



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JUL - 9 2015

The Honorable Mark T. Murphy
Secretary of Education
Delaware Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

Dear Secretary Murphy:

I am writing in response to Delaware's request for renewal of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA), so that Delaware may continue to implement ESEA flexibility.

Our team, including my staff and other senior leaders at the U.S. Department of Education (ED), reviewed Delaware's request dated June 30, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am pleased to renew approval of Delaware's ESEA flexibility request through the end of the 2015–2016 school year, subject to the below conditions.

My decision to renew approval of Delaware's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling Delaware to carry out important reforms to improve student achievement and that this renewal is in the public interest. With this renewal, Delaware will be able to continue implementing its plan to promote innovative, locally tailored strategies to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. Delaware's approved request will be posted on ED's website.

The decision to renew approval of Delaware's ESEA flexibility request for one year is based upon the fact that the State is in the process of transitioning to a new State-developed system of recognition, accountability, and support – the Delaware School Success Framework (DSSF), which the State intends to use to identify its Priority, Focus, and Reward schools no later than the 2016–2017 school year. To receive approval to implement ESEA flexibility after the 2015–2016 school year, Delaware must provide ED by October 31, 2015 for review and approval an amended request incorporating the final version of its DSSF, including a demonstration that the DSSF will allow Delaware to identify the requisite number of Priority, Focus, and Reward schools consistent with ESEA flexibility definitions. The State should also include, by attaching to the amended request, any technical documentation, legislation, administrative rules, and other relevant information as appropriate. If Delaware resolves this condition, makes no additional changes to its ESEA flexibility request at that time, and is otherwise continuing to fulfill the commitments in its ESEA flexibility renewal request, I will grant Delaware's request for renewal of ESEA flexibility through the end of the 2017–2018 school year.

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.

This letter also provides my approval of Delaware's other proposed amendments to its ESEA flexibility request. A summary of Delaware's significant approved amendments is enclosed with this letter.

In addition to the condition discussed above, this renewal is subject to Delaware's commitment to:

- Demonstrate, through one of the two methods described below, once Delaware has finalized its DSSF, that a school in Delaware may not receive the highest rating in the State educational agency's differentiated recognition, accountability, and support system if there are significant achievement and graduation rate gaps that are not closing in the school. Delaware indicated in its revised ESEA flexibility request that the State will review its data in fall 2015 and will either: 1) provide ED with a demonstration that its highest rated schools do not have achievement or graduation rate gaps; or 2) implement a policy that will ensure that the proposed DSSF does not permit a school to receive the State's highest rating if significant achievement or graduation rate gaps are not closing.
- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that Delaware is implementing the plan set forth in its ESEA flexibility request, including timeline and milestones, that will lead to inclusion of student growth in the teacher and principal evaluation and support systems based on State assessments administered no later than the 2016–2017 school year and each year thereafter.
- Clarify, through an amended request no later than August 22, 2016, the statewide approach that will be used for the calculation of student growth based on State assessments in teacher and principal evaluation and support systems. Delaware committed to the development and implementation of a statewide approach for the calculation of student growth based on State assessments in teacher and principal evaluation and support systems in its ESEA flexibility renewal request.

Delaware continues to have an affirmative responsibility to ensure that it and its local educational agencies (LEAs) 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 Delaware will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools and LEAs accountable for the achievement of all students. If you need any additional assistance to implement your ESEA flexibility request, please do not hesitate to contact Julie Glasier or Jamila Smith of my staff at: OSS.Delaware@ed.gov.

Thank you for your commitment and continued focus on enhancing education for all of Delaware's students.

Sincerely,



Heather Rieman
Acting Assistant Secretary

Enclosure

cc: Penny Schwinn, Chief Accountability and Performance Officer

Approved Significant Amendments to Delaware's ESEA Flexibility Request

The following is a summary of significant approved amendments to Delaware's ESEA flexibility request. ED approves these amendments because Delaware'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/de.html>) for Delaware's complete ESEA flexibility request.

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

Revision: Delaware will not assign new accountability ratings under its system of differentiated recognition, accountability, and support based on assessments administered in the 2014–2015 school year. Delaware will resume assigning ratings based on assessments administered in the 2015–2016 school year.