

EXECUTIVE SUMMARY

Title: Policies Governing Services for Children with Disabilities

Type of Executive Summary:

- Action
- Action on First Reading
- Discussion
- Information

Policy Implications:

- Constitution _____
- General Statute #NCGS 115C
- SBE Policy #HSP-D-000-008, EEO-E-001
- SBE Policy Amendment
- SBE Policy (New)
- APA # _____
- APA Amendment
- APA (New)
- Other _____

Presenter(s): Ms. Angela H. Quick, (Deputy Chief Academic Officer/Assistant State Superintendent, Curriculum, Instruction, Technology & Accountability) and Mrs. Mary N. Watson (Director, Exceptional Children Division)

Description:

Policies Governing Services for Children with Disabilities (Policies) will be amended as suggested by the State Board of Education to reflect recent changes to G.S. 115C- 106.3(3a) and 107.7(b). See the attachment for the changes to the Policies.

Resources:

N/A

Input Process:

The presentation to the State Board of Education at the September meeting began the 60-day public notice and comment period.

Stakeholders:

Local education agencies, charter schools, general and special education teachers and administrators, students with disabilities and their families, and parent and advocacy organizations

Timeline For Action:

The amendment to the Policies was presented for discussion at the September meeting and is submitted for action at the November meeting to allow for the required 60-day for public notice and comment period. The amendment to Policies will become effective upon State Board of Education approval.

Recommendations:

The State Board of Education is asked to approve the amended Policies.

Audiovisual equipment requested for the presentation:

- Data Projector/Video (Videotape/DVD and/or Computer Data, Internet, Presentations-PowerPoint preferred)
Specify: _____
- Audio Requirements (computer or other, except for PA system which is provided)
Specify: _____
- Document Camera (for transparencies or paper documents – white paper preferred)

Motion By: _____

Seconded By: _____

Vote: Yes _____ No _____

Abstain _____

Approved _____ Disapproved _____ Postponed _____ Revised _____

*Person responsible for SBE agenda materials and SBE policy updates: Tish Bynum, 919-807-3971

- (iii) If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the LEA and information provided by the parents, the LEA must provide special education and related services in accordance with these Policies, including the requirements of NC 1504-2.1 through NC 1504-2.7 and sections 612(a)(1)(A) of the IDEA.

(Authority: 20 U.S.C. 1415(k)(5); 34 CFR 300.534)

NC 1504-2.6 Referral to and action by law enforcement and judicial authorities

- (a) Rule of construction. Nothing in this part prohibits an LEA from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.
- (b) Transmittal of records.
 - (1) An LEA reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the LEA reports the crime.
 - (2) An LEA reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

(Authority: 20 U.S.C. 1415(k)(6); 34 CFR 300.535)

NC 1504-2.7 Change of placement because of disciplinary removals

- (a) For purposes of removals of a child with a disability from the child's current educational placement under NC 1504-2.1 through NC 1504-2.6, a change of placement occurs if--
 - (1) The removal is for more than 10 consecutive school days; or
 - (2) The child has been subjected to a series of removals that constitute a pattern--
 - (i) Because the series of removals total more than 10 school days in a school year;
 - (ii) Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals, and
 - (iii) Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.
- (b)
 - (1) The LEA determines on a case-by-case basis whether a pattern of removals constitutes a change in placement.
 - (2) This determination is subject to review through due process and judicial proceedings.

(Authority: 20 U.S.C. 1415(k); 34 CFR 300.536)

NC 1504-2.8 State enforcement mechanisms

Notwithstanding NC 1504-1.7(b)(7) and NC 1504-1.11(d)(2), which provide for judicial enforcement of a written agreement reached as a result of mediation or a resolution meeting, enforcement of such agreements may also be sought through the State complaint investigation process.

(Authority: 20 U.S.C. 1415(e)(2)(f), 1415(f)(1)(B); 34 CFR 300.537)

NC 1504-2.9 Discipline and homebound instruction

Policies Governing Services for Children with Disabilities

- (a) If a change of placement occurs under the discipline requirements of these Policies, an LEA shall not assign a student to homebound instruction without a determination by the student's IEP team that the homebound instruction is the least restrictive alternative environment for that student. If it is determined that the homebound instruction is the least restrictive alternative environment for the student, the student's IEP team shall meet to determine the nature of the homebound educational services to be provided to the student. In addition, the continued appropriateness of the homebound instruction shall be evaluated monthly by the ~~student's IEP team~~ designee or designees of the student's IEP team.
- (b) "Educational services" means all of the following:
 - (1) The necessary instructional hours per week in the form and format as determined by the child's IEP team and consistent with federal and State law. The instruction shall be delivered by an appropriately qualified teachers to the extent required by federal and State law, which requires a free appropriate public education and the opportunity for a sound basic education.
 - (2) Related services including in the child's IEP.
 - (3) Behavior intervention services ~~designed to address the behavior violation that caused the disciplinary change of placement in order to prevent a recurrence~~ to the extent required by federal law.
- (c) "Homebound instruction" means educational services provided to a student outside the school setting.

(Authority: Article 9 of Chapter 115C-107.7; 106.3 as amended)

Policies Governing Services for Children with Disabilities

- (2) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under paragraph (d) of this section.
- (c) Additional authority. For disciplinary changes in placement that would exceed 10 consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability pursuant to paragraph (e) of this section, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, except as provided in paragraph (d) of this section.
- (d) Services.
 - (1) A child with a disability who is removed from the child's current placement pursuant to paragraphs (c) or (g) of this section must--
 - (i) Continue to receive educational services, as provided in NC 1501-1.1(a), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
 - (ii) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. If a behavioral intervention plan already has been developed, it must be reviewed and modified, as necessary, to address the behavior.
 - (2) The services required by paragraph (d)(1), (d)(3), (d)(4), and (d)(5) of this section may be provided in an interim alternative educational setting.
 - (3) A public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who is similarly removed.
 - (4) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, if the current removal is for not more than 10 consecutive school days and is not a change of placement under NC 1504-2.7, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed as provided NC 1501-1.1 so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.
 - (5) If the removal is a change of placement under NC 1504-2.7, the child's IEP Team determines appropriate services under paragraph (d)(1) of this section.
- (e) Manifestation determination.
 - (1) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team (as determined by the parent and the LEA) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine--
 - (i) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
 - (ii) If the conduct in question was the direct result of the LEA's failure to implement the IEP.
 - (2) The conduct must be determined to be a manifestation of the child's disability if the LEA, the parent, and relevant members of the child's IEP Team determine that a condition in either paragraph (e)(1)(i) or (1)(ii) of this section was met.
 - (3) If the LEA, the parent, and relevant members of the child's IEP Team determine the condition described in paragraph (e)(1)(ii) of this section was met, the LEA must take immediate steps to remedy those deficiencies.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2008-90
HOUSE BILL 12**

