



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

**AUG 21 2015**

The Honorable Melody Schopp  
Secretary of Education  
South Dakota Department of Education  
800 Governors Drive  
Pierre, South Dakota 57501

Dear Secretary Schopp:

I am writing in response to South Dakota's request for renewal of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility), so that South Dakota may continue to implement ESEA flexibility.

Our team, including my staff and other senior leaders at the U.S. Department of Education (ED), reviewed South Dakota's request dated August 20, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am renewing approval of South Dakota's ESEA flexibility request through the end of the 2015–2016 school year, subject to the below conditions.

My decision to renew approval of South Dakota's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling South Dakota to carry out important reforms to improve student achievement and that this renewal is in the public interest. With this renewal, South Dakota will be able to continue implementing its plan to promote innovative, locally tailored strategies to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. South Dakota's approved request will be posted on ED's website.

To receive approval to implement ESEA flexibility beyond the 2015-2016 school year, South Dakota must meet the following conditions:

- Demonstrate that it has developed and is preparing to implement a plan that will lead to the inclusion of student growth based on student performance data from the 2016–2017 school year and each thereafter as a significant factor in its principal evaluation and support systems for high school principals. (Currently, South Dakota's principal evaluation and support systems do not include student growth for high school principals.)
- Adopt a statewide approach to measuring student growth on State assessments for grades and subjects in which assessments are required under ESEA section 1111(b)(3) for inclusion in evaluation and support systems for teachers of these grades and subjects.

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

A statewide approach to measuring student growth on State assessments must provide a comparable method of determining how much a student has learned as demonstrated by changes in that student's test scores between two points in time, so that teachers and principals in South Dakota have a meaningful way of understanding their students' growth in the context of similar data for other students and educators across the State. The information that comes from a statewide approach to measuring student growth on the State assessments is also important because it can be used by principals and local district superintendents to guide professional development and instructional support opportunities, as well as to ensure that all students have equitable access to effective educators. Statewide approaches include, but are not limited to: student growth percentiles (SGPs), value-added measures (VAM), and statewide growth goals for students based on either a student's prior scale score or prior proficiency level (sometimes referred to as a value table).

South Dakota's request for renewal does not yet include a statewide approach for measuring student growth on the State assessments for inclusion in its teacher evaluation and support systems, nor does it include a commitment to adopting such an approach. Furthermore, South Dakota's request for renewal does not yet contain a plan to implement principal evaluation and support systems for high school principals that include student growth based on student performance data from the 2016–2017 school year and each thereafter as a significant factor, nor does it contain a commitment to develop such a plan. Accordingly, I have determined, pursuant to the authority in 34 C.F.R. § 80.12, to place South Dakota on high-risk status.

In order to meet the above conditions, South Dakota must:

- Provide to ED by January 15, 2016, the plan that it has developed and is preparing to implement that will lead to the inclusion of student growth based on student performance data from the 2016–2017 school year and each thereafter as a significant factor in its principal evaluation and support systems for high school principals.
- Provide to ED by January 15, 2016, the statewide approach it will use to measure student growth on State assessments for inclusion in teacher evaluation and support systems in accordance with the ESEA flexibility requirements. Additionally, South Dakota must provide monthly updates to ED on the status of its plan to develop and implement a statewide approach beginning on October 15, 2016.

Please note that, should South Dakota request renewal of its ESEA flexibility request beyond the 2015–2016 school year, ED would not be able to grant that request until these conditions are met. If these conditions cannot be resolved by January 15, 2016, South Dakota will not be able to continue with its implementation of ESEA flexibility beyond the 2015–2016 school year and will be required to return to implementing ESEA in school year 2016–2017.

South Dakota may request reconsideration of its high-risk designation by submitting to me in writing, no later than 10 business days from the date of this letter, a detailed description setting forth the basis for its belief that this designation is improper, including the specific facts that support its position. If South Dakota chooses to request such reconsideration, that request must be submitted via e-mail to me, with a copy to Celeste McLaughlin and Stephanie Washington at [OSS.SouthDakota@ed.gov](mailto:OSS.SouthDakota@ed.gov), as well as by U.S. mail or commercial delivery. If I do not receive a request for reconsideration by September 4, 2016, South Dakota's high-risk status will be considered final and will be lifted only upon completing the actions set forth above.

Additionally, this renewal is subject to South Dakota's commitment to:

- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that South Dakota has developed and is preparing to implement a plan, including timeline and milestones, that will lead to inclusion of student growth as a significant factor in its principal evaluation and support systems in elementary and middle schools. (Currently, South Dakota's principal evaluation and support systems include student growth for elementary and middle school principals, but South Dakota has not demonstrated that this student growth is included as a significant factor.)

South Dakota continues to have an affirmative responsibility to ensure that it and its local educational agencies (LEAs) are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility. These laws include 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, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

If you have any questions regarding this letter or the implementation of South Dakota's ESEA flexibility request, please do not hesitate to contact Celeste McLaughlin or Stephanie Washington of my staff at: [OSS.SouthDakota@ed.gov](mailto:OSS.SouthDakota@ed.gov).

Thank you for your commitment and continued focus on enhancing education for all of South Dakota's students.

Sincerely,



Ann Whalen

Delegated the authority to perform the functions and duties of Assistant Secretary for Elementary and Secondary Education

cc: Mary Stadick Smith, Director of Operations and Information  
Abby Javurek-Humig, Director of Assessment and Accountability  
Laura K. Scheibe, Accreditation and Accountability Administrator