

ESSA Waiver Request Document

We are writing to request waivers pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. We will address each waiver request in turn, but in general each request will advance student academic achievement, and maintain accountability and transparency, while streamlining Florida's already robust and still improving education system.

Introduction

Florida's requests for waivers should be viewed favorably because of its proven track record of innovation, accountability, and continuous improvement. Florida has positioned itself as a national leader in 21st century education so that each student will be college or career ready, equipped for a lifetime of learning, and prepared for the jobs of the future. Each waiver is related to Florida's bedrock educational policies and principles, which:

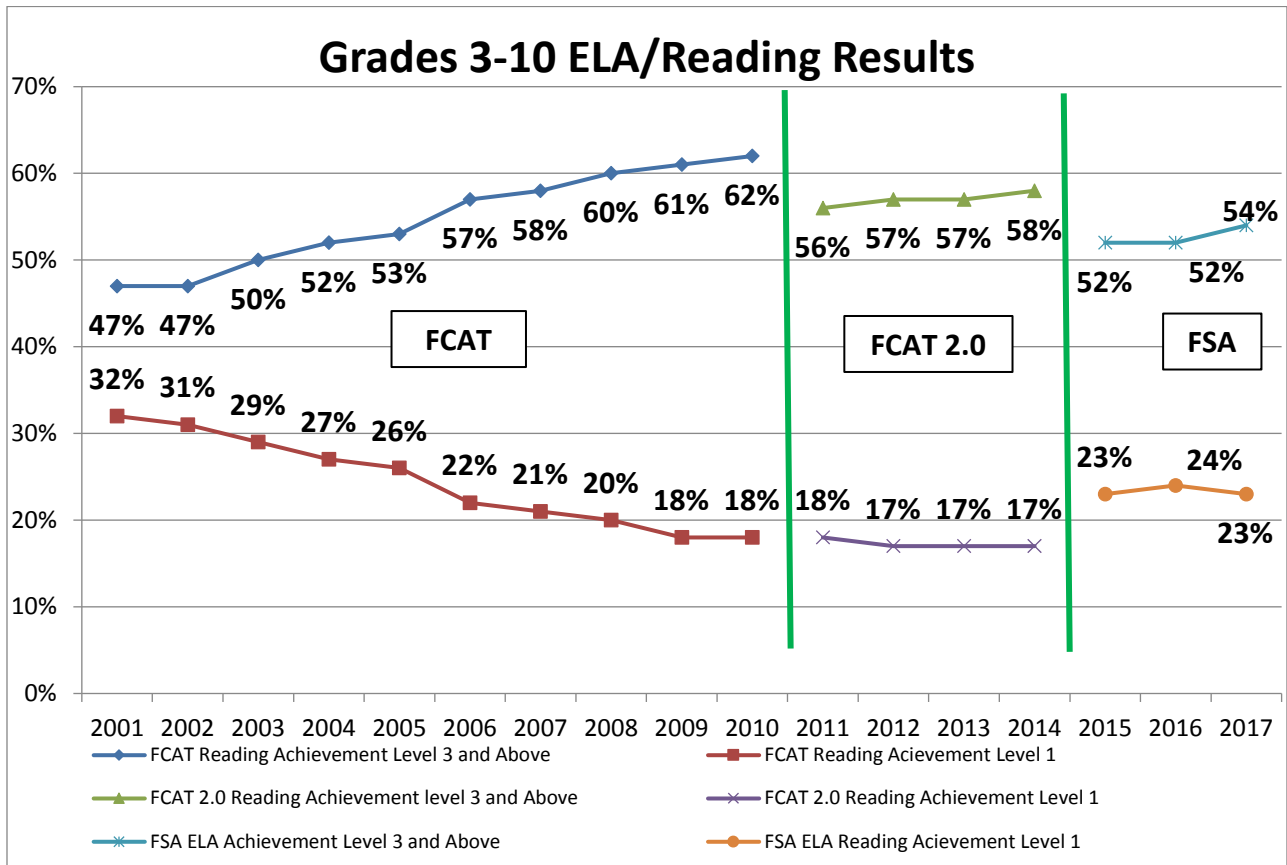
- Establish ambitious, rigorous academic standards for all students;
- Measure student mastery of those standards and publicly reported results;
- Provide parents a simple, easily understood grade for each school based on student performance to inform their educational decisions; and
- Identify, support, and if necessary close or replace underperforming schools based on school grades.

As a result of the commitment to excellence by everyone involved in the educational process from the Governor through school administrators and teachers, Florida has rapidly improved its national rankings. By most measures, student performance is typically within the top 10 states and by some metrics often ranks first or second. Many Floridians are perhaps most proud of the greatly improved success of some of the state's most disadvantaged students. For example, assessments show that Florida's low-income fourth-grade students are the highest-performing low-income students in the nation. Similarly, in 2013 Florida was the only state to reduce the gap between white and African-American students in both fourth and eighth grade in Reading and Mathematics. Further, students with disabilities have increased their performance on grade 4 NAEP Reading by 16 percentage points since 2002.