AN ACT TO AMEND THE DEFINITION OF "EDUCATIONAL SERVICES" FOR STUDENTS WITH DISABILITIES; TO AMEND THE LAW TO ALLOW A DESIGNEE OR DESIGNEES OF A STUDENT'S IEP TEAM TO EVALUATE THE CONTINUED APPROPRIATENESS OF HOMEBOUND INSTRUCTION FOR DISCIPLINE PURPOSES FOR STUDENTS WITH DISABILITIES AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE; TO ADD A PROTECTION FOR CHILDREN NOT DETERMINED ELIGIBLE FOR SPECIAL EDUCATION AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON EDUCATION OF STUDENTS WITH DISABILITIES; AND TO DIRECT THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE STATE BOARD OF EDUCATION TO REPORT ON CONTESTED CASES BASED ON THE ADDITIONAL PROTECTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-106.3(3a) reads as rewritten:

"(3a) 'Educational services' means all of the following:

- a. The necessary instructional hours per week in the form and format as determined by the child's IEP team and consistent with federal and State law. The instruction shall be delivered by an appropriately qualified teacher to the extent required by federal and State law, which requires a free appropriate public education and the opportunity for a sound basic education.
- b. Related services included in the child's IEP.
- c. Behavior intervention services ~~designed to address the behavior violation that caused the disciplinary change of placement in order to prevent a recurrence.~~ to the extent required by federal law."

SECTION 2. G.S. 115C-107.7 reads as rewritten:

"§ 115C-107.7. Discipline and homebound instruction.

(a) The policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations.

(b) If a change of placement occurs under the discipline regulations of IDEA, a local educational agency shall not assign a student to homebound instruction without a determination by the student's IEP team that the homebound instruction is the least restrictive alternative environment for that student. If it is determined that the homebound instruction is the least restrictive alternative environment for the student, the student's IEP team shall meet to determine the nature of the homebound educational services to be provided to the student. In addition, the continued appropriateness of the homebound instruction shall be evaluated monthly by the ~~head of the student's IEP team~~ designee or designees of the student's IEP team."

SECTION 3. G.S. 115C-107.7 is amended by adding a new subsection to read:

"(c) A local educational agency shall be deemed to have a 'basis of knowledge' that a child is a child with a disability if, prior to the behavior that precipitated the disciplinary action, the behavior and performance of the child clearly and convincingly establishes the need for special education. Prior disciplinary infractions shall not, standing alone, constitute clear and convincing evidence."

EXECUTIVE SUMMARY

Title: Changes to Policy Delineating the Components of the ABCs Accountability Program Including Adequate Yearly Progress (AYP) for 2008-09 School Year

Type of Executive Summary:

- Action
- Action on First Reading
- Discussion
- Information

Policy Implications:

- Constitution _____
- General Statute # _____
- SBE Policy #HSP-C-020
- SBE Policy Amendment
- SBE Policy (New)
- APA # _____
- APA Amendment
- APA (New)
- Other NCLB Act of 2001

Presenter(s): Ms. Angela H. Quick (Deputy Chief Academic Officer/Assistant State Superintendent, Curriculum, Instruction, Technology and Accountability Services) and Dr. Louis M. Fabrizio (Director of Accountability Policy & Communications)

Description:

SBE policy HSP-C-020 is being modified to reflect the components of the ABCs Accountability Program including Adequate Yearly Progress (AYP) for the 2008-09 school year. It includes the elimination of writing in grades 4 & 7, the inclusion of science results in grades 5 & 8 in the performance composite and not including non-exit standards EOC assessments in growth calculations.

Resources:

DPI staff

Input Process:

Compliance Commission, selected DPI staff, input from educators in the field

Stakeholders:

LEAs, General Assembly, parents, teachers, administrators and the public

Timeline For Action:

This item was presented for Discussion at the October SBE meeting and is returned for Action at the November meeting.

Recommendations:

It is recommended the Board approve the changes to the HSP-C-020 policy for the 2008-09 school year.

Audiovisual equipment requested for the presentation:

- Data Projector/Video (Videotape/DVD and/or Computer Data, Internet, Presentations-PowerPoint preferred)
Specify: _____
- Audio Requirements (computer or other, except for PA system which is provided)
Specify: _____
- Document Camera (for transparencies or paper documents – white paper preferred)

Motion By: _____

Seconded By: _____

Vote: Yes _____ No _____

Abstain _____

Approved _____ Disapproved _____

Postponed _____ Revised _____

*Person responsible for SBE agenda materials and SBE policy updates: Lucy Medlin, 919-807-3771

**NORTH CAROLINA STATE BOARD OF EDUCATION
Policy Manual**

Policy Identification

Priority: High Student Performance

Category: ABCs Accountability Model

Policy ID Number: HSP-C-020

Policy Title: Policy delineating the components of the ABCs Accountability Program including Adequate Yearly Progress (AYP)

Current Policy Date: ~~07/01/2008~~11/06/08

Other Historical Information: 03/04/2004, 10/07/2004, 05/05/2005,08/03/2006,04/03/2008,
~~07/01/2008~~

Statutory Reference: GS 115C-105.20, No Child Left Behind Act of 2001 (P.L. 107-110)

Administrative Procedures Act (APA) Reference Number and Category:

***** Begin Policy *** (Do not tamper with this line)**

Below is a chart listing the components of the ABCs Accountability Program including whether the component is used for ABCs Growth, Performance Composite, and/or Adequate Yearly Progress (AYP) for the No Child Left Behind (NCLB) Act of 2001.

