



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JUN 07 2012

Dear Chief State School Officer:

As you know, on September 23, 2011, the Secretary offered each State educational agency (SEA) the opportunity to request flexibility regarding certain provisions of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, in order to improve student academic achievement and increase the quality of instruction for all students. This flexibility (ESEA flexibility) is intended to help support the significant State and local reform efforts already under way in such critical areas as transitioning to college- and career-ready standards and assessments; developing systems of differentiated recognition, accountability, and support; and evaluating and supporting teacher and principal effectiveness.

As of today, 19 SEAs have been approved to implement their plans for flexibility, and we expect to approve the requests received from additional SEAs in the coming weeks. However, we recognize that some SEAs need more time to develop a comprehensive, high-quality request and we are providing those SEAs with another opportunity this fall to request ESEA flexibility. The purpose of this letter is to provide SEAs that have not already submitted requests for flexibility with additional information about the third window for submitting ESEA flexibility requests.

For SEAs that wish to submit a request in the third window, that request will be due September 6, 2012. Also, for these SEAs, we are revising some of the timelines for implementation of the waivers and key principles of ESEA flexibility.

- Principle 1, College- and Career-Ready Expectations for All Students: The timelines remain the same as the first two windows. An SEA must have adopted college- and career-ready standards by the time it requests flexibility, implement its college- and career-ready standards statewide no later than the 2013–2014 school year, and administer high-quality assessments aligned to those standards no later than the 2014–2015 school year.
- Principle 2, State-Developed Differentiated Recognition, Accountability, and Support: The timelines are generally extended for one year. An SEA must implement its system of differentiated recognition, accountability, and support in the 2013–2014 school year, including implementing interventions in all focus schools and selected priority schools in that year.
- Principle 3, Supporting Effective Instruction and Leadership: The timelines are extended by one year. An SEA must adopt guidelines for teacher and principal evaluation and support systems by the end of the 2012–2013 school year, and LEAs must develop evaluation and support systems consistent with State guidelines in the 2013–2014 school year, pilot the systems in the 2014–2015 school year, and implement the systems in 2015–2016.
- Principle 4, Reducing Duplication and Unnecessary Burden: The requirements of the principle remain the same as the first two windows.

The Secretary intends to grant waivers to SEAs that receive approval in the third window through the 2014–2015 school year.

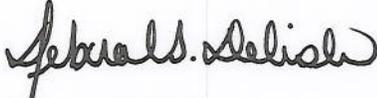
We have updated the document titled *ESEA Flexibility* to reflect the timelines for an SEA that requests ESEA flexibility in the third submission window and created *ESEA Flexibility Review Guidance for Window 3* and *ESEA Flexibility Request for Window 3*, which modifies the versions of these documents used in the first two submission windows for the third submission window. These documents are available on our website at <http://www.ed.gov/eSEA/flexibility>. In the coming weeks, we will also make available an updated version of *ESEA Flexibility Frequently Asked Questions* to include the third window. We ask any SEA that intends to submit a request for ESEA flexibility for the third deadline to send an "intent to request" to eseaflexibility@ed.gov by June 29, 2012.

Because an SEA that intends to request flexibility in the third window will not implement its new system of differentiated recognition, accountability, and support until the 2013–2014 school year, an SEA may, if it has not already done so, also request approval to use the same annual measurable objectives (AMOs) for determining adequate yearly progress (AYP) based on assessments administered in the 2011–2012 school year as used for the previous year. In return for this temporary flexibility, an SEA must adopt college- and career-ready standards; link teacher, principal, and student achievement data and provide that information to educators to improve their practice; and identify persistent achievement and graduation rate gaps within the State that need to be closed. In a previous letter, we provided guidance about this One-Year AMO Waiver, as well as a sample template for submitting a request. That letter, guidance, and sample template are also available on our website at <http://www.ed.gov/eSEA/flexibility>.

If you have questions about issues related to ESEA flexibility, please direct them to eseaflexibility@ed.gov.

Thank you for your ongoing work to increase the quality of instruction and improve the academic achievement of students.

Sincerely,



Deborah S. Delisle
Assistant Secretary