



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 17, 2012

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

Dear Secretary Schopp:

Thank you for submitting South Dakota's request for ESEA flexibility. We appreciate the hard work required to transition to college- and career-ready standards and assessments; develop a system of differentiated recognition, accountability, and support; and evaluate and support teacher and leader effectiveness. The U.S. Department of Education (Department) is encouraged that South Dakota and many other States are designing plans to increase the quality of instruction and improve student academic achievement.

As you know, South Dakota's request was reviewed by a panel of six peer reviewers during the week of March 26–30, 2012. During the review, the expert peers considered each component of South Dakota's request and provided comments in the form of Peer Panel Notes that the Secretary will use to inform any revisions to your request that may be needed to meet the principles of ESEA flexibility. The Peer Panel Notes, a copy of which is enclosed with this letter, also provide feedback on the strengths of South Dakota's request and areas that would benefit from further development. Department staff also have carefully reviewed South Dakota's request, taking into account the Peer Panel Notes, to determine consistency with the ESEA flexibility principles.

The peers noted, and we agree, that South Dakota's request was particularly strong in describing how South Dakota will support the implementation of college- and career-ready standards by building a robust professional development infrastructure supported by significant State financial investment. Peers also noted that South Dakota is moving towards a continuous improvement model by creating an accountability system based on multiple measures.

At the same time, based on the peer reviewers' comments and our review of the materials South Dakota has provided to date, we have identified certain components of your request that need further clarification, additional development, or revision. In particular, significant concerns were identified with respect to the following:

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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.*

- The lack of adequate subgroup and graduation rate accountability within the index;
- The lack of clarity on how index targets will be used to adequately differentiate among schools; and
- The absence of annual measurable objectives (AMO) that are ambitious but achievable, set separately for reading/language arts and mathematics, and are applied to each ESEA subgroup.

The enclosed list provides details regarding these concerns, as well as other key issues raised in the review of South Dakota's request, that we believe must be addressed before the Secretary can approve your request for ESEA flexibility. We encourage South Dakota to consider all of the peers' comments and technical assistance suggestions in making revisions to its request, but we encourage you to focus primarily on addressing the concerns identified on the enclosed list.

Additionally, South Dakota has requested an additional waiver in its ESEA flexibility request that is not among the waivers that comprise ESEA flexibility that would allow South Dakota to exempt English Learners from the State's content assessments until they are designated as language proficient (*page 24 of request*). Please note that, although this additional waiver request is not addressed in this letter, we will follow up with your staff in the coming days about the process for consideration of this request.

Although the Peer Panel Notes for South Dakota provide information specific to your request, South Dakota also may benefit from comments and technical assistance suggestions made by other peer panels regarding issues common to multiple State educational agencies' (SEA) requests. For this reason, Department staff will reach out to South Dakota to provide relevant technical assistance suggestions and other considerations that may be useful as you revise and refine your request.

We remain committed to working with South Dakota to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with South Dakota as quickly as possible. In order to ensure prompt consideration of revisions or additional materials, we are asking SEAs to submit those materials by May 1, 2012. Department staff will be in touch to set up a call as early as this week to discuss the timeline and process for providing revisions or materials.

You and your team deserve great credit for your efforts thus far, and we are confident that we will be able to work together to address outstanding concerns. If you have any additional questions or want to request technical assistance, please do not hesitate to contact Clayton Hollingshead, at 202-260-1539.

Sincerely,



Michael Yudin  
Acting Assistant Secretary

Enclosure

## SUMMARY OF ADDITIONAL INFORMATION REGARDING SOUTH DAKOTA'S ESEA FLEXIBILITY REQUEST

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### CONSULTATION

- Please provide more specific information on the steps South Dakota took to meaningfully engage teachers and diverse stakeholders and communities, including organizations representing high-need communities and stakeholders in tribal communities, or describe how South Dakota will meaningfully engage teachers and diverse communities as it continues to develop and implement ESEA flexibility. *See Consultation Questions 1 and 2.*