The chart on page two illustrates Florida's increased performance over time. The vertical green lines represent the times when Florida raised its standards. This is followed by a drop in performance and then a gradual increase over time.

The needs of the Florida's highest performing students have not been neglected. For instance, Florida recently ranked first in the nation for participation on Advanced Placement (AP) examinations and fourth in the nation in performance on AP examinations. In sum, Florida's education system has continued to improve by nearly every metric at every level for all students. The waivers Florida seeks will not only consolidate previous gains but allow Florida to continue to innovate, continue to identify evidence-based instructional strategies for its students, and to implement those strategies with appropriate regulation at the federal level.

Florida's waivers are designed to keep in place Florida's effective accountability system that is currently achieving the purpose of the act, to improve student achievement for all students and in each subgroup and narrow achievement gaps. Florida's policies go about this a different way, but in a way that has proven effective over time and resulted in increased student success for all subgroups and narrowed achievement gaps. Florida has learned over time that a simple straightforward accountability system works best to achieve results for Florida's students. Because of this, Florida is requesting waivers of certain provisions within ESSA that will preserve Florida's demonstrably effective accountability system and continue to incentivize increased performance for all of Florida's students.



Florida’s request for waivers is consistent with the underlying purpose of the ESEA and its amendments to:

- Hold all students to high academic standards;
- Prepare all students for success in college and career;
- Guarantee that steps are taken to help students and their schools improve; and
- Hold schools accountable for student outcomes.

Florida is requesting five groups of waivers:

1. Report subgroup performance on the components of the school accountability system but base the calculation and grade on all students.
2. Calculate the 95% tested threshold at the all students level, evaluate individual schools performance data if testing below 95% to determine if the school should receive a grade, and calculate achievement results based on the students tested.
3. Use the English language arts assessment to measure English Language Learners’ (ELL) progress and do not add an English language proficiency on the English language acquisition test (ACCESS for ELLs 2.0) measure to the school accountability calculation.
4. Expand the 8th grade math exception from double testing to grades lower than 8th grade and to include high school Science.
5. Waive the requirements surrounding providing native language assessments.

1. Report subgroup performance on the components of the school accountability system but base the calculation and grade on all students

Federal statutory requirements to be waived

Florida is seeking a waiver from ESEA section 1111(c)(4)(B) and (C) to calculate the components of the accountability system based on all students and to report on the performance of each subgroup separately for each component (See Appendix C in the state Plan).

How waiving requirements will advance student academic achievement

Florida’s current accountability system is designed to hold schools accountable for student outcomes, incentivize increased performance for all students, and prepare all students for success in college and career especially the lowest-performing 25% of students. Florida’s school accountability system serves as a strong tool to increase student achievement and has resulted in increased performance for historically underperforming subgroups including the narrowing of achievement gaps. Florida’s system focuses attention on the students who need the most support regardless of the subgroup to which they belong. Florida’s lowest-performing 25% of students contains an over-representation of the subgroups that are historically low-performing (See table below).

2016-17 Subgroup Representation in Overall Student Population vs. Lowest-Performing 25%

Subgroup	Mathematics		Reading	
	Percent of Lowest-Performing 25%	Percent of the Rest of the Students	Percent of Lowest-Performing 25%	Percent of the Rest of the Students
All Students	100%	100%	100%	100%
Asian	1%	3%	2%	3%
African-American	27%	19%	27%	19%
Hispanic	36%	32%	36%	32%
American Indian	≤ 1%	≤ 1%	≤ 1%	≤ 1%
White	32%	42%	32%	42%
Students with Disabilities	25%	7%	28%	6%
English Language Learners	19%	9%	22%	7%
Economically Disadvantaged	70%	56%	71%	56%

Using the lowest-performing 25% solves one of the main difficulties of using the performance of individual subgroups in accountability systems. When looking at individual subgroups many schools do not have enough students in each subgroup for each subgroup’s performance to count in the accountability system. This may lead schools to focus on those subgroups that do make a difference to their accountability rating instead of all students that are performing at low levels. By bringing the subgroups together into the lowest-performing 25%, Florida schools and LEAs focus on the students most in need of assistance.

**Number of Schools with Subgroups that do not meet
Cell Size Requirements for the ELA Assessment**

	Number of Schools with a Subgroup									
	White	Hispanic	Black	Two or more Races	Asian	American Indian	Pacific Islander	ELL	SWD	Econ Dis.
ELA by School	546	411	499	1,303	1,588	1,686	1,386	916	368	175

The focus on the lowest-performing 25% is, at its foundation, a way of addressing the concern that students from certain subgroups are more likely than others to be lower performers, and that instructional efforts should always be appropriately directed toward students in most need of assistance and improvement. Florida’s focus on the lowest-performing 25% supports this aim by providing a real incentive in the school grading formula for aligning instructional resources to focus on low performers, and in so doing rewards schools and LEAs that are successful in reducing achievement gaps.

