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**State of Vermont**  
**Vermont Department of Education**  
120 State Street  
Montpelier, VT 05620-2501

## MEMORANDUM

**To:** Vermont Superintendents, ELL Coordinators/Teachers, Title I Coordinators, Principals  
**From:** Jim McCobb, Title III, ELL Program Coordinator  
**Re:** Amendment to Vermont's Definition of English Language Learner (ELL), Exit Criteria from Title III and Title I Language Support Programs; and Title III Annual Measurement Achievement Objectives (AMAOs)  
**Date:** December 7, 2010

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On October 15, 2010 the Department of Education submitted an amendment to the Title III portion (Part A of the Elementary and Secondary Education Act (ESEA): *Language Instruction for Limited English Proficient and Immigrant Students*) of the Consolidated State Application. This was in response to a requirement for all States that receive funds under Title III to ensure that their assessment and accountability systems comply with applicable statutory requirements and the final Notice of Interpretation (NOI) of Title III. The notice applies for assessments administered in the 2009-2010 school year and annual measurable achievement objective (AMAO) determinations based on those assessments. The Notice of Interpretation was published in the *Federal Register* on October 17, 2008, and is available on-line at: <http://www2.ed.gov/legislation/FedRegister/other/2008-4/101708a.pdf>.

The US Department of Education recently held an internal meeting to review Vermont's Title III AMAO change request, and notified us that they did not have any significant questions at this time. Although the final review and acceptance process for the amendment request is not yet complete, it seems fairly certain that the proposed amendment will be accepted and that any subsequent changes will be minor. This amendment means the following changes to our State Title III Plan are in effect and should be considered operational until further notice:

1. The Definition of "English Language Learner" (ELL)—referred to in Title III Statute as Limited English Proficient (LEP) student—will be applied consistently across districts in the state, using the *same ACCESS for ELLs*® individual language domain and composite score guidelines. The *same* definition and criteria for proficiency will be applied for both Title III and Title I accountability;
2. The revised criteria for determining when ELLs are to be exited from language support programs/services will be applied consistently across districts and state;
3. The Title III Annual Measurable Achievement Objectives (AMAO1 and AMAO 2) have been reset and expanded to meet the requirements. Determinations of whether districts

and state have met the AMAOs will be based on these new criteria, annual targets, and charts projecting targets over the long term. Specifically, the “targets” are set for annual increases in: (a) the number or percentage of ELLs making progress in learning English (AMAO 1) and (b) the number or percentage of ELLs attaining English proficiency (AMAO 2).

The first two changes are relevant for ALL districts and schools in the State which enroll one or more ELLs. The third change to the AMAOs applies *mainly* to all Title III-funded school districts, since they will be required to meet targets and program requirements for Title III accountability. However, AMAO determinations are calculated for all districts in the state, although the consequences for not meeting Title III AMAOs for two and four consecutive years do not apply to LEAs that do not receive Title III funds. All districts are required to identify and annually assess ELLs under both Title III and Title I.

The following is a summary of the three major changes to Vermont’s Title III State Plan (assessment and accountability for ELLs). To find a more in-depth description of these changes, readers should refer to the **Amendment to the Consolidated State Application (Title III) ESEA: English Language Proficiency Annual Measurable Achievement Objectives (AMAOs)**, submitted October 15, 2010, which is also attached in the e-mail message.

***New Definition of Proficiency in English*** - Vermont has adopted a “conjunctive minimums model” which requires that students score an overall composite proficiency level of 5.0 or higher on the ACCESS for ELLs®, plus a minimum proficiency level of 4.0 or higher on both the reading and writing domains, in order to “attain proficiency.”

ACCESS for ELLs® Cut-scores (recorded on a ***Tier B*** or ***Tier C*** form of *ACCESS for ELLs®*)

1. A score of 5.0 or higher recorded on the Composite (Overall) Proficiency Level;
2. A score of 4.0 or higher recorded on the Reading Proficiency Level;
3. A score of 4.0 or higher recorded on the Writing Proficiency Level.

***New ELL Exit Criteria*** - Vermont has adopted a “*conjunctive minimums model*” in order to ensure that a high score in one language domain does not have a compensatory effect on lower scores in another language domain, resulting in a false impression of “proficiency.” With the adoption of the conjunctive minimums model to define English proficiency, Vermont’s criteria for exit have been revised, as well.

The ELL Exit Criteria are now based on the amended proficiency definition—i.e., the ELP assessment overall composite proficiency level score, minimum domain scores in reading and writing, and correlation to the state academic assessments. This provides a more comprehensive definition of proficiency, which can be applied consistently in districts across the state.

With this amendment, districts no longer have the option to consider multiple measures or continue counting students **as ELL** for purposes of *Title III or Title I* accountability or program services, once the proficiency and exit criteria have been met. The definition of proficiency is now the same for both Title III and Title I purposes of accountability and program eligibility.

While these criteria for making decisions about gains in student proficiency, exiting from language support services, and determining AMAOs are highly valid and reliable across the

grade and proficiency levels, the VT DOE also recognizes that students reclassified as “proficient” are still a very diverse group (in terms of grade level of entry, prior literacy skills and schooling, language and cultural backgrounds, and life experiences). Most will not have yet reached the highest WIDA level of proficiency, **LEVEL 6—Reaching**, even upon “attaining proficiency” and exiting Title III services. Students who have met the proficiency definition and exit criteria are often still *refining* their academic language skills—oral and written communication, content-specific language—which often improves their participation in content instruction and academic assessments, enabling them to take advantage of other educational opportunities.

Therefore, it seems reasonable to allow districts to continue including students who have been exited from Title III and Title I services (and *reclassified* as MFLEP - Monitored Former LEP for a two-year period from exit) in their annual count of ELLs for State funding purposes only. School districts still continue to bear some extra costs for linguistically and culturally diverse students (e.g., academic supports beyond language instruction, home-school communications), even after Title III ELL services are no longer needed.

Students in grades 1-12 who attain an *ACCESS for ELLs*® overall composite ELP level score of 5.0 or higher on a Tier B or Tier C test, plus an ELP level score of 4.0 or higher in both the domain of reading and the domain of writing, are considered proficient for Title III and Title I purposes.

Kindergarten students take a separate assessment and cannot be exited from services due to the fact that no kindergarten test can *fully* measure the level of literacy development that will be so critical in the primary grades. They are required to take the *ACCESS for ELLs*® assessment again in Grade 1 in order to be more certain that they are performing at the age/grade appropriate literacy level. This second year of assessment reduces the possibility of premature exit from ELL services. Kindergarten students cannot “attain proficiency” for accountability. Therefore, they cannot exit ELL services, and remain eligible for Title III services.

**Students who have attained proficiency in grades 1-12 in Vermont:**

- exit from Title III services;
- are not required to participate in annual *ACCESS for ELLs*® testing;
- are re-classified as Monitored Former Limited English Proficiency (MFLEP)—per terminology used in the EDEN data collection system and the Consolidated State Performance Report;
- are required to be monitored for two years following exit from the limited English proficient classification;
- are no longer included in Title III accountability determinations (after being counted for year in which proficiency was attained);
- are no longer counted in the LEP subgroup for Title I accountability (Vermont does not use the “flexibility” option allowing states to count students in the LEP subgroup for Title I accountability for 2 years post-exit.); and
- can continue to be counted for *State Funding* during the 2 years of required monitoring.

*Exited* students are not counted as **ELLs** for Title I funding, but may still qualify for Title I services based on other eligibility criteria—i.e., academic need.

***Revised Annual Measurable Achievement Objectives (AMAOs)*** - For a complete explanation of Vermont's new AMAO 1 & AMAO 2, please see the **Amendment to the Consolidated State Application (Title III) ESEA: English Language Proficiency Annual Measurable Achievement Objectives (AMAOs)**, submitted October 15, 2010. Information in the document includes:

- Background about Vermont AMAOs, demographics, levels of English language proficiency and assessment;
- Process followed in revising the AMAOs;
- WIDA and evidence-based research and support for statistical analysis and modeling of Vermont data which was used to establish: (a) AMAO 1 (annual growth criterion and increasing annual targets with starting and ending points for percentage of students “making progress”); and (b) AMAO 2 (definition of proficiency in terms of composite and individual language domain assessment cut-scores, as well as increasing annual targets with starting and ending points for percentages of ELLs attaining English proficiency);
- ELL Exit Criteria;
- Procedures used by the State for making annual AMAO Determinations;
- Revised Flowchart showing how the VT DOE makes AMAO Determinations;
- Checklist for how Vermont's amendment meets each section of the Notice of Interpretation.