ABCs Program 2003-04

Components	ABCs Growth	Performance Composite	Adequate Yearly Progress
End of Grade Tests			
Reading	✓	✓	✓
Mathematics	✓	✓	✓
End of Course Tests			
Algebra I	✓	✓	
Algebra II	✓	✓	
Biology	✓	✓	
Chemistry	✓	✓	

Components	ABCs Growth	Performance Composite	Adequate Yearly Progress
English I	✓	✓	
Geometry	✓	✓	
Physical Science	✓	✓	
Physics	✓	✓	
High School Comprehensive Tests			
Reading			✓
Mathematics			✓
North Carolina Alternate Assessment Portfolio			
Reading		✓	✓
Mathematics		✓	✓
North Carolina Alternate Assessment Academic Inventory			
Reading		✓	✓
Mathematics		✓	✓
Dropout Rate			
Grades 9-12	✓		
Graduation Rate			
Grade 12			✓
Attendance Rate			
All Grades 3 – 8			✓
Computer Skills			
Grade 8		✓	
Competency Passing Rate			
Grade 10	✓		
College University Prep/College Tech Prep			
Grade 12	✓		

ABCs Program 2004-05

Components	ABCs Growth	Performance Composite	Adequate Yearly Progress
End-of-Grade Tests			
Reading	✓	✓	✓
Mathematics	✓	✓	✓
End-of-Course Tests			
Algebra I	✓	✓	✓*
Algebra II	✓	✓	
Biology	✓	✓	
Chemistry	✓	✓	
English I	✓	✓	✓*
Geometry	✓	✓	
Physical Science	✓	✓	
Physics	✓	✓	
Writing Tests			
Grades 4 and 7			
Grade 10			✓*
High School Comprehensive Tests			
Reading			✓*
Mathematics			✓*
North Carolina Alternate Assessment Portfolio			
Reading		✓	✓
Mathematics		✓	✓
North Carolina Alternate Assessment Academic Inventory			
Reading		✓	✓
Mathematics		✓	✓
Dropout Rate			
Grades 9-12	✓		
Graduation Rate			
Grade 12			✓
Attendance Rate			
All Grades 3 – 8			✓

Computer Skills

Grade 8

✓

Competency Passing Rate

Grade 10

✓

College University Prep/College Tech Prep

Grade 12

✓

* Effective with the 2004-05 school year, Algebra I and a combination of the end-of-course English I and the Grade 10 Writing assessment will be used in place of the North Carolina High School Comprehensive Tests of Reading and Mathematics for AYP purposes. In rare cases, the North Carolina High School Comprehensive Tests of Reading and Mathematics (or their alternate assessments) will be used for students who do not take Algebra I or English I by the end of the tenth grade.

ABCs Program 2005-06

Components	ABCs Growth	Performance Composite	Adequate Yearly Progress
Third Grade Pretest			
Reading	✓		
Mathematics			
End-of-Grade Tests (and NCCLAS)¹			
Reading	✓	✓	✓
Mathematics		✓	✓
Grade 3			
Mathematics	✓	✓	✓
Grades 4, 5, 6			
Mathematics	✓	✓	✓
Grades 7 and 8			
End-of-Course Tests (and NCCLAS)¹			
Algebra I	✓	✓	✓*
Algebra II	✓	✓	
Biology	✓	✓	
Chemistry	✓	✓	
Civics and Economics		✓	
English I	✓	✓	✓*
Geometry	✓	✓	
Physical Science	✓	✓	
Physics	✓	✓	
U.S. History		✓	
Writing Tests			
Grades 4 and 7		✓	
Grade 10		✓	✓*
High School Comprehensive Tests			
Reading			✓*
Mathematics			✓*
North Carolina Alternate Assessment Portfolio			
Reading		✓	✓
Mathematics		✓	✓

NCEXTEND2		
Reading		✓
Mathematics		✓
Dropout Rate		
Grades 9-12	✓	
Graduation Rate		
Grade 12		✓
Attendance Rate		
All Grades 3 – 8		✓
Computer Skills		
Grade 8		✓
Competency Passing Rate		
Grade 10	✓	
College University Prep/College Tech Prep		
Grade 12	✓	

* Effective with the 2004-05 school year, Algebra I and a combination of the end-of-course English I and the Grade 10 Writing assessment will be used in place of the North Carolina High School Comprehensive Tests of Reading and Mathematics for AYP purposes. In rare cases, the North Carolina High School Comprehensive Tests of Reading and Mathematics (or their alternate assessments) will be used for students who do not take Algebra I or English I by the end of the tenth grade.

¹ Alternate assessments will not count in growth.

ABCs Program 2006-07

Components	ABCs Growth	Performance Composite	Adequate Yearly Progress
Third Grade Pretest			
Reading	✓		
Mathematics	✓		
End-of-Grade Tests (and NCCLAS)¹			
Reading	✓	✓	✓
Mathematics	✓	✓	✓
End-of-Course Tests (and NCCLAS)¹			
Algebra I	✓	✓	✓*
Algebra II	✓	✓	
Biology	✓	✓	
Chemistry			
Civics and Economics	✓	✓	
English I	✓	✓	✓*
Geometry	✓	✓	
Physical Science			
Physics			
U.S. History	✓	✓	
Writing Tests			
Grades 4 and 7		✓	
Grade 10		✓	✓*
High School Comprehensive Tests²			
Reading			✓*
Mathematics			✓*
NCEXTEND1³			
Reading		✓	✓
Mathematics		✓	✓
NCEXTEND2³			
Reading		✓	✓
Mathematics		✓	✓
Dropout Rate			
Grades 9-12	✓		

Graduation Rate		
9 th Grade Cohort 2003-04		✓
Attendance Rate		
All Grades 3 – 8		✓
Computer Skills		
Grade 8		✓
Competency Passing Rate		
Grade 10	✓	
College University Prep/College Tech Prep		
Grade 12	✓	

* Effective with the 2004-05 school year, Algebra I and a combination of the end-of-course English I and the Grade 10 Writing assessment will be used in place of the North Carolina High School Comprehensive Tests of Reading and Mathematics for AYP purposes. In rare cases, the North Carolina High School Comprehensive Tests of Reading and Mathematics ²(or their alternate assessments) will be used for students who do not take Algebra I or English I by the end of the tenth grade.

¹Alternate assessments will not count in growth.

²Or its replacement.

³These assessments will need to be approved by the US Department of Education during the 2006-07 school year.