Florida has learned that a simple straightforward accountability system that is understood clearly by educators and the public provides the most incentive to improve student achievement. Educators need to believe that if they help their students achieve at higher rates it will be reflected in their school grade. If the school grade is too complex, that direct relationship between student achievement and the school’s grade is not clear educators may not believe that they can affect their school’s grade with their work. When this happens the power of the accountability system is compromised. Adding subgroups into each and every component of the school grading system would make it very complex and would likely compromise its effect on student achievement. Florida’s superintendents and education stakeholders have clearly indicated that Florida’s school grading system needs to remain stable in the near term.

Florida went through a period where the school grading system became more complex to address the concerns of specific groups. Each of the changes on their own seemed reasonable, but when put together resulted in a grading system that was too complicated. Educators no longer saw a direct connection between their actions and the grade their school received. As a result, student performance on statewide assessments stagnated. To address this, the Governor called for a streamlined, simplified, school grading system. The Legislature passed the streamlined school grading system into law and the 2015-2016 grades were the first ones released based on the new system. In the 2017 assessment results we are now reaping the benefits of that new simplified grading system with increased student achievement across all grade levels in both English language arts and mathematics. The school grading system is again providing an incentive to increase student performance.

Not only would adding subgroups into the calculation for each component make the calculation extremely complex, it would count some students many times while counting others twice (in all students and their race/ethnicity). This skews the performance for which schools are held accountable. Students who belong to more subgroups would be weighted more heavily in the accountability calculation resulting in more focus from the educators. However, students belonging to more subgroups do not necessarily have lower performance and students who belong to few subgroups may have lower performance and need support. This type of system could result in the incentives being moved away from some of the lowest-performing students to students who belong to the most subgroups regardless of their performance levels. This would work against closing the achievement gaps and against increasing overall student performance.

The methods the State educational agency will use to monitor and regularly evaluate the effectiveness of the implementation of the plan

Florida will continue to report information for each subgroup and for all students through its state, district and school report cards and also for each of the components of the school grade as shown in Appendix C of the state plan. This reporting as well as the ongoing incentives in the school grading system will serve as a system for monitoring and evaluating how this policy affects students. The department through its gap analysis will continue to evaluate the existing achievement gaps and progress towards narrowing those achievement gaps. Florida's EDStats tool provides a robust data reporting portal that it will use to provide information to parents and the public about the performance of subgroups in the school grading system and for many other performance metrics (<https://edstats.fldoe.org>).

Department staff will use these reporting tools to identify districts that need more support through its Multi-tiered System of Support and provide support based on the needs identified through data. The goal is to provide schools and districts with a Multi-tiered System of Support based on analysis of student, school and district data. FDOE staff examine student achievement data, graduation rates, promotion rates and discipline rates to develop plans for delivering tier 1, tier 2, and tier 3 supports. Assistance is provided in the content areas of science, technology, mathematics, social studies, English language arts and reading, fine arts, gifted education, health, and physical education. Assistance is also provided in topics of exceptional education, English language learners, and family and community outreach. Tier 1 support is accessible to all stakeholders and is general in nature. Tier 2 assistance is provided to a limited number of targeted schools or districts for specific areas and may be provided virtually or face-to-face. Tier 3 assistance is more intense in nature for a small, select population and is generally provided face-to-face.

Tier 1 supports are available to all stakeholders across the state, generally via online access available 24/7. Resources that enhance student achievement in the above listed content areas include support for students, teachers, administrators, parents, and the general public. Students and parents may access Student Tutorial online assistance. CPALMS is the state's repository for standards, course information, lesson plans, curriculum maps, formative assessments, and much more. At the end of the current 2016-2017 year, the daily range of CPALMS users was 55,000-70,000. The addition of the Student Tutorial traffic would add between 5,000-10,000 per day. In other words, up to 80,000 visitors/day are accessing the CPALMS websites. During this year alone, CPALMS had more than 40 million individual resource downloads/prints.

Tier 2 supports are offered to groups of districts, schools or grade-level content areas with common identified areas for improvement. FDOE specialists work collaboratively across bureaus on specified content, each bringing their focus and expertise to the table. An example of tier 2 support includes working with a small group of districts to improve ELL student performance in middle grades science. This was accomplished with support from the science content specialist from one bureau working with the bureau that has expertise with supporting ELL students. The collaborative effort brings together silos of specialties into one orchestrated focus. The result is a laser like focus on specific subgroups in specific content areas to increase student achievement and decrease the achievement gap. Tier 2 supports are tailored to specific data-based needs. The resources are generally provided remotely and are available to all. However, a special effort is made by FDOE personnel to coordinate the resources with the Tier 2 participants.

Tier 3 is intensive intervention and includes individualized supports to districts or schools. Tier 3 is generally provided in a face-to face setting with planned follow-up support. There is an effort by FDOE personnel to incorporate school and district leadership in the process to increase the likelihood of implementation and sustainability. The multi-bureau cooperative approach targeting specific subgroups is utilized to provide assistance. FDOE's Multi-tiered System of Support will be used as a primary strategy to close identified student achievement gaps.

