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Commissioner of Education



April 27, 2012

MEMORANDUM

TO: District School Superintendents

FROM: Gerard Robinson 

SUBJECT: Additional Elementary and Secondary Education Act (ESEA) Flexibility Waiver Requests

The U.S. Department of Education has made two new waiver requests available to states that received waivers in the first round of the ESEA flexibility requests. The first waiver permits states to discontinue AYP determinations and the second permits the LEA to serve Title I eligible high schools that have a graduation rate below 60 percent and are priority schools even if a school has a lower poverty rate than other Title I schools. I expect that Florida will want to seek both waivers. I am asking for your comments and feedback prior to submitting Florida's waiver requests. In order to consider your comments in Florida's decision about whether to apply for these waivers I will need to receive your input by May 8, 2012.

The following bullets provide more specific information on these two waiver opportunities.

- An optional waiver of the requirements in ESEA sections 1116(a)(1)(A)-(B) and 1116(c)(1)(A) that require LEAs and state education agencies (SEAs) to make determinations of AYP for schools and LEAs, respectively. The waiver would permit SEAs and LEAs not to have to make AYP determinations. An SEA may wish to request this waiver if continuing to determine whether an LEA and its schools make AYP is inconsistent with the SEA's differentiated recognition, accountability, and support system included in its ESEA flexibility request.

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- An optional waiver of ESEA sections 1113(a)(3)-(4) and 1113(c)(1), which require an LEA to select its Title I schools, and allocate Title I, Part A funds to those schools, in rank order of poverty. The waiver would permit an LEA to serve a Title I-eligible high school with a graduation rate below 60 percent that the SEA has identified as a priority school even if that school has a lower poverty rate than other Title I-participating schools in the LEA.

I believe that the waiver from the requirement to determine AYP is essential to moving to one accountability system for state and federal purposes. This was a major focus of Florida's original ESEA flexibility request and is critically important to our efforts to make school accountability more understandable and directly linked to our systems of supports and interventions for struggling schools. The optional waiver to parts of Title I will provide LEAs more flexibility to provide Title I funds to Title I eligible high schools that have a lower poverty rate but may need support to improve their outcomes. This may help LEAs to better align Title I funding with the needs of their schools.

Please provide your written comments and feedback to ARM@fldoe.org by May 8, 2012, so that it can be used in Florida's decision regarding these two waiver opportunities. In addition, the Department has posted information about these waivers on its web site at www.fldoe.org/esea/.

GR/jf