~~THE FOLLOWING INFORMATION IS NEW TO THE POLICY~~

ABCs Program 2007-08

Components	ABCs Growth	Performance Composite	Adequate Yearly Progress
Third Grade Pretest			
Reading			
Mathematics	✓		
End-of-Grade Tests			
Reading (Grade 3)		✓	✓
Reading (Grades 4-8)		✓	✓
Mathematics (Grades 3-8)	✓	✓	✓
Science (Grades 5 & 8) ¹			
End-of-Course Tests			
Algebra I	✓	✓	✓
Algebra II		✓	
Biology ¹		✓	
Chemistry		✓	
Civics and Economics	✓	✓	
English I	✓	✓	✓
Geometry	✓	✓	
Physical Science		✓	
Physics		✓	
U.S. History	✓	✓	
General Writing Tests			
Grades 4 and 7		✓	
Grade 10		✓	✓*
High School Comprehensive Test			
Mathematics			✓*
NCCLAS			
Reading (Grade 3)		✓	✓
Reading (Grades 4-8)		✓	✓
Mathematics (Grades 3-8)		✓	✓
Mathematics (Grade 10)			✓*
Science (Grades 5 & 8)			
Algebra I		✓	✓*

Components	ABCs Growth	Performance Composite	Adequate Yearly Progress
NCCLAS cont.			
Algebra II		✓	
Biology ¹		✓	
Chemistry		✓	
Civics and Economics		✓	
English I		✓	✓*
Geometry		✓	
Physical Science		✓	
Physics		✓	
U.S. History		✓	
Writing (Grades 4 & 7)		✓	
Writing (Grade 10)		✓	✓
NCEXTEND1²			
Reading (Grades 3-8)		✓	✓
Mathematics (Grades 3-8)		✓	✓
Science (Grades 5 & 8) ¹			
Writing (Grades 4 & 7)		✓	
NCEXTEND1² (Grade 10)			
Reading			✓
Mathematics			✓
Science ¹			
Writing		✓	✓
NCEXTEND2²			
Reading (Grades 3-8_)		✓	✓
Mathematics (Grades 3-8)		✓	✓
Science (Grades 5 & 8) ¹			
Writing (Grades 4 & 7)		✓	
OCS NCEXTEND2² (Grade 10)			
English			✓
Mathematics			✓
Science ¹			
Writing		✓	✓
Dropout Rate			
Grades 9-12	✓		

Graduation Rate	
9 th Grade Cohort 2004-05	✓
Attendance Rate	
All Grades 3 – 8	✓
Computer Skills	
Grade 8	✓
Competency Passing Rate³	
Grade 10	No longer applicable due to new High School Exit Standards
College University Prep/College Tech Prep	
Grade 12	✓

* Effective with the 2004-05 school year, Algebra I and a combination of the end-of-course English I and the Grade 10 Writing assessments are used in place of the North Carolina High School Comprehensive Tests of Reading and Mathematics for AYP purposes at grade 10. Banked scores are used for students who have taken the assessments prior to grade 10. In rare cases, starting in 2006-07, the North Carolina High School Comprehensive Test of Mathematics (or its alternate assessment) is used for students who do not take Algebra I or OCS Mathematics I by the end of the tenth grade.

¹The No Child Left Behind Act of 2001 requires that the science assessments at elementary, middle, and high be administered but does not require that they be used for calculating AYP.

²These assessments will need to be approved by the US Department of Education.

³Removed from ABCs Program.

THE FOLLOWING INFORMATION IS NEW TO THE POLICY

ABCs Program 2008-09

<u>Components</u>	<u>ABCs Growth</u>	<u>Performance Composite</u>	<u>Adequate Yearly Progress</u>
<u>Third Grade Pretest</u>			
<u>Reading</u>	<u>✓</u>		
<u>Mathematics</u>	<u>✓</u>		
<u>End-of-Grade Tests</u>			
<u>Reading (Grades 3-8)</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
<u>Mathematics (Grades 3-8)</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
<u>Science (Grades 5 & 8)¹</u>		<u>✓</u>	
<u>End-of-Course Tests</u>			
<u>Algebra I</u>	<u>✓</u>	<u>✓</u>	<u>✓*</u>
<u>Algebra II</u>		<u>✓</u>	
<u>Biology¹</u>	<u>✓</u>	<u>✓</u>	
<u>Chemistry</u>		<u>✓</u>	
<u>Civics and Economics</u>	<u>✓</u>	<u>✓</u>	
<u>English I</u>	<u>✓</u>	<u>✓</u>	<u>✓*</u>
<u>Geometry</u>		<u>✓</u>	
<u>Physical Science</u>		<u>✓</u>	
<u>Physics</u>		<u>✓</u>	
<u>U.S. History</u>	<u>✓</u>	<u>✓</u>	
<u>General Writing Tests</u>			
<u>Grade 10</u>		<u>✓</u>	<u>✓*</u>
<u>NCCLAS</u>			
<u>Reading (Grades 3-8)</u>		<u>✓</u>	<u>✓</u>
<u>Mathematics (Grades 3-8)</u>		<u>✓</u>	<u>✓</u>
<u>Science (Grades 5 & 8)¹</u>		<u>✓</u>	
<u>Algebra I</u>		<u>✓</u>	<u>✓*</u>
<u>Algebra II</u>		<u>✓</u>	
<u>Biology¹</u>		<u>✓</u>	
<u>Chemistry</u>		<u>✓</u>	
<u>Civics and Economics</u>		<u>✓</u>	

<u>Components</u>	<u>ABCs Growth</u>	<u>Performance Composite</u>	<u>Adequate Yearly Progress</u>
<u>NCCLAS cont.</u>			
<u>English I</u>		<u>✓</u>	<u>✓*</u>
<u>Geometry</u>		<u>✓</u>	
<u>Physical Science</u>		<u>✓</u>	
<u>Physics</u>		<u>✓</u>	
<u>U.S. History</u>		<u>✓</u>	
<u>Writing (Grade 10)</u>		<u>✓</u>	<u>✓*</u>
<u>NCEXTEND1²</u>			
<u>Reading (Grades 3-8)</u>		<u>✓</u>	<u>✓</u>
<u>Mathematics (Grades 3-8)</u>		<u>✓</u>	<u>✓</u>
<u>Science (Grades 5 & 8)¹</u>		<u>✓</u>	
<u>NCEXTEND1² (Grade 10)</u>			
<u>Reading</u>		<u>✓</u>	<u>✓*</u>
<u>Mathematics</u>		<u>✓</u>	<u>✓*</u>
<u>Science¹</u>		<u>✓</u>	
<u>Writing</u>		<u>✓</u>	<u>✓</u>
<u>NCEXTEND2²</u>			
<u>Reading (Grades 3-8)</u>		<u>✓</u>	<u>✓</u>
<u>Mathematics (Grades 3-8)</u>		<u>✓</u>	<u>✓</u>
<u>Science (Grades 5 & 8)¹</u>		<u>✓</u>	
<u>OCS NCEXTEND2² (Grade 10)</u>			
<u>English</u>		<u>✓</u>	<u>✓*</u>
<u>Mathematics</u>		<u>✓</u>	<u>✓*</u>
<u>Science¹</u>		<u>✓</u>	
<u>Writing</u>		<u>✓</u>	<u>✓*</u>
<u>Dropout Rate</u>			
<u>Grades 9-12</u>	<u>✓</u>		
<u>Graduation Rate</u>			
<u>9th Grade Cohort 2005-06</u>			<u>✓</u>
<u>Attendance Rate</u>			
<u>All Grades 3-8</u>			<u>✓</u>
<u>Computer Skills</u>			
<u>Grade 8</u>		<u>✓</u>	

College University Prep/College Tech Prep

Grade 12



* Effective with the 2004-05 school year, Algebra I and a combination of the end-of-course English I and the Grade 10 Writing assessments are used in conjunction with the corresponding alternate assessments for AYP purposes at the high school level. Banked scores are used for students who have taken the assessments prior to grade 10. In rare cases, starting in 2006-07, the North Carolina High School Comprehensive Test of Mathematics is used for students who do not take Algebra I by the end of the tenth grade.

¹The No Child Left Behind Act of 2001 requires that the science assessments at elementary, middle, and high be administered but does not require that they be used for calculating AYP.

²These assessments will need to be approved by the US Department of Education.

*Person responsible for SBE agenda materials and SBE policy updates: Lucy Medlin, 919-807-3771

EXECUTIVE SUMMARY**Title:** The 2007-08 Statewide ABCs/AYP Report (PRESENTED ON THURSDAY)**Type of Executive Summary:**

- Action Action on First Reading Discussion Information

Policy Implications:

- Constitution _____
 General Statute #115C-105.20.40 (Article 8B)
 SBE Policy # _____
 SBE Policy Amendment
 SBE Policy (New)
 APA # _____
 APA Amendment
 APA (New)
 Other

Presenter(s): Ms. Angela H. Quick (Deputy Chief Academic Officer/Assistant State Superintendent, Curriculum, Instruction, Technology and Accountability Services) and Dr. Louis M. Fabrizio (Director of Accountability Policy & Communications)

Description:

The 2007-08 statewide ABCs/AYP results are presented for approval. The report, including previously reported High School results, is published electronically at <http://abcs.ncpublicschools.org>. The site reports results for ABCs growth and performance and the AYP status for each individual school. The report includes results for all schools, including Honor Schools of Excellence; Schools of Excellence; Schools of Distinction; Schools Making High Growth; Schools Making Expected Growth; Schools of Progress; Priority Schools and Low-Performing Schools. PDF and Excel formats are available, and links to Schools Not Included in the ABCs and Schools with Unresolved Data Issues are provided. In addition, lists of Title I and non-Title I schools that did not make AYP for two or more consecutive years in the same subject area are provided. The non-Title I schools are required to amend their school improvement plans while the Title I schools will receive sanctions under the No Child Left Behind (NCLB) Act.

The complete ABCs Executive Summary, containing an overview of the accountability year and statistical summary of the 2007-08 ABCs and Technical Notes, will be presented on November 6, 2008.

Resources:

Incentive awards

Input Process:

State Board of Education hearings, Compliance Commission meetings, advisory groups, and others

Stakeholders:

North Carolina General Assembly, public schools of North Carolina, and the public

Timeline For Action:

This item is presented for Action on First Reading at the November SBE meeting.

Recommendations:

It is recommended that the Board approve the ABCs and AYP designations of each school.

Audiovisual equipment requested for the presentation:

- Data Projector/Video (Videotape/DVD and/or Computer Data, Internet, Presentations-PowerPoint preferred)
Specify: Internet and Powerpoint

- Audio Requirements (computer or other, except for PA system which is provided)
Specify: _____

Document Camera (for transparencies or paper documents – white paper preferred)

Motion By: _____ Seconded By: _____
Vote: Yes _____ No _____ Abstain _____
Approved _____ Disapproved _____ Postponed _____ Revised _____

*Person responsible for SBE agenda materials and SBE policy updates: Lucy Medlin, 919-807-3771

EXECUTIVE SUMMARY

Title: Allowing Retest Results in the Calculation of Performance Composites of the ABCs

Type of Executive Summary:

Action Action on First Reading Discussion Information

Policy Implications:

- Constitution _____
- General Statute # _____
- SBE Policy # EEO-I-005, HSP-A-004, HSP-C-005
- SBE Policy Amendment
- SBE Policy (New)
- APA # 16 NCAC 6D.0305, 16 NCAC 6D.0504
- APA Amendment
- APA (New)
- Other _____

Presenter(s): Ms. Angela H. Quick (Deputy Chief Academic Officer/Assistant State Superintendent, Curriculum, Instruction, Technology and Accountability Services) and Dr. Louis M. Fabrizio (Director of Accountability Policy & Communications)

Description:

The State Board of Education (SBE), in its *Framework for Change* report (Immediate Improvement #5), calls for allowing retest results in the calculation of performance composites of the ABCs for Public Education. “Any student who scores at Achievement Level III on a retest of an end-of-grade test (EOG) or end-of-course (EOC) test for grades or courses included in the Student Accountability Standards [SAS] is to be counted as proficient for the school’s ABCs performance composite and Adequate Yearly Progress (AYP) purposes. *Effective:* 2008-09 school year.” This will necessitate changes in several current SBE policies and practices and amendments to the NC Accountability Workbook upon subsequent approval from the United States Department of Education (USED). Additional information will be available prior to the November 6th State Board Meeting.

Some LEAs have argued that this item should be expanded to allow retesting at all grade levels and for all courses with EOC assessments. The USED has advised DPI that retest scores can be used at all grade levels and for all EOC assessments **IF** the SBE mandates that retesting be required for all grades and EOC courses and not remain as a local option. This ensures that AYP decisions are made equitably across the state. The June 30th deadline for data transmission to DPI might preclude some LEAs from having their 2nd retest scores available. Therefore, to maintain consistency and equity, only the 1st retest-score will be used for calculations. According to the USED, this will ensure equity across the state in making AYP determinations. Please note that retest scores are not included in growth calculations and do not affect financial incentive awards (bonuses).

