



# UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JUL 29 2010

ASSISTANT SECRETARY

The Honorable Patricia I. Wright  
Superintendent of Public Instruction  
Virginia Department of Education  
P.O. Box 2120  
Richmond, Virginia 23218

Dear Superintendent Wright:

I am writing in response to Virginia's request to amend its state accountability plan under Title I of the ESEA. Following discussions between the U.S. Department of Education (the Department) and your staff, you made a change to Virginia's accountability plan, which is now included in the amended state accountability plan that Virginia submitted to the Department on July 20, 2010. I am pleased to approve Virginia's amended plan, which we will post on the Department's website. A summary of Virginia's requested amendment is enclosed with this letter. As you know, any further requests to amend Virginia's accountability plan must be submitted to the Department for review and approval as required by section 1111(f)(2) of Title I of the ESEA.

Please also be aware that approval of Virginia's accountability plan for Title I, including the amendment approved herein, does not indicate that the plan complies with Federal civil rights requirements, including 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*, and requirements under the *Individuals with Disabilities Education Act*.

I am confident that Virginia will continue to advance its efforts to hold schools and school districts accountable for the achievement of all students. If you need any additional assistance to implement the standards, assessment, and accountability provisions of the ESEA, please do not hesitate to contact Vicki Robinson ([Vicki.Robinson@ed.gov](mailto:Vicki.Robinson@ed.gov)) or David Harmon ([David.Harmon@ed.gov](mailto:David.Harmon@ed.gov)) of my staff.

Sincerely,

Thelma Meléndez de Santa Ana, Ph.D.

Enclosure

cc: Governor Bob McDonnell  
Linda M. Wallinger, Ph.D.  
Diane Jay

### **Amendment to Virginia's Accountability Plan**

The following is a summary of Virginia's amendment request. Please refer to the Department's website (<http://www.ed.gov/admins/lead/account/stateplans03/index.html>) for Virginia's complete accountability plan.

#### **Acceptable amendment**

The following amendment is aligned with the statute and regulations:

##### **Calculating adequate yearly progress (AYP) targets (Element 3.2b)**

Revision: Virginia will hold its annual proficiency targets (Annual Measurable Objectives, AMOs) for reading and mathematics at 81 percent for reading and 79 percent for mathematics for AYP calculations for the 2010-2011 school year based on assessments administered in 2009-2010. In order to make safe harbor for the 2010-2011 school year based on assessments administered in 2009-2010, the pass rates for state, divisions, and schools would have to exceed the 2008-2009 targets of 81 percent for reading and 79 percent for mathematics. Targets for assessments administered in 2010-2011 through 2013-2014 will be set at a later date.

Revised AMOs

Year of Test Administration	Reading		Mathematics	
	% Proficient Current	% Proficient Revised	% Proficient Current	% Proficient Revised
2008-2009	81	81	79	79
2009-2010	85	81	83	79
2010-2011	89	TBD	87	TBD

#### **Unacceptable amendment**

The following amendment is not aligned with the statute and regulations and is therefore not approved:

##### **Assessing Students with Disabilities (Element 5.3)**

Revision: Virginia will no longer use the "proxy method" (option 1 in the Department's guidance dated December 2005) to take advantage of the two percent transition flexibility for the inclusion of students with disabilities in the calculation of adequate yearly progress (AYP) for the 2010-11 school year, based on assessments administered during the 2009-10 school year. The Secretary offered this flexibility pursuant to the authority in 34 C.F.R. §200.20(g), which explicitly limited this flexibility to the 2007-2008 and 2008-2009 school years. In accordance with the terms of that regulatory provision, the transition flexibility that was previously offered is no longer available.