Anyone with questions or comments can contact Jim McCobb, Title III, ELL Program Coordinator, at (802) 828-0185 or [james.mccobb@state.vt.us](mailto:james.mccobb@state.vt.us).

**Amendment to the Consolidated State Application (Title III) ESEA:  
English Language Proficiency Annual Measurable Achievement Objectives (AMAOs)**  
(October 15, 2010)

This purpose of this document is to update Vermont's English language proficiency Annual Measurable Achievement Objectives (AMAOs) in the Title III portion of Vermont's Consolidated State Application. The AMAOs have been amended after completion of statistical analysis and review of data resulting from three years' administration of the WIDA Consortium's ACCESS for ELLs<sup>®</sup> in Vermont. In compliance with the US Department of Education's guidance in the 10/17/2008 Title III Notice of Final Interpretations, the amended plan takes effect with the 2009-2010 school year assessments, as well as 2010 AMAO determinations made using available data from assessments based on the teaching year 2008-2009.

**This document is divided into the following sections:**

- I. Background
- II. AMAO Revision Process
- III. Making AMAO Determinations
- IV. Compliance with Notice of Final Interpretations (Checklist)

**I. Background**

**A. *Previous Amendments to Vermont Annual Measurable Achievement Objectives (AMAOs) -***

Vermont first submitted a plan to determine Title III AMAOs as required for the September, 2003 submission of the Consolidated State Application. In spring 2005, Vermont became one of the first 3 WIDA Consortium states to transition to the new standards-based English language proficiency (ELP) assessment, the ACCESS for ELLs<sup>®</sup>, which is aligned to WIDA ELP standards and reflects the state-specific content standards of member states.

In April 2005, qualified teachers, under the direction of the *Center for Applied Linguistic's* (WIDA Partner) ACCESS for ELLs<sup>®</sup> development team, set proficiency level cut-scores based on proficiency level definitions and test data through a bookmarking process. These performance standards and cut-scores were finalized in July 2005.<sup>1</sup>

These developments led to Vermont's first AMAO amendment to our Consolidated State Plan in September, 2006. Based on empirical research from the first two years of administering the new assessment, new AMAOs were established for cohorts of students at different ELP and grade levels. The current amendment is submitted in response to the U.S. Department of Education's Title III Notice of Final Interpretations, which provides more specific guidance for setting AMAOs. A chart showing the history of Vermont's AMAO milestones thus far follows.

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<sup>1</sup> WIDA replaced grade cluster level cut-scores with specific proficiency grade level cut-scores in 2007.

Date	AMA O Milestones
September, 2003	First AMAO plan included in Consolidated State Application. Growth criteria and targets were based on the <i>interim</i> IDEA Proficiency Test (IPT) which did not meet NCLB requirements for valid and reliable measures of ELLs’ “academic language proficiency” in all language domains, grades K-12.
School Year 2004-2005	Adopted ACCESS for ELLs® as Vermont’s single English language proficiency (ELP) assessment and implemented an improved data collection student information system.
September, 2006	Amended AMAOs. Key Features: <b>AMA O 1</b> – Annual growth criteria and targets for cohorts based on initial ELP and grade levels. <b>AMA O 2</b> – Targets set based on students <i>expected</i> to exit (using AMAO 1 growth criteria).
School Year 2006-2007	WIDA replaced grade cluster level cut-scores with specific proficiency grade level cut-scores.
July, 2010	Amended AMAOs. Key features: <b>AMA O 1</b> – Use of one annual growth criterion for all students at all grades and ELP levels. <b>AMA O 2</b> – All ELLs included in determinations and proficiency defined by conjunctive minimums model using scores on ELP assessment. <b>AMA O 1 &amp; 2</b> – Established new AMAO goals with annual increases (percentage of students making progress and attaining English language proficiency) over a 10-year timeline.

**B. Demographics -**

Being a small, rural state with an estimated total population of 621,760, there are some unique characteristics which affect how Vermont has set up an accountability system in order to make AMAO determinations for Title III-funded districts.

The following school year 2008-2009 demographics are presented here as a reference point for understanding Vermont ELL data that was analyzed in order to make decisions related to the Title III accountability system (i.e., Vermont’s new AMAOs, exit criteria, and process for making AMAO determinations).

<b>Demographics in School Year 2008-2009</b>	
K-12 Student Enrollment in VT	87,746 students
Number & Percent of ELLs in VT	Approximately 1,643 (1.8%)
ELLs in Kindergarten	184 (11% of all ELLs)
ELLs in grades 1-2	338 (20.5% of all ELLs)
ELLs in grades 3-5	413 (25.1% of all ELLs)
ELLs in grades 6-8	344 (20.9% of all ELLs)
ELLs in grades 9-12	367 (22.3% of all ELLs)
Number of LEAs (defined here as “districts/supervisory unions”) in VT	60
Number of LEAs or Consortia with Title III subgrants	11
Number & Percent of ELLs in Title III LEAs	1,198 (72% of all ELLs in VT)

<b>Demographics in School Year 2008-2009</b>	
Number & Percent of ELLs in Chittenden County	830 (50% of all ELLs in VT)
Number of LEAs with 0 identified ELLs	6 LEAs
Number of LEAs with 1-10 identified ELLs	29 (8% of enrolled ELLs in VT)
Number of LEAs with 11-40 identified ELLs	17 (21% of enrolled ELLs in VT)
Number of LEAs with > 40 ELLs	8 (71% of enrolled ELLs in VT)
LEAs with highest numbers of ELLs  (Two school districts together, Burlington and Winooski, enrolled about 30% of all ELLs in the state.)	<ol style="list-style-type: none"> <li>1. Burlington SD (432 ELLs / 26% of ELLs in VT)</li> <li>2. Winooski SD (172 ELLs / 10.4% of ELLs in VT)</li> <li>3. South Burlington SD (82 / 4.9% of ELLs in VT)</li> </ol>
Top 5 Languages Spoken by ELLs	<ol style="list-style-type: none"> <li>1. Bosnian</li> <li>2. Maay-Maay</li> <li>3. Spanish</li> <li>4. Vietnamese</li> <li>5. Chinese</li> </ol>

**C. Levels of English Language Proficiency (ELP) –**

Vermont’s English language proficiency levels are defined by the WIDA English Language Proficiency Standards, 2007 Edition and the ACCESS for ELLs® assessment (based upon the WIDA standards). The 2007 Edition expanded the ELP levels from five to six. Level 6- ‘*Reaching*’ was added to the standards, assessment, and performance definitions as a designation for students who reached the far end of the second language continuum. *A Resource Guide: Understanding the WIDA English Language Proficiency Standards* (2007 Edition) at [http://www.wida.us/standards/Resource\\_Guide\\_web.pdf](http://www.wida.us/standards/Resource_Guide_web.pdf) includes extensive background information on the WIDA English language proficiency levels.

The language proficiency levels delineate expected performance and describe what ELLs can do as they move along the continuum from Level 1, *Entering*, through Level 6, *Reaching*, within each language domain of the standards for designated grade level clusters. This visual provides a brief, general description of the ELP levels.

<b>Proficiency Level</b>	<b>Description of English Language Proficiency Levels</b>
<b>1 – Entering</b>	Knows and uses minimal social language and minimal academic language with visual support
<b>2 – Beginning</b>	Knows and uses some social English and general academic language with visual support
<b>3 – Developing</b>	Knows and uses social English and some specific academic language with visual support
<b>4 – Expanding</b>	Knows and uses social English and some technical academic language
<b>5 – Bridging</b>	Knows and uses social and academic language working with grade level material
<b>6 – Reaching</b>	Knows and uses social and academic language at the highest level measured by this test

## *WIDA Resource Guide*

*Understanding the WIDA English Language Proficiency Standards: A Resource Guide* is an introduction to using the WIDA ELP Standards which can either be ordered or downloaded at [http://www.wida.us/standards/Resource\\_Guide\\_web.pdf](http://www.wida.us/standards/Resource_Guide_web.pdf). The final sections of the Resource Guide contain many of the tools WIDA has developed for use with the WIDA assessments and in the classroom, some of which can be downloaded separately, as well.

