



# UNITED INDEPENDENT SCHOOL DISTRICT INFORMATIONAL ITEM

**TOPIC:** Adequate Yearly Progress (AYP) Appeal Status

**SUBMITTED BY:** Pamela R. Juarez      **OF:** Instructional Department

**APPROVED FOR TRANSMITTAL TO SCHOOL BOARD:** \_\_\_\_\_

**DATE ASSIGNED FOR BOARD CONSIDERATION:** January 21, 2009

## INFORMATIONAL REPORT:

Attached please find the Texas Education Agency's response to the appeal submitted by UISD on October 24, 2008.

December 18, 2008

Mr. Roberto Santos, Superintendent  
United ISD  
201 Lindenwood Drive  
Laredo, Texas 78045

Dear Mr. Santos:

Thank you for your letter regarding preliminary 2008 Adequate Yearly Progress (AYP) results. We have reviewed the supporting documentation you provided, examined other relevant data available at the Texas Education Agency (TEA), and conducted research related to the circumstances described in your appeal letter. A summary of our findings is shown below.

DISTRICT/CAMPUS NUMBER	NAME	RESULT OF APPEAL
240903	United ISD	Denied - Missed AYP
240903001	United High School	Denied - Missed AYP
240903002	United South High School	Denied - Missed AYP
240903003	John B Alexander High School	Denied - Missed AYP
240903009	Lyndon B Johnson	Denied - Missed AYP
240903044	Salvador Garcia Middle	Denied - Missed AYP
240903045	George Washington Middle	Denied - Missed AYP
240903046	Clark Middle School	Denied - Missed AYP
240903047	Los Obispos Middle School	Denied - Missed AYP
240903048	Trautmann Middle School	Denied - Missed AYP
240903053	Antonio Gonzalez Middle School	Denied - Missed AYP
240903054	Lamar Bruni Vergara Middle School	Denied - Missed AYP

Following is a detailed description of our findings related to the appeals your district requested by district/campus and by indicator.

United ISD (240903), United High School (240903001), United South High School (240903002), John B Alexander High School (240903003), Lyndon B Johnson (240903009), Salvador Garcia Middle School (240903044), George Washington Middle School (240903045), Clark Middle School (240903046), Los Obispos Middle School (240903047), Trautmann Middle School (240903048), Antonio Gonzalez Middle School (240903053), and Lamar Bruni Vergara Middle School (240903054)

Your appeal requested reconsideration of the use of the assessment results for students served by special education programs, specifically those tested on TAKS (Accommodated), TAKS-Modified (TAKS-M), or TAKS-Alternate (TAKS-Alt). In 2005, the United States Department of Education (USDE) and TEA reached a flexibility agreement with respect to the inclusion of students with disabilities in Texas AYP calculations which delineated the test results required for AYP calculations. The agreement expired on December 1, 2007, although the use of the existing State-Developed Alternative Assessment II (SDAA II) was allowed in 2006 and 2007 AYP calculations.

As outlined in the September 19, 2007, correspondence to district superintendents, the TAKS-M assessments were administered at specific grades and subjects in spring 2008 in response to final federal regulations released in April 2007. For students who met the participation criteria for TAKS-M, Texas was required to include the assessment results for these students in the 2008 AYP calculations, subject to the 2% cap on proficient results. After the expiration of the three-year flexibility agreement with the USDE that governed the transition from the SDAA II assessment to the new alternate assessments, the USDE would not have approved any other use of the TAKS-M results, except possibly requiring Texas to count all TAKS-M testers as non-proficient in the 2008 AYP performance calculations.

Based on the April 2007 federal regulations, the state assessment policies for students receiving special education services in Texas were incorporated in the *2007-08 ARD Committee Decision-Making Process for the Texas Assessment Program*. On May 19, 2008, the United States Department of Education (USDE) approved the 2008 Texas AYP Workbook ([www.tea.state.tx.us/ayp/txworkbook08.pdf](http://www.tea.state.tx.us/ayp/txworkbook08.pdf)) that requires the annual AYP calculation for campuses and districts to include test results for all students. We understand your concerns that there was no transition period to the new assessments prior to their use in the federal accountability measures. However, due to the requirements of the No Child Left Behind Act of 2001 (NCLB) as specified in the 2008 Workbook, your appeal request for Reading and Mathematics Performance must be denied.

The 2008 AYP status for United ISD, United High School, United South High School, John B Alexander High School, Lyndon B Johnson, Salvador Garcia Middle School, George Washington Middle School, Clark Middle School, Los Obispos Middle School, Trautmann Middle School, Antonio Gonzalez Middle School, and Lamar Bruni Vergara Middle School is *Missed AYP*.

The AYP appeals process includes the participation of the state accountability appeals panel for review of the appeal guidelines that govern the result of your appeal. Since 2004, the AYP appeals process has included an external, independent, three-member panel review of the AYP Appeal Guidelines. The decision reflected in this letter incorporates an objective analysis of the unique circumstances of your appeal, and recommendations based on the AYP Appeal Guidelines.

Although my decisions are final, any clarifying questions regarding this appeal may be directed to either Criss Cloudt at (512) 463-9701, or the Division of Performance Reporting at (512) 463-9704.

Sincerely,  
Robert Scott  
Commissioner of Education

c: Criss Cloudt, Associate Commissioner for Assessment, Accountability, and Data Quality  
Shannon Housson, Director, Performance Reporting