

FLORIDA

**ESEA FLEXIBILITY
REQUEST**

Submitted to:
U.S. Department of Education

November 14, 2011


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COVER SHEET FOR ESEA FLEXIBILITY REQUEST

<p>Legal Name of Requester: Florida Department of Education Gerard Robinson, Commissioner</p>	<p>Requester's Mailing Address: 325 West Gaines Street Suite 1514 Tallahassee, FL 32399-0400</p>
<p>State Contact for the ESEA Flexibility Request</p> <p>Name: Dr. Michael Grego</p> <p>Position and Office: Senior Advisor to the Commissioner Office of the Commissioner</p> <p>Contact's Mailing Address: 325 West Gaines Street Suite 1514 Tallahassee, FL 32399-0400</p> <p>Telephone: (850) 245-9663</p> <p>Fax: (850) 245-9667</p> <p>Email address: Michael.Grego@fldoe.org</p>	
<p>Chief State School Officer (Printed Name): Gerard Robinson</p>	<p>Telephone: (850) 245-9663</p>
<p>Signature of the Chief State School Officer:</p>  <p>X</p>	<p>Date: November 14, 2011</p>
<p>The State, through its authorized representative, agrees to meet all principles of the ESEA Flexibility.</p>	

WAIVERS

By submitting this flexibility request, the SEA requests flexibility through waivers of the ten ESEA requirements listed below and their associated regulatory, administrative, and reporting requirements by checking each of the boxes below. The provisions below represent the general areas of flexibility requested; a chart appended to the document titled *ESEA Flexibility Frequently Asked Questions* enumerates each specific provision of which the SEA requests a waiver, which the SEA incorporates into its request by reference.

- 1. The requirements in ESEA section 1111(b)(2)(E)-(H) that prescribe how an SEA must establish annual measurable objectives (AMOs) for determining adequate yearly progress (AYP) to ensure that all students meet or exceed the State's proficient level of academic achievement on the State's assessments in reading/language arts and mathematics no later than the end of the 2013–2014 school year. The SEA requests this waiver to develop new ambitious but achievable AMOs in reading/language arts and mathematics in order to provide meaningful goals that are used to guide support and improvement efforts for the State, LEAs, schools, and student subgroups.
- 2. The requirements in ESEA section 1116(b) for an LEA to identify for improvement, corrective action, or restructuring, as appropriate, a Title I school that fails, for two consecutive years or more, to make AYP, and for a school so identified and its LEA to take certain improvement actions. The SEA requests this waiver so that an LEA and its Title I schools need not comply with these requirements.
- 3. The requirements in ESEA section 1116(c) for an SEA to identify for improvement or corrective action, as appropriate, an LEA that, for two consecutive years or more, fails to make AYP, and for an LEA so identified and its SEA to take certain improvement actions. The SEA requests this waiver so that it need not comply with these requirements with respect to its LEAs.
- 4. The requirements in ESEA sections 6213(b) and 6224(e) that limit participation in, and use of funds under the Small, Rural School Achievement (SRSA) and Rural and Low-Income School (RLIS) programs based on whether an LEA has made AYP and is complying with the requirements in ESEA section 1116. The SEA requests this waiver so that an LEA that receives SRSA or RLIS funds may use those funds for any authorized purpose regardless of whether the LEA makes AYP.
- 5. The requirement in ESEA section 1114(a)(1) that a school have a poverty percentage of 40 percent or more in order to operate a schoolwide program. The SEA requests this waiver so that an LEA may implement interventions consistent with the turnaround principles or interventions that are based on the needs of the students in the school and designed to enhance the entire educational program in a school in any of its priority and focus schools, as appropriate, even if those schools do not have a poverty percentage of 40 percent or more.
- 6. The requirement in ESEA section 1003(a) for an SEA to distribute funds reserved under that section only to LEAs with schools identified for improvement, corrective action, or restructuring. The SEA requests this waiver so that it may allocate section 1003(a) funds to its LEAs in order to serve any of the State's priority and focus schools.

- 7. The provision in ESEA section 1117(c)(2)(A) that authorizes an SEA to reserve Title I, Part A funds to reward a Title I school that (1) significantly closed the achievement gap between subgroups in the school; or (2) has exceeded AYP for two or more consecutive years. The SEA requests this waiver so that it may use funds reserved under ESEA section 1117(c)(2)(A) for any of the State's reward schools.
- 8. The requirements in ESEA section 2141(a), (b), and (c) for an LEA and SEA to comply with certain requirements for improvement plans regarding highly qualified teachers. The SEA requests this waiver to allow the SEA and its LEAs to focus on developing and implementing more meaningful evaluation and support systems.
- 9. The limitations in ESEA section 6123 that limit the amount of funds an SEA or LEA may transfer from certain ESEA programs to other ESEA programs. The SEA requests this waiver so that it and its LEAs may transfer up to 100 percent of the funds it receives under the authorized programs among those programs and into Title I, Part A.
- 10. The requirements in ESEA section 1003(g)(4) and the definition of a Tier I school in Section I.A.3 of the School Improvement Grants (SIG) final requirements. The SEA requests this waiver so that it may award SIG funds to an LEA to implement one of the four SIG models in any of the State's priority schools.