Three important WIDA resources frame the K-12 ELP standards, form the essential foundation for understanding and using the WIDA English language proficiency levels, and build upon each other:

1. The **Performance Definitions** specify *global* criteria--linguistic complexity, vocabulary usage and language control--that shape each of the six levels of English language proficiency and reflect the *general* characteristics of ELLs from Kindergarten through grade 12 for each proficiency level. (See <http://www.wida.us/standards/PerfDefs.pdf>).
2. The **CAN DO Descriptors** are general performance indicators that describe typical behaviors of ELLs in each language domain for each level of English language proficiency. They build upon the Performance Definitions by describing what students can do at each proficiency level *by domain*. The *general* descriptors can be viewed at: [http://www.wida.us/standards/CAN\\_DOs.pdf](http://www.wida.us/standards/CAN_DOs.pdf) and the *grade level cluster-specific* versions of the CAN DO Descriptors at: [http://www.wida.us/standards/CAN\\_DOs/index.aspx](http://www.wida.us/standards/CAN_DOs/index.aspx).
3. The *strands of Model Performance Indicators (MPI's)* within the WIDA ELP formative and summative frameworks, provide examples of five sequential or scaffolded levels of English language proficiency for different grade level clusters, standards, and language domains. Like the Performance Definitions, strands are assembled according to the progressive levels of English language proficiency. They are the most detailed representations of the ELP standards.

### **D. *English Language Proficiency Assessment -***

Since the 2004-2005 school year, Vermont has required schools to annually assess all enrolled ELLs with the secure ACCESS for ELLs® within a designated testing window. The assessment is designed specifically to assess academic language proficiency as specified in the WIDA standards. The assessment provides valid and reliable information about students' ELP levels in the domains of reading, writing, listening, and speaking. Results are reported in terms of raw scores, scale scores, and English Language Proficiency (ELP) levels. The ELP levels are interpretations of student performance (scale scores); they describe student performance in terms of the six WIDA language proficiency levels (1-Entering, 2-Beginning, 3-Developing, 4-Expanding, 5-Bridging, and 6-Reaching). Composite scores are reported for oral language, literacy, and comprehension. An overall composite score reflects students' *weighted scores in all four domains*. The contributions of language domains to ACCESS composite scores are: Listening-15%; Speaking-15%; Reading-35%; Writing-35%.

ACCESS is composed of four domain-based tests (speaking, listening, reading, and writing) that assess students at five grade-level clusters: (a) Kindergarten; (b) Grades 1–2; (c) Grades 3–5;

(d) Grades 6–8; and (e) Grades 9–12. For each domain and grade-level cluster (except K), ACCESS is divided into three tiers. Tier A assessments target students at the three lowest language proficiency levels (Levels 1–3); Tier B, students at the middle proficiency levels (Levels 2–5); and Tier C, students at the higher proficiency levels (Levels 3–6).

Psychometrically, ACCESS is vertically scaled across grades and proficiency levels using a Rasch-based item response theory (IRT) scaling methodology. The ACCESS scale ranges from 100 to 600. Because of the vertical scaling design, interpretation of scores is identical across grades and it is possible to longitudinally monitor students' progress in English across grades and proficiency levels.

*Criteria students must meet to progress from one proficiency level to the next*

The grade-level cut-scores (by domains and composites for grades) which students must meet to progress from one WIDA proficiency level to the next on the *ACCESS for ELLs®* are included in *ACCESS for ELLs® Interpretive Guide for Score Reports, 2010*, pp. 63-66.

[http://www.wida.us/assessment/ACCESS/ScoreReports/ACCESS\\_Interpretive\\_Guide10.pdf](http://www.wida.us/assessment/ACCESS/ScoreReports/ACCESS_Interpretive_Guide10.pdf)

*Grade-Level Cut-scores*

In 2007, at the request of member states, WIDA replaced grade cluster level cut-scores with specific proficiency *grade level* cut-scores. The actual scale scores did not change; the cut-scores were readjusted to show progress by grade level rather than by cluster level. As a result, the changes in proficiency level cut-scores from grade to grade now account for both the maturational and the language proficiency growth of ELLs.

In the past, the same cut score, aimed at the highest grade level in a cluster (i.e., grade 2 in 1-2, grade 5 in 3-5, grade 8 in 6-8, and grade 12 in 9-12) had been applied to each grade within a grade level cluster. As a result, students moving from the highest grade in a cluster (e.g., grade 2 in the 1-2 cluster) to the lowest grade in a cluster the next year (such as to grade 3 in the 3-5 cluster), would often have a dip or decrease in their ELP levels even though their scale scores had increased.

Administrators and teachers now have a more precise measurement of their ELLs' annual progress in acquiring English language proficiency. By having grade by grade scale scores, it is easier to create a trajectory of estimated student growth in any single or combination of language domains from year to year. As yearly maturation has been taken into account, change in student profiles is a direct reflection of differences in their English language proficiency. Therefore, articulating the status of ELLs from grade to grade, and teacher to teacher, should be greatly facilitated.

## **II. AMAO Revision Process**

The VT DOE received guidance and support from WIDA researchers in its efforts to reset Annual Measurable Achievement Objectives (AMAOs) and redefine Exit Criteria for language support programs serving ELLs. Research, Standards and Assessment staff members consulted with Dr. Gary Cook, the WIDA consortium research director, in the process of formulating AMAOs—specifically, (a) targeted annual increases in the number or percentage of children making progress in learning English (*AMAO 1*) and (b) targeted annual increases in the number or percentage of children attaining English proficiency (*AMAO 2*).

Using Vermont's ACCESS for ELLs® longitudinal data, the WIDA research team conducted an analysis of student growth rates and the number and proportion of students obtaining proficiency at the State and LEA levels. WIDA provided technical assistance to help Vermont refine its progress estimates and examine more complex growth trends in order to make policy decisions. The ultimate goal of this analysis was to support the state's establishment of new AMAO criteria and targets in order to comply with the Notice of Final Interpretations, as well as refine and clarify the progress and attainment benchmarks that LEAs must meet in order to demonstrate improvement in educational programs for ELLs.

*Features of Vermont's amended plan for Title III AMAOs:*

- Based on data and research
- Meets the requirements of the Notice of Final Interpretations
- Sets challenging yet reasonable goals for improvement
- Statistically reliable and valid
- Transparent
- Useful for program improvement

**A. Vermont's Amended AMAO 1: Number or percentage of LEP students who will make progress in learning English** (as defined by the State's WIDA K-12 English language proficiency standards and ACCESS for ELLs® assessment)

Federal requirements under the *No Child Left Behind Act of 2001, Title III, Section 3122* stipulate that for AMAO 1, states and districts within states must demonstrate that ELLs make annual gains in the number and percentage of students making *progress* toward English language proficiency. In addition, district ELL programs must continue to improve the rate at which students make progress. Vermont will continue to use the ACCESS for ELLs® as the English language proficiency assessment to measure and report growth in a consistent manner and to hold districts accountable for the English language development gains of their ELLs.

***Statistical Analysis of Language Proficiency Growth in Vermont***

Linquanti and George (2007) and Cook, Boals, Wilmes, & Santos (2008) identify the decisions needed to establish AMAO 1 expectations. Based on the current interpretations of federal law regarding AMAOs, those decisions are:

1. Determine the scoring metric to be used to measure growth;
2. Set the starting point for AMAO 1 targets;
3. Set the ending point for AMAO 1 targets;
4. Determine the amount of time needed for districts to get from the starting to ending targets; and
5. Establish an annual rate of growth.

The results of analysis and modeling of data (described below) led Vermont to make the following decisions related to AMAO 1 expectations:

**1. Determine the metric to be used to measure growth:** Vermont will continue to use the ACCESS Overall Composite Proficiency Level decimal score as the metric to measure growth. The AMAO 1 annual growth criterion is 0.5 or greater proficiency level decimal increase for all students in K-12.

In order to establish a new AMAO 1 growth criterion and targets, the WIDA research team first conducted a statistical analysis of student growth rates in ACCESS overall composite proficiency levels scores in Vermont from the spring 2007, 2008, and 2009 assessments. In **Table 1**, five statistics are displayed: the number of students (N), the minimum growth rate (MIN), the maximum growth rate (MAX), the average growth rate (MEAN), and the standard deviation of growth rates (STD). Vermont's ELL students gained an average of 0.55 composite proficiency level points between the 2008 and 2009 testing years and an average gain of 0.61 composite proficiency level points between the 2007 and 2008 school years.