The USED also does not allow the use of the Standard Error of Measurement (SEM) and a confidence interval for AYP. Therefore, students who meet the Achievement Level III standard using the SEM for SAS must be retested and score proficient without the SEM for their retest scores to be included in the performance composites and for AYP.

With the anticipation of the new assessments based on Essential Standards and the use of constructed-response (CR) items, the SBE should re-evaluate the issue of retesting because of the extended time needed to score the CR items. This could potentially involve moving the initial testing earlier in the school year.

Resources:

DPI staff time for programming and changes to numerous documents where the new procedures will be described.

Input Process:

Agency leadership, USED, superintendents attending the Superintendents’ Quarterly Meeting on September 21, 2008, October 2008 survey of Superintendents, and superintendents attending the Superintendents’ Quarterly Meeting on October 21, 2008

Stakeholders:

Staff of the public schools of North Carolina and the general public

Timeline For Action:

This item is being presented for Discussion at the November meeting and will be presented for Action at the December meeting.

Recommendations:

It is recommended that the State Board of Education discuss options and implications for using retest scores and subsequently approve changes in policies that are affected.

Audiovisual equipment requested for the presentation:

Data Projector/Video (Videotape/DVD and/or Computer Data, Internet, Presentations-PowerPoint preferred)
Specify: _____

Audio Requirements (computer or other, except for PA system which is provided)
Specify: _____

Document Camera (for transparencies or paper documents – white paper preferred)

Motion By: _____

Seconded By: _____

Vote: Yes _____ No _____

Abstain _____

Approved _____ Disapproved _____

Postponed _____ Revised _____

*Person responsible for SBE agenda materials and SBE policy updates: Lucy Medlin, 919-807-3771

**NORTH CAROLINA STATE BOARD OF EDUCATION
Policy Manual**

Policy Identification

Priority: Effective and Efficient Operations

Category: State Plans

Policy ID Number: EEO-I-005

Policy Title: Policy regarding the No Child Left Behind Consolidated State Plan for ESEA Reauthorization

Current Policy Date: 06/30/2005

Other Historical Information: Previous board dates: 06/06/2002, 08/25/2003, 01/08/2004, 03/04/2004, 5/06/2004, 06/30/2004, 07/01/2004, 02/03/2005

Statutory Reference: PL 107-110 (No Child Left Behind Act of 2001)

Administrative Procedures Act (APA) Reference Number and Category:

Please refer to the insert **No Child Left Behind Consolidated State Plan Application**. This document is available from the:

NC Department of Public Instruction
State Superintendent's Office
6301 Mail Service Center
Raleigh, NC 27699-6301

Questions regarding the **No Child Left Behind Consolidated State Plan Application** should be directed to:

Coordinator of Federal Programs at (919) 807-3443.

All components of the plan, listed below, may be found at the following url:

<http://www.ncpublicschools.org/nclb/federal/> .

- Consolidated State Application – 6/3/04
- Consolidated State Application Baseline Data and Performance Indicators — Updated 5/1/03
- Consolidated State Application Accountability Workbook – 5/11/04
- Consolidated State Application – Assurances – 6/7/02
- Consolidated State Application Accountability Workbook—2/3/2005

**NORTH CAROLINA STATE BOARD OF EDUCATION
Policy Manual**

Policy Identification

Priority: High Student Performance

Category: Testing

Policy ID Number: HSP-A-004

Policy Title: Policy delineating the appropriate use of state tests

Current Policy Date: 11/05/1998

Other Historical Information: Previous board dates: 05/01/1997

Statutory Reference:

Administrative Procedures Act (APA) Reference Number and Category:

***** Begin Policy *** (Do not tamper with this line)**

Appropriate Use of State Tests

Secure tests developed by the State of North Carolina may not be used for purposes other than those approved by the Division of Accountability Services and the State Board of Education. Only one administration of secure end-of-grade tests shall be permitted during a given school year, except in documented cases where a misadministration yields invalid test scores.

Local school districts may administer a designated released form of the test to students who score below Achievement Level III in reading and/or mathematics to provide additional information to assist in making decisions regarding promotion. Appropriate focused supplemental instructional assistance (remediation) shall be provided prior to any re-testing.

**NORTH CAROLINA STATE BOARD OF EDUCATION
Policy Manual**

Policy Identification

Priority: High Student Performance
Category: ABCs Accountability Model
Policy ID Number: HSP-C-005

Policy Title: 16 NCAC 6G.0305 Policy delineating the annual performance standards for Grades K-12 under the ABCs Model

Current Policy Date: 01/06/2005

Other Historical Information: Previous board dates: 01/01/1998, 05/04/2000, 09/14/2000, 02/01/2001, 03/01/2001, 06/07/2001, 08/02/2001, 09/13/2001, 10/04/2001, 01/10/2002, 02/07/2002, 06/06/2002, 08/22/2002, 01/09/2003, 07/10/2003, 09/11/2003, 03/04/2004, 05/06/2004, 11/04/2004

Statutory Reference:

Administrative Procedures Act (APA) Reference Number and Category: 16 NCAC 6G .0305

***** Begin Policy *** (Do not tamper with this line)**

.0305 DEFINITIONS

For purposes of this Section, the following definitions shall apply:

- ~~(8)~~(1) "Accountability measures" are SBE-adopted tests designed to gauge student performance and achievement.
- ~~(9)~~(2) "Adequate yearly progress" or "AYP" shall have the same definition as set out in P.L. 107-110, section 111(b)(2)(C).
- (3) "Compliance commission" means that group of persons selected by the SBE to advise the SBE on testing and other issues related to school accountability and improvement. The commission shall be composed of teachers, principals, central office staff representatives, local school board representatives, a charter schools representative, and at-large members who represent parents, business, and the community.
- (4) "C-scale" means change scale, which is a standardized scale to measure student performance across the years and content areas. To convert the developmental scale scores to c-scale scores, subtract the state mean for the standard setting year

from the developmental scale score, and then divide by the standard deviation for the standard setting year.

