

Title I funds while working to comply with the statutory requirements, Dr. David Stewart, Superintendent of WVDE, indicated WVDE's interest in entering into a compliance agreement with the Office of Elementary and Secondary Education (OESE) of the United States Department of Education. On February 4, 2002 OESE conducted a public hearing regarding WVDE's ability to come into compliance with the Title I standards and assessment requirements within three years. Based on testimony at that hearing, Mr. William Luff, Deputy State Superintendent, testified that compliance by WVDE with the Title I standards and assessment requirements was not possible by this school year. According to the Deputy State Superintendent, when the current State Superintendent was advised, "by the U.S. office, in late spring, that our assumptions about use of the existing assessments were incorrect, he immediately directed the department staff to come into full compliance with the law as quickly as possible."

Pursuant to this Compliance Agreement under 20 U.S.C. 1234f, WVDE must be in full compliance with the requirements of Title I no later than three years from the date of the Assistant Secretary's written findings, a copy of which is attached to, and incorporated by reference into, this Agreement. Specifically, WVDE must meet, and document that it has met, the following requirements:

1. Develop or select an academic assessment system that represents the full range of the WVDE's academic content standards and academic achievement standards in at least reading/language arts and mathematics and is consistent with the Title I requirements for use of multiple measures of student achievement, including measures that assess higher-order thinking and understanding. Document the alignment of the assessment system with WVDE's

academic content and student achievement standards.

2. Provide evidence that the State assessment shall be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments.

3. Provide evidence of performance standards aligned to content standards.

4. Clarify how reasonable accommodations are provided to students with disabilities and limited English proficient students that allow for their scores to be included in the accountability system.

5. Clarify how data for students who take the alternate assessment and students administered assessments with non-standard accommodations will be incorporated into the accountability system.

6. Provide complete participation data for students with disabilities and LEP students so that the State's inclusion policies relating to assessment, reporting, and accountability can be evaluated.

7. Provide individual reports of student achievement relative to the state performance standards.

8. Provide school, district, and State level reports using disaggregated data by all the required categories.

9. Provide evidence that LEAs are completing and disseminating school and district profiles that include statistically sound disaggregated results.

10. Clarify how the State defines "full academic year" for including students in determining adequate yearly progress.

During the period that this Compliance Agreement is in effect, WVDE is eligible to receive Title I, Part A funds if it complies with the terms and conditions of this Agreement, as well as the provisions of Title I, Part A and other applicable Federal statutory and regulatory requirements. Specifically, the Compliance Agreement sets

forth the action steps WVDE must meet to come into compliance with the Title I standards and assessment requirements (See attached). WVDE must submit documentation concerning its compliance with these action steps.

The action steps, hereby incorporated into this Compliance Agreement by reference may be amended by joint agreement of the parties, provided full compliance can still be accomplished by the expiration date of the Agreement.

In addition to all of the terms and conditions set forth above, WVDE agrees that its continued eligibility to receive Title I, Part A funds is predicated upon compliance with statutory and regulatory requirements of that program that have not been addressed by this Agreement, including the requirements of the No Child Left Behind Act of 2001.

If WVDE fails to comply with any of the terms and conditions of this Compliance Agreement, including the action steps attached hereto the USED may consider the Agreement no longer in effect and may take any action authorized by law, including the withholding of funds or the issuance of a cease and desist order following notice and opportunity to be heard in accordance with 20 U.S.C. § 1234d. 20 U.S.C. § 1234f(d).

For the West Virginia Department of Education:

Dated: March 22, 2002.

**Dr. David Stewart,**  
*State Superintendent of Schools.*

For the United States Department of Education:

Dated: March 22, 2002.

**Susan B. Neuman,**  
*Assistant Secretary, Office of Elementary and Secondary Education.*

*Date this Compliance Agreement becomes effective: April 5, 2002.*