



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JUL 27 2012

Honorable Gerard Robinson  
Commissioner  
Florida Department of Education  
Turlington Building, Suite 1514  
325 West Gaines Street  
Tallahassee, FL 32399

Dear Commissioner Robinson:

I am writing in response to the Florida Department of Education's (FDOE's) request to amend its approved ESEA flexibility request. Following discussions between the U.S. Department of Education (Department) and your staff, FDOE made changes to its ESEA flexibility request, which are included in the amended request that FDOE submitted to the Department on July 21, 2012. I am approving FDOE's amended request, which we will post on the Department's website. A summary of FDOE's requested amendment is enclosed with this letter. As you know, any further requests to amend FDOE's ESEA flexibility plan must be submitted to the Department for review and approval.

FDOE 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, disability, and age in their implementation of ESEA flexibility as well as their implementation of all other Federal education programs. 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 FDOE will continue to implement the reforms it proposed under 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 of my staff at [Victoria.Hammer@ed.gov](mailto:Victoria.Hammer@ed.gov).

Sincerely,

Deborah S. Delisle  
Assistant Secretary for  
Elementary and Secondary Education

Enclosure

cc: Governor Rick Scott  
Pam Stewart, Chancellor, Division of Public Schools

400 MARYLAND AVE., SW, WASHINGTON, DC 20202

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

## **Amendment to the Florida Department of Education's Approved ESEA Flexibility Request**

The following is a summary of the Florida Department of Education's (FDOE's) amendment request. Please refer to the Department's website (<http://www.ed.gov/esea/flexibility/requests>) for FDOE's complete ESEA flexibility request.

### **Acceptable amendment**

The following amendment is aligned with the principles of ESEA flexibility.

#### ▪ **Provide Incentives and Support for Other Title I Schools (Element 2.F)**

Revision: For the 2012–2013 school year, FDOE will require local educational agencies (LEAs) to use an amount equal to 15 percent of their Title I, Part A funds allocated to Title I schools to provide supplemental educational services (SES) to students in Title I schools who are not proficient on the Statewide assessments used to fulfill the assessment requirements of the Elementary and Secondary Education Act of 1965 (ESEA) (*i.e.*, the Florida Comprehensive Assessment Tests or FCAT 2.0 in grades 3-8 or, in high school, the Algebra I or English II end-of-course assessments).

The Department is approving this amendment request because FDOE provided (1) information on why requiring that LEAs provide SES is responsive to the needs of students who will receive these services; (2) a description of how FDOE's process for approving SES providers takes into account the performance of the providers, including both their quality and prices, and how the process ensures that parents have access to high-quality options, including for English Learners and students with disabilities, as well as a fair opportunity for such providers to compete on price; and (3) a description of how FDOE will provide access to transparent information on the quality of approved SES providers to LEAs, parents, and community members.