south dakota
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April 30, 2012

Michael Yudin
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave SW
Washington DC 20202

Dear Assistant Secretary Yudin:

I am writing on behalf of the South Dakota Department of Education (SD DOE) to request a waiver of section 1111(b)(2)(H) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, to permit South Dakota to use the same annual measurable objectives (AMOs) that South Dakota used for AYP determinations based on assessments administered in the 2010–2011 school year to make such determinations for the 2011–2012 school year.

SD DOE believes that allowing South Dakota to use the same AMOs for AYP determinations based on assessments administered in the 2011–2012 school year as it used for the 2010–2011 is the best option for the state's schools and students, as South Dakota transitions to a new model of accountability.

Holding existing targets steady would remove the pressure of meeting escalating AMOs this year and, at the same time, give SD DOE and stakeholders the time necessary to focus on implementation and education efforts surrounding the new, proposed model of accountability.

Set forth in Table 1 on the next page are South Dakota's current AMOs in reading/language arts and mathematics and the AMOs that South Dakota will use if approved for the One-Year AMO Flexibility.

Table 1 South Dakota's AMOs for Reading/Language Arts and Mathematics

School Year	Reading/Language Arts		Mathematics	
	AMOs in Accountability Workbook	***AMOs under One-Year AMO Flexibility***	***AMOs in Accountability Workbook***	***AMOs under One-Year AMO Flexibility***
2010 – 2011	**69%--K-8** 62%--High School****		**72%--K-8* 63%--High School***	
2011 – 2012	**79%--K-8** 75%--High School****	**69%--K-8 62%--High School**	**81%--K-8* 75%--High School***	**72%--K-8 63%--High School**
2012 – 2013	**89%--K-8** 88%--High School****	**89%--K-8 88%--High School**	**90%--K-8* 87%--High School***	**90%--K-8 87%--High School**
2013 – 2014	**100%--K-8 100%--High School**	**100%--K-8 100%--High School**	**100%--K-8 100%--High School**	**100%--K-8 100%--High School**

*As requested in amendment letter dated Sept. 1, 2011, to David Harmon.
**As approved by US Ed in letter dated Aug. 24, 2011, from Michael Yudin.

Prior to submitting this request, South Dakota adopted college- and career-ready content standards in reading/language arts and mathematics that meet the definition of "college- and career-ready standards" in the document titled *ESEA Flexibility*, as South Dakota has adopted content standards that are common to a significant number of states. Attached hereto is evidence that South Dakota has formally adopted those standards consistent with the State's standards adoption process and a copy of the memorandum of understanding or letter from a State network of IHEs certifying that students who meet the standards will not need remedial coursework at the postsecondary level.

SD DOE hereby assures that it will provide student growth data on current students and students taught in the previous year to, at a minimum, teachers of reading/language arts and mathematics in grades in which the State administers assessments in those subjects in a manner that is timely and informs instruction, consistent with the timelines and definitions required under State Fiscal Stabilization Fund (SFSF) Indicator (b)(2).

Further, the South Dakota Department of Education has identified persistent achievement and graduation rate gaps within the State that need to be closed. As evidence of this identification, attached to this letter is a table that sets forth statewide achievement data, including proficiency rates and achievement gaps, for the "all students" group and identified student subgroups based on the most recent three years of data. SD DOE hereby assures that it will report these data publicly by posting the data, in a format that is easily understandable, on our website. The document has been posted publicly at

SD DOE further assures that it will take all steps necessary to plan for the implementation of ESEA flexibility and has, in fact, submitted a request for ESEA flexibility. SD DOE understands that, if its request is not approved prior to the time it must make AYP determinations based on assessments administered in the 2012–2013 school year, South Dakota will revert to using its currently approved AMOs for the 2012–2013 and the 2013–2014 school years, meaning that all schools and local educational agencies (LEAs) in the State will be held accountable for reaching 100 percent proficiency by 2014.

Also attached is the notice the South Dakota Department of Education has sent to LEAs in our State regarding this waiver request and the comments received as a result. Further, we have attached the notice provided to the public through the manner in SD DOE customarily provides such notice and information to the public.

Please feel free to contact Gay Pickner at 605.773.3247 or if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Dr. Melody Schopp

Dr. Melody Schopp
Secretary