THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

Information and Reporting Services
(518) 474-7965
Fax (518) 474-4351

2010–11 Accountability Status Appeal Application

To appeal an Adequate Yearly Progress (AYP) and/or accountability measure status determination for 2010–11 based on 2009–10 data, districts, public schools, and charter schools must submit a completed, signed, and dated *2010–11 Accountability Status Appeal Application*, with all required supporting evidence, to the following address by **November 4, 2010**:

New York State Education Department
Information and Reporting Services
Room 868 EBA
89 Washington Avenue
Albany, NY 12234

Data Verification and Certification Sources To Support Your Appeal

Districts and charter schools could send corrected data to the Student Information Repository System (SIRS) weekly until October 1, 2010, the deadline for submitting data that will be used for 2010–11 accountability determinations. Districts and charter schools were strongly encouraged to save copies of the materials listed below:

- ***AVRs:*** On December 22, 2009, the first set of *High School Accountability Verification Reports (AVRs),* which contained secondary-level data used to determine 2010–11 accountability, were made available on www.nySTART.gov. On September 16, 2010, *3–8 AVRs,* which contained elementary/middle-level data used to determine 2010-11 accountability, were made available on www.nySTART.gov. The final set of AVRs, based on frozen data in the Student Information Repository System (SIRS) as of the reporting deadline, were posted on October 5, 2010.

- ***preAORs:*** On April 22, 2010, the first set of high school *preview Accountability and Overview Reports (preAORs)*, which showed secondary-level 2009–10 AYP determinations and district 2010–11 accountability statuses, were made available on www.nySTART.gov. On September 9, 2010, the first set of *preAORs* with elementary/middle- and secondary-level 2009–10 AYP determinations and district 2010–11 accountability statuses were made available on www.nySTART.gov. The final set of preAORs, based on frozen data in the SIRS as of the reporting deadline, were posted on October 7, 2010.

- ***Level 2 Reports:*** During the week of April 20 for high school data and May 4 for elementary/middle-level data, Level 2 Reports, which provided an alternate means to nySTART to review data used to make AYP determinations based on 2009–10 school year data, were made available through your Level 1 service provider.

- ***Determining AYP Document:*** On June 1, 2010, a guide to determining AYP, "Using Verification Reports To Calculate Accountability Participation and Performance," was made available at http://www.emsc.nysed.gov/irts/nystart/reportguides.html.

- ***Differentiated Accountability Worksheet***: On May 24, 2010, a Differentiated Accountability Phase and Category Worksheet for using AYP to determine 2010–11 school status was made available on http://www.emsc.nysed.gov/nyc/APA/Differentiated_Accountability/DA_home.html.

- ***Data Certification:*** By October 8, 2010, superintendents and principals of charter schools were required to send to their RIC Director/Big 5 Data Coordinator a signed *2009–10 Statement of Certification of Verification Reports*, which was available at http://www.emsc.nysed.gov/irts/nystart/certification.html.

- ***Final Reports:*** On October 5 and 7, 2010, the *3–8 Accountability and High School Accountability Verification Reports* and *preAORs*, respectively, that reflected the data in Level 2 of SIRS by the reporting deadline were made available on nySTART.

- ***Differentiated Accountability Status Reports:*** On October 21, 2010, Differentiated Accountability Phases and Categories for schools will be posted on the IRS portal (see http://www.emsc.nysed.gov/irts/irs-portal/).

Appeal Justification

Appeals will *not* be granted on the sole basis of the failure of a district or charter school to submit correct data to Level 2 of the SIRS by the New York State Education Department (NYSED) reporting deadline (October 1, 2010).

Appeals *may* be granted if the district or charter school can prove to the satisfaction of NYSED that 1) though correct data were submitted to Level 2 of SIRS by the NYSED reporting deadline, the final AYP or status determination for the district or charter school does not reflect those data; or 2) though an attempt was made to upload correct data to Level 2 of the SIRS by the reporting deadline, the correct data were not uploaded due to technical difficulties encountered by the RIC, the repository system, or NYSED.

Submitting Multiple Appeals

Districts seeking an appeal for the district as well as component schools within the district may submit a single application; however, the district must identify the BEDS codes and the measures/subgroups being appealed and provide evidence to support each appeal for the district and each school seeking an appeal. Districts seeking an appeal for more than one of their component schools because of the same reporting error may submit a single application for all of the schools but must attach a list of the schools with BEDS codes and detailed descriptions of the impact on each school, including identification of the measure(s) and subgroup(s) impacted.

