UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

ASSISTANT SECRETARY

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

MAY 25 2010

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). 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 May 18, 2010. 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,

Thelma Meléndez de Santa Ana, Ph.D.

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.

- **General clean-up (Elements 1.2, 1.3, 1.4, 1.5, 2.1, 2.3, 3.2, 3.2 b and c, 5.3, 5.4, 9.2, 9.3, 10.1**

  Revision: South Dakota made several non-substantive changes throughout its workbook.

- **Determining whether each public school and LEA in the State made AYP (Elements 1.6, 4.1, 5.5, 5.6, 7.1, 7.2, and 9.1)**

  Revision: South Dakota will increase its minimum n-size for proficiency from 10 to 25.