



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

May 19, 2004

Dear Chief State School Officer:

In the coming months, States will be making this year's adequate yearly progress (AYP) determinations. I am writing today to elaborate on the flexibility in participation rate calculations that are included in those determinations. This letter is a follow-up to the Secretary's announcement regarding participation rates that occurred on March 29, 2004.

In calculating a school or local educational agency's (LEA) participation rate, the rate must be calculated separately for reading/language arts and for mathematics. As part of its accountability plan, each State has set a minimum group size to determine whether a subgroup is sufficiently large to produce a statistically reliable participation rate for its AYP calculation. Therefore, if a school or subgroup does not meet the minimum group size set by the State for participation, a participation rate does not need to be calculated for that school or subgroup. We encourage, however, in those instances where the entire school population in the tested grades is less than this minimum group size that States check (through their small school review processes) overall participation within the school to ensure students are taking the statewide assessments.

In addition, most States have sufficiently wide testing "windows" that, if a student misses an assessment, the student can take a make-up test that would still count positively towards the school's participation rate. We encourage States to provide students with these opportunities; if a State currently does not permit make-up tests, the State has the authority to expand its testing window to ensure that every student has an opportunity to participate. We know there may be circumstances beyond a LEA's control, however, when a student cannot be assessed at any time during the testing window due to a significant medical emergency (e.g., a student is hospitalized due to an accident). In these cases, we do not believe the school or LEA should be penalized for that student's absence due to the documented significant medical emergency. Therefore, when determining the percentage of students taking an assessment, States do not have to include a student with a significant medical emergency in the participation rate calculation. States desiring to use this flexibility are responsible for determining what constitutes a significant medical emergency.

Lastly, I would like to describe an additional option that will address the few instances when a school may not make AYP because a small number of students were neither able to participate in an assessment nor able to make up the assessment. As you know, the law permits the use of a uniform averaging procedure over a three-year period to determine AYP. This flexibility applies not only to assessment results, but also to participation rates for subgroups of a school or LEA over a period of up to three years. Consequently, if a school is making AYP for all its subgroups and generally has a high participation rate, but in one year a particular subgroup drops slightly below 95 percent, that school or LEA may be able to make AYP if its multiyear participation rate average is at least 95 percent.

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
www.ed.gov

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

If your State wishes to adopt a policy to deal with significant medical emergencies, please submit to my office a formal amendment to your accountability plan detailing the criteria you would use to define such an emergency. Likewise, if you elect to use the multi-year averaging procedure for participation rate calculations, you should also amend your plan. These amendments, if not already submitted, should be presented to us as soon as possible.

I hope you find this guidance to be helpful as you finalize your preparations for AYP calculations this year. Please do not hesitate to contact my staff at (202) 401-0113 if you have any questions.

Sincerely,

/s/

Raymond Simon
Assistant Secretary
Office of Elementary and Secondary Education