- 2. Calculate the 95% tested threshold at the all students level, evaluate the individual schools' performance data if testing below 95% to determine if the school should receive a grade, and calculate achievement results based on the students tested.**

Federal statutory requirements to be waived

Florida is seeking a waiver from ESEA section 1111(c)(4)(E) regarding the 95% tested requirement, that 95% tested be calculated at the subgroup level and that the achievement calculation be modified if a school does not test 95% of students.

How waiving requirements will advance student academic achievement

Florida has found that its current process for schools that have not tested 95% of all students works well and ensures that schools are accountable for the performance of their students. It provides an incentive to test at least 95% of students and ensures that grades are representative of student performance. This incentivizes improved student achievement. Florida calculates the percent of all students tested as part of its annual school accountability calculations. Section 1008.22, F.S., requires schools to assess all students on the statewide assessments and s. 1008.34, F.S., requires schools to assess at least 95% of eligible students to receive a school grade. If a school does not assess 95% of all students the school receives an "I" (Incomplete) when preliminary grades are released. Superintendents then have the opportunity to provide information to demonstrate whether student performance data for that school is or is not representative of the school. The superintendent is also asked to provide information on how the school will change its practices so that it is able to test at least 95% of students in the future.

At the same time, the Commissioner conducts an analysis of the student performance data to determine whether the student performance data is representative of the school's progress. The Commissioner's analysis reviews whether the schools' grades would change if students up to the 95% threshold were counted in the denominator and not in the numerator (essentially as though they did not pass the assessment) and also if students up to the 95% threshold are added into both the denominator and numerator (essentially counted as if they all passed the assessment). If neither analysis shows a grade change then the school's grade is considered representative of the schools' progress. The Commissioner considers information provided by the Superintendent and the Commissioner's analysis to determine whether the performance data is representative of the school's progress. If the data is representative, the Commissioner releases the school's grade.

This process allows the commissioner to designate a grade for schools that test less than 95% of students but also ensure that the grade is representative of the performance of the students at the school and ensure that processes are in place to increase the percent tested in future years. If the department assigned the school a grade based on the requirements of ESSA and counted non-tested students as though they had failed the assessment, the school grade could misrepresent the performance of the students at the school. This could have significant consequences for schools. Florida schools that receive "D" and "F" school grades face consequences up to and including closure for charter schools that receive two consecutive "F" grades. Giving a school a grade that is not representative of the school's progress could result in the school undergoing consequences that are not consistent with its students' performance. This would not serve the students, the school, or Florida's accountability system well.

The methods the State educational agency will use to monitor and regularly evaluate the effectiveness of the implementation of the plan

The current process implemented in Florida serves as a monitoring and evaluation tool to increase the proportion of students being assessed on statewide assessments and included in school accountability mechanisms which are designed to increase student achievement. Florida monitors the percent tested at each school for all students and will evaluate annually whether the percent tested varies significantly by subgroup. For schools that test less than 95% of students, superintendents provide information on the processes that will be put in place to increase the percent of students tested in the future. Florida reports information on the percent of students tested on its school grades website at <http://schoolgrades.fldoe.org/>

as well as on its public school accountability reports at <http://doeweb-prd.doe.state.fl.us/eds/nclbspar/index.cfm>.

3. Use the English language arts assessment to measure English language learners' progress and do not add an English language proficiency on the English language acquisition test (ACCESS for ELLs 2.0) measure to the school accountability calculation.

Federal statutory requirements to be waived

Florida is seeking a waiver from ESEA section 1111(c)(4)(B) and section 1111(c)(4)(A)(ii) to use English language learners' performance on the English language arts assessment instead of the English language proficiency assessment as part of Florida's long term goals and not to include an English language proficiency indicator in the school grades calculation.

How waiving requirements will advance student academic achievement

Florida is focused on narrowing the English language arts achievement gap between English language learners and all other students which will result in increased academic achievement for English language learners. Florida includes a measure addressing closure of the achievement gap between ELLs and non-ELL students in English language arts and mathematics in its strategic plan. English language learners' performance on the English language arts assessment is an ultimate measure of English learners' achievement of English proficiency. While ELL student performance on the proficiency assessment is important to know and report on, our accountability system is based on summative information in the core content areas. Without English proficiency students could not demonstrate proficiency in English language arts. Florida's English Language Proficiency standards and English language arts standards have the common learning areas of speaking, listening, reading, and writing. Focusing on the long term outcome for English learners will help ensure that their education is focused on achieving grade-level proficiency in English language arts, the outcome desired for all students. This metric is a focus of Florida's current work. The target is to reduce by one-third the gap between ELLs and non-ELLs in each subject area, English language arts and mathematics. Appendix A of the state plan shows the baseline for this metric and Florida's interim and long-term targets related to closing the achievement gap between English language learners and other students. English language learners are included in the school grades calculation as are all students. If English language learners are struggling in English language arts or mathematics they would be included in the lowest performing 25% of all students and would receive emphasis through the school grades calculation providing an incentive for schools to work with them closely to increase performance.

