



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JAN 18 2009

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

Dear Secretary Oster:

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 South Dakota. 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 South Dakota'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 South Dakota'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 (LEP), 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 South Dakota is participating in two of these endeavors.
 - Teacher Incentive Fund Grant: In partnership with Technology and Innovations in Education, the South Dakota Department of Education plans to establish a system of performance-based

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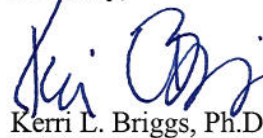
The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

compensation across 11 public school districts, targeting 30 schools. 5-Year Total Amount: \$20,824,871 (Year 1: \$4,762,694; Year 2: \$4,661,292)

- General Supervision Enhancement Grant: South Dakota, in partnership with the Regents of the University of Minnesota, Hawaii, Wisconsin, and Tennessee, received funds to work toward development of an alternate assessment based on modified academic achievement standards (AA-MAAS). (Year 1: \$1,431,440; Year 2: \$1,199,967; Year 3: \$1,199,949)
- South Dakota-specific issues: Finally, I'd like to take this opportunity to remind you of recent concerns that we have raised. South Dakota was two days late with AYP determinations in 2008. Providing timely notification to local educational agencies (LEAs) and the public is a vital component of a meaningful accountability system and ensures parents have full knowledge of their options as soon as possible regarding public school choice and supplemental educational services. Please note that the recently issued Title I regulations require an LEA to notify parents of their choice options sufficiently in advance of, but no later than 14 calendar days before, the start of school. To meet this requirement, an LEA must have timely notice from the state of whether its schools have made AYP.

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 South Dakota. 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,



Kerri L. Briggs, Ph.D.

Enclosures

cc: Governor Mike Rounds
Diane Lowery
Gay Pickner

Assessment System

Your assessment system met the requirements to be considered *Fully Approved*. This means that South Dakota's system includes academic content standards in reading/language arts, mathematics, and science; student academic achievement standards in reading/language arts and mathematics; alternate academic 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 for reading/language arts and mathematics and meets all statutory and regulatory requirements. I encourage you to consider whether there are any areas in which the Department can provide or facilitate technical assistance to South Dakota as you consider changes to your current assessment system.

- South Dakota'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 and alternate); and report the results of the science assessments. South Dakota met these requirements.
 - In 2008–09, the Department will conduct peer reviews of science assessments and expects the assessments to be fully compliant. Because South Dakota 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 details, please see the enclosed fact sheet.

Accountability System

- Minimum group size (the state-defined minimum number of students necessary to have valid and reliable AYP determinations): South Dakota's minimum group size is 10. (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: South Dakota's goal for this year is 82 and 72 percent of grades 3-8 and high school students, respectively, scoring proficient in reading/language arts and 72 and 63 of grades 3-8 and high school students, respectively, scoring proficient in mathematics.
 - AMO type: South Dakota set its AMOs consistent with the statutory requirements, using a mixed method. This means that South Dakota's AMOs increased first after three years, then after one year, then after two years, then after three years, then annually through 2013–2014 to reach 100 percent proficiency.
- Confidence interval: The state applies a confidence interval of 99 percent to the percentage of students scoring proficient or above in the school.
- Full academic year definition (for purposes of determining whether a student's score must be included in AYP determinations): In South Dakota, a student must be enrolled on continuously from October 1 through the last day of the testing window in order to be included in AYP determinations.
- Graduation rate:
 - Currently, South Dakota is using a graduation rate that can be described as a completer rate, which means that the number of graduates is divided by the number of graduates plus dropouts from 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 South Dakota requires for the district or school to make AYP is 80 percent or improvement over the previous year.
- According to the National Governor's Association (NGA) 2008 report *Implementing Graduation Counts: State Progress to Date, 2008*, South Dakota "is taking steps to implement the NGA Compact 4-year graduation rate by 2009."