



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 26 2010

THE ASSISTANT SECRETARY

AUG 20 2010

Honorable Thomas Oster  
Secretary of Education  
South Dakota Department of Education  
700 Governors Drive  
Pierre, South Dakota 57501-2291

Dear Secretary Oster:

This letter is in response to a request to amend Title III of South Dakota's Consolidated State Application that the State submitted on June 29, 2010 under section 9302 of the Elementary and Secondary Education Act (ESEA). The amendment submitted by South Dakota concerns revisions as evidence of the State's compliance with the Notice of Final Interpretations (NOI) of Title III, published in the *Federal Register* on October 17, 2008.

I am pleased to accept this amendment to South Dakota's Consolidated State Application. Please send an electronic copy of the amendment to South Dakota's Consolidated State Application to Jenelle Leonard, Director of School Support and Technology Programs, at [oese@ed.gov](mailto:oese@ed.gov).

Please note that although the South Dakota targets for proficiency meet the statute requirement (Sec.3122 (a)(3)(A)(i) of the ESEA) of annual increases each year, as required, they are quite low. According to the information submitted to the U.S. Department of Education, the proficiency targets for South Dakota begin with 4% in 2009-10 and increase by 1% each year to 7% in 2012-13. Section 3115 of the ESEA indicates districts that use Title III funds need to provide a language instruction educational program to English learners that are based on scientifically based research. Districts have an obligation to provide instruction that is effective in making English learners English proficient. The State should consider such low proficiency targets reflect the possibility that their language instruction education programs are either ineffective and may not meet Section 3115 standards or they are being implemented poorly.

Thank you for your efforts to improve education for English language learners in South Dakota. If we can provide you further assistance, please do not hesitate to contact us.

Sincerely,

/s/

Thelma Melendez de Santa Ana, Ph.D.

cc: Shannon Malone  
Diane Lowery

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