



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

MAR 07 2006

Dear Chief State School Officer:

Thank you for the continued work you and your colleagues are doing to ensure all students are reaching proficiency in reading and mathematics. We are seeing real and meaningful improvement in student achievement. These outcomes are due, in large part, to the efforts of the dedicated educators in your State.

Schools and the public benefit from stability in accountability systems in terms of understanding what is required for student achievement and what the adequate yearly progress (AYP) decisions mean in any given year. It is also important that these decisions continue to support valid and reliable conclusions. I realize that, as a State implements the additional assessments required by *No Child Left Behind* (NCLB) this year, the State may need to make certain technical adjustments to ensure that the AYP decisions maintain continuity. This letter provides guidance to States on some of the more commonly asked questions we have received about this and the amendment process.

A State that needs to amend its accountability plan should submit to the Department a written request, including the rationale for the amendment and any evidence relevant to the effect the amendment may have on the State's accountability system. For amendments that apply to AYP determinations based on data from the 2005-2006 school year, States should submit their proposed amendments to the Department as soon as possible, but no later than **April 1, 2006**.

We intend to stick with our timeframe and will allow exceptions only in special circumstances. This timeline is designed to provide sufficient time for the Department to review and approve the amendments and notify the State of such approval so that the State can apply the amendments without delaying AYP determinations and school improvement identifications.

Please know that, prior to implementing any revisions to its accountability plan, a State must submit its proposed amendments to the Department for review and approval and incorporate them into its Consolidated State Application Accountability Workbook. Upon receipt of an amendment request, the Department will review it to ensure that it meets the requirements of the law and regulations. If an amendment request is in alignment with the law and regulations, the Department will ask the State to submit electronically an amended Workbook with the date of the submission and amended elements noted on the cover page. The Department will not officially approve an amendment request until it receives an amended Workbook from a State.

We have learned over the past few years that it is important to be clear and direct about policies included in the State accountability plan. For example, each State should ensure its accountability plan clearly explains its policy for identifying local educational agencies (LEAs) for improvement. As this policy, in particular, has led to questions from local and State educators, the Department is requesting that each State review its language on this matter and, if necessary, submit an amendment to the Department to clarify its position. For instance, many plans omit the State's policy regarding use of the additional academic indicator in making district improvement decisions. To assist with this matter, I have included guidance in identifying LEAs for improvement (see Attachment A). The Department will also be scheduling a conference call in which States will have an opportunity to clarify any outstanding concerns.

As you know, the Department has been working closely with each State on preparations for the review and approval of its standards and assessment system to incorporate NCLB's new requirements. Implementing a standards-based assessment system in reading/language arts and mathematics for each of grades three through eight and high school is a fundamental principle of NCLB and also a critical step toward closing the achievement gap and ensuring that every student reaches proficiency in reading and mathematics by 2013-2014. As the Secretary recently stated in a letter to you, in order to remain in compliance with the law and to be eligible for additional flexibility, your State must meet the assessment requirements of NCLB and administer that system this school year.

The State's assessment system is fundamental to the successful operation of your State accountability plan. Therefore, I would like to answer some questions we have received from States related to the addition of new assessments into the AYP definition.

The information provided in Attachment B should help you transition to a complete assessment system, as required by NCLB, and to include results from those assessments in AYP decisions. Please do not hesitate to contact us if you have additional questions or concerns. You should address your requests to Darla Marburger, at darla.marburger@ed.gov.

Thank you again for your earnest efforts to improve education for America's children.

Sincerely,



Henry L. Johnson

Enclosure