In Florida, English Language Learners (ELLs) are expected to master the state's challenging grade-level academic content standards as are all students. Florida focuses on its ELL students to provide the support needed to achieve proficiency. ELLs are monitored by LEAs and schools regularly to determine that they are on track to increase their English language acquisition as well as master the state's grade level content standards. FDOE provides technical assistance and support through monthly conference calls featuring best practices for ELLs, presentations throughout the state at stakeholder group meetings like Florida Association of State and Federal Education Program Administrators (FASFEP), Florida Foreign Language Association (FFLA), Florida Association of Bilingual and English for Speakers of Other Languages Supervisors (FABES), Sunshine State Teachers of English for Speakers of Other Languages (SSTESOL), and Sanibel Leadership Association (SLA).

To assist Florida districts to meet goal one of the strategic plan, highest student achievement, FDOE developed a district support implementation plan for school year 2016-2017 to guide the way of work in assisting Florida districts with the common goal of improving student success. The goal is to provide schools and districts with a Multi-tiered System of Support based on analysis of student, school, and district data. FDOE staff examined student achievement data, graduation rates, promotion rates and discipline rates to develop office strategic plans for delivering tier 1, tier 2, and tier 3 supports. The plan

includes the following services for each level of support. Tier 1 supports are available to all schools and districts across the state. Examples of tier 1 supports include newsletters, conference calls with district-level personnel, teacher toolkits and web-based resources such as CPALMS and the Student Tutorial. Tier 2 supports are offered to groups of districts, schools or grade-level content areas with common identified areas of improvement. An example of tier 2 support includes working with a small group of districts to improve ELL student performance. Tier 3 includes individualized supports to districts or schools. Examples of a tier 3 support are district- or school-level visits that include providing professional development or review of instructional practices for ELLs in science or graduation rate. All of these supports are prioritized based on the data analysis.

The methods the State educational agency will use to monitor and regularly evaluate the effectiveness of the implementation of the plan

Florida reports on English language learners' performance on each statewide assessment and will report their performance on each of the components of Florida's school grading system through its EDStats tool at <https://edstats.fldoe.org>. FDOE uses this information to monitor all LEA Title III projects annually using a risk factor analysis. Data on these risk factor areas for Local Educational Agencies (LEAs) is collected, analyzed and checked for accuracy. LEAs are sorted from greatest to least according to the risk factor areas. The Bureau of Student Achievement through Language Acquisition (SALA) analyzes data and determines LEAs needed for monitoring. All LEAs annually experience at least one of the following levels of monitoring: onsite, desktop, targeted desktop, or self. Reports are generated through an online monitoring system, which includes evidence of compliance and performance as well as notes from on-site visits and desktop reviews. In the event that an LEA is assigned a finding, the LEA must submit a System Improvement Plan (SIP), which indicates a timeline, additional goals for correction and improvement, personnel responsible and evidence to be used to determine the issue has been addressed and corrected. Once the SIP is approved by SALA, the LEA completes the tasks delineated and is monitored until the deficiencies are corrected.

4. Expansion of the 8th grade math exception from double testing to grades lower than 8th grade and to include Science

Federal statutory requirements to be waived

Florida requests a waiver of ESEA section 1111(b)(2)(B)(v)(I)(aa) so that students in grades lower than 8th grade who take a statewide high school end-of-course (EOC) assessment do not have to also take a grade level assessment in the same subject area. Florida also wishes to expand the subject areas covered to include science since Florida administers a statewide EOC assessment in the high school course of Biology 1.

How waiving requirements will advance student academic achievement

Florida provides incentives to encourage middle school students to accelerate by taking high school classes before entering high school. This is consistent with the provisions of ESEA in that it holds students to high academic standards, prepares all students for success in college and career, and helps students improve. This allows students to be exposed to higher-level academic content earlier and allows them to take more high level courses once they reach high school. In order to encourage these students Florida's law, s. 1008.22, F.S., prohibits the double testing of students on an EOC and a grade level assessment in the same subject area. Section 1008.22(3)(b) 2., F.S., requires that "Students enrolled in a course, as specified in the course code directory, with an associated statewide, standardized EOC assessment must take the EOC assessment for such course and may not take the corresponding subject or grade-level statewide, standardized assessment."

DRAFT FOR PUBLIC COMMENT

This provision advances student academic achievement by not penalizing accelerated students by requiring them to test on both the high school level EOC assessment and the grade-level comprehensive assessment. Assessing these students on the grade-level assessment is counter to fundamental principles of assessment, these students have not been instructed in the content of the grade level assessment, but rather have received instruction on the content assessed by the EOC. Therefore, it is more appropriate to assess these students in the content in which they were instructed (i.e., the course content assessed by the EOC). Accelerating students to high school level courses while in middle school, if they are ready for the course content, allows students to take more challenging content as they move through high school. For example, Florida has a large number of students who are ready to learn the content of Algebra 1 in not only eighth grade, but also in sixth and seventh grade as shown by their high passage rates on the Algebra 1 EOC. In 2017 94% of seventh graders who took the Algebra 1 EOC passed the assessment (See table below).

