance of Students with Disabilities on State Assessments), which is due on February 1, 2011, will also be impacted by the lack of valid assessment data. OSEP encourages Wyoming to provide any available valid and reliable FFY 2009 (2009-2010) assessment data for children with disabilities, including data from its alternate assessment (the PAWS-ALT), an explanation of the circumstances regarding the lack of complete FFY 2009 data, and the steps being taken to ensure the State can collect the required data in school year 2010-2011. Since Wyoming has indicated that the school year 2009–2010 administration of the PAWS-ALT was not affected, those data should be reported in their entirety. OSEP will consider this information when it reviews Wyoming's FFY 2009 APR.

For guidance on submitting assessment and accountability data for the 2009–2010 Consolidated State Performance Report, please contact Ross Santy of the Office of Planning, Evaluation, and Policy Development at Ross.Santy@ed.gov.

If you have any questions, please contact Victoria Hammer of my staff at Victoria.Hammer@ed.gov or 202-260-1438.

Sincerely,



Thelma Meléndez de Santa Ana, Ph.D.

Enclosure

cc: Governor Dave Freudenthal
Alan Moore

CONDITIONS ON TITLE I, PART A WAIVERS FOR WYOMING

These waivers are granted to Wyoming on the condition that:

- Except as provided below with respect to high schools, Wyoming will assign all schools and districts the same improvement status as they were assigned based on 2008–2009 assessment results and report these statuses on state and district report cards providing results of assessments administered in 2009–2010, as well as in reporting for the 2009–2010 Consolidated State Performance Report, with a note of the events that caused a repetition of last year’s reported AYP status.
- Except as provided below with respect to high schools, no school or district will have its improvement status changed as a result of repeating last year’s AYP results (*i.e.*, no school or district will exit, enter, or move further into improvement status).
- Every school and district will continue to carry out all required improvement activities based on its assigned improvement status (*e.g.*, offering public school choice and supplemental educational services).
- A high school that does not meet the other academic indicator (graduation rate), and so would not make AYP regardless of student results on the statewide assessments or participation rate, will enter or move further into school improvement status, as appropriate.
- Wyoming submits to the Department, within thirty days of receipt of the waivers, a corrective action plan detailing the actions it will take to prevent this problem from arising in the future in the event of another malfunction of its online assessment system.

**Wyoming Department of Education
AYP Graduation Rate
Proposed Goal and Targets**

Graduation Rate Goal: 80%			
Target if Current Year Graduation Rate is Less than 80%	Prior Year Graduation Rate		Range
	Greater than or equal to:	Less Than:	
The lesser of 5.00% or the difference between the prior year graduation rate and 80%			
	75%	80%	5%
6.00%	65%	75%	10%
7.00%	55%	65%	10%
8.00%	45%	55%	10%
9.00%	35%	45%	10%
10.00%	25%	35%	10%
11.00%	0%	25%	25%

Wyoming Minimum N-Size Multiple Cohort Graduation Rate Process