**Table 1: Vermont Student Growth Rates**

Variable	N	Mean	Std Dev	Minimum	Maximum
Composite PL Gain 2008-09	1080	0.55	0.76	-3.0	3.2
Composite PL Gain 2007-08	1169	0.61	0.71	-2.5	3.5

### ***New AMAO 1 Annual Growth Criterion***

WIDA researchers then analyzed Vermont data to model possible AMAO 1 targets for two different growth criteria: 0.5 and 0.6 composite proficiency level (PL) decimal score gains. Due to technical concerns about using such cohorts<sup>2</sup> to predict growth, Vermont has established a 0.5 gain or higher in the overall composite proficiency level (decimal score) as the annual growth criterion for *ELLs at all grade levels in K-12*.<sup>3</sup> This overall composite score is the *global indicator* of a student's English language proficiency as determined by *ACCESS for ELLs®*; it is derived by combining the scale scores of the four language domains according to their relative weights. (Note: Students with the identical overall composite scores may have very different profiles in terms of their oral language and literacy development.)

The characteristics and demographics of Vermont's ELL population made this annual growth criterion seem the most reasonable, and yet challenging, measure of progress for *students at all grade and ELP levels in K-12*.

**2. Set the starting point for AMAO 1 targets:** Vermont used the *lower quartile* of district performances as the starting point: 50%.

After establishing the metric (proficiency level decimal score) and annual growth criterion (0.5 or higher) for measuring individual student progress, 16 districts with more than 11 or more

<sup>2</sup> Based on current interpretations of federal law (specifically, *Notice of Interpretation #8*), the only allowable cohort possibility is time in ELL program.

<sup>3</sup> Starting with the 2010 AMAO determinations (using 2008 and 2009 ACCESS results), Vermont eliminated the cohorts based on ELP levels and grade spans in calculating whether different annual growth criteria were met.

students<sup>4</sup> were ranked from top to bottom in order of percent of students whose composite proficiency level decimal score increased 0.5 or more from one year to the next, across all grades. These rankings of districts from the 2009 ACCESS testing year were then used to set the baseline data for AMAO 1, including the AMAO 1 starting and ending targets.

**Table 2 (below)** shows the results of this analysis of the progress made between the 2008 and 2009 ACCESS testing years. The data were used in 2009-2010 to determine which districts met the AMAOs for the school year 2008-2009 and to provide the baseline data for subsequent AMAO determinations.

**Table 2: Data used for setting Progress Targets (Starting & Ending Points)**

<b>VT Districts with 11 or more ELLs</b>	<b>No. of ELLs in district</b>	<b>% of students making progress (gaining 0.5 CPL) on the 2009 administration of ACCESS for ELLs</b>
District 1	21	38%
District 2	47	38%
District 3	41	48%
District 4	22	50%
District 5	44	50%
District 6	352	51%
District 7	46	52%
District 8	25	56%
District 9	21	61%
District 10	11	63%
District 11	64	64%
District 12	98	65%
District 13	17	70%
District 14	24	70%
District 15	11	81%
District 16	11	81%

The **starting point** corresponds to the percent of students meeting the criterion for the district at the lower quartile of performance in 2009 when comparing all VT districts with sufficient numbers of ELLs.<sup>5</sup> For the growth criterion of 0.5, the district (District #5) at the lowest quartile had 50% of its students make progress.

**3. Set the ending point for AMAO 1 targets:** Vermont used the *upper quartile* of district performances as the ending point: 65%.

The **ending point** reflects the district (District #12) at the upper quartile of VT district performances. Thus for the 0.5 PL gain criterion, that value is 65%.

<sup>4</sup> For establishing AMAO criteria, states must adopt Title III minimum group sizes. In the case of Vermont, at least 11 students must be enrolled in a district and have two data points to be included in the AMAO 1 district rankings. Due to the ELL demographics in Vermont, the Title III minimum “n” is lower than the one for Title I.

<sup>5</sup> Only districts with 11 or more ELLs were considered to have sufficient numbers for use in these analyses.

**4. Determine the amount of time needed for districts to get from the starting to ending targets:** Vermont has chosen a 10-year timeline for districts to reach AMAO 1 ending targets.

**5. Establish an annual increase in the rate of growth:** Vermont’s annual growth target will increase by 1.5 % each year over a 10-year period. Baseline Year (2009) + 10 years (10 years’ of growth.)

Once starting and ending points were established, annual increases in district growth were projected. **Figure 1 (below)** projects annual growth rates from 2009 (baseline year) through 2019 for proficiency levels, proficiency level decimals, based on starting and ending points described above.

**Figure 1: Vermont AMAO 1 Targets**--This figure shows the annual increase in the AMAO 1 target for a 0.5 composite proficiency level gain adopted by Vermont.

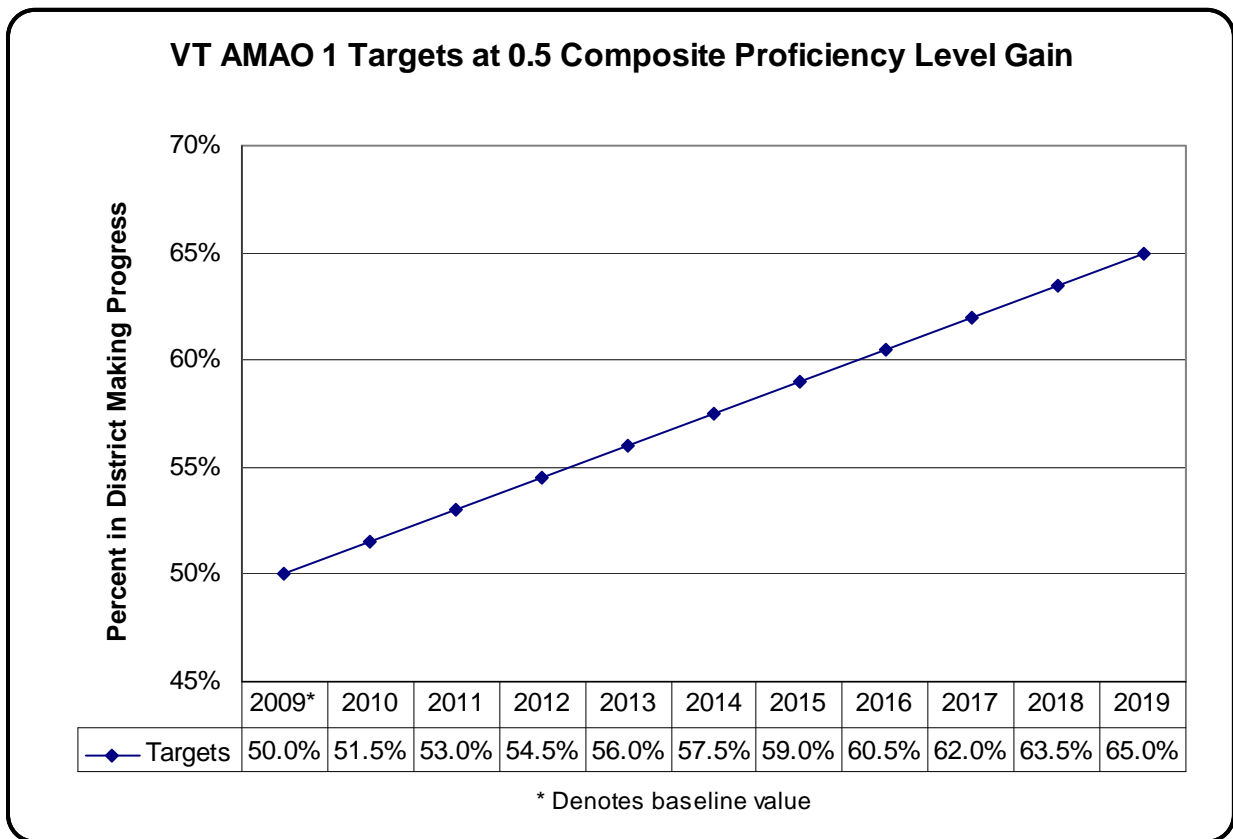


Figure 1 shows *testing years*. (AMAO determination years are based on results from prior years.)

