**Section 1.60 Subgroups of Students; Inclusion of Relevant Scores**

A student's scores shall count among those for his or her school or district, as applicable, for a given year only if he or she was enrolled continuously in the district on or before May 1 of the previous academic year through State testing the following spring. Students who feed into another school within the same district during the summer based upon the district's progression of students among attendance centers based on grade level shall have their scores counted for the school and district. Any student who is continuously enrolled within the district but, for reasons not mandated by the district, changes to a new school within the district after May 1 will be counted at the district level but not at the school level. Nothing in this Section is intended to exempt a student from the requirement for participation in the State assessment, except as provided in subsection (b)(1) of this Section.

a) Relevant scores shall be disaggregated by content area for any subgroup identified in this subsection (a) whose membership meets the minimum subgroup size. For purposes of this Section 1.60, "minimum subgroup size" shall mean 45 students across all the grades tested in the school or district, as applicable. Except as provided in subsection (b) of this Section, each student's scores shall be counted in each of the subgroups to which he or she belongs.

1) Students with disabilities, i.e., students who have Individualized Education Programs (IEPs);

2) For school years through 2009-10, racial/ethnic groups:

A) White,

B) Black,

C) Hispanic,

D) American Indian or Alaskan Native,

E) Asian/Pacific Islander,

F) Multiracial/ethnic;

3) For school year 2010-11 and beyond, racial/ethnic groups:

A) Hispanic or Latino of any race,

B) For students who are not Hispanic or Latino:

i) American Indian or Alaska Native,

ii) Asian,

iii) Black or African American,

iv) Native Hawaiian or Other Pacific Islander,

v) White,

vi) Two or more races;

4) Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15; and/or

5) Students who are eligible for free or reduced-price meals under the Child Nutrition Act of 1966 (42 USC 1771 et seq.) or the National School Lunch Act (42 USC 1751 et seq.).

b) Special provisions shall apply to the treatment of scores achieved by students of limited English proficiency in certain circumstances.

1) An Illinois student who is in his or her first year of enrollment in school in the United States and who is identified as having limited proficiency in English may elect to participate in the State assessment in reading. Any student who elects not to participate shall nevertheless be treated as having participated for purposes of calculating the participation rate.

2) The score achieved by a student who elects to participate in the regular State assessment in reading under subsection (b)(1) of this Section shall be counted for purposes of calculating the participation rate but not for purposes of calculating performance.

3) An Illinois student who is in his or her first year of enrollment in school in the United States and who is identified as having limited proficiency in English shall be required to participate in the State assessment in mathematics. The score achieved by such a student shall be counted for purposes of calculating the participation rate but not for purposes of calculating performance.

4) A student who has previously been identified as having limited proficiency in English and whose scores have been attributed to that subgroup shall continue to have his or her scores attributed to that subgroup for the first two years after the last year when he or she was considered to have limited English proficiency. However, districts and schools shall not be required to count students to whom this subsection (b)(4) applies as part of the subgroup with limited English proficiency for purposes of determining whether the minimum subgroup size exists.

c) All relevant scores of a district's students with disabilities who participate in the alternate form of the State assessment shall be included in the district's calculations for purposes of determining whether adequate yearly progress has been made.

1) The number of scores earned by students who participate in the alternate form of the State assessment that may be counted as demonstrating proficiency in a content area shall be no more than 1 percent of all scores achieved by the district's students in that subject. (See the regulations of the U.S. Department of Education at 34 CFR 200.6.)

2) Except as provided in subsection (c)(3) of this Section, for purposes of calculating adequate yearly progress at the district level, each score that demonstrates proficiency but is in excess of the 1 percent maximum set forth in subsection (c)(1) of this Section shall be counted as not demonstrating proficiency and shall be included as such in the calculations for each subgroup of which the student is a member.

3) A district may apply to the State Superintendent of Education for a one-year exception to the 1 percent maximum set forth in subsection (c)(1) of this Section, which may be renewed for one or more subsequent years if warranted. Using a format established by the State Superintendent, the district shall display information demonstrating that the prevalence of students for whom the alternate assessment is appropriate exceeds 1 percent of the total population. The district shall also supply a narrative explaining the disproportionate representation of these students in its population. The State Superintendent of Education shall approve a district's request for an exception if the district superintendent provides assurances that the district meets all the requirements of 34 CFR 200.6 and if the information supplied by the district demonstrates that:

A) families of students with the most significant intellectual disabilities have been attracted to live in the district by the availability of educational, health, or community services that respond to their needs; or

B) the district's student population is so small that the presence of even a small number of students with the most significant intellectual disabilities causes the district to exceed the 1 percent threshold (e.g., in a population of 50 students, one student represents 2 percent); or

C) other circumstances exist such that the overrepresentation of students with the most significant intellectual disabilities is outside the control of the district, i.e., the overrepresentation is not a result of inappropriate decision-making as to the form of the State assessment that should be used for particular students.

4) When scores that demonstrate proficiency and were achieved by students on the IAA make up more than 1 percent of a district's scores in either reading or mathematics, and the district has not received approval for an exception to the 1 percent maximum pursuant to subsection (c)(3) of this Section, the district shall be required to identify the "proficient" scores on the IAA that will be counted as not demonstrating proficiency for purposes of calculating adequate yearly progress (AYP). In making this determination, a district may choose to identify:

A) scores of students who belong to the fewest subgroups;

B) scores of students who belong to the largest subgroups;

C) scores of students who belong to the smallest subgroups;

D) scores of students who belong to the subgroups whose performance is farthest above the target applicable to the year in question; or

E) scores of students who belong to the subgroups whose performance is farthest below the target applicable to the year in question.

5) The State Superintendent of Education shall notify each district that is affected by the requirement to identify excess "proficient" scores on the IAA. The deadline set by the State Superintendent shall allow at least five business days for districts' responses. For any district that does not submit the requested information on this selection within the time allowed, the State Superintendent shall identify the scores that will be considered as not demonstrating proficiency for this purpose.

d) Targets for scores demonstrating proficiency

1) In each subject and for each subgroup of students, the percentage of scores demonstrating proficiency that is required for AYP shall increase from the original baseline of 40 percent for the 2002-03 school year according to the following schedule:

A) For 2003-04, 40 percent;

B) For 2004-05 and for 2005-06, 47.5 percent;

C) For 2006-07, 55 percent;

D) For 2007-08, 62.5 percent;

E) For 2008-09, 70 percent;

F) For 2009-10, 77.5 percent;

G) For 2010-11, 85 percent;

H) For 2011-12 and for 2012-13, 92.5 percent;

I) For 2013-14, 100 percent.

2) In order to avoid penalizing schools and districts for the decision bias that is associated with a minimum subgroup size, a 95 percent "confidence interval" shall be applied to subgroups' data. (A confidence interval is a mathematical approach designed to compensate for the unreliability of data derived from consideration of small groups.)

e) "Safe Harbor"

A school or a district in which one or more subgroups fail to achieve the required academic target for a particular year may nevertheless be considered as having made AYP for that year. Each subgroup in question must have attained the minimum subgroup size in the preceding year and, for each such subgroup, there must have been a decrease of at least ten percent in the proportion of scores that do not demonstrate proficiency in comparison to that subgroup's scores for the preceding year. In addition, if the school is a high school, the relevant subgroup's graduation rate must at least equal the target rate for that year, and, if the school is an elementary or a middle school, the relevant subgroup's attendance rate must at least equal the target rate for that year (see Section 1.70 of this Part). This "safe harbor" method for calculating AYP shall apply only to subgroups within schools or districts; it shall not be used for the aggregate scores of a school or a district as a whole.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)