UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

November 14, 2013

Dear Chief State School Officer:

As you know, in September 2011, the U.S. Department of Education (ED) offered each State educational agency (SEA) the opportunity to request flexibility from the one-size-fits-all requirements of the No Child Left Behind Act of 2001 (NCLB) on behalf of itself, its local educational agencies (LEAs), and schools. Today, 42 States, the District of Columbia, and Puerto Rico have been granted flexibility under the Elementary and Secondary Education Act (ESEA flexibility) in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. States are taking advantage of the opportunity offered under ESEA flexibility to bring to fruition innovative ideas developed at the State and local level, and we are already seeing signs of promise as a result of your hard work.

SEAs approved to begin implementation of ESEA flexibility in the 2012-2013 school year received waivers through the end of the 2013-2014 school year. Throughout implementation of ESEA flexibility, ED has engaged in an ongoing process of working with States and stakeholders to ensure that we are being a good partner in supporting the hard work that we have asked States to engage in. In August of this year, ED released, in draft form under the Paperwork Reduction Act, guidance inviting each SEA that began implementing ESEA flexibility in the 2012-2013 school year (referred to as Window 1 and Window 2 SEAs) to request renewal of those waivers for two additional school years— *i.e.*, through the 2015–2016 school year. Since releasing that guidance, ED received input from a variety of stakeholders and, after considering that input, we have determined that its goals and objectives can be accomplished at this time through a streamlined process that maintains the high bar set with ED's initial approval of ESEA flexibility requests while reducing burden and allowing States to move forward with the hard work of implementing college- and career-ready standards, more effective accountability systems for all students, and teacher and principal evaluation and support systems. As a result, ED is offering an amended waiver extension process in place of the previously announced renewal process.

ED is now offering each Window 1 and Window 2 SEA an opportunity to seek a one-year extension of its ESEA flexibility request through the process described below. This one-year extension will allow SEAs and ED to gather additional information on successes and challenges in the implementation of the reform efforts described above, in order to improve current systems and better support students and teachers.

An SEA seeking an extension of ESEA flexibility must:

- Submit a letter to ED requesting an extension of ESEA flexibility and describing how ESEA flexibility has been effective in enabling the SEA to carry out the activities for which the flexibility was requested and how the flexibility has contributed to improved student achievement.

- Resolve any State-specific issues and "next steps" identified as a result of ED's monitoring, as well as other outstanding issues related to ESEA flexibility, such as conditions on approval or high-risk status, including by submitting, as necessary and where applicable, a revised request through the existing ESEA flexibility amendment process.

Additionally, an SEA may wish to make additional amendments to its request to support its continuous improvement efforts. Consistent with the existing amendment process, an SEA will need to consult with stakeholders in the State regarding any changes to its approved ESEA flexibility request. This extension process, in combination with our monitoring and technical assistance, will help ED continue to ensure that SEAs are implementing their plans and meeting their commitments to educators, students, parents, and the community in accordance with the principles of ESEA flexibility.

ED will review each extension request against the principles of ESEA flexibility and the requirements of section 9401 of the ESEA. In general, an SEA that receives approval of its extension request will be granted one additional year of ESEA flexibility, through the end of the 2014-2015 school year. While ED's ongoing ESEA flexibility monitoring will serve as the basis for the extension process and includes an in-depth review of SEA implementation of all elements of ESEA flexibility, it does not address two new elements that were included in the August 29 renewal guidance: the use of Title II, Part A funds for professional development and the equitable distribution of effective teachers. Both of these areas remain a very high priority for ED and will be addressed for every State – not just States approved for ESEA flexibility – outside of the ESEA flexibility process. ED expects all SEAs to continue to move forward with their efforts to support high-quality professional development for teachers, principals, and increase equitable access to effective teachers and principals for all students.

An eligible SEA is invited to submit its request for an extension of ESEA flexibility by February 28, 2014 or 60 days from receipt of its Part B monitoring report, whichever is later. In the coming weeks, ED will conduct outreach, including a webinar on November 19th at 1:00 p.m. EST, for all SEAs eligible for the ESEA flexibility extension. The webinