

DATE: March 2, 2010

TO: Superintendents and School Improvement Coordinators

RE: Comments on an additional ED Waiver

SD DOE is requesting another waiver with regards to the identification of Persistently Lowest Achieving schools. As part of the requirements, stakeholders must be provided an opportunity to comment on this waiver. The state was only recently made aware of the need for this waiver. Your comments are of great value. Please provide your comments on the following waiver via email as soon as possible. Comments will be submitted to US Ed separately from the application submission. Submission of these comments is a requirement of the state receiving the waiver.

WAIVER

Waiver request of the definition of “persistently lowest-achieving schools” contained in section I.A.3 of the final requirements for the School Improvement Grants (SIG) program (74 FR 65618 (Dec. 10, 2009)) and the use of that definition in section I.A.1(a) and (b) of those final requirements, as amended (75 FR 3375 (Dec. 21, 2010)). Specifically, SD DOE requesting permission for South Dakota to exclude, from the pool of schools from which it identifies the persistently lowest-achieving schools for Tier I and Tier II, any school in which the total number of students in the “all students” group in the grades assessed who were enrolled in the school for a full academic year is less than ten. This minimum “n” is consistent with the state’s accountability workbook for the 2009-10 school year. Identification of schools with less than ten students tested is concerning from two perspectives. First, the low number of ten is needed, at a minimum, to protect the confidentiality of the students involved. Small communities can identify these students as low performing. Secondly, any number tested below ten is subject to question in terms of validity. Identification must be based on sufficient test scores to ensure the accuracy of identification. In sum, South Dakota needs this waiver in order to ensure that the identification of a school is both valid and reliable based on a minimum number of students and does not reveal personally identifiable information about individual students in the school.