The values shown in the **Figure 1** above represent the percent of students expected to meet the 0.5 annual growth criterion for the baseline year and next 10-year period. **Table 2** (above) shows how Vermont districts were ranked and the data then used to set the baseline and subsequent 10-year targets for AMAO 1. The **starting point** (i.e., value in 2009 row of **Figure 1**) corresponds to the percent of students meeting the criterion for the district at the lower quartile

of performance in 2009 when comparing all VT districts with sufficient numbers of ELLs.<sup>6</sup> For the growth criterion of 0.5, the district at the lowest quartile had 50% of its students make progress. The **ending point** (i.e., value in the 2019 row of **Figure 1, p. 9**) reflects the district at the upper quartile of VT district performances. Thus for the 0.5 PL gain criterion, that value is 65%. In this **figure**, we assume a 10-year timeline, since the VT DOE chose a 10-year time frame for districts to reach the AMAO 1 ending point.

**B. Vermont’s Amended AMAO 2: Number or percentage of LEP students who will attain English proficiency** (as defined by the State’s as defined by the State’s WIDA K-12 English language proficiency standards and ACCESS for ELLs® assessment)

Similarly, Federal requirements under the *No Child Left Behind Act of 2001, Title III, Section 3122* stipulate that for AMAO 2, states and districts within states demonstrate annual increases in the number and percentage of students *attaining* English language proficiency.

***Statistical Analysis of Attainment of Proficiency in Vermont***

In establishing English proficiency and AMAO 2 targets for accountability purposes, Linquanti and George (2007) and Cook, et al. (2008) identify five decisions that need to be addressed:

1. Define the English proficient level;
2. Determine the cohort of ELLs for analysis;
3. Set the starting point for AMAO 2 targets;
4. Set the ending point for AMAO 2 targets; and
5. Determine the rate of annual increase in students attaining proficiency.

The results of analysis and modeling of data (described below) led Vermont to make the following decisions related to AMAO 2 expectations:

**1. Define the English proficiency level:** Overall composite ELP level score 5.0 on ACCESS, 4.0 or higher in the reading domain, and 4.0 or higher in the writing domain.

***New AMAO 2 Definition of Proficiency in English***

Vermont has adopted a “conjunctive minimums model” which requires that students score an overall composite proficiency level of 5.0 or higher on the ACCESS for ELLs®, plus a minimum proficiency level of 4.0 or higher on both the reading and writing domains, in order to “attain proficiency.”

ACCESS for ELLs® Cut-scores (recorded on a **Tier B** or **Tier C** form of *ACCESS for ELLs®*)

1. A score of 5.0 or higher recorded on the Composite (Overall) Proficiency Level;
2. A score of 4.0 or higher recorded on the Reading Proficiency Level;
3. A score of 4.0 or higher recorded on the Writing Proficiency Level.

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<sup>6</sup> Only districts with 11 or more ELLs were considered to have sufficient numbers for use in these analyses.

## ***ELL Exit Criteria***

Vermont has adopted a “conjunctive minimums model” in order to ensure that a high score in one language domain does not have a compensatory effect on lower scores in another language domain, resulting in a false impression of “proficiency.” With the adoption of the conjunctive minimums model to define English proficiency, Vermont’s criteria for exit have been revised, as well.

The ELL Exit Criteria are now based on the amended proficiency definition. These specific exit criteria (based on the ELP assessment overall composite proficiency level score, minimum domain scores in reading and writing, and correlation to the state academic assessments) provide a more comprehensive definition of proficiency, which can be applied consistently in districts across the state.

With this amendment, districts no longer have the option to consider multiple measures or continue counting students **as ELL** for purposes of *Title III or Title I* accountability or program services, once the proficiency and exit criteria have been met. The definition of proficiency is now the same for both Title III and Title I purposes of accountability and program eligibility.

While these criteria for making decisions about gains in student proficiency, exiting from language support services, and determining AMAOs are highly valid and reliable across the grade and proficiency levels<sup>7</sup>, the VT DOE also recognizes that students reclassified as “proficient” are still a very diverse group (in terms of grade level of entry, prior literacy skills and schooling, language and cultural backgrounds, and life experiences). Most will not have yet reached the highest WIDA level of proficiency, **LEVEL 6—Reaching**, even upon “attaining proficiency” and exiting Title III services. Students who have met the proficiency definition and exit criteria are often still *refining* their academic language skills—oral and written communication, content-specific language—which often improves their participation in content instruction and academic assessments, enabling them to take advantage of other educational opportunities.

Therefore, it seems reasonable to allow districts to continue including students who have been exited from Title III and Title I services (and *reclassified* as MFLEP - Monitored Former LEP for a two-year period from exit) in their annual count of ELLs for State funding purposes. School districts still continue to bear some extra costs for linguistically and culturally diverse students (e.g., academic supports beyond language instruction, home-school communications), even after Title III ELL services are no longer needed.

Students in grades 1-12 who attain an *ACCESS for ELLs*® overall composite ELP level score of 5.0 or higher on a Tier B or Tier C test, plus an ELP level score of 4.0 or higher in both the domain of reading and the domain of writing, are considered proficient for Title III and Title I purposes.

Kindergarten students take a separate assessment and cannot be exited from services due to the fact that no kindergarten test can *fully* measure the level of literacy development that will be so

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<sup>7</sup> Reliability and accuracy data from *WIDA Consortium Annual Technical Report for ACCESS for ELLs*®, Series 200, 2008-2009 Administration.

critical in the primary grades. They are required to take the *ACCESS for ELLs*® assessment again in Grade 1 in order to be more certain that they are performing at the age/grade appropriate literacy level. This second year of assessment reduces the possibility of premature exit from ELL services. Kindergarten students cannot “attain proficiency” for accountability. Therefore, they cannot exit ELL services, and remain eligible for Title III services.

**Students who have attained proficiency in grades 1-12 in Vermont:**

- exit from Title III services;
- are not required to participate in annual *ACCESS for ELLs*® testing;
- are re-classified as Monitored Former Limited English Proficiency (MFLEP)—per terminology used in the EDEN data collection system and the Consolidated State Performance Report;
- are required to be monitored for two years following exit from the limited English proficient classification;
- are no longer included in Title III accountability determinations (after being counted for year in which proficiency was attained);
- are no longer counted in the LEP subgroup for Title I accountability (Vermont does not use the “flexibility” option allowing states to count students in the LEP subgroup for Title I accountability for 2 years post-exit.); and
- can continue to be counted for *State Funding* during the 2 years of required monitoring.

*Exited* students are not counted as **ELLs** for Title I funding, but may still qualify for Title I services based on other eligibility criteria—i.e., academic need.

WIDA Research

Over the years, WIDA has been conducting research<sup>8</sup> on what it means to demonstrate English language proficiency in the K-12 school context in order to help states in establishing meaningful criteria (reasonable cut points) and targets for measurement of growth and attainment, as required under federal accountability systems. Since the definition of a “limited English proficient” student under federal law emphasizes that such students must be given the supports they need to participate successfully in English-speaking classes and to meet the State’s proficient level of achievement on State assessments, WIDA has been examining the relationship between language proficiency (as measured by the WIDA ELP standards and the *ACCESS for ELLs*® assessment) and academic achievement (as measured by the WIDA states’ content assessments in reading and mathematics).

In a white paper<sup>9</sup> which is still in draft form, Dr. H Gary Cook at the Wisconsin Center for Education Research, WIDA, describes some methods to examine the relationships between

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<sup>8</sup> Cook, H. G., Boals, T., Wilmes, C., & Santos, M. (2008). Issues in the development of annual measurable achievement objectives for WIDA consortium states (WCER Working Paper No. 2008-2). Madison: University of Wisconsin–Madison, Wisconsin Center for Education Research. Retrieved December 12, 2008 from <http://www.wcer.wisc.edu/publications/workingPapers/papers.php>.

<sup>9</sup> *Methods for Establishing English Language Proficiency using State Content and Language Proficiency Assessments*, H. Gary Cook, Ph.D., Elenora Hicks, Soowon Lee, Ross Freshwater (WIDA Consortium), January, 2009.

states' ELP assessments and academic content assessments, and "how they can inform decisions about English language proficiency."

WIDA has used the "decision consistency" approach to conduct statistical comparisons of ELL students' performance on the academic language proficiency assessment (*ACCESS for ELLs*®) and state content proficiency assessments in reading and mathematics. This analysis identifies where the relationship between English proficiency and academic content performance becomes less related.<sup>10</sup> This doesn't mean that students who reach a certain cut point no longer need to learn English, but rather that they are at a point where they can meaningfully participate and likely meet the academic standards measured on state assessments.

Specifically, the focus of this work on AMAO 2 has been to determine what English language proficiency means as it relates to a state's English language proficiency assessment and its academic content assessments.

