

October 27, 2009

Mr. Bob Moore, Superintendent
Victoria ISD
P.O. Box 1759
Victoria, TX 77902-1759

Dear Mr. Moore:

Thank you for your letter postmarked August 7, 2009, requesting that the Completion Rate I statistics be recalculated and the accountability ratings be adjusted accordingly for Victoria ISD and Memorial High School. Regrettably, your appeal is denied, and the ratings for Victoria ISD and Memorial High School remain *Academically Unacceptable*.

Your appeal requested that non-completers in the Class of 2008 either should have been classified as "other leavers" or should have been considered completers. In addition, you requested that 16 court-ordered General Educational Development (GED) certificate recipients be removed from your Class of 2008 completion rate calculations due to the passage of new statute requiring that students meeting these criteria be excluded from the state accountability indicator. House Bill (HB) 3, passed during the 81st legislative session explicitly requires the use of the current National Center for Education Statistics (NCES) dropout definition (Texas Education Code §39.053(c)(2) and (3)) until 2011-12 when HB 3 exclusions become effective for dropout and completion calculations (Section 71(c)). Therefore, the agency cannot apply these exclusions to the completion calculations for the Class of 2008, and your appeal cannot be granted. Please note that the six students specifically appealed for your district rating were already excluded from the district completion rate calculations, because they have a status of "other leavers." "Other leavers" are not part of the completion rate calculation.

EDIT+ reports dedicated to the presentation of your leaver data are made available to you upon submission to the Public Education Information Management System (PEIMS). The purpose of these reports is to make evident issues that could indicate errors in the data reported to PEIMS. These verification reports must be reviewed during future submissions to ensure that accurate PEIMS data are reported.

In the July 11, 2008, and September 10, 2008, correspondence to district superintendents, TEA notified districts that the School Leaver Provision (SLP) would be extended for the 2007-08 school year, but discontinued in the 2008-09 school year. These letters also reminded districts about the importance of locating students by the close of the fall 2008 school start window and reporting leaver data accurately for the 2008-09 school year. Whether or not your district used the SLP, all districts have had the opportunity over the two previous school years to transition to the NCES dropout definition prior to the planned return of this indicator in the 2009 rating system.

After the completion of the appeals review process, the agency will issue listings of final ratings and update the 2009 ratings information on its website in November.

Legislation passed during the Third Called Session of the 79th Legislature requires use of an appeals panel to ensure independent oversight of the state accountability appeals process. The use of an

external, independent, three-member panel has been a feature of the state accountability system since 2004. Panelists reviewed every appeal submitted and provided advice to the commissioner on each appeal decision. The decisions reflected in this transmittal incorporate their objective analysis, deliberations, and recommendations regarding the unique circumstances of your appeal.

Any clarifying questions regarding this appeal may be directed by telephone to either Criss Cloudt at (512) 463-9701 or the Division of Performance Reporting at (512) 463-9704, or by email at performance.reporting@tea.state.tx.us.

Sincerely,

Robert Scott
Commissioner of Education

c: Criss Cloudt, Associate Commissioner for Assessment, Accountability, and Data Quality
Shannon Housson, Director, Performance Reporting