



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

2009–10 Accountability Status Appeal Application

To appeal an Adequate Yearly Progress (AYP) and/or accountability measure status determination for 2009–10 based on 2008–09 data, districts, public schools, and charter schools must submit a completed, signed, and dated *2009–10 Accountability Status Appeal Application* (see below), with all required supporting evidence, to the following address by **September 28, 2009**:

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 SIRS weekly until July 31, 2009, the deadline for submitting data that will be used for 2009–10 accountability determinations. Districts and charter schools were strongly encouraged to save copies of the materials listed below:

- **AVRs:** On June 2, 2009, the first set of *3–8 Accountability and High School Accountability Verification Reports (AVRs)*, which contained the data used to determine 2009–10 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 August 11, 2009.
- **preAORs:** On July 2, 2009, the first set of *preview Accountability and Overview Reports (preAORs)*, which showed 2008–09 AYP determinations and district 2009–10 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 August 13, 2009.
- **Level 2 Reports:** During the week of June 1, 2009, Level 2 Reports, which provided an alternate means to nySTART to review data used to make AYP determinations based on 2008–09 school year data, were made available through your Level 1 service provider.
- **IRS Portal Files:** During the week of June 1, 2009, files that provided another alternate means to nySTART to review data used to make AYP determinations based on 2008–09 school year data, were made available on the IRS portal (see <http://www.emsc.nysed.gov/irts/irs-portal/>).

- **Determining AYP Document:** On June 1, 2009, 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 June, 30 2009, a Differentiated Accountability Phase and Category Worksheet for using AYP to determine 2009–10 school status was made available on http://www.emsc.nysed.gov/nyc/APA/Differentiated_Accountability/DA_home.html.
- **Data Certification:** By July 31, 2009, superintendents and principals of charter schools were required to send to their RIC Director/Big 5 Data Coordinator a signed *2008–09 Statement of Certification of Verification Reports*, which was available at <http://www.emsc.nysed.gov/irts/nystart/certification.html>.
- **Final Reports:** On August 11 and 13, 2009, 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.

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 (July 31, 2009).

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/Big 5, 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, for the district and each school seeking an appeal the district must identify the BEDS codes and the measures/subgroups being appealed and provide evidence to support each 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.

“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 are completed over the summer, so the resulting statuses were not available in the preAORs on nySTART through August 13, 2009 or in the accountability list posted on the NYSED website in August 2009. However, the statuses will be available in the accountability list posted on the NYSED website in November 2009 and in the *Accountability and Overview Reports (AORs)* available on nySTART in November 2009. 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 through August 13, 2009, the Differentiated Accountability Phase and Category Worksheet on http://www.emsc.nysed.gov/nyc/APA/Differentiated_Accountability/DA_home.html, and the August accountability lists.

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 on August 13, 2009 and in the accountability list posted on the NYSED website in August 2009. For more information, contact Information and Reporting Services at (518) 474-7965.

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 *2008–09 Statement of Certification of Verification Reports*.)

Supporting Evidence: _____

Identify the data in the *preAOR* available on nySTART on August 13, 2009 that you believe to be inaccurate, and indicate what you believe the correct data should be. (Include attachments, as necessary.)

Data Clarification: _____

Appeal Submitter's Name: _____

Appeal Submitter's Title/Position: _____

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: _____

Appeal Denied for: _____