The decision consistency method was initially applied to the three New England WIDA states of Vermont, Rhode Island, and New Hampshire, using available *ACCESS for ELLs*® language assessment data and academic content assessment data for students who took the same NECAP (*New England Common Assessment Program*) assessment. Since then, the same procedure has also been used across WIDA states that have their own state content proficiency assessments. WIDA research has shown that the point where students' English language proficiency generally becomes *less related to academic achievement* is when they score an overall composite proficiency level of between 4.8 and 5.2.

In order to increase the chances that students are correctly classified as "attaining proficiency", i.e., likely to score proficient on *state academic assessments*, the VT DOE is requiring that they also meet a minimum of 4.0 or higher proficiency level score on the reading test and the writing test. Although a formal decision consistency analysis on use of individual domain scores has not been done, preliminary review of the data suggests that students who meet these *additional* criteria--minimum domain scores in reading and writing--have a higher likelihood of scoring proficient on state content assessments. This conjunctive minimums model also results in establishing more consistent exit criteria for ELLs across districts in the state.

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<sup>10</sup> "Empirically, WIDA defines language proficiency as the point where students' language proficiency level becomes less related to academic achievement. Beyond this point, we should see decreasing relationships between English language proficiency and content assessments. These decreases suggest that English proficiency is becoming less associated with student academic performance. At or beyond this point, where decreasing relationships are seen, is where states should consider establishing English language proficiency."

## Additional Research Evidence

Using assessment results for 5th and 8th grade ELLs students in three Northeast Region states (including Vermont, New Hampshire, and Rhode Island), a Northeast Regional Educational Laboratory report<sup>11</sup> finds that:

1. the English language domains of reading and writing (as measured by the ACCESS for ELLs®, the common English language proficiency assessment) are significant predictors of performance on the New England Common Assessment Program (NECAP) reading, writing, and mathematics assessments; and
2. the domains of reading and writing (literacy skills) are more closely associated with performance than the English language domains of speaking and listening (oral skills) are.

The report findings, that results on the literacy sections of ACCESS for ELLs® are the strongest predictors of performance on NECAP tests, also supports Vermont's decision to use the minimum reading and writing domain scores as additional criteria for academic language proficiency.

### **2. Determine the cohort of ELLs for analysis:** All ELLs are included in the analysis.

All students in grades 1-12 who participate in the *ACCESS for ELLs®* assessment in a given year would be the cohort included for AMAO 2 analysis. This is consistent with the Federal Register Notice of Final Interpretation, dated October 17, 2008.

### **3. Set the starting point for AMAO 2 targets:** District percent proficient near the lowest quintile: 5%.

To establish a starting point for AMAO 2 targets, Vermont applied the new AMAO 2 criteria to districts and rank-ordered the 25 districts with 11 or more ELL students based on the percentage of students attaining English proficiency. The AMAO 2 starting point was then set at the percentage of English proficient students in the district (District # 5) that was at the *lowest quintile (5%) of the state's distribution*.

**Table 3** (p. 15) shows the rank ordering of the 25 districts (with 11 or more ELLs) by number and percentage of ELLs who achieved a composite proficiency level of 5.0 or higher, plus a minimum of 4.0 proficiency level in both the reading and writing domains, on the 2009 administration of ACCESS for ELLs®. These rankings were used to set the baseline data for AMAO 2, including the proficiency starting and ending point targets.

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<sup>11</sup> Parker, C. E., Louie, J., and O'Dwyer, L. (2009). *New measures of English language proficiency and their relationship to performance on large-scale content assessments (Issues & Answers Report, REL 2009–No. 066)*. Washington, DC: U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Regional Educational Laboratory Northeast and Islands. Retrieved from <http://ies.ed.gov/ncee/edlabs>, January 29, 2009.

**Table 3: Data used for setting Proficiency Targets (Starting & Ending Points)**

VT Districts with 11 or more ELLs	No. of ELLs in district	% of students attaining proficiency (5.0 overall composite proficiency level, 4.0 or higher PL on reading <i>and</i> writing) on the 2009 administration of ACCESS for ELLs®
District 1	13	0%
District 2	15	0%
District 3	27	3%
District 4	194	5%
District 5	19	5%
District 6	495	6%
District 7	15	6%
District 8	60	10%
District 9	19	10%
District 10	26	11%
District 11	25	12%
District 12	56	12%
District 13	57	14%
District 14	14	14%
District 15	13	15%
District 16	13	15%
District 17	31	16%
District 18	121	19%
District 19	70	20%
District 20	13	23%
District 21	13	23%
District 22	11	27%
District 23	16	31%
District 24	31	32%
District 25	11	54%

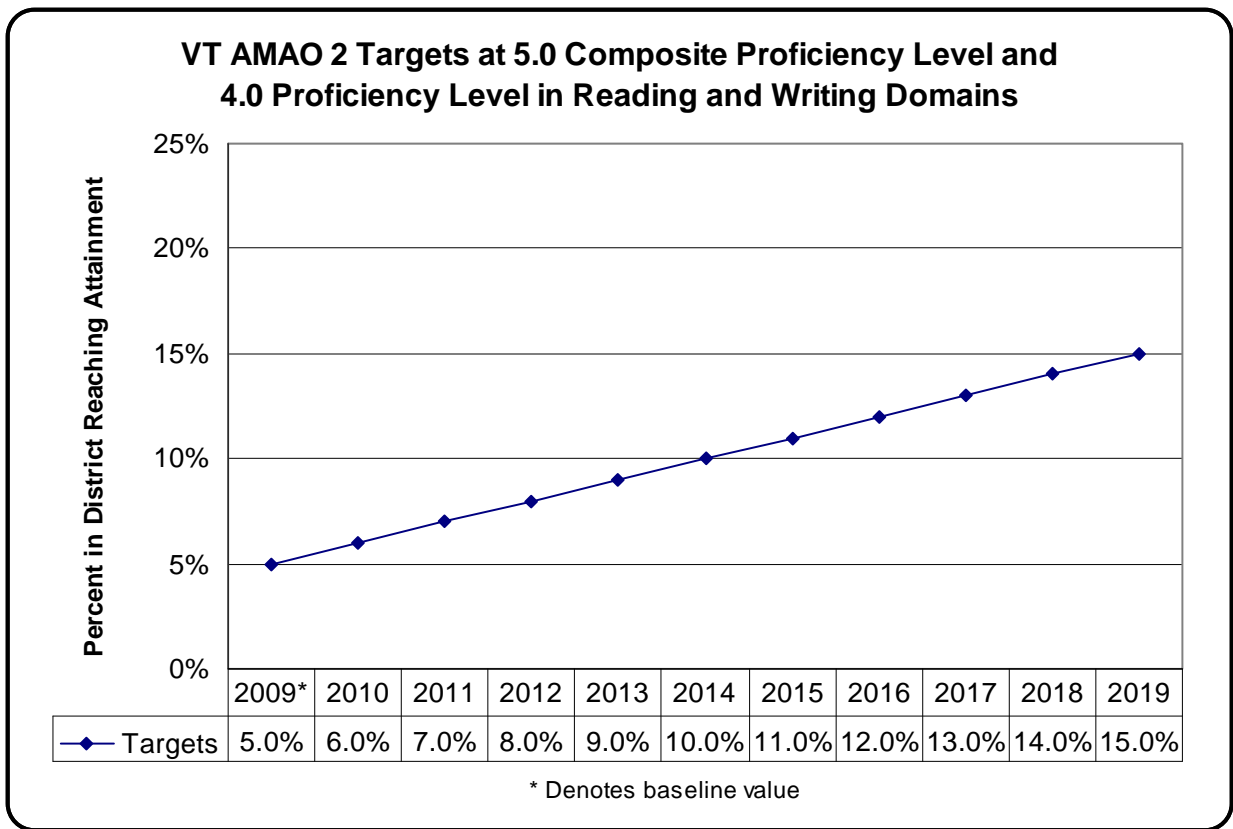
**4. Set the ending point for AMAO 2 targets:** District percent proficient near the fourth quintile: 15%.

Title III requires schools to annually increase the numbers of students attaining English proficiency. To establish the ending point for AMAO 2 targets, Vermont applied the new AMAO 2 criteria to districts and rank-ordered the 25 districts with 11 or more ELL students based on the percentage of students attaining English proficiency. The AMAO 2 ending point was set at the percentage of English proficient students in district #15 at the *fourth quintile (15% of the state’s distribution)*. Ten years from the baseline testing year was determined to be the time districts would be required to reach the AMAO 2 ending point. (See **Table 3 above**.)