### PRINCIPLE 1: COLLEGE- AND CAREER-READY EXPECTATIONS FOR ALL STUDENTS

- Please provide information about how South Dakota will support schools and local educational agencies (LEAs) to implement college- and career-ready standards in ways that will ensure access for English Learners, students with disabilities, and Native American students, including how South Dakota will build internal capacity to support implementation. *See 1.B, Part A and Part B.*
- Please address concern that there is a lack of professional development opportunities for principals, instructional leaders, and teachers of English Learners. *See 1.B, Part A.*

### PRINCIPLE 2: STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

- Please address concerns regarding South Dakota's School Performance Index:
  - Provide a rationale and data to support the selection of the standard deviation targets for the School Performance Index, including an explanation of how the targets will support continuous academic improvement. *See 2.B.*
  - Provide data to clarify how much improvement in performance in each of the five categories is needed to meet the standard deviation gains shown in the index system. *See 2.A.i.*
  - Demonstrate that index targets will be used to adequately differentiate among "progressing" schools and identify schools for support and incentives. *See 2.A.i.*
  - Consider including measures of chronic absenteeism or disaggregating attendance by subgroup for the attendance indicator. *See 2.A.i.*
  - Address concern that since ACT is not required for all high school students and some subgroups demonstrate low participation on the exam, the measure in the college- and career-readiness indicator based on participating students might over-inflate the school score. *See 2.A.i.a.*
  - Explain why South Dakota is using a benchmark for the ACT for mathematics that is lower than the college-readiness benchmark of 22 set by ACT. *See 2.A.i.*
  - Provide a clear report format for parents and the public that shows each element of the School Performance Index to ensure transparency and understanding of each school's overall score and ranking among schools. *See 2.A.i.b.*
  - Provide additional information on South Dakota's rationale for using the value-added model for student growth, including a description of how it will be used for the academic growth indicator in elementary and middle schools. *See 2.A.i.a.*
  - Provide an explanation of how student growth will be measured at the high school level. *See 2.A.i.a.*

- Demonstrate that the growth model used by South Dakota in its accountability system does not control for student background characteristics. *See 2.A.i.*
- Clarify how test participation is used in South Dakota’s accountability system. *See 2.A.i.*
- Please address concerns regarding South Dakota’s use of a combined subgroup:
  - Consider including an additional indicator in the index for achievement gap closing. *See 2.A.i.b.*
  - Address concern that proportionately weighting the combined subgroup in the index may mask the performance or growth of that subgroup. *See 2.A.i., 2.A.i.a., and 2.A.i.b.*
  - Address concern that the use of the combined subgroup masks the performance of, and detracts attention from, students in the ESEA subgroups, by providing additional safeguards for ESEA subgroups.
- Please address concerns regarding graduation rate:
  - Modify the calculation of the “Completer Rate” so that schools do not receive points for fulfilling the requirements of an Individualized Education Program (IEP) or a Language Acquisition Plan (LAP). *See 2.A.i.a.*
  - Describe how graduation rates for subgroups are included in South Dakota’s accountability system. *See 2.A.i.a.*
- Please provide AMOs that ambitious but achievable, set separately for reading/language arts and mathematics, and are applied to each ESEA subgroup.
- Please demonstrate that South Dakota has identified the required number of priority, focus, and reward schools that meet the respective definitions of those groups of schools in ESEA flexibility, including providing lists of schools. Refer to the document titled *Demonstrating that an SEA’s Lists of Schools Meet ESEA Flexibility Definitions*.
- Please address concerns regarding reward schools:
  - Demonstrate that a school will not be classified as a reward school if there are significant achievement gaps across subgroups that are not closing in the school. *See 2.C.i.*
  - Describe the tangible rewards that South Dakota will provide to reward schools, such as bonuses, grants, or increased autonomy. *See 2.C.iii.*
- Please address concerns regarding priority schools:
  - Demonstrate that all local educational agencies (LEA) with one or more priority schools will implement meaningful interventions aligned with all of the turnaround principles in each priority school, for at least three years, starting no later than the 2014–2015 school year. *See 2.D.ii.*
  - Explain how proposed interventions for priority schools will be implemented fully and will lead to dramatic change. *See 2.D.iii.a and 2.D.iii.b.*
  - Provide additional detail on strategies schools and LEAs will use to improve the performance of low-achieving students, Native American students, English Learners, and students with disabilities in priority schools. *See 2.D.iii.b.*
  - Explain the mechanism the SEA will use to measure the quality of implementation of interventions aligned with the turnaround principles in priority schools and how that information will be used to improve implementation. *See 2.D.iii.b.*
  - Address concern that LEAs may not have the capacity to implement interventions aligned with all the turnaround principles in all priority schools in the 2012–2013 school year. *See 2.D.iv.*