Security Issues When Submitting Supporting Evidence

Protecting personally identifiable information — including social security number (except the last 4 digits), date of birth, race/ethnicity, disability status, or other non-directory information — from unauthorized access is a legal requirement and an important priority for NYSED. To ensure the security of these data, if the supporting evidence for your appeal includes sensitive and protected information, please send this evidence to NYSED either (1) in an enclosed envelope via secure ground mail or (2) electronically over the internet via secure file transfer protocol (SFTP). Data sent via email and standard FTP (including FTP sites with password protection) are unencrypted and, therefore, are not secure. As such, these methods must not be used to transmit sensitive and protected data.

"Pending" Status

The overall status and/or status by measure of some districts and schools may appear as "Pending" in the preAORs. Pending indicates that there were not enough students in the district or school to make an AYP and status determination using normal procedures. For districts and schools with too few students at both the elementary/middle and secondary levels to use normal procedures to determine AYP and status, special evaluation procedures are used to determine overall status. These procedures will be completed in the fall, so the resulting statuses were not available in the preAORs on nySTART. However, the statuses will be available in the accountability list posted on the NYSED website and in the *Accountability and Overview Reports* (AORs) available on nySTART. For further information on these districts and schools, contact the Accountability, Policy, and Administration Office at (718) 722-2796.

The overall status for districts and schools with an AYP and status determination that is not Pending at one grade level (elementary/middle or secondary) and a Pending status at the other grade level is the status for the grade level that is not Pending. These statuses appeared in the preAORs on nySTART and the Differentiated Accountability Phase and Category Worksheet on http://www.emsc.nysed.gov/nyc/APA/Differentiated_Accountability/DA_home.html.

NYSAA 1% Cap

In accordance with federal No Child Left Behind regulation, for accountability purposes only, districts that have more than 1.0 percent of their continuously enrolled tested students at the elementary/middle level or of the accountability cohort at the secondary level performing at Levels 3 and 4 on the NYSAA will have sufficient numbers of these students counted as performing at Level 2 when calculating PIs to reduce the percentage of proficient students to one. When possible, such students are chosen by NYSED so that the reduction will not impact accountability for the district and component schools in the district.

This 1.0 percent reduction has been completed at the elementary/middle and secondary levels and is reflected in the preAORs available on nySTART. For more information, see the SIRS Manual at http://www.p12.nysed.gov/irts/sirs/ or contact Information and Reporting Services at (518) 474-7965.

Date Appeal Submitted: _____

District/School(s) Name(s): _____

District/School(s) BEDS Code(s): _____

Name & Title of Contact: _____

Phone Number and Email Address of Contact: _____

Accountability Measure(s) Appealed:

Appeals to District AYP/Status ONLY

English Language Arts	☐
Mathematics	☐
Elementary/Middle-Level Science	☐
Graduation Rate	☐

Appeals to School(s) AYP/Status ONLY

Elementary/Middle-Level English Language Arts	☐
Elementary/Middle-Level Mathematics	☐
Elementary/Middle-Level Science	☐
Secondary-Level English Language Arts	☐
Secondary-Level Mathematics	☐
Graduation Rate	☐

Provide a brief explanation of the reason you believe an incorrect AYP and/or status determination was made for your district/school(s). For example, your Level 1 service provider established a deadline of 5:00 p.m. on September 29, 2010 to submit final data, you submitted data at 4:30 p.m. on that date, but the Level 1 service provider pulled the final data at 4:00 p.m.

Reason for Appeal: _____

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Identify the supporting evidence you are attaching to support your appeal. For example, notification of the deadline to submit final data to your Level 1 service provider, a time stamped report of the time you submitted final data, and a copy of the data submitted that impacts the AYP/status being contested. (Other supporting evidence may include, but is not limited to, correspondence between the Local Education Agency and the Level 1 service provider, copies of the nySTART *3–8 Accountability* and/or *High School Accountability Verification Reports*, copies of Level 2 Reports, copies of files provided on the IRS Portal, and a copy of a signed *2009–10 Statement of Certification of Verification Reports*.)

Supporting Evidence: _____

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Identify the data in the *preAOR* available on nySTART on October 7, 2010 that you believe to be inaccurate, and indicate what you believe the correct data should be. (Include attachments, as necessary.)

Data Clarification: _____

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Appeal Submitter's Name: _____

Appeal Submitter's Title/Position: _____

Appeal Submitter's Phone Number & Email Address: _____

I certify that the information provided above and in the attached documents is true and accurate to the best of my knowledge.

Appeal Submitter's Signature: _____ Date: _____

For NYSED Use Only
Date Appeal Received: _____
Date Appeal Reviewed: _____
Reviewed By: _____
Date Appeal Decision Made: _____
Appeal Decision Made By: _____
Appeal Approved: ☐ YES ☐ NO ☐ Multiple Appeals Reviewed (See Below)
Appeal Approved for: _____
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Appeal Denied for: _____
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