

# Alternative Education Accountability Registration Criteria History

## History

Enacted by the Texas Legislature in 1993, accountability legislation mandated the creation of an accountability system for all Texas schools. This accountability system integrated the statewide curriculum; the state criterion-referenced assessment system; district and campus accountability; district and campus recognition for high performance and significant increases in performance; sanctions for poor performance; and school, district, and state reports.

As a result of statewide educator feedback, an alternative set of performance measures for campuses serving at-risk students was developed in late 1994 and implemented in the 1995–96 school year. In order for a campus to qualify as alternative, it was required to serve one or more of the following student populations: students at risk of dropping out; recovered dropouts; pregnant or parenting students; adjudicated students; students with severe discipline problems; or expelled students.

For the 1995–96 school year, alternative accountability ratings were based on state-approved district proposals that included student performance indicators, current-year data, and comparisons of pre- and post-assessment results. Following a review of campus data by the local board of trustees, each district made an initial determination of the campus rating. This initial determination was then forwarded to the TEA where it was reviewed by a panel of peer reviewers who sent a recommendation to the commissioner.

From the 1995–96 to 2001–02 school years, revisions were made to the ratings criteria and procedures determined by an ad hoc Alternative Education Advisory Committee:

- Minimum performance levels for an Acceptable rating were established in 1996–97.
- Beginning in 1996–97, school districts were required to select campus-based performance indicators from a menu of state-established indicators.
- In 1997–98, TEA staff assumed responsibility for the review and analysis of all campus performance data.
- In 1999–00, TEA required that the rating for each AEC be determined on three base indicators: Texas Assessment of Academic Skills (TAAS) passing rates for reading and mathematics, dropout rates, and attendance rates.
- In 1999–00, disciplinary alternative education programs (DAEPs) and juvenile justice alternative education programs (JJAEPs) were no longer permitted to register for AEA. Instead, the performance of students served in these programs was attributed to the campuses where these students would otherwise have attended.
- In 2000–01, campuses were required to serve "students at risk of dropping out of school" as defined in Texas Education Code (TEC) §29.081 in order to be eligible to receive an accountability rating under AEA procedures.

House Bill 6, enacted by the 77th Texas Legislature, called for a pilot program to examine issues surrounding accountability of alternative education programs. The purposes of this pilot were to analyze the existing status of AECs and to make recommendations regarding the methods of evaluating the performance of these campuses. In order to achieve these purposes, the following activities were undertaken in 2002:

- a set of surveys for principals, teachers/counselors, parents, and students at all AECs was administered;
- a more detailed survey was administered and follow-up telephone calls were made to a small sample of AECs;

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- an analysis of existing Public Education Information Management System (PEIMS) data was undertaken; and
- individual student data from a small sample of AECs was compiled and analyzed.

Results of the pilot program were published in the Report on the Alternative Education Accountability Pilot (Texas Education Agency, December 1, 2002).

While these pilot activities were conducted, No Child Left Behind Act of 2001 (NCLB), Public Law 107–110, was signed into law. This federal legislation, which focused on increasing state and school accountability for student progress, was considered as part of the pilot project report. Accountability provisions of NCLB required that all campuses, including AECs, be evaluated annually for Adequate Yearly Progress (AYP).

The 2003 Educator Focus Group on Accountability made a recommendation to develop new AEA procedures for 2005 and beyond. The new AEA procedures were based on the following guidelines:

- The AEA indicators must be based on data submitted through standard data submission processes such as PEIMS or by the state testing contractor.
- The AEA measures should be appropriate for alternative education programs offered on AECs rather than just setting lower standards on the same measures used in the standard accountability procedures. Furthermore, these measures should ensure that all students demonstrate proficiency on the state assessments in order to graduate.
- The Texas Growth Index (TGI) and other improvement indicators should be evaluated as base indicators for AEC ratings.
- Additional AEA criteria should be researched. For example, AECs should have a minimum percentage of at-risk students (based on PEIMS data reported on current year fall enrollment records) to be evaluated under AEA procedures.

Also, in 2003, ratings for all campuses were suspended for one year while the new Texas Assessment of Knowledge and Skills (TAKS) assessments were implemented for the first time and the new state accountability system was developed. In 2004, registered AECs received a rating of Not Rated: Alternative Education while new AEA procedures were developed.

