TO: Illinois State Board of Education
FROM: Robert E. Schiller, Superintendent

Agenda Topic: Action Item: Appeals Advisory Committee Recommendations

Staff Contact(s): Gail Lieberman, Federal Liaison
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Purpose of Agenda Item
The purpose of the agenda is to inform you of the status of this committee and discuss a recent recommendation.

Expected Outcome(s) of Agenda Item
The outcome will be final action on one appeal.

Background Information
School districts may appeal school or district status levels, recognition levels, or corrective action. The State Board of Education is tasked with processing school and district appeals through an Appeals Advisory Committee.

The Appeals Advisory Committee was appointed in August, and held its initial meeting on September 16, 2003. Since then they have met three times (October 9th and 30th, and November 24th), and heard five appeals. An additional appeal was scheduled and then withdrawn by the district. The next meeting of the committee will be on January 29, 2004. Four districts will have appeals heard that day.

Disposition of Prior Appeals
The committee heard and made recommendations to Dr. Schiller regarding four districts -- Aurora West #129, Aurora East #131, Decatur #61, and Plano #88. The Superintendent made recommendations to the Board at the November 2003 meeting concerning the first three districts, and the Board took appropriate action. The appeal from Plano was resolved in January 2004 through a technical data correction procedure now in process.

Current Issue
Regarding Kankakee District #111, the Appeals Advisory Committee took action to recommend allowing the request for Steuben Elementary School to revise 2002 test data in order to allow a safe harbor "look back" review for a subgroup in 2003. Allowing such a request and review will not alter the school's School Improvement status for
2003-04. The school must continue to offer public school choice and supplemental educational services (SES) in 2003-04.

One subgroup at Steuben School did not make adequate yearly progress (AYP) in 2002-2003, although the school's composite score for reading and for math was sufficient. The district tried to correct in 2003 the error that was noted only as a result of the 2003 scrutiny for a safe harbor "look back" at the black reading subgroup of 2002. This error in reporting enrollment data was not known in 2002. When the error on the 2002 data was discovered in 2003, the 2002 data could not be corrected, as stated by the contractor based on ISBE’s administrative rules.

There was no way for the "look back provision" to occur or the safe harbor mechanism to be used in 2003 except to examine the 2002 data. In 2003, while seeking to make the 2002 change, the books were closed by Pearson for Kankakee #111 in terms of making the appropriate change of reinstating a child who was appropriately enrolled and tested but discounted by the state in the 2002 data based on the data reported by the district.

The Illinois State Board of Education (ISBE) properly calculated AYP for Steuben based on the information submitted for both 2002 and 2003, and Steuben did not make AYP in 2002-03 based on that information. At the appeal hearing, additional information was supplied regarding one student's status. Ms. Reichle looked at the materials regarding the homebound status of the child whose records were in question for 2002. The district had argued that the student was enrolled throughout 2001-02. Ms. Reichle of ISBE, after a review of the information supplied at the November 24th meeting, stipulated that the child was properly designated for homebound instruction and then dropped April 10th until the end of the school year. However, the child's enrollment was not properly reported for the 2001-02 school year.

The district looked at the data from 2003. The school didn’t make AYP. However, they believed there was 10% improvement for the black subgroup from 2002 to 2003, and the district felt the school had made safe harbor for reading. They contacted ISBE on the formula for safe harbor and were told in August 2003 that ISBE was worrying about actual assessment scores rather than moving on to calculations for safe harbor.

The district talked to agency staff several times about safe harbor. The response was that there was no black reading subgroup in 2002 so there could be no comparison for 2003. Staff said the district had less than 40 students in subgroups in 2002, yet all 44 of Steuben’s black students did count on the "Participation Summary for State Tests" in 2002. The 2002 data in the district's chart reflects 44 students, but comparing 2003 to 2002, ISBE staff says only 39 students were counted. ISBE’s calculation is based on the data reported by the district to ISBE in 2002. At the time of the 2002 test and the data correction window in 2002, there was no set minimum group size established, nor the October 1st date established for a full year student (board policy established in February 2003). These five youth were said to be late entries but yet they participated
in testing in 2002 and were counted for assessment purposes and on the "Participation Summary for State Tests" in 2002.

In 2002, AYP was still calculated by the old method. 2003 was the first year that calculations are based on all three AYP factors. For safe harbor there is a "look back provision," looking back at the prior year and counting data from both years. Ms. Reichle said ISBE was in order to do a "look back" to 2002 to calculate safe harbor in 2003. Use of safe harbor data was a "first" in 2003 for everyone. The "look back" provision and related processes were new to all parties in 2003.

The district did not dispute enrollment data in 2002. In 2003, new number criteria and data were used. ISBE is saying the 45 day window for change is August 1, 2003 through mid-September 2003. Also, if the district knew or should have known about the 2002 error, ISBE said the district didn’t appeal in a timely manner in 2003. The district tried to change the 2002 data in 2003 but was refused by the contractor. The district did receive notice in late July 2003 and had 45 days to challenge the data for 2003.

The school did not make AYP for 2000-01, 2001-02 and 2002-03, and remained in School Improvement status for Title I purposes. Even disregarding the results from 2002-03, Steuben would still be required to offer public school choice and SES to its students beginning with 2002-03. Even if they had made AYP for 2002-03, that would not change its identification for School Improvement status and the consequences under NCLB. Schools are not removed from School Improvement status until they make AYP for two consecutive school years.

In conclusion, the committee recommended to Dr. Schiller that the appeal of Kankakee #111 for 2002 be honored, and they be allowed to have the correction for 2002 made by the contractor at this time. By doing so, the 2003 safe harbor option may be considered for Steuben School. The committee is not seeking any change in the school's status since the school is currently in School Improvement status. To do so would clearly be a violation of NCLB requirements. It seeks to have the correction for 2002 made and then the data reviewed for safe harbor status for 2003. Should it be calculated that the school made AYP in 2003 via safe harbor, and then if the school makes AYP again in 2004, the school would not be on any status listing in 2004-05.

**Analysis and Implications for Policy, Budget, Legislative Action and Communications**

**Analysis and Policy Implications**

The State Board of Education has the options of accepting, rejecting, or modifying the recommendations of the Superintendent. Staff will inform the district of the Board's decision.

In terms of policy implications, data corrections from 2002 are an issue here. To not make the changes requested would not allow safe harbor to be considered for this school in 2003. While many school personnel statewide did not understand
participation and enrollment factors in 2003, given the necessary technical changes and
verifications now occurring for 2003 data, it is fair to say that some individuals did not
understand these same, intertwined, issues in 2002.

Another implication is an appeal request being received after the September deadline
for data correction, and no change being requested of the contractor in a timely fashion.
In this instance, there could be no data correction for 2002 during the 2003 timeframe
for corrections, and the Board policy on full school year and subgroup numbers were
not in place until February 2003.

**Budget Implications**
There are no budget implications at the state level through these recommendations.
Kankakee #111 receives Title I funds, and is already part of the System of Support.
The school is offering public school choice and SES now.

**Pros and Cons of Various Actions**
The commitment was made to the Appeals Advisory Committee that their
recommendations would be taken very seriously. While there may be concerns about
going back to 2002 to make data corrections, in order to have an accurate picture of
2003 for Steuben, it is appropriate to consider the safe harbor provision and do a "look
back."

The "Participation Summary for State Tests" for 2002 showed 44 black youth as having
taken the third grade reading tests. However, five students were deleted from the safe
harbor calculations for 2002 although all of their scores were counted in the 2002 AYP
calculations. It was only due to a changed definition of full school year during 2002-03
and lack of reported information about one homebound student who was and is served
by the school that caused the number of 44 to change between the 2002 data and the
2003 data.

**Superintendent’s Recommendation**
The Illinois State Board of Education accept the recommendation to 1) allow a data
correction from 2002 for Steuben Elementary School which would allow a safe harbor
"look back" to occur in 2003 across comparable subgroups and 2) fairly assess whether
or not the school made adequate yearly progress in 2003. However, even if it is
determined that Steuben School made AYP in 2003; they will remain on school
improvement status because a school must make AYP for two consecutive years to be
removed from school improvement status.

**Next Steps**
Inform Kankakee District #111 of the final decision; and inform the members of the
committee of the final decision and rationale.