



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

ASSISTANT SECRETARY

MAR - 5 2013

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

Dear Superintendent Wright: *Pat*

I am writing in response to the Virginia Department of Education (VDOE) request to amend its approved ESEA flexibility request. On June 29, 2012, the U.S. Department of Education (ED) approved VDOE's ESEA flexibility request. On October 26, 2012, VDOE submitted a request to make one amendment to its request. On January 11, 2013, VDOE submitted an updated version of its request, showing the requested change.

The proposed amendment changes VDOE's approved methodology for setting annual measurable objectives (AMOs) because the approved methodology resulted in AMOs that did not require subgroups further behind to make greater rates of progress, and therefore did not meet the requirements of ESEA flexibility. Under Virginia's proposed methodology, the starting point for each subgroup would still be the proficiency rate of the school at the 20th percentile of enrollment for that subgroup, but the ending point would be the same for all subgroups: halfway to the school at the 90th percentile of enrollment for the "all students" subgroup. To meet the AMOs, a school must meet the AMOs or the prior year's pass rate, whichever is higher, up to 90 percent, for all students and every subgroup. Schools that do not meet the higher of the AMOs or the prior year's pass rate may also be determined to have met the AMOs if:

1. The percent of students not proficient is reduced by at least 10 percent from the prior year.
2. The proficiency rate exceeds the AMO and is within five percent of the previous year's rate.

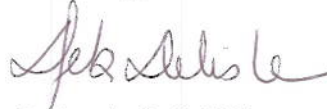
I am pleased to approve Virginia's amended request through the 2013–2014 school year. At that time, Virginia, like other States with approved requests, may request an additional extension of these waivers through the 2014–2015 school year. VDOE's amended request will be posted on ED's website. Any further requests to amend Virginia's ESEA flexibility request must be submitted to ED for review and approval.

VDOE continues to have an affirmative responsibility to ensure that it and its districts are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility as well as their implementation of all other Federal education programs. These laws include 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, the Age

Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

I am confident that Virginia will continue to implement the reforms it proposed under its approved ESEA flexibility request and advance its efforts to hold schools and school districts accountable for the achievement of all students. If you need any additional assistance to implement your ESEA flexibility request, please do not hesitate to contact Elizabeth Witt of my staff at elizabeth.witt@ed.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Deborah S. Delisle". The signature is fluid and cursive, with the first name being the most prominent.

Deborah S. Delisle

cc: Veronica Tate, Director
Office of Program Administration and Accountability
Virginia Department of Education