Optional Flexibility:

An SEA should check the box below only if it chooses to request a waiver of the following requirements:

- The requirements in ESEA sections 4201(b)(1)(A) and 4204(b)(2)(A) that restrict the activities provided by a community learning center under the Twenty-First Century Community Learning Centers (21st CCLC) program to activities provided only during non-school hours or periods when school is not in session (*i.e.*, before and after school or during summer recess). The SEA requests this waiver so that 21st CCLC funds may be used to support expanded learning time during the school day in addition to activities during non-school hours or periods when school is not in session.

ASSURANCES

By submitting this application, the SEA assures that:

- 1. It requests waivers of the above-referenced requirements based on its agreement to meet Principles 1 through 4 of the flexibility, as described throughout the remainder of this request.
- 2. It will adopt English language proficiency (ELP) standards that correspond to the State's college- and career-ready standards, consistent with the requirement in ESEA section 3113(b)(2), and that reflect the academic language skills necessary to access and meet the new college- and career-ready standards, no later than the 2013–2014 school year. (Principle 1)
- 3. It will develop and administer no later than the 2014–2015 school year alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities that are consistent with 34 C.F.R. § 200.6(a)(2) and are aligned with the State's college- and career-ready standards. (Principle 1)
- 4. It will develop and administer ELP assessments aligned with the State's ELP standards, consistent with the requirements in ESEA sections 1111(b)(7), 3113(b)(2), and 3122(a)(3)(A)(ii). (Principle 1)
- 5. It will report annually to the public on college-going and college credit-accumulation rates for all students and subgroups of students in each LEA and each public high school in the State. (Principle 1)
- 6. If the SEA includes student achievement on assessments in addition to reading/language arts and mathematics in its differentiated recognition, accountability, and support system and uses achievement on those assessments to identify priority and focus schools, it has technical documentation, which can be made available to the Department upon request, demonstrating that the assessments are administered statewide; include all students, including by providing appropriate accommodations for English Learners and students with disabilities, as well as alternate assessments based on grade-level academic achievement standards or alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities, consistent with 34 C.F.R. § 200.6(a)(2); and are valid and reliable for use in the SEA's differentiated recognition, accountability, and support system. (Principle 2)
- 7. It will report to the public its lists of reward schools, priority schools, and focus schools at the time the SEA is approved to implement the flexibility, and annually thereafter, it will publicly recognize its reward schools. (Principle 2)
- 8. Prior to submitting this request, it provided student growth data on their current students and the students they taught in the previous year to, at a minimum, teachers of reading/language arts and mathematics in grades in which the State administers assessments in those subjects in a manner that is timely and informs instructional programs, or it will do so no later the deadline required under the State Fiscal Stabilization Fund. (Principle 3)
- 9. It will evaluate and, based on that evaluation, revise its own administrative requirements to

reduce duplication and unnecessary burden on LEAs and schools. (Principle 4)

- 10. It has consulted with its Committee of Practitioners regarding the information set forth in its request.
- 11. Prior to submitting this request, it provided all LEAs with notice and a reasonable opportunity to comment on the request and has attached a copy of that notice (Attachment 1) as well as copies of any comments it received from LEAs (Attachment 2).
- 12. Prior to submitting this request, it provided notice and information regarding the request to the public in the manner in which the State customarily provides such notice and information to the public (*e.g.*, by publishing a notice in the newspaper; by posting information on its website) and has attached a copy of, or link to, that notice (Attachment 3).
- 13. It will provide to the Department, in a timely manner, all required reports, data, and evidence regarding its progress in implementing the plans contained throughout this request.

If the SEA selects Option A or B in section 3.A of its request, indicating that it has not yet developed and adopted all guidelines for teacher and principal evaluation and support systems, it must also assure that:

- 14. It will submit to the Department for peer review and approval a copy of the guidelines that it will adopt by the end of the 2011–2012 school year. (Principle 3)

CONSULTATION

An SEA must meaningfully engage and solicit input from diverse stakeholders and communities in the development of its request. To demonstrate that an SEA has done so, the SEA must provide an assurance that it has consulted with the State’s Committee of Practitioners regarding the information set forth in the request and provide the following:

1. A description of how the SEA meaningfully engaged and solicited input on its request from teachers and their representatives.

Florida solicited input from stakeholders representing diverse perspectives, experiences, and interests, including those that will be impacted by and implement the policies included in the plan, and has strengthened its request based on this input. Florida developed a “Consultation Action Plan to Engage Stakeholders” that provides a description of how Florida meaningfully engaged and solicited input from groups, including teachers and their representatives. Refer to Florida’s response to Question 2 of the Consultation Section for the specifics of the Action Plan.

Florida’s approach to soliciting feedback and input from teachers and their representatives is ongoing and sincere. Our targeted strategies to engage and encourage teacher participation are described below.

- **Related Committees Involving Teachers.** Florida has a history of engaging teacher stakeholders in major policy decisions with statewide impact. Recent activities related to flexibility principles that involve teachers and teacher union members include the following:

Teacher Contributions to Flexibility Principles

Group	Contribution
Race to the Top Student Growth Implementation Committee (2011-14)	Developed Florida’s Value-Added Model for statewide assessments; work continues for other assessments
Race to the Top Teacher and Leader Preparation Implementation Committee (2011-14)	Revising Florida Principal Leadership Standards
Race to the Top District-developed Assessments for Instructional Effectiveness Implementation Committee (2011-14)	Collaborating with the state to establish a support structure and assistance team for LEAs in the development and implementation of summative assessments for the purpose of measuring student learning
Race to the Top Formative and Interim Assessment Design Implementation Committee (2011-14)	Providing input, feedback, and recommendations to the state in the development and implementation of formative and interim assessments for instructional improvement

Group	Contribution
Commissioner’s Teacher Advisory Council (2010)*	Revised Florida Educator Accomplished Practices
Assessment Standard Setting Committees (2011)	Recommended cut scores for new FCAT 2.0 and Algebra 1 end-of-course assessments – over 300 educators
Statewide Assessment Development Committees (ongoing)	Participating on reading, writing, mathematics, science, and social studies content advisory committees; item review committees; and rangefinder committees – over 300 educators
Teacher and Principal Evaluation Redesign Teams (2011)	Attended four academies to learn about evaluation systems and redesign their LEA systems in accordance with state law and Race to the Top
Title I Committee of Practitioners (ongoing)	Advising FDOE on state implementation related to federal law
Next Generation Sunshine State Standards Development (2008-2010)	Provided development support and formal input prior to adoption; for example, over 8,000 teachers reviewed the science standards
Common Core State Standards Review (2010)	Provided formal input before adoption; for example, 1,242 teachers rated the mathematics standards

**Comprised of teachers exclusively*

Specific to the ESEA Flexibility Process:

- **The Florida Department of Education (FDOE) Website.** The FDOE developed and launched an “Elementary and Secondary Education Act Flexibility Waiver” website on October 12, 2011 (<http://www.fldoe.org/esea/>, Attachment 3c), that provides information about this flexibility, including USDOE and FDOE documents and an e-mail address (eseaflexibility@fldoe.org) for Floridians to send us their comments and suggestions.
- **Commissioner Robinson’s Social Media Outreach Efforts.** The Commissioner utilized Facebook, Twitter, blogs, and traditional media avenues to ensure teachers and their representatives were aware of the FDOE’s efforts to request this flexibility and to encourage their participation and input throughout the process.
- **Invitation to Participate.** An e-mail invitation was specifically sent to Florida’s District Teachers of the Year and 179,462 classroom teachers across Florida on October 13, 2011 (Attachment 3a), including charter and virtual school teachers, to encourage them to visit our website and submit suggestions for FDOE staff to consider while drafting our initial application. The Florida Education Association (*teacher representatives*) was also contacted to submit suggestions and ideas via our website. The e-mail invitation read as follows:

The Florida Department of Education has created a new web page that contains information on our plans to apply for a waiver on No Child Left Behind. This law was established a decade ago to help our nation improve our education system. Although it has helped many students throughout the country, it has also had some limitations that we want to address. As such, the Department plans on applying for a flexibility waiver that will enable us to closely align our state's accountability system with a revised federal plan. Please take a moment to review our new web page and also share this information with your friends, colleagues and anyone you feel would like to participate in this state and national conversation on public education.

You may view the web page here: www.fldoe.org/esea.

We will soon post our draft application and solicit stakeholder feedback.

The FDOE did receive and review numerous e-mails from teachers throughout the state who were encouraged that the flexibility request would be submitted. Some responses provided specific recommendations; all were reviewed and considered.

- **Opportunity to Provide Input on Draft.** Teachers and the teacher representatives were given the opportunity to provide meaningful feedback and input on the draft flexibility request. The draft and a survey regarding the draft were placed on the FDOE website (Attachment 3b). A multi-faceted and multi-media approach was used to again invite and encourage teachers to participate by providing their suggestions, recommendations, and comments on the draft.

2. A description of how the SEA meaningfully engaged and solicited input on its request from other diverse communities, such as students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English Learners, business organizations, and Indian tribes.

Florida engaged a diverse group of stakeholders and communities in the development of the request, including teachers and their representatives, students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English language learners, business organizations, and Indian tribes, and strengthened its request because of their thoughtful input. Florida developed a “Consultation Action Plan to Engage Stakeholders” (see below) that provides a description of how Florida meaningfully engaged and solicited input from these groups.