Middle Grades Students Taking High School EOCs

	2014-15		2015-16		2016-17	
	Number	Percent Passing	Number	Percent Passing	Number	Percent Passing
Algebra 1						
Grade 6	152	93%	152	95%	144	99%
Grade 7	18,310	92%	17,191	93%	18,357	94%
Grade 8	62,251	80%	54,756	86%	63,010	88%
Total	80,713		72,099		81,511	
Geometry						
Grade 6	*	*	*	*	*	*
Grade 7	185	96%	173	99%	129	98%
Grade 8	15,241	93%	17,468	94%	16,384	94%
Total	15,432		17,650		16,518	
Algebra 2						
Grade 6	*	*	*	*	*	*
Grade 7	17	100%	13	92%	50	98%
Grade 8	2,963	76%	428	86%	356	96%
Total	2,982		443		407	
Biology 1						
Grade 6	NA		NA		*	*
Grade 7	27	89%	183	92%	22	77%
Grade 8	6,424	90%	8,030	91%	8,778	91%
Total	6,451		8,213		8,801	

Florida provides many options for advanced middle school students to be challenged while in middle school. Florida offers Pre-IB and Pre-AICE programs at schools around the state as well as gifted programs for students who have superior intellectual development and are capable of high performance. In addition, Florida’s Academically Challenging Curriculum to Enhance Learning (ACCEL) options (s. 1002.3105, F.S.) provide academically challenging curriculum or accelerated instruction. At a minimum, each school must offer the following ACCEL options: whole-grade and midyear promotion; subject-matter acceleration; virtual instruction in higher grade level subjects; and the Credit Acceleration Program under s. 1003.4295, F.S. Additional ACCEL options may include, but are not limited to, enriched science, technology, engineering, and mathematics coursework; enrichment programs; flexible grouping; advanced academic courses; combined classes; self-paced instruction; rigorous industry certifications that are articulated to college credit and approved pursuant to ss. 1003.492 and 1008.44, F.S.; work-related internships or apprenticeships; curriculum compacting; advanced-content instruction; and telescoping curriculum.

Allowing students who are ready to accelerate to high school level courses while in middle school helps prepare them for higher level content once they reach high school. Florida has incentives built into its accountability system to help ensure that students who are performing at higher levels are provided opportunities for challenging coursework. These accelerated students are included in the middle school acceleration component of school grades and also are included in the achievement and learning gains components in the corresponding subject areas. Florida has the highest percentage of graduates in the nation who took an AP exam during high school (53.0%). In the last decade, AP participation among graduates has increased from 44,893 students in 2006 to 84,986 students in 2016, an increase of 89 percent.

If Florida did not receive this waiver and had to double test students on the grade-level assessment as well as the EOC assessment in the same subject area it would discourage students from participating in accelerated courses, which would limit students' preparation for college and career, reduce the academic standards they are held to, and limit their improvement in the subject area. These students would no longer be exposed to accelerated high school curriculum and would instead be taught 6th and 7th subject area curriculum even though they were capable of mastering high school curriculum. This would have negative consequences for students and limit their ability to take accelerated courses in high school and prepare for college and career.

The methods the State educational agency will use to monitor and regularly evaluate the effectiveness of the implementation of the plan

Florida's accountability system serves as a monitoring and evaluation function for this practice. Florida monitors middle school students who take high school level EOCs through the middle school acceleration component (measures success in high school EOCs) in school grades and also monitors the percentage of high school graduates that participate in acceleration mechanisms through the college and career acceleration component (measures success in AP, IB, AICE, dual enrollment and industry certifications). Florida monitors performance on the EOC assessments for all students, by subgroup, and by grade level. This allows the department, LEAs, and the public to see student achievement levels of many different groups of students. The department uses this information in its Multi-tiered System of Support to target its support to districts that need support. Information on student achievement is posted on Florida's website and is available to all parents and the public on its assessment website at <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/results/> and also through EDStats at <https://edstats.fldoe.org>. Florida also analyzes progress on each of the school grades components annually including middle school acceleration.

How the State educational agency will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, including the performance of subgroups of students

Florida reports on the achievement of all students and separately for each subgroup on the statewide assessments at the school, district and state levels. For the EOC assessment that reporting is also broken out by grade level so stakeholders can tell how all students achieved on the assessments, how subgroups performed, and how students across different grade levels performed. In addition Florida reports combined subject area assessment results. For example for middle school where some students take the statewide mathematics grade level assessment and the high school EOC assessments Florida also reports combined results so that this information is reported on State, district and school accountability reports. Information on student achievement is also posted on Florida's website and is available to all parents and the public on its assessment website at <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/results/> and also through EDStats at <https://edstats.fldoe.org>.

