



UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

FEB 8 2007

The Honorable Mark E. Emblidge
President
Virginia Board of Education
413 Stuart Circle, Suite 130
Richmond, Virginia 23220

Dear Dr. Emblidge:

I am writing in response to your February 2, 2007, letter requesting clarification of the Department's recent decision on two of Virginia's requests to amend its State accountability plan under Title I of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB). I apologize for any misunderstanding that my January 31, 2007, letter may have caused.

You asked about the use of the Stanford English Language Proficiency (SELP) assessment to assess reading/language arts for limited English proficient (LEP) students for another year. You may not use the SELP in its current form as a reading assessment proxy for the *2006-07 test administration* because it does not meet the requirements of NCLB. I understand that Virginia conducts its annual testing in April. Therefore, for Virginia's April 2007 test administration, Virginia must either discontinue using the SELP or, before then, revise it to meet the NCLB standards and assessment requirements. Based on Virginia's response following the peer review, we have seen no evidence that such a revision can be made in time for the 2006-07 test administration.

In your letter, you also asked about adding writing assessments to the list of options available for school divisions to choose as an Other Academic Indicator for elementary and middle schools. The Department approves this request.

I hope this clarifies my earlier response. Please find attached a summary of these two amendment proposals for Virginia's Accountability Plan. If you need any additional assistance to implement the standards, assessment, and accountability provisions of NCLB, please do not hesitate to contact Abigail Potts (Abigail.Potts@ed.gov) or David Harmon (David.Harmon@ed.gov).

Sincerely,

Raymond Simon
Deputy Secretary

Enclosure

cc: Superintendent Billy Cannaday
Governor Tim Kaine
Linda Wallinger
Shelley Loving-Ryder

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AMENDMENT PROPOSALS TO THE VIRGINIA ACCOUNTABILITY PLAN

The following summary clarifies Virginia's two amendment requests as requested in President Mark Emblidge's February 2, 2007 letter. Please refer to the Department's website (www.ed.gov/admins/lead/account/stateplans03/index.html) for the complete Virginia accountability plan.

Acceptable amendment

We have reviewed your request to amend the Virginia accountability plan and find the following amendment aligned with the statute and regulations. This may be included in Virginia's approved accountability plan.

- Other Academic Indicator: Virginia will add writing assessments, in addition to the history/social science assessments approved in my letter on January 31, 2007, to the list of options available for school divisions to choose as an Other Academic Indicator for elementary and middle schools.

Amendment that is not fully aligned with the statute and regulations

The following amendment does not comply with the statute or regulations. Therefore, it may not be included in Virginia's approved accountability plan.

- Use of the Stanford English Language Proficiency (SELP) assessment for limited English Proficient (LEP) students: Virginia requested to continue using the SELP as a means to assess reading/language arts content for LEP students in the 2006-07 school year to allow the State additional time to research options to assess LEP students. However, based on the evidence provided to the Department for peer review by outside experts, the SELP test does not meet the requirements of the *Elementary and Secondary Education Act of 1965*, as amended by the *No Child Left Behind Act of 2001* (NCLB). By letters dated March 22 and June 28, 2006, the Department notified Virginia of the areas in which the SELP, an English language proficiency assessment, does not meet NCLB's requirements. Specifically, the SELP assessment lacks comparability in content coverage, rigor, and technical quality to assessments offered to non-LEP students. In order to implement a fully approved assessment system for the 2006-07 school year, Virginia must administer assessments used for the purposes of calculating adequate yearly progress (AYP) that meet the NCLB requirements. Virginia must resolve the issues remaining for the SELP test, administer a new assessment that is peer reviewed and meets the NCLB requirements, or offer the regular assessment, with or without accommodations, to LEP students for the 2006-07 test administration (April 2007).