- (5) "C-ratio" means the ratio of student scores that achieve an academic change of "0.00" or greater to those with an academic change of less than "0.00", including in the numerator for high schools when used for calculating high growth, the factor for change in college tech prep and college university prep graduation rate and the change in competency test pass rate and including in the denominator, the factor for change in drop out rate.
- (6) "Eligible students" means the total number of students in membership in the respective grades or enrolled in the respective EOC courses at the time assessments are administered in a statewide assessment.
- (7) "Expected growth" means having met the standard defined by students on average performing as well in their current grade or content as is typical for the same student in previous grades and contents when using the change scale to compare and allowing for a factor of regression to the mean as defined in this policy.
- (8) "High growth" means the school has met the standard of having a c-ratio of 1.50 or greater.
- (9) "Growth standards" means and includes collectively all the factors defined in this Rule that are used in the calculations described in paragraph (h) of Rule .0312 of this Section to determine a school's growth/gain composite.
- (10) "Performance Composite" is the percent of scores of students in a school that are at or above Achievement Level III, are at a passing level on the North Carolina Computer Skills Test (students in eighth grade only) as specified by 16 NCAC 6D .0503(f), and at proficiency level or above on the state alternate assessments to the extent that any apply in a given school and consistent with United States Department of Education regulations concerning alternate assessments. The SBE shall:
 - (a) determine the number of scores that are at Level III or IV in reading, or mathematics, or writing across grades 3 through 8, or on all EOC assessments administered as a part of the statewide testing program; add the number of scores that are at a passing level on the North Carolina Computer Skills Test (students in eighth grade only); add the number of scores that are proficient or above on the state alternate assessments and use the total of these numbers as the numerator;
 - (b) determine the number of student scores in reading, or mathematics across grades 3 through 8; or on all EOC assessments administered as part of the statewide testing program; add the number of students in grade 8; add the number of student scores on the state alternate assessments and use the total of these numbers as the denominator; and
 - (c) total the numerators for each content area and subject, total the denominators for each content area and subject, and divide the denominator into the numerator and multiply the quotient by 100 to compute the performance composite.
- (11) "Regression coefficient" means an adjustment factored into the expected growth formula for the purpose of making a prediction about expected student performance. For the purposes of figuring student growth (academic change) the

factor shall be 0.08 when using the average of two previous assessments and 0.18 when using a single assessment.

- (12) “Standard setting year” means the first year of the test edition implementation.
- (13) “Students with the most significant cognitive disabilities” means students with disabilities whose IEP has determined shall be assessed using an alternate assessment based on alternate achievement standards as determined by their IEP.
- (14) “Students with persistent academic difficulties” means students with disabilities assessed using an alternate assessment based on modified grade-level achievement standards as determined by their IEP.
- (15) “Weight” means the number of students used in the calculation of the amount of growth for a subject or content area, and the College University Prep/College Tech Prep, the Competency Passing Rate, and the ABCs Dropout Rate components.

History Note: Authority G.S. 115C-12(9)c4.;
Eff. January 1, 1998;
Amended Eff. December 1, 2000;
Temporary Amendment Eff. March 5, 2001;
Amended Eff. October 1, 2005; April 1, 2005; April 1, 2002; September 1, 2001.

**NORTH CAROLINA STATE BOARD OF EDUCATION
Policy Manual**

Policy Identification

Priority: Globally Competitive Students

Category: Graduation Requirements / High School Exit Documents for Selected Students with Disabilities

Policy ID Number:

Policy Title: High School Exit Documents for Selected Students with Disabilities

Current Policy Date:

Other Historical Information: Previous board dates: 12/01/1999, 05/04/2000, 06/01/2000, 07/12/2001, 10/04/2001, 03/07/2002, 05/02/2002, 07/11/2002, 06/03/2004, 01/06/2005, 10/06/2005,

Statutory Reference: GS 115C-12(9b); GS 115C-81(b)(4); NC Constitution, Article IX, Section 5

Administrative Procedures Act (APA) Reference Number and Category: 16 NCAC 6D .0503

.XXXX HIGH SCHOOL EXIT DOCUMENTS

EXIT DOCUMENT – For students not completing all state and local graduation requirements:

~~A. GRADUATION CERTIFICATE. — Students with disabilities who do not meet the requirements for a high school diploma shall receive a graduation certificate and shall be allowed to participate in graduation exercises if they meet the following criteria:~~

- ~~1. Pass 21 course credits as defined in State Board of Education Policy HSP-L-004 (High School Transcript)
 - ~~a. 4 English credits~~
 - ~~b. 4 math credits~~
 - ~~c. 3 science credits~~
 - ~~d. 3 social studies credits~~
 - ~~e. 1 health and physical education credit~~
 - ~~f. 6 local electives credits under paragraph (e) of this Rule.~~~~

~~Note: These students are not required to pass the specifically designated courses such as Algebra I, Biology or United States History; and~~

- ~~2. Pass all IEP requirements.~~

~~B. CERTIFICATE OF ACHIEVEMENT. — Students who satisfy all state and local graduation requirements but who fail the proficiency standards as defined in HSP N-000 (Student Accountability Standards) or students with disabilities who satisfy all graduation requirements of the Occupational Course of Study but fail to complete the~~

~~360 hours of competitive employment will receive a certificate of achievement and transcript and shall be allowed by the LEA to participate in graduation exercises.~~

A. GRADUATION CERTIFICATE. A local board of education shall award a Graduation Certificate to a student who does not earn a high school diploma and shall allow the student to participate in graduation exercises, provided:

1. The student has been identified as a “child with a disability” as defined by G.S. 115C-106.3(1); and
2. The student has passed all requirements in his or her Individualized Education Program; and
3. The student has passed at least 21 course credits as defined in State Board of Education Policy HSP-L-004 (High School Transcript) including all the following:
 - a. 4 English credits;
 - b. 4 math credits;
 - c. 3 science credits;
 - d. 3 social studies credits;
 - e. 1 health and physical education credit; and
 - f. 6 local elective credits.

Note: These credits need not be in the specific courses identified in the Standard Course of Study, e.g., English I, Algebra I, Biology, etc.

~~B. CERTIFICATE OF ACHIEVEMENT.~~ A local board of education shall award a Certificate of Achievement to a student who does not earn a high school diploma and shall allow the student to participate in graduation exercises, provided:

- ~~1. The student has satisfied all state and local graduation requirements other than the proficiency standards as defined in HSP N 000 (Student Accountability Standards);~~

OR

2. 4. The student has been identified as a “child with a disability” as defined by G.S. 115C-106.3(1); and
 - a. The student has satisfied all state and local graduation requirements other than the proficiency standards as defined in HSP-N-000 (Student Accountability Standards);
 - b. The student has been enrolled in the Occupational Course of Study; and
 - c. The student has passed all the requirements of the Occupational Course of Study other than the 360 hours of competitive employment; student has passed all state and local graduation requirements other than the standards for proficiency specified in HSP-N-000.