**5. Determine the rate of annual growth:** Annual proficiency rate target increase: 1.0%.

Assuming a WIDA level of 5.0 overall composite proficiency level as English proficient, plus 4.0 proficiency level or higher in reading and writing, the starting point was set at 5% and the ending point at 15%. Once the AMAO 2 starting point of 5% and the ending point of 15% were established, an annual growth rate of 1.0% was calculated for a 10 year period, including the baseline year (2009). **Figure 2: AMAO Targets** plots this 10-year timeline of annual growth from 2009 to 2019. States were required to be in compliance with the Notice of Interpretation when making any AMAO determinations in 2009-2010 (if these were based on the 2009 assessment data), which explains the use of 2009 as a baseline year.

**Figure 2: Vermont AMAO 2 Targets**—This figure shows the AMAO 2 growth targets for an exit criterion of a composite PL of 5.0 as well as a 4.0 PL or greater in the domains of reading and writing.



### **III. Procedures for making AMAO Determinations**

All States are required to be in compliance with the Title III Notice of Interpretation (NOI) for English language proficiency (ELP) assessments administered during the 2009-2010 school year, as well as any AMAO determinations made based on these assessments. Vermont was informed that, as a state with different testing windows for its ELP and achievement assessments, it still needs to ensure that AMAO determinations made (using whatever data are *available* for the 2009-10 school year) are in compliance with the NOI.

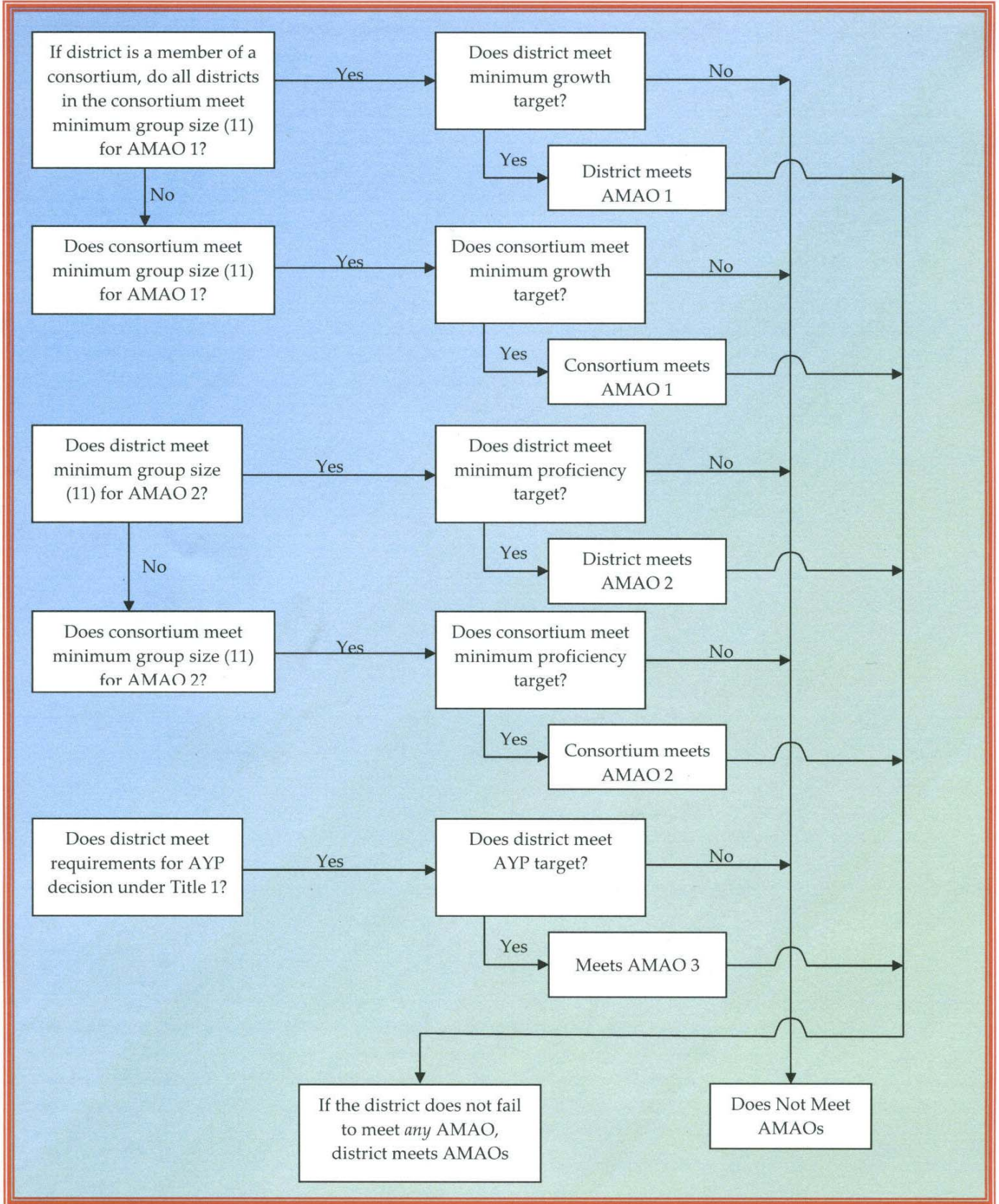
As a “fall test State”, Vermont combines ELP data from the spring ACCESS for ELLs® assessment and academic data from the fall NECAP assessment in order to make AMAO determinations based on the same teaching year. For example, AMAO determinations made in the 2009-2010 school year were based on assessments from the 2008-2009 (teaching) year, using the *available* ACCESS data from spring 2009 and NECAP academic achievement data from fall 2009.

Therefore, in order to comply with the NOI, the VT DOE applied the *amended* AMAO criteria, targets, and timelines to determinations made in 2009-2010 using the available 2008-2009 data. The 2008-2009 data (spring 2009 ACCESS) was used to set the baselines for AMAO 1 & 2 targets.

#### **A. Flowchart**

For a visual representation of Vermont’s Title III AMAO Decision-Making Process, see the full-page flowchart on the next page.

### Flowchart of Vermont Title III AMAO Decision-Making Process



**B. *Steps in Title III AMAO Decision-Making Process***

The steps for making Title III AMAO determinations in Vermont (*illustrated in the flowchart on the previous page*) are delineated below. A general rule for making AMAO decisions on consortia in Vermont is that whenever all member LEAs meet the minimum group size, separate AMAO determinations will be made for each LEA. When one or more members of the consortium *do not* meet the minimum group size (i.e., 11 or more ELLs for AMAO 1 & 2), the consortium members' data will be aggregated for the purpose of calculating the respective AMAOs, as stipulated in the Notice of Final Interpretations.

In order to qualify for a Title III subgrant in Vermont, districts or consortia typically have *at least* 40 eligible ELLs. Therefore, making AMAO 1 & 2 decisions for Title III subgrantees in a consortium, either as separate entities (if possible) or as a single entity (if not possible to treat as separate entities), should not be a problem. AMAOs will be made for all Title III subgrantees, one way or the other.

**Step 1: AMAO 1 Determination**

***Does the district (or consortium) meet the minimum group size (11 or more ELLs) for AMAO 1?***

Given Vermont's demographic composition (low incidence of ELLs in the majority of districts), we opted to use the State Rule (minimum group size of 11 or more students required for public reporting of data) as the group size for Title III AMAO 1 & 2 determinations. The chosen AMAO 1 & 2 minimum group size for ELLs (11) is lower than the group size Vermont uses for Title I AYP subgroups (40) and, likewise, AMAO 3.

If a district meets the minimum group size, an AMAO 1 determination will be made.

If a consortium includes one or more districts that all meet the minimum group size, a separate AMAO 1 determination will be made for each consortium member.

If one or more districts in a consortium do not meet the minimum group size, the data from all the consortium members will be aggregated to make an AMAO 1 determination. AMAO determinations must be made for all subgrantees receiving Title III funds.

***Does the district (or consortium) meet the annual growth target for AMAO 1?***

Districts or consortia (with the minimum group size) will meet AMAO 1 if the percentage of students meeting the growth criterion is equal or greater than the annual growth target. If not, the district or consortium does not meet AMAO 1 or the overall Title III AMAOs.

