



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

ASSISTANT SECRETARY

MAR 31 2010

The Honorable Virginia Barry
Commissioner of Education
New Hampshire Department of Education
101 Pleasant Street
Concord, New Hampshire 03301

Dear Commissioner Barry:

I am writing in response to New Hampshire's request to amend its state accountability plan under Title I of the *Elementary and Secondary Education Act of 1965* (ESEA). Following discussions between the Department and your staff, you made certain changes to New Hampshire's accountability plan, which are now included in the amended state accountability plan that New Hampshire submitted to the Department on December 17, 2009. I am pleased to approve New Hampshire's amended plan, which we will post on the Department's website. A summary of New Hampshire's requested amendments is enclosed with this letter. As you know, any further requests to amend New Hampshire'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 New Hampshire's accountability plan for Title I, including the amendments 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 New Hampshire 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) or Sue Rigney (Sue.Rigney@ed.gov) of my staff.

Sincerely,

Thelma Meléndez de Santa Ana, Ph.D.

Enclosure

cc: Governor John Lynch
Deb Wiswell

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Amendments to New Hampshire's Accountability Plan

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

Acceptable amendments

The following amendments are aligned with the statute and regulations:

- **Definition of full academic year (Element 2.2)**

Revision: For the purpose of determining whether a student must be included in the adequate yearly progress (AYP) determination for a school or local educational agency (LEA), a student is considered enrolled in the school or LEA for a "full academic year" if the student had an average daily membership (ADM) greater than 90 percent for the previous school year (*i.e.*, for the academic year prior to the fall in which the assessment is administered). The school or LEA ADM for a student is calculated as the number of half days of enrollment divided by the number of half days the school or district is in session.

- **Participation rate calculation (Element 10.1)**

Revision: New Hampshire will aggregate data for three consecutive years for schools with less than 40 students to determine participation rate for purposes of determining whether a school has made adequate yearly progress (AYP).