History Note: Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5; Eff. December 1, 1999; Amended Eff. January 2, 2006; April 1, 2005; September 1, 2002; December 1, 2001; December 1, 2000.

EXECUTIVE SUMMARY**Title:** Report on LEA Status for Title III Improvement**Type of Executive Summary:**

- Action Action on First Reading Discussion Information

Policy Implications:

- Constitution _____
 General Statute #
 SBE Policy #HSP-A-012
 SBE Policy Amendment
 SBE Policy (New)
 APA # _____
 APA Amendment
 APA (New)
 Other NCLB

Presenter(s): Ms. Angela H. Quick (Deputy Chief Academic Officer/Assistant State Superintendent, Curriculum, Instruction, Technology and Accountability Services), Dr. Louis M. Fabrizio (Director of Accountability Policy & Communications), and Mrs. Helga Fasciano (Section Chief, K-12 Program Areas)

Description:

As a part of the No Child Left Behind Act (NCLB), LEAs receiving Title III funds must meet a series of Annual Measurable Achievement Objectives (AMAOs). The three objectives are:

- 1) the percent of students who demonstrate progress (improve at least one proficiency level) in at least one of the subtests (reading, writing, speaking, and listening) on the required state identified English language proficiency test,
- 2) the percent of students identified as limited English proficient and who have been in U.S. school(s) for at least five years shall score at the Superior proficiency level in all subtests on the required state identified English language proficiency test,
- 3) and percent of students in the LEP subgroup meeting its AYP targets.

LEAs that do not meet their AMAO targets in the same set two years in a row will be required to develop a detailed improvement plan as required by NCLB. Information regarding 2007-08 Title III LEA subgrantee status will be available prior to the November 6th State Board Meeting.

Resources:

NCDPI staff for technical assistance, LEA staff for improvement plan.

Input Process:

N/A

Stakeholders:

LEAs, students, parents, legislators

Timeline For Action:

This item is presented as Information at the November 2008 SBE Meeting

Recommendations:

N/A

 Audiovisual equipment requested for the presentation:

- Data Projector/Video (Videotape/DVD and/or Computer Data, Internet, Presentations-PowerPoint preferred)
 Specify: _____

Audio Requirements (computer or other, except for PA system which is provided)
Specify: _____

Document Camera (for transparencies or paper documents – white paper preferred)

Motion By: _____ Seconded By: _____
Vote: Yes _____ No _____ Abstain _____
Approved _____ Disapproved _____ Postponed _____ Revised _____

*Person responsible for SBE agenda materials and SBE policy updates: Lucy Medlin, (919)807-3771

**NORTH CAROLINA STATE BOARD OF EDUCATION
Policy Manual**

Policy Identification

Priority: Globally Competitive Students

Category: Testing

Policy ID Number: HSP-A-012

Policy Title: Annual Measurable Achievement Objectives for NCLB Title III

Current Policy Date: 05/01/2008

Other Historical Information: 08/25/2003, 11/03/2005

Statutory Reference: No Child Left Behind (NCLB) Act of 2001

Administrative Procedures Act (APA) Reference Number and Category:

***** Begin Policy *** (Do not tamper with this line)**

No Child Left Behind Title III, Section 3122 requires States to develop annual measurable achievement objectives (AMAOs) for students identified as limited English proficient (LEP) with respect to making annual progress in English, attaining English proficiency on the state identified English language proficiency (ELP) assessment, and making adequate yearly progress (AYP) in attaining academic proficiency in reading and mathematics. Accountability for Title III is only at the local education agency (LEA) level, not at the school level. Title III subgrantees (i.e. LEAs, charter schools, or consortia of LEAs) that receive Title III subgrants are held accountable for meeting the following three AMAOs.

Annual Measurable Achievement Objectives

AMAO 1. By the 2013-2014 academic year, 100 percent of students identified as limited English proficient shall demonstrate progress (improve at least one proficiency level in at least one of the subtests of reading, writing, speaking, or listening) on the required state identified English language proficiency test.

English Language Proficiency Targets	Percent of Limited English Proficient Students Making Progress in at Least One Subtest (reading, writing, speaking, or listening)
2003-2004	40
2004-2005	45
2005-2006	50
2006-2007	55

English Language Proficiency Targets	Percent of Limited English Proficient Students Making Progress in at Least One Subtest (reading, writing, speaking, or listening)
2007-2008	60
2008-2009	65
2009-2010	70
2010-2011	75
2011-2012	85
2012-2013	95
2013-2014	100

AMAO 2. There must be an annual increase in the percentage of students identified as limited English proficient who attain English language proficiency on the required state identified English language proficiency test. The cohort of LEP students considered includes those in U.S. schools for five or more years, with credit given for those attaining English language proficiency in less than five years.

English Language Proficiency Targets	Percent of LEP Students Who Have Been in U.S. Schools Five or more Years Attaining English Language Proficiency
2003-2004	20
2004-2005	25
2005-2006	30
2006-2007	35
2007-2008	17
2008-2009	TBD
2009-2010	TBD
2010-2011	TBD
2011-2012	TBD
2012-2013	TBD
2013-2014	TBD

AMAO 3. The LEP Subgroup must annually meet AYP in academic proficiency in reading and mathematics. AMAO 3 consists of four sub-targets. Each sub-target includes percent participation and percent proficiency.

- reading at grades 3-8
 - percent proficient
 - percent participation
- reading at the high school
 - percent proficient
 - percent participation
- mathematics at grades 3-8
 - percent proficient
 - percent participation
- mathematics at the high school
 - percent proficient
 - percent participation

Subgrantees fail to meet AMAO 3 when they miss a sub-target for two or more consecutive years.

Calculations for determining AMAO 3 are described in the most recently approved North Carolina Consolidated State Application Accountability Workbook.

Sanctions

In accordance with Section 3122(b)(2) of No Child Left Behind, the State Board of Education shall determine whether a Title III subgrantee has failed to meet one or more of the AMAOs.

If the Title III subgrantee has failed to make progress toward meeting the same AMAO for two (2) consecutive years, the State Board of Education shall require the Title III subgrantee to develop an improvement plan that specifically addresses the factors that prevented the Title III subgrantee from achieving such AMAO and ensures it meets such AMAO.

If the Title III subgrantee has failed to meet the same AMAO for four (4) consecutive years, the State Board of Education shall require the Title III subgrantee to modify its curriculum, program, or method of instruction.