In 2005, an AEA Educator Focus Group developed recommendations for the commissioner for AEA criteria. In March 2005, Commissioner Shirley Neeley issued Alternative Education Accountability Procedures for 2005 and Beyond: Commissioner of Education Final Decisions. These final decisions included revised AEA procedures which contained indicators for AECs with increased rigor phased in over time and included a specific at-risk percentage registration criterion.

Registration Criteria. To be evaluated under AEA procedures, each AEC must have met the following registration criteria.

- a) The AEC must have its own county–district–campus number that is used for submitting PEIMS data and coding test answer documents;
- b) The AEC must be identified in AskTED (Texas School Directory database) as an alternative campus;
- c) The AEC must be dedicated to serving “students at risk of dropping out of school” as defined in Texas Education Code (TEC) §29.081(d);
- d) The AEC must operate on its own campus budget;

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- e) The AEC must offer nontraditional methods of instructional delivery designed to meet the needs of the students served on the campus;
- f) The AEC must have an appropriately certified, full-time administrator whose primary duty is the administration of the AEC;
- g) The AEC must have appropriately certified teachers assigned in all areas including special education, bilingual education, and/or English as a second language (ESL) to serve students eligible for such services;
- h) The AEC must provide each student the opportunity to attend a 7-hour school day;
- i) If the campus serves special education students, the students must be placed at the AEC by their admission, review, and dismissal (ARD) committee; and
- j) Special education students must receive all services outlined in their current individualized education programs (IEPs). Limited English proficient (LEP) students must receive all services outlined by the language proficiency assessment committee (LPAC). Special education and LEP students must be served by appropriately certified teachers.

Rationale: Registration criteria were carried forward from the previous AEA procedures that restricted use of AEA procedures to campuses that offered nontraditional instructional programs and/or settings rather than programs within a regular campus.

At-risk Registration Criterion. An additional at-risk registration criterion was phased in beginning in 2006. Each AEC must have had a minimum percentage of at-risk students enrolled on the AEC verified through current year PEIMS fall enrollment data in order to be evaluated under AEA procedures. The at-risk criterion began at 65 percent in 2006 and increased by five percentage points each year until it reached 75 percent in 2008 where it was expected to remain as described below.

2005 – criterion not applied

2006 – 65 percent or higher at-risk student enrollment at the AEC

2007 – 70 percent or higher at-risk student enrollment at the AEC

2008 – 75 percent or higher at-risk student enrollment at the AEC

A safeguard was incorporated for those campuses that fall below the at-risk requirement such as averaging the rate over multiple years.

Rationale: Implementation of an additional at-risk registration criterion recognized that by definition AECs are designed to serve students at risk of dropping out of school, restricted use of AEA procedures to AECs that were dedicated to serving at-risk students, and enhanced at-risk data quality.

As shown in the table below, 48 percent of students in campuses to be rated under 2006 standard accountability procedures were identified as being at risk in 2005–06 compared to 84 percent of students in registered AECs. Students in residential facilities were by definition considered at risk, although residential facilities reported only 94 percent of their students as being at risk in 2005–06.

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## At-risk Students in Fall 2005–06

	All Campuses in 2006	Campuses Rated Under 2006 Standard Acct Procedures	Registered AECs Rated Under 2006 AEA Procedures	AECs of Choice	Residential Facilities
<b>Number of Campuses</b>	7,956	7,522	434	352	82
<b>percent At-risk</b>	49%	48%	84%	83%	94%

Source: PEIMS Fall Enrollment 2005–06.

The 2002 Report on the Alternative Education Accountability Pilot stated that principals were asked in a survey what they believe is the appropriate percentage of “primarily” at-risk students. Their responses ranged from 50 percent to 80 percent as appropriate percentages.

### TEC §29.081 At-Risk Definition

For purposes of this section, "student at risk of dropping out of school" includes each student who is under 26 years of age and who:

- (1) was not advanced from one grade level to the next for one or more school years;
- (2) if the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;
- (3) did not perform satisfactorily on an assessment instrument administered to the student under Subchapter B, Chapter 39, and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
- (4) if the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
- (5) is pregnant or is a parent;
- (6) has been placed in an alternative education program in accordance with Section 37.006 during the preceding or current school year;
- (7) has been expelled in accordance with Section 37.007 during the preceding or current school year;
- (8) is currently on parole, probation, deferred prosecution, or other conditional release;
- (9) was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;
- (10) is a student of limited English proficiency, as defined by Section 29.052;
- (11) is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;
- (12) is homeless, as defined by 42 U.S.C. Section 11302, and its subsequent amendments; or

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(13) resided in the preceding school year or resides in the current school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation.