



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JAN 8 2009

The Honorable Steve Paine
State Superintendent of Schools
West Virginia Department of Education
Building 6, 1900 Kanawha Blvd. E.
Charleston, West Virginia 25305-0330

Dear Superintendent Paine:

As we approach our seventh year of implementing the accountability provisions of the Elementary and Secondary Education Act, I want to take a moment to thank you and your colleagues for all your hard work to help realize the goals of the *No Child Left Behind Act of 2001* (NCLB) which has led to real and meaningful improvements in student achievement. These outcomes are due, in no small part, to the efforts of the dedicated educators in your state. We have seen an increased attention on high expectations for every child, an improvement in student performance across the board and a decrease in achievement gaps.

As Secretary Spellings is fond of saying, "what gets measured, gets done." With that in mind, I want to take this opportunity to update you on the status of some NCLB cornerstones with respect to West Virginia. Detailed information on specific components of your state's assessment and accountability system is contained in an attachment to this letter.

- **Assessment system:** An assessment system that produces valid and reliable results is fundamental to an accountability system that holds schools and districts accountable for educating all students. Please accept my congratulations on West Virginia's standards and assessment system meeting all statutory and regulatory provisions required for reading/language arts and mathematics as of 2007-08. Information regarding both the reading/language arts and mathematics assessment system used in determining adequate yearly progress for schools and districts in your state as well as details of the 2007-08 administration of science assessments are attached.
- **Accountability components:** The Department's new Title I regulations provide for greater scrutiny to states' accountability systems, including establishing a uniform and more accurate measure of calculating high school graduation rate that is comparable across states and requiring that states ensure that statistical measures maximize the inclusion of students and student subgroups in accountability determinations. Hence, the regulations also require that all states submit portions of their Accountability Workbook for peer review. In the attachment to this letter you will find information on West Virginia's minimum group size, annual measurable objectives, confidence interval, full academic year definition, and graduation rate.
- **Departmental flexibilities:** Over the past several years, the Secretary has offered several flexibilities to states, such as growth model and differentiated accountability pilots, assessing students with disabilities and recently arrived limited English proficient students, and discretionary grant programs, such as the Teacher Incentive Fund, Enhanced Assessment Grants, and State Longitudinal Data System Grants. I am pleased to note that West Virginia is participating in at least one of these endeavors.
 - **General Supervision Enhancement Grant:** West Virginia Department of Education is working towards the development of an alternate assessment based on modified academic achievement standards. (Year 1: \$400,000; Year 2: \$300,000; and Year 3: \$ 300,000)

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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.

In addition, for your information, I am enclosing a file that provides information across all states on the current assessment status, participation in flexibilities offered by the Department, AYP information, and discretionary grants. I wish you continued success in raising the achievement in West Virginia. NCLB has focused our attention on closing achievement gaps and increasing the awareness of those students who have often been left behind: economically disadvantaged, limited English proficient, and students with disabilities. I have enjoyed the opportunity to work with you and all your colleagues across the country on such important issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kerri L. Briggs".

Kerri L. Briggs, Ph.D.

Enclosures

cc: Governor Joe Manchin
Jan Barth

Assessment System

West Virginia's assessment system met the requirements to be considered *Fully Approved*. This means that West Virginia's assessment system includes academic content standards in reading/language arts, mathematics, and science; student achievement standards in reading/language arts and mathematics; alternate achievement standards for students with the most significant cognitive disabilities in reading/language arts and mathematics; and assessments and alternate assessments in each of grades 3 through 8 and one grade in high school in reading/language arts and mathematics. I encourage you to consider whether there are any areas in which the Department can provide or facilitate technical assistance to West Virginia in meeting the statutory or regulatory requirements or as you consider changes to your current assessment system.

- West Virginia's science assessments are not yet fully compliant.
 - In 2007–08, the Department required that the state meet four minimal criteria related to the content area of science: have science content standards; have a general and alternate science assessment; include all students in one of the science assessments (i.e., either the general or alternate); and report the results of the science assessments. West Virginia met these requirements.
- In 2008–09, the Department will conduct peer reviews of science assessments and expects the assessments to be fully compliant. Because West Virginia did not submit evidence of its science assessments for the October 2008 peer review, it must submit evidence for the March 23–27, 2009 peer review. Evidence for this review is due three weeks prior to the review. Beginning with the 2008–09 school year, science assessments will be included in the states' assessment status. For additional detail, please see the enclosed fact sheet.

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Accountability System

- Minimum group size (the state-defined minimum number of students necessary to have valid and reliable AYP determinations): West Virginia's minimum group size is 50. (The average across all states is approximately 30 students.)
- Annual measurable objectives (AMO) (the yearly target for the percentage of students required to be proficient or above for a school to make AYP):
 - 2008–09: West Virginia's goal for this year is 76 percent of students in grades 3-5, 65 percent of students in grades 6-8, and 74 percent of high school students scoring proficient in reading/language arts and 65 percent of students in grades 3-5, 59 percent of students in grades 6-8, and 62 percent for high school students in mathematics.
 - AMO type: West Virginia set its AMOs consistent with the statutory requirements, using a mixed method. This means that West Virginia's AMOs first increased after two years, then three years, then annually beginning in 2009–2010 through 2013–2014 to reach 100 percent proficient.
- Confidence interval: The state applies a confidence interval of 99 percent.
- Full academic year definition (for purposes of determining whether a student's score must be included in AYP determinations): In West Virginia, a student must be enrolled on the fifth day of instruction in order to be included in AYP determinations.
- Graduation rate:
 - Currently, West Virginia is using a graduation rate that can be described as a completer rate, meaning that it takes the number of graduates divided by the number of graduates plus the number of students that dropout each of the previous four years.
 - As required by the recently issued Title I regulations, states must report graduation rate data, in the aggregate and disaggregated by subgroup, using the four-year adjusted cohort graduation rate beginning with report cards providing assessment results for the 2010-11 school year.
 - The graduation rate target West Virginia requires for the district or school to make AYP is 80 percent or improvement from the previous year.

- According to the National Governor's Association 2008 report *Implementing Graduation Counts: State Progress to Date, 2008*, West Virginia will have capability of calculating the NGA Compact 4-year graduation rate in 2012.