



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
MAR 31 2010

Honorable Jack T. O'Connell
Superintendent of Public Instruction
California Department of Education
1430 N Street, Suite 5602
Sacramento, California 95814

Dear Superintendent O'Connell:

This letter is written in response to a request to amend the California's Consolidated State Application that the State submitted on January 15, 2010 under section 9302 of the Elementary and Secondary Education Act (ESEA). The amendment submitted by California concerns the State's annual measurable achievement objectives (AMAO) change request and compliance with the Notice of Interpretations.

The Department understands that under California's proposed Title III accountability plan, the State weighs students who have only taken the initial assessment (CELDT) for AMAO 2 determinations differently. Since these students may not have received services, they are given a lower weight than the other students who have taken the annual assessment. This was discussed with the Department at the Title III Directors' meeting during the summer of 2009. California was asked to submit the proposal for consideration. On further review, the Department has determined that this approach will not be in compliance with the Notice of Interpretations. If a student is receiving Title III services, then he/she needs to be included in the AMAO 2 calculation without being weighed. California may exclude from the AMAO 2 determination students who have not received any Title III services. However, if a limited English proficient student has received Title III services (even if he/she has been enrolled for only a day), he/she should be included in AMAO calculations, without any weighing.

I thank you for your efforts to ensure that California's Consolidated State Application reflects current practice within your State. If you would like to discuss this further, please do not hesitate to contact Amy Weinmann of my staff by telephone at 202-401-1435 or by e-mail at amy.weinmann@ed.gov.

Zollie Stevenson, Jr., Ph.D.

A handwritten signature in black ink, appearing to read "Zollie Stevenson, Jr.", with a stylized flourish at the end.

Director
Student Achievement and
School Accountability Programs

Cc: Phil Lafontaine

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202
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