- Clarify and strengthen South Dakota’s proposed exit criteria for priority schools to ensure that a school the exits priority status is demonstrating sustained improvement and significant progress in improving student achievement. *See 2.D.v.a.*
- Please describe the steps South Dakota will take to ensure meaningful consequences for priority schools that do not make progress after full implementation of interventions. *See 2.D.iii.b.*
- Please address concerns regarding focus schools:
  - Provide a clear timeline demonstrating that interventions in focus schools will begin in the first semester of the 2012–2013 school year. *See 2.E.iii.*
  - Provide information on how focus schools will identify the causes of underperformance and use data, including a needs analysis, to target interventions. *See 2.E.iii.*
  - Clarify and strengthen South Dakota’s proposed exit criteria for focus schools to ensure that a school the exits focus status is demonstrating sustained improvement and narrowing achievement gaps for the subgroup(s) of students for which the school was identified. *See 2.E.iv.*
  - Please describe the steps South Dakota will take to ensure meaningful consequences for focus schools that do not make progress after full implementation of interventions. *See 2.E.iv.*
- Please address concerns regarding supports and incentives for other Title I schools:
  - Demonstrate that South Dakota’s new AMOs, along with other measures, are used to identify other Title I schools that are not making progress in improving student achievement and closing achievement gaps, and to provide incentives and supports for those schools. *See 2.F.i.*
  - Describe specific supports for English Learners, students with disabilities, and Native American students in other Title I schools not identified as focus or priority schools. *See 2.F.ii.*
- Please address concerns regarding SEA, LEA, and school capacity:
  - Describe how the SEA and its LEAs will monitor interventions in priority and focus schools and provide technical assistance to support implementation of interventions. *See 2.G.i.*
  - Describe South Dakota’s process for approving external providers. *See 2.G.i.*
  - Provide more detail on the implementation strategy for the use of Indistar and the Academy of Pacesetter Districts. *See 2.G.i.*
  - Explain South Dakota’s capacity to implement its system of support, including shifting from five SIG schools to 31 priority schools in the fall of 2012. *See 2.G.ii.*
  - Explain how South Dakota will support the capacity of LEAs and schools to analyze data, differentiate and improve instruction, and understand and build principal leadership capacity. *See 2.G.ii.*
  - Describe how South Dakota will hold LEAs, not just schools, accountable for improving school and student performance. *See 2.G.iii.*
  - Describe whether South Dakota will leverage funds that LEAs were previously required to reserve under ESEA section 1116(b)(10) to support the implementation of interventions in priority schools, focus schools, and other Title I schools identified under South Dakota’s differentiated recognition, accountability, and support system. *See 2.G.ii.*

### **PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP**

- Please provide additional detail on South Dakota’s teacher evaluation pilot, including how LEAs will be chosen to participate, how the pilot will be evaluated, and whether teachers and administrators will monitor the implementation of the pilot to identify best practices. *See 3.B.*
- Please address the concern that South Dakota will have less time to train principals on the new principal evaluation and support system since that system is on a slower track than the teacher evaluation and support system. *See 3.B.*
- Please explain how South Dakota plans to work with teachers and administrators, or as appropriate, their designated representatives, in order to implement the evaluation and support plans outlined in the request. *See 3.B.*

### **ADDITIONAL CONCERNS**

- Note that the only Title I-eligible schools that may count toward the required number of priority schools are Title I-eligible high schools with a graduation rate of less than 60 percent. *See 2.D.iii.a.*
- Note that Title I-eligible schools may not count toward the required number of focus schools. *See 2.E.i.b.*