



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 14 2014

The Honorable Pam Stewart  
Commissioner  
Florida Department of Education  
Turlington Building, Suite 1514  
325 West Gaines Street  
Tallahassee, FL 32399

Dear Commissioner Stewart:

This letter is a response to Florida's June 4, 2014 request for a one-year extension of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility), so that Florida may continue to implement ESEA flexibility through the end of the 2014–2015 school year.

Our team has reviewed Florida's request and, pursuant to section 9401(d)(2) of the ESEA, I am pleased to extend Florida's ESEA flexibility request for one year, through the end of the 2014–2015 school year. My decision to extend Florida's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling Florida to carry out important reforms to improve student achievement and that this extension is in the public interest. I have also determined that Florida's monitoring next steps have been adequately addressed. This letter also provides my approval of the amendments that Florida proposed that align with the principles of ESEA flexibility. A summary of Florida's approved amendments is enclosed with this letter, and Florida's most recent request will be posted on the U.S. Department of Education's (ED) website.

Please note that I am not approving Florida's proposed amendment to exempt English Learners (ELs) who have attended schools in the United States for less than two years from the performance component of the State's accountability system under ESEA flexibility. As I indicated in my letter of April 14, 2014, outside the limited exception discussed in that letter, current law requires assessing all students in tested grades and including their results in accountability determinations in order to ensure that teachers and parents of ELs have information on students' progress and that schools are held accountable for the academic achievement of ELs.

Florida's progress in implementing all ESEA flexibility requirements and progress on this issue will inform ED's decision regarding renewal of Florida's ESEA flexibility after the 2014–2015 school year. Additionally, if Florida remains on track to fully implement teacher and principal evaluation and support systems that meet all the requirements of Principle 3, Florida will be eligible for consideration for a longer renewal of ESEA flexibility in the Spring of 2015.

Florida 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,

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<http://www.ed.gov/>

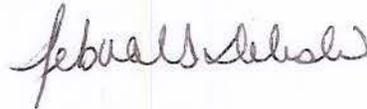
*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

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 Florida will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools and school districts 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 Victoria Hammer at: [victoria.hammer@ed.gov](mailto:victoria.hammer@ed.gov) or Tahira Rashid at: [tahira.rashid@ed.gov](mailto:tahira.rashid@ed.gov).

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah S. Delisle".

Deborah S. Delisle  
Assistant Secretary

Enclosure

cc: Jane Fletcher, Director, Division of Accountability, Research, and Measurement

## **Approved Amendments to Florida's ESEA Flexibility Request**

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

### ▪ **Transition to College- and Career-Ready Standards (Element 1.B)**

Revision: Florida revised all references to the standards that it adopted in 2010 to consistently refer to them as the Florida State Standards.

Revision: Florida indicated that the Florida State Board of Education formally adopted the World Class Instructional Design and Assessment (WIDA) English language proficiency standards on June 17, 2014.

### ▪ **Develop and Administer Annual, Statewide, Aligned, High-Quality Assessments That Measure Student Growth (Element 1.C)**

Revision: Florida changed the way that it will meet the high-quality assessment requirement under ESEA flexibility by providing its plan to develop and administer annually, beginning no later than the 2014-2015 school year, statewide aligned, high-quality assessments that measure student growth in reading/language arts and in mathematics in at least grades 3-8 and once in high school in all local educational agencies, as well as set academic achievement standards for those assessments. Please note that approval of this amendment does not constitute approval of the assessments that Florida intends to implement in 2014-2015 and beyond. Florida will need to submit the assessments for peer review when the new assessment peer-review process is available.

### ▪ **Develop and Implement a State-Based System of Differentiated Recognition, Accountability, and Support (Element 2.A)**

Revision: Florida revised elements of its A-F grading system including reducing the minimum number of reading/language arts and mathematics scores required to calculate a school grade from 30 to 10, calculating participation rates based on all students enrolled at the time of testing rather than enrolled for a full academic year, and incorporating the State's U.S. History end-of-course assessment in calculating a grade for its high schools.

### ▪ **Priority Schools (Element 2.D)**

Revision: Florida clarified that it will maintain two lists of lowest performing or priority schools, one for Federal accountability purposes and one for State accountability purposes.