

# FLORIDA DEPARTMENT OF EDUCATION



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Dr. Eric J. Smith  
Commissioner of Education



January 29, 2010

Mr. Arne Duncan, Secretary of Education  
United States Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202

Dear. Secretary Duncan:

This is a waiver request to exempt certain Haitian students (earthquake refugees) from the reading and math participation rate components of the Adequate Yearly Progress (AYP) calculation for Florida schools for the 2009-10 reporting year. The following information should provide justification for this request.

To assist with continuing relief efforts in the wake of Haiti's recent catastrophic earthquake, the State of Florida is mobilizing resources to provide assistance for displaced students from Haiti. The Florida Department of Education has been meeting with Florida's Emergency Operations team that includes the state's Department of Children and Families and Department of Health, and is prepared to work with this team to address issues that may arise regarding enrolling and educating these students. Florida's proximity to the earthquake region makes our state the closest point of entry into the United States for these displaced persons. Providing shelter and safety for them is a top priority. Some may require medical care.

In concert with these operations, Florida's school districts will lend a hand by providing a smooth school enrollment process for children in displaced families who are relocating to counties in our state. This process has already begun in a number of Florida school districts as displaced persons, including orphans, arrive. Enrollments of Haitian students (specifically, those enrolling after January 12, 2010) are being tracked through Florida's automated student data reporting system and show increasing counts daily in key areas of south and central Florida.

Regarding statewide assessment, section 1008.22 (3)(c)6. of the Florida Statutes requires that all students attending public school in Florida participate in the statewide assessment program but

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also gives authority to Florida's Commissioner of Education for exceptions. Commissioner Eric Smith is exercising this authority for all children who immigrated or have been evacuated from Haiti to Florida after the date of the recent earthquake (January 12, 2010). The Commissioner understands that these children have experienced profound trauma, may arrive with no documentation or educational records, and have received no instruction in our schools. For the spring of 2010, these students will be exempt from participation in the Florida Comprehensive Assessment Test of Writing, Reading, Mathematics, and Science; the Florida Alternate Assessment (for students with significant cognitive disabilities); and any field-test administrations of end-of-course or other assessments during this term.

Florida school districts must provide placement assessments for these immigrants/evacuees to determine what English language skills the children may have and administer the Comprehensive English Language Learning Assessment (CELLA) as appropriate.

There is no impact of excluding these students from statewide assessment in proficiency calculations for state-administered school grades or federally required AYP determinations because these students are not full-year-enrolled students (and thereby would not be eligible for inclusion). However, students enrolling by the February reporting period (Florida's "Survey 3" data collection period) may impact AYP participation rate calculations for reading and mathematics, as statewide tests are administered later in the spring term and Florida bases its AYP participation rate on students who are reported as enrolled in the Survey 3 period.

Because of the extraordinary circumstances described above, I am requesting that Florida be granted a waiver to exempt students who are incoming Haitian refugees (those who enrolled after January 12, 2010, and who have been granted an emergency waiver from assessment on statewide examinations) from inclusion in Florida's 2009-10 AYP participation rate calculations in reading and math.

If/when you or your staff should require additional information on the situation as it evolves in Florida, we will be happy to assist.

Thank you for your consideration.

Sincerely,



Eric J. Smith

cc: Zollie Stevenson, Director, Student Achievement and Accountability Programs  
Frances Haithcock, Chancellor, Division of Public Schools  
Jeff Sellers, Acting Deputy Commissioner, Accountability, Research and Measurement  
Juan Copa, Chief, Bureau of Research and Evaluation

EJS/jc