JUL 27 2009

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JUL 21 2009

The Honorable Thomas J. Oster
Secretary of Education
South Dakota Department of Education
700 Governors Drive
Pierre, South Dakota 57501-2291

Dear Secretary Oster:

On behalf of Secretary Duncan, I want to thank you for your hard work in implementing the *Elementary and Secondary Education Act of 1965* (ESEA). As you may know, the Secretary is traveling the country and listening to representatives of states and school districts, as well as other stakeholders, talk about the ways in which the ESEA can be improved. These conversations will inform the next reauthorization of the statute. In the meantime, we will push towards our reform goals under the authority of, and in accordance with, the existing statute and regulations.

I am writing in response to South Dakota's request to amend its state accountability plan under Title I of the ESEA. Following discussions between the Department and your staff, you made changes to South Dakota's accountability plan, which are now included in the amended state accountability plan that South Dakota submitted to the Department on July 1, 2009. I am pleased to approve South Dakota's amended plan, which we will post on the Department's website. A summary of South Dakota's requested amendments is enclosed with this letter. As you know, any further requests to amend South Dakota's accountability plan must be submitted to the Department for review and approval as required by section 1111(f)(2) of Title I of the ESEA.

Please also be aware that approval of South Dakota's accountability plan for Title I, including the amendments approved herein, does not indicate that the plan complies with Federal civil rights requirements, including Title VI of the *Civil Rights Act of 1964*, Title IX of the *Education Amendments of 1972*, Section 504 of the *Rehabilitation Act of 1973*, Title II of the *Americans with Disabilities Act*, and requirements under the *Individuals with Disabilities Education Act*.

I am confident that South Dakota will continue to advance its efforts to hold schools and school districts accountable for the achievement of all students. If you need any additional assistance to implement the standards, assessment, and accountability provisions of the ESEA, please do not hesitate to contact Victoria Hammer (Victoria.Hammer@ed.gov) or David Harmon (David.Harmon@ed.gov).

Sincerely,

Joseph C. Conaty
Delegated Authority to Perform the Functions and Duties of the Assistant Secretary for Elementary and Secondary Education

Enclosure

cc: Governor Mike Rounds
Diane Lowery

Amendments to South Dakota's Accountability Plan
The following is a summary of South Dakota's amendment requests. Please refer to the Department's website (http://www.ed.gov/admins/lead/account/stateplans03/index.html) for South Dakota's complete accountability plan.

Acceptable amendments
The following amendments are aligned with the statute and regulations.

- **Producing an annual state report card (Element 1.5)**

  Revision: South Dakota will include National Assessment of Educational Progress (NAEP) data on the annual state and district report cards beginning with report cards issued in 2009–10 for 2008–09 assessment results.

- **Including rewards and sanctions for public schools and local education agencies (LEAs) as part of the state accountability system (Element 1.6)**

  Revision: Schools in South Dakota must have an average of 10 or more students in the grades tested rather than exactly 10 or more students in the grades tested in order to be eligible for the Distinguished Schools award.

- **Starting points, intermediate goals, and annual measurable objectives (AMOs) (Elements 3.2 a, b, c)**

  Revision: In 2008–09, South Dakota revised the state's reading assessments. As a result, South Dakota reset its starting point and revised its annual measureable objectives for reading, retaining the 100 percent proficiency requirements no later than the 2013–14 school year. The table below shows South Dakota's reset starting point and revised AMOs:

School year	Grades K-8	Grades 9-12
2008–09	69	62
2009–10	69	62
2010–11	76	71
2011–12	84	80
2012–13	92	90
2013–14	100	100

- **Including students with disabilities in the state's definition of adequate yearly progress (AYP) (Element 5.3)**

  Revision: South Dakota clarified that (1) the state's alternate assessment (the Dakota STEP–A) is an alternate assessment based on extended content standards and alternate academic achievement standards, and (2) the state applies for the students with disabilities subgroup, as it does for all districts, schools, and student groups, procedures including a confidence

interval, safe harbor, and two-year averaging when determining whether the students with disabilities subgroup made AYP.

- **Including limited English proficient (LEP) students in the state's definition of AYP (Element 5.4)**

  Revision: South Dakota administers the World Class Instructional Design and Assessment (WIDA) Assessing Comprehension and Communication in English State-to-State (ACCESS) Placement Test (W-APT) to identify LEP students and the ACCESS for English Language Learners (ACCESS for ELLs) to identified LEP students. The ACCESS for ELLs replaced the Dakota English Language Proficiency (DELP) assessment. In addition, South Dakota changed its criteria for exiting a student from LEP status from scoring proficient for two consecutive years to scoring proficient for one year on the state's English language proficiency (ELP) assessment (the ACCESS for ELLs).

  As with critical element 5.3 above for the students with disabilities subgroup, the state applies for the LEP subgroup, as it does for all districts, schools, and student groups, procedures including a confidence interval, safe harbor, and two-year averaging when determining whether the LEP subgroup made AYP.

  Please note that approval of this amendment by the Department does not constitute approval of the W-APT assessment or the ACCESS for ELLs assessment or approval of the achievement standards based on results from the assessments. In approving this amendment, the Department expresses no opinion on the sufficiency of either the W-APT or the ACCESS for ELLs.