FDOE staff will use these reporting tools to identify districts that need more support through its Multi-tiered System of Support and provide support based on the needs identified through data. The goal is to provide schools and districts with a Multi-tiered System of Support based on analysis of student, school and district data. FDOE staff examine student achievement data, graduation rates, promotion rates and discipline rates to develop plans for delivering tier 1, tier 2, and tier 3 supports. Assistance is provided in the content areas of science, technology, mathematics, social studies, English language arts and reading,

fine arts, gifted education, health, and physical education. Assistance is also provided in topics of exceptional education, English language learners, and family and community outreach. Tier 1 support is accessible to all stakeholders and is general in nature. Tier 2 assistance is provided to a limited number of targeted schools or districts for specific areas and may be provided virtually or face-to-face. Tier 3 assistance is more intense in nature for a small, select population and is generally provided face-to-face.

5. Waive the requirements surrounding providing native language assessments

Federal statutory requirements to be waived

Florida requests a waiver of ESEA section 1111(b)(2)(F) and 34 CFR § 200.6(f)(2)(ii) and (f)(4).

How waiving requirements will advance student academic achievement

Florida's goal is to transition English Language Learners (ELLs) to full English proficiency in as few years as possible. This is supported by research that ELLs who matriculate out of ESOL services in five or fewer years have a greater chance of on-time high school graduation. Additionally, the majority of Florida's ELLs enter the public school system in kindergarten. Because of this, although these children may be proficient based on their age in the spoken native language, they would not have had previous reading or writing instruction in their native language. For this reason, providing a written assessment in the native language could impede rather than support the students' ability to demonstrate their knowledge. ESEA section 1111 contemplates assessing ELLs in a valid and reliable manner and in a form most likely to yield accurate data on what such students know and can do in academic content areas. Because the content is taught in English, the most - indeed, the only - valid and reliable assessment of the students' proficiency of the content must also be conducted in English.

In addition to these valid educational considerations, which we believe are more than sufficient reason to grant Florida a Section 8401 waiver, Florida's constitution provides that English is the official language of the state (See Article II §9, Florida Constitution). Because English is the official language, providing assessments in other languages could lead to the anomalous situation that any confusion, discrepancy, or error in the translated test version would be resolved by reference to the English version of the test which was not administered to the affected students. Such potential outcomes undermine the validity of the assessment and render translated assessment measures not practicable in Florida.

In sum, Florida, which has one of the largest population of ELL students, has found that it can best serve its population of non-native English language students through a comprehensive program of teaching, assessing, and where necessary providing additional assistance to such students in an English-language environment. We request a waiver of ESEA section 1111(b)(2)(F) and 34 CFR § 200.6(f)(2)(ii) and (f)(4) so that we can continue on this path of proven success.

The methods the State educational agency will use to monitor and regularly evaluate the effectiveness of the implementation of the plan

Please see description found in the request for a waiver regarding use of ELA to measure ELL progress.

Public Input and Comment

Provide the public and any interested local educational agency notice and an opportunity to comment and provide input

Florida's commissioner convened a workgroup of Florida superintendents to provide her input in the development of the state plan. The superintendent workgroup recommended as part of their input the areas in which they believed Florida should seek waivers to keep Florida's current practice which has resulted in great gains for all Florida students and particularly Florida's subgroups. This request puts forward the waivers recommended by the superintendents' workgroup. Florida also sought input from stakeholder groups at their statewide meetings such as the Florida Organization of Instructional Leaders

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(FOIL), the Very Large District Convening, and the Florida Association of State and Federal Educational Program Administrators (FASFEPA). In addition, Florida posted the draft waiver request on its web site on June 30, 2017, along with its draft state plan for a 30-day public comment period. The department sent notice that it was posting the draft state plan and the draft waiver request document to a wide range of stakeholders including all school districts, education associations, and other education stakeholders and requested their input. The complete stakeholder list is provided in Appendix A.

In addition, Florida is seeking these waivers to continue compliance with current Florida law and rules both of which have extensive public notice and input requirements. Florida's lawmaking and rule development occurs in the sunshine. When legislators file bills they are available to the public on the Legislature's websites. Notices for committee meetings are available to the public and all committee meetings are open to the public and public comment is taken on each bill. The rule development process is similarly open to the public. Draft rules are published in the Florida Administrative Register and on the FDOE website. In addition, FDOE held public workshops to solicit input on all of the accountability related bills. Rules are publicly agendaed for State Board of Education action and public comment is taken on rules before the state board of education acts.

Submit the comments and input to the Secretary

Florida will provide a summary of comments received for each of the waivers requested and can provide a file with all comments received if USED wishes.

1. Report subgroup performance on the components of the school accountability system but base the calculation and grade on all students.

Summary of comments

2. Calculate the 95% tested threshold at the all students level, evaluate individual schools performance data if testing below 95% to determine if the school should receive a grade, and calculate achievement results based on the students tested.

Summary of comments

3. Use the English language arts assessment to measure English language learners' progress and do not add an English language proficiency on the English language acquisition test (ACCESS for ELLs 2.0) measure to the school accountability calculation.

