



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 2 1 2015

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

Dear Commissioner Stewart:

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

Our team, including my staff and other senior leaders at the U.S. Department of Education (ED), reviewed Florida's request dated July 22, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am pleased to renew approval of Florida's ESEA flexibility request through the end of the 2015–2016 school year, subject to the below condition.

My decision to renew approval of 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 renewal is in the public interest. With this renewal, Florida 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. Florida's approved request will be posted on ED's website.

The decision to renew approval of Florida's ESEA flexibility request for one year is based on the fact that Florida's waiver of 34 C.F.R. § 200.20(f)(1)(ii) for the 2014-2015 school year has expired; at this time, Florida has not submitted an approvable amendment to extend this waiver beyond the 2014–2015 school year; and, according to the State, Florida is not able to comply with current law requiring inclusion of recently arrived English learners (ELs) in its accountability system no later than their second year enrolled in schools in the United States. To receive approval to implement ESEA flexibility beyond the 2015-2016 school year, Florida must submit an amendment, by December 31, 2015, that either: (1) includes a request to waive 34 C.F.R. § 200.20(f)(1)(ii) by including all recently arrived ELs in the learning gains component of the State's A-F school grading system in English language arts (ELA) and mathematics in their second year enrolled in schools in the United States, or (2) describes how the State will comply with current law with respect to including recently arrived ELs in calculating school grades based on student performance on ELA and mathematics assessments administered in the 2015–2016 school year. If Florida resolves this condition and makes no additional changes to its ESEA flexibility request, and is otherwise continuing to fulfill the commitments in its ESEA flexibility request, I will consider Florida's request for renewal of ESEA flexibility for additional years.

This letter provides my approval of Florida's other amendments to its ESEA flexibility request. A summary of Florida's pending amendment and significant approved amendments is enclosed with this letter.

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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.

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

- Provide to ED, by December 31, 2015, a summary of its progress in carrying out its plan to administer in school year 2015–2016 high-quality alternate assessments based on alternate academic achievement standards aligned to Florida's academic content standards for students with the most significant cognitive disabilities.
- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that all schools identified as Priority schools are implementing interventions aligned to the turnaround principles for at least three years.
- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that all local education agencies (LEAs) in which teachers of non-tested grades and subjects select achievement measures as part of their evaluation rating implement systems that: (1) consider prior student performance by classroom in setting targets; and (2) include safeguards to ensure that teachers are not disadvantaged based on students' prior academic performance.

Florida continues to have an affirmative responsibility to ensure that it and its 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 Florida 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 Faatimah Muhammad of my staff at: OSS.Florida@ed.gov.

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

Sincerely,

/s/

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

Enclosure

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

Pending Amendment to Florida’s ESEA Flexibility Request

Florida’s request indicates it intends to submit an amendment that updates the State’s plan for inclusion of recently arrived English learners (ELs) in its accountability system. At a minimum, any amendment must ensure that all recently arrived ELs are included in the English language arts (ELA) and mathematics portion of the State’s school accountability system in their second year enrolled in schools in the United States. The amendment must also (1) include the performance of recently arrived ELs on the State’s ELA and mathematics assessments in reporting student achievement under ESEA sections 1111(h)(1)(C)(i) and (h)(2)(B), respectively, beginning in their first year enrolled in schools in the United States; and (2) include performance on the ELA and mathematics assessments of all recently arrived ELs in the calculation of annual measurable objectives after the students have been enrolled in schools in the United States for more than two years.

Approved Amendments to Florida’s ESEA Flexibility Request

The following is a summary of significant 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.

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

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

Revision: Florida modified its system of differentiated recognition, accountability, and support to include a business rule specifying that any school earning a grade of “A,” “B,” or “C,” and having a graduation rate below 60 percent or that is in the lowest ten percent of Title I schools in the State based on both student achievement and student growth for all student subgroups must be identified as a Focus school.

- **Supporting Effective Instruction and Leadership (Principle 3)**

Revision: Florida amended the elements of its teacher and principal evaluation and support systems. Florida will require that summative evaluations consist of measures of which at least one-third are based on instructional practice or instructional leadership, at least one-third are based on student performance, and the remaining score is based on other indicators of teacher or principal performance.