All students with two composite proficiency test scores are included in the AMAO 1 calculation.

The percentage of students meeting the annual growth target is calculated by determining the number of students who increased by 0.5 or more in their composite proficiency level score from one year to the next (if two consecutive assessment years are not available, VT will use the current year and the most recent prior year). This sum is divided by the total number of students

(in a district or consortium) who have been required to participate in at least two administrations of the ELP assessment. Percentages will be rounded to one decimal place.

### **Step 2: AMAO 2 Determination**

#### *Does the district (or consortium) meet the minimum group size (11) for AMAO 2?*

As described in Step 1, the chosen AMAO 1 & 2 minimum group size is 11 or more ELLs.

If a district meets the minimum group size, an AMAO 1 determination will be made.

If a consortium includes one or more districts that all meet the minimum group size, a separate AMAO 2 determination will be made for each consortium member.

If one or more districts in a consortium do not meet the minimum group size, the data from all the consortium members will be aggregated to make an AMAO 2 determination. AMAO determinations must be made for all subgrantees receiving Title III funds.

#### *Does the district meet the annual proficiency target for AMAO 2?*

Districts or consortia meet AMAO 2 if the percent of students meeting the proficiency criteria (5.0 composite proficiency level on Tier B or C test, plus 4.0 proficiency level on the reading and on the writing) meets or exceeds the AMAO 2 annual target.

All ELLs are included in the AMAO 2 calculation.

The percentage of students meeting the annual proficiency target is calculated by determining the number of students who are proficient (according to AMAO 2 criteria) divided by the number of ELLs enrolled in the district or consortium. For the AMAO 2 calculation, all students enrolled will be included in the denominator. Again, percentages will be rounded to one decimal place.

### **Step 3: AMAO 3 (AYP for LEP Subgroup) Determination**

#### *Does the district meet requirements for AYP decision under Title I?*

For Title III accountability purposes (AMAO 3), Vermont uses the same AYP determination for the LEP subgroup under Title I. AYP determinations in Vermont are only made for districts and schools, never consortia. With AYP (AMAO 3), the minimum group size is 40 (not 11 or more). Therefore, only districts with 40 or more ELLs who take the reading and/or math assessments will have an AMAO 3 decision made.

Further details on how Vermont calculates AYP for the LEP subgroup under Title I (and the approved minimum group size) can be found in the **Accountability Operations Manual** at: [http://education.vermont.gov/new/pdfdoc/pgm\\_accountability/operations\\_manual\\_0408.pdf](http://education.vermont.gov/new/pdfdoc/pgm_accountability/operations_manual_0408.pdf)

#### **Step 4: Making Overall AMAO Determination**

Districts that meet all 3 AMAOs meet the AMAO requirements. No further action is required from these districts.

When a district (or consortium) does not meet the minimum group size for any individual AMAO, no decision will be made for that AMAO.

Districts that meet AMAO 1 & 2, but do not have an AMAO 3 determination due to group size, will be reported as having met the Title III AMAOs. Again, since Vermont uses the Title I AYP criteria for making Title III AMAO 3 determinations, no decision will be made if the district has less than the AYP minimum group size of 40 or more.

Districts that fail to meet one or more AMAOs do not meet the Title III AMAO requirements. In such cases, the VT DOE informs Title III districts that they do not meet the overall AMAOs, more specifically which State AMAO targets they do not meet. Subgrantees are also notified that they must communicate the AMAO determination to parents of Title III-served students, as required in section 3302(b) of the ESEA, when the district does not meet State Title III AMAOs. Sample parental notification letters are offered, as well.

As required by Title III ESEA, the State requires districts that do not meet AMAO requirements for two consecutive years to develop an improvement plan that specifically addresses the relevant factors. Technical assistance is provided to the subgrantee in developing such a plan.

If a district does not meet the State's AMAO targets for four consecutive years, further actions are taken to assist the district in identifying and addressing the factors preventing it from making the pertinent AMAOs.

#### **IV. Compliance with the “Notice of Final Interpretations” Requirements**

Finally, a checklist is included here as the final document outlining how Vermont's revised AMAOs comply with each requirement in the October, 2008 *Notice of Final Interpretations*.

**NOTICE OF FINAL INTERPRETATIONS CHECKLIST**

Vermont’s amended plan meets the requirements articulated in the Notice of Final Interpretations.

<b>Section of Notice of Interpretation</b>	<b>Final Interpretation</b>	<b>How Met by Vermont</b>
1. Annual ELP Assessments	ELLs must be assessed annually in reading, writing, speaking, and listening.	Vermont requires ACCESS for ELLs® to be annually administered to all ELLs. All four domains are assessed.
2. Use of Annual ELP Assessment Scores for AMAOs 1 and 2	States may use a single composite score based on all four domains.	The ACCESS overall composite ELP score, based on all four domains, is used for AMAOs 1 & 2. Additionally, the ACCESS reading and writing domain scores are used for AMAO 2-proficiency.
3. Students included in Title III Accountability	All Title III-served students must be included.	All ELLs are included in all three AMAOs.
4. Exclusion of students Without Two Data Points from AMAO 1	States must include, at a minimum, students with two scores on the state ELP test.	All students with ACCESS scores in the current and any prior year are included in AMAO 1.
5. Attainment of English Proficiency	States are permitted to use a definition of “attaining proficiency” for AMAO 2 that differs from the definition used to exit students from the LEP subgroup.	Vermont uses a “conjunctive minimums model” to determine “proficiency” for AMAO 2. Students will be considered “proficient” when they: 1. attain the composite ELP level score of 5.0 on a Tier B or C test; and 2. score 4.0 or higher in both the reading and writing domains. In Vermont, students who are “proficient” for AMAO 2 are: exited from LEP status; no longer eligible for Title III services; not required to participate in annual ACCESS testing; and are no longer included in Title III accountability determinations or the LEP subgroup for Title I accountability. <i>Kindergarten students are not eligible for exit.</i>
6. Use of Minimum Group Size	States may apply a minimum group size consistent with the minimum group size they apply for Title I accountability.	Vermont’s Title III minimum group size is 11, which is lower than the minimum group size of 40 for subgroups in Title I accountability. (There is no minimum group size for the All Students Group in Title I Accountability due to the use of a confidence interval.) The minimum group size for public reporting is 11 according to State Rule.

<b>Section of Notice of Interpretation</b>	<b>Final Interpretation</b>	<b>How Met by Vermont</b>
7. Adequate Yearly Progress and AMAOs	States and subgrantees are permitted to meet AMAO 3 if the ELL subgroup meets AYP for reading and mathematics.	Vermont uses the same criteria for determining AYP under AMAO 3 as it uses to determine AYP for the LEP subgroup at the State and LEA levels under Title I.
8. AMAOs and the Use of Cohorts	States may establish cohorts only if based solely on the amount of time ELLs have had access to language instruction programs. States are not required to establish cohorts.	Vermont AMAO determinations are not based on cohorts.
9. Determining AMAOs for Consortia	States may treat subgrantees that consist of more than one LEA as a single entity or as separate entities for calculating AMAOs.	<p>For the purpose of calculating AMAO 1 &amp; 2, VT treats LEAs in a consortium as separate entities as long as they all meet the minimum group size, individually.</p> <p>If one or more LEAs in a consortium has less than the minimum group size, the AMAO determination is instead an aggregation of the consortium's data.</p> <p>For AMAO 3 (Title I AYP LEP Subgroup), decisions are only made for LEAs, not consortia, using the minimum "n" size of 40.</p>
10. Implementation of Corrective Actions under Title III	<p>States must annually determine all three AMAOs for every Title III subgrantee.</p> <p>States must maintain evidence that</p> <ol style="list-style-type: none"> <li>1. State has informed subgrantees that missed AMAOs.</li> <li>2. Subgrantees that missed AMAOs have notified parents.</li> <li>3. State has provided technical assistance to subgrantees.</li> </ol> <p>State has implemented required measures to address subgrantee's failure to meet AMAOs.</p>	Vermont annually determines AMAOs for every district. Districts that miss AMAOs are notified and are required to communicate with parents within 30 days of notification. The state provides technical assistance to districts through consultation, professional development, and other means.
Title III: Sections 3122(a)(3)(A)(i) and (ii)	<p>Annual increases in the number or percentage of children making progress.</p> <p>Annual increases in the number or percentage of students attaining English proficiency by the end of each school year.</p>	AMAO 1 and 2 targets increase annually for 10 years.