

# FLORIDA DEPARTMENT OF EDUCATION



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May 6, 2011

Thelma Meléndez de Santa Anna, Ph.D.  
United States Department of Education  
Office of Elementary and Secondary Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

## **RE: Request to Waive Prohibition on Approving an Identified School or LEA as an SES Provider**

Dear Dr. Meléndez:

I am writing on behalf of the Florida Department of Education (FDOE) to request a one-year waiver of the Title I, Part A regulatory provision that prohibits a state from approving as providers of supplemental educational services (SES) schools identified for improvement, corrective action, or restructuring and local educational agencies (LEAs) identified for improvement or corrective action (34 C.F.R. Section 200.47(b)(1)(iv)(A), (B)).

Under the law, the FDOE may approve as an SES provider only an entity that has a demonstrated record of effectiveness in increasing student academic achievement. The FDOE believes that identified schools and LEAs may be able to establish that they have an effective program that can help improve academic achievement of students and should not be prevented automatically from gaining approval simply because of their improvement status.

The state of Florida has set the following annual measurable objectives (AMOs) in reading and mathematics, subjects that are among those covered by SES providers in Florida for the 2011–2012 school year:

<b>Annual Measurable Objectives</b>		
<b>School Year</b>	<b>Reading</b>	<b>Mathematics</b>
<b>2011-2012</b>	<b>86%</b>	<b>86%</b>

DR. FRANCES HAITHCOCK  
CHANCELLOR OF PUBLIC SCHOOLS

Thelma Meléndez de Santa Anna, Ph.D.

May 6, 2011

Page Two

The FDOE will determine adequate yearly progress (AYP) based on assessments administered in the 2011–2012 school year in accordance with the requirements of section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (ESEA) and in accordance with the growth model approved by the Department. The FDOE believes that, ultimately, allowing some identified schools or LEAs to serve as SES providers may help more students within Florida to reach the state's proficiency objectives.

If Florida is granted the requested waiver, the FDOE will ensure that only those LEAs and schools that meet the state's requirements for SES providers are approved to be on the state's list of approved SES providers for the 2011–2012 school year.

Prior to submitting this waiver request, the FDOE provided all LEAs in the state with notice and a reasonable opportunity to comment on this request. The FDOE provided such via electronic mail to all LEAs in the state and by posting the notice on the Department's website at: <http://www.fldoe.org/bsa/>. The FDOE provided notice and information regarding this waiver request to the public in the manner in which the state of Florida customarily provides such notice and information to the public. The FDOE customarily provides such notice via the FDOE web site and via electronic mail.

The FDOE hereby assures that, if it is granted the requested waiver, it will submit to the U.S. Department of Education, by September 30, 2011, a report that provides the total number of LEAs identified for improvement or corrective action that were approved to be an SES provider for the 2010–2011 school year and the total number of schools identified for improvement, corrective action, or restructuring that were approved to be an SES provider for the 2010–2011 school year.

Please feel free to contact Mrs. LaTrell H. Edwards by phone at (850) 245-0828, or via e-mail at [LaTrell.Edwards@fldoe.org](mailto:LaTrell.Edwards@fldoe.org), if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Frances Haithcock  
Chancellor, Division of Public Schools

c: Victoria Hammer, Ph.D.  
LaTrell H. Edwards  
Melvin Herring, III