



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 regarding the status of Florida's approval for ESEA flexibility. As you know, Secretary Duncan approved Florida for ESEA flexibility subject to two conditions: (1) that Florida modify its inclusion policies to ensure that all students, including all English Learners and all students with disabilities, are fully included in the State's system of differentiated recognition, accountability, and support in accordance with ESEA requirements for such inclusion; and (2) that Florida submit an approvable plan to the U.S. Department of Education (Department) no later than July 15, 2012, as required by step 5 of the corrective action required to resolve the finding in the Department's February 8, 2012 School Improvement Grant (SIG) Monitoring Report related to the Florida Department of Education's (FDOE's) awarding of its fiscal year 2010 SIG funds. Secretary Duncan indicated that, if Florida did not meet these conditions, its approval to implement ESEA flexibility would expire on July 27, 2012.

The State has sufficiently addressed the second of these two conditions by providing an approvable plan to resolve this outstanding SIG monitoring finding. The Department's Office of School Turnaround will continue to work with Florida to ensure that this monitoring finding is fully resolved through the implementation of the State's plan. With respect to the first condition, Florida has changed its policies regarding including all English Learners and students with disabilities in calculating the achievement portions of its school grades. I believe this change in policy will contribute to evaluating more accurately evaluating school progress through the State's grading system and appreciate the steps that Florida took to change these policies.

However, I note that the State simultaneously implemented a new graduation rate (the "modified five-year rate") for use in calculating school grades for high schools that is inconsistent with the first condition. In particular, this new graduation rate treats students with disabilities differently than it treats all other students by counting students with disabilities who receive special diplomas as graduates, while requiring all other students to earn a regular diploma.

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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 order to afford Florida time to revise its policy so that it includes as graduates in its school grading system only students who graduate with a regular high school diploma, I am extending approval of Florida's ESEA flexibility request through December 31 2012. By December 17, 2012, Florida must submit to the Department an amended request for ESEA flexibility that includes evidence that it has modified its rule for calculating high school grades to include as graduates only students, including students with disabilities, who earn a regular high school diploma. If Florida meets this condition, Florida may request an extension of ESEA flexibility through the end of the 2013–2014 school year. At that time, Florida, like other States, may request an additional extension through the 2014–2015 school year. If Florida fails to meet this condition, the waivers being granted to Florida through ESEA flexibility will expire on December 31, 2012, and Florida and its districts will be required to immediately resume complying with ESEA requirements.

Please contact Victoria Hammer at Victoria.Hammer@ed.gov of my staff if you have questions as you move forward to resolve this condition.

Sincerely,



Deborah S. Delisle
Assistant Secretary for
Elementary and Secondary Education

cc: Governor Rick Scott
Pam Stewart, Chancellor, Division of Public Schools
Jane Fletcher, Director, Division of Accountability, Research, and Measurement