Summary of comments

4. Use Florida's proven school grades model to determine the schools to receive comprehensive support and improvement (CS&I) and targeted support and improvement (TS&I).

Summary of comments

5. Expand the 8th grade math exception from double testing to grades lower than 8th grade and to include high school Science.

Appendix A

The stakeholder groups below were contacted to provide them an opportunity to provide feedback on Florida’s state plan and the ESEA waiver document.

Stakeholder Groups
21st Century Community Learning Centers Community-based Subgrant Recipients
All Florida Parents ListServ
Assistant Superintendent ListServ
Associated Industries of Florida
Association of Practical Nurse Educators of Florida
BEESS Discretionary Projects
Career and Technical Student Organizations
CareerSource Florida
CDE Alliance
Central Florida Parent Center
Chairs of House Education Committees
Chairs of Senate Education Committees
Chancellor, State University System
Charter Schools
Children's Week Teen Town Hall representatives
College of Education/Educator Preparation Deans and Directors
Consortium of Education Foundations
Coordinated School Health Partnership
Council for Exceptional Children
Department of Economic Opportunity
Digital Media Alliance Florida
Disability Rights of Florida
Early Learning Coalitions
ECTAC
Education Works ListServ
Educator Certification Contacts
Enterprise Florida
ESSA Listserv
Executive Office of the Governor
Family Café
Family Network on Disabilities
Finance Officers ESSA June 2016
FLAEYC
Florida Advisory Committee for English Language Learners
Florida After School Alliance
Florida After School Network
Florida Allied Dental Educators
Florida Association for Career and Technical Education
Florida Association for Industrial and Technical Educators

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Stakeholder Groups
Florida Association of Academic Non-Public Schools
Florida Association of Agriculture Educators
Florida Association of Bilingual/ESOL Supervisors
Florida Association of District School Superintendents
Florida Association of EMS Educators
Florida Association of Family and Consumer Sciences
Florida Association of MIS Directors
Florida Association of School Administrators
Florida Association of School Personnel Administrators
Florida Association of Staff Development
Florida Association of State and Federal Education Program Administrators
Florida Association of Student Councils
Florida Association of Student Service Administrators
Florida Association of Technical and Industrial Education
Florida Business Technology Education Association
Florida Chamber of Commerce
Florida Chapter – League of United Latin American Citizens (LULAC)
Florida Charter School Alliance
Florida Children's Council
Florida College Access Network
Florida College System Presidents
Florida Consortium of Charter Schools
Florida Consortium of Public Charter Schools
Florida Council of 100
Florida Council of Administrators of Special Education
Florida Cultural Alliance
Florida Development Disabilities Council
Florida District Teachers of the Year (Teacher LEAD Network)
Florida Education Association
Florida Education Foundation
Florida Education Legislative Liaisons
Florida Educational Negotiators
Florida Faith-based and Community-based Advisory Council
Florida Future Educators of America
Florida Governor’s Council on Indian Affairs, Inc.
Florida Grant Developers' Network
Florida Organization of Instructional Leaders
Florida Parent Teacher Association
Florida Philanthropic Network
Florida Public Service Association
Florida School Boards Association
Florida State Conference - NAACP, Florida Chapter
Florida Technology and Engineering Educators Association

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Stakeholder Groups
Florida Virtual School
Foundation for Excellence in Education
Governor's Commission on Volunteerism and Community Service
Health Occupation Educators Association of Florida
Heartland Educational Consortium
High Impact Teacher Corps
Just for Parents List
Keep Florida Learning listserv
Master Statewide Principal List (<i>Principally Speaking</i>)
Master Statewide Teacher List (Just for Teachers)
Media
Northeast Florida Educational Consortium
Panhandle Area Educational Consortium
Parent to Parent of Miami
President of the Florida Senate
Professional Educators Network of Florida
School Counselors
School District Family Engagement Specialists
School District Accountability Directors
School District Assessment Directors
School District Bullying Prevention Contacts
School District CTE Directors
School District Curriculum Area Contacts
School District Curriculum Directors
School District Dropout Prevention Coordinators
School District ESE Directors
School District Federal Program Directors
School District Finance Officers
School District MIS Directors
School District Personnel Evaluation Contacts
School District Personnel Directors
School District PreKindergarten Contacts
School District Professional Development Directors
School District Safe and Drug-Free Schools Contacts
School District School Improvement and Turnaround Leads
School District Staff Development Contacts
School District Student Services Directors
School District Superintendents
School District Technical Center Directors
School District Title II-A Directors/Coordinators
School District Title IV-A Contacts
School District Virtual Education Contacts
School District Volunteer Coordinators

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Stakeholder Groups
Speaker of the Florida House of Representatives
State Advisory Committee for the Education of Exceptional Students
State Board of Education
Tax Watch: Center for Educational Performance and Accountability
Title I Committee of Practitioners
Urban League
Voluntary Public School Choice Partners
VPK Provider Organizations