



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

DEC 22 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 in response to Florida's request for reconsideration by the U.S. Department of Education (ED) of a proposed amendment to the State's currently approved request for flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA). The amendment would exempt from the performance component of the State's accountability system "recently arrived" English Learners (ELs) who have attended schools in the United States for less than two years. After careful reconsideration of this matter, I am pleased to approve the proposed amendment, subject to the conditions outlined below.

In reaching this decision, ED considered two aspects of the proposed amendment to be most significant. First, Florida would include recently arrived ELs in the growth component of the State's accountability system – its A-F grading system – in the students' second year in schools in the United States, thereby holding schools accountable for the growth of recently arrived ELs in reading/language arts and mathematics in the second year. Second, the State also would continue to report on the performance of all ELs, including recently arrived ELs, and would continue to include recently arrived ELs in the calculation of Annual Measurable Objectives.

Pursuant to my authority in section 9401 of the ESEA, I am granting Florida a waiver of 34 C.F.R. § 200.20(f)(1)(ii) for the 2014–2015 school year, subject to the following conditions:

- (1) Florida must continue to include in the growth component of the State's A-F grading system recently arrived ELs in their second year enrolled in schools in the United States, using the first year's assessment as a baseline for the growth calculations.
- (2) Florida must include in the performance component of its A-F grading system all ELs, including recently arrived ELs, who have been in schools in the United States for two or more years.
- (3) Florida must submit to ED, as part of its request for renewal of ESEA flexibility, a plan to analyze data from its A-F grading system and assessment results for ELs to ensure that they continue to show growth in gaining content knowledge in reading/language arts and mathematics. As part of this plan, Florida must explain how the State will report performance data on recently arrived ELs separately and in addition to reporting requirements for the subgroup of all ELs.

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

Florida's amended ESEA flexibility request will be posted on ED's website. If Florida would like to request this waiver beyond the 2014-2015 school year, it may do so through the ESEA flexibility renewal process. If you have any questions, please contact Victoria Hammer at victoria.hammer@ed.gov.

Thank you for your work to improve the education of all students, including English Learners.

Sincerely,

A black rectangular redaction box covers the signature of Deborah S. Delisle. A small handwritten mark is visible above the box.

Deborah S. Delisle
Assistant Secretary