



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

SEP 18 2015

The Honorable Steven R. Staples  
Superintendent of Public Instruction  
Virginia Department of Education  
PO Box 2120  
Richmond, VA 23218

Dear Superintendent Staples:

I am writing in response to the Virginia Department of Education's (VDE) request to amend its ESEA flexibility request, which was approved on March 31, 2015. Specifically, VDE amended its focus school exit criteria to satisfy the commitment to which renewal of its ESEA flexibility request was subject.

I have determined that the amended request continues to be consistent with principles of ESEA flexibility. For this reason, I am approving VDE's amended request, which we will post on ED's website. A summary of VDE's amendment is enclosed with this letter. Any further requests to amend VDE's ESEA flexibility request must be submitted to ED for review and approval.

VDE continues to have an affirmative responsibility to ensure that it and its districts are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility. These laws include 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, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

I am confident that VDE will continue to implement the reforms it proposed under its approved ESEA flexibility request and advance its efforts to hold schools and school districts accountable for the achievement of all students. If you have any questions regarding the implementation of your ESEA flexibility request, please do not hesitate to contact Collette Roney of my staff at: [OSS.Virginia@ed.gov](mailto:OSS.Virginia@ed.gov).

Sincerely,

Ann Whalen  
Delegated the authority to perform the functions  
and duties of Assistant Secretary for Elementary  
and Secondary Education

Enclosure

cc: Veronica Tate

400 MARYLAND AVE., SW, WASHINGTON, DC 20202  
<http://www.ed.gov/>

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

## **Approved Amendment to Virginia's ESEA Flexibility Request**

The following is a summary of the approved amendment to Virginia's ESEA flexibility request. ED approves this amendment because Virginia's ESEA flexibility request, as amended, continues to be aligned with the principles of ESEA flexibility. Please refer to ED's website (<http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/va.html>) for Virginia's complete ESEA flexibility request.

- **State-Developed Differentiated Recognition, Accountability and Support (Principle 2)**

Revision: Add a focus school exit criterion regarding proficiency gaps such that Virginia's focus school exit criteria are as follows:

- 1) The school has made academic progress by decreasing the overall proficiency gap points at the end of the second year of identification; and
- 2) The school no longer falls into the bottom 10 percent of Title I schools for the subsequent school year based on the focus school methodology described in the response to Question 2.Ei.