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MEMORANDUM

TO: School District Superintendents

FROM: Jacob Oliva

DATE: March 17, 2021

SUBJECT: Proposed Federal Waiver Request – Opportunity for Public Comment through March 31, 2021

Contact Information:
ESSA@fldoe.org
DPS: 2021-43

The United States Department of Education (USED) has invited states to request waivers of certain provisions of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, for the 2020-2021 school year. Florida will request these federal waivers and a draft of the request is now available for public comment through March 31, 2021.

It is important to understand and communicate to your stakeholders that submission and approval of these waivers does not mean Florida is exempt from the requirements in state law regarding assessment, accountability and school improvement. We will apply for these waivers from federal law to maximize our sovereignty in making these decisions. Receipt of these waivers of federal law enhances our ownership of these decisions that are critical to ensuring our children's education. For example, the results of assessments are useful to:

- Help identify students who need specialized supports;
- Determine when students elevate out of specialized supports and return to fully inclusive instruction with their peers; and
- Help teachers modify instructional delivery to support students' individual needs and help them meet their unique growth goals.

The USED invitation to apply for these waivers articulates Florida's shared values for the role that assessments and accountability have in ensuring equity in opportunity for our students. In this year of recovery, assessments ensure equity and directly inform curriculum and instruction for Florida's millions of at-risk students, 71.9% of whom count on schools for at least one meal daily, 61.4% of whom come from low-income households, 14.5% of whom have a special need that impacts their learning and 10.1% of whom are English Language Learners.

The waivers include the federal requirements of:

- Progress toward long-term goals and measurements of interim progress;
- A minimum statewide assessment participation rate of 95% of a school's students;
- Identifying schools for Comprehensive Support and Improvement (CS&I) or Targeted Support & Improvement (TS&I) based on data from the 2020-2021 school year; and
- Reporting certain state and local data based on the 2020-2021 school year.

JACOB OLIVA
CHANCELLOR OF PUBLIC SCHOOLS

Previously, on February 15, 2021, Commissioner Corcoran signed an Emergency Order, DOE Order No. 2021-EO-01, in continued collaboration with and feedback from Florida’s school district superintendents, to afford districts and schools longer windows of time for Spring 2021 state testing to ensure that school districts can continue to safely administer assessments with social distancing. DOE Order No. 2021-EO-01 was consistent with health and safety flexibilities that FDOE previously provided to support districts and schools by extending the following statewide assessment windows:

- Fall 2020 FSA and NGSSS EOC;
- Fall 2020 ELA Retake;
- Winter 2020 FSA and NGSSS EOC ;
- Spring 2021 FSA Algebra 1 EOC and ELA Retake; and
- ACCESS for ELLs.

To date, more than 1,000,000 state assessments have already been safely administered, statewide, since Summer of 2020. Moreover, schools have safely administered nearly 6,000,000 progress monitoring assessments to date. Thanks to you, Florida’s local education leaders, Florida will be in a position to support its students as they catch up, grow and elevate beyond the obstacles the pandemic.

Though we have provided flexibilities to assess as many students as possible on the statewide assessments, some schools and districts, including some of Florida’s most populous areas, will still be challenged to meet the requirement to test 95 percent of students. Testing 95 percent of students remains Florida’s goal, and we believe many schools throughout the state will meet that goal, especially those schools where the vast majority of students have been attending school in-person since August 2020.

Florida must continue to ensure all students receive targeted support to ensure improved academic outcomes. Florida’s statutory accountability system establishes and outlines the differentiated intervention and support strategies for low-performing traditional public schools. The Bureau of School Improvement field team will continue to provide tiered support to low-performing schools identified as CS&I in 2019. Furthermore, the team will also provide support to districts and schools with a high number of students performing below proficiency. Specific FDOE bureaus will continue to support TS&I schools identified by subgroup performance.

Florida also remains committed to report school performance data, disaggregated by student subgroups on our data portal for state, district and school report cards at www.knowyourschoolsfl.org. Communities deserve as much transparency as possible about our students’ growth and ways to support students moving forward. Continuing to publish these data, with the important caveats regarding the percentage of students tested and the conclusions to be drawn from these data, is vital to meeting our imperative to identify where our schools and students are academically and plot a course of continued improvement. By publishing these data, districts and schools will be empowered with how best to use this information.

Florida’s draft waiver application is available at <http://www.fldoe.org/academics/essa.stml>. Please email any comments to ESSA@fldoe.org by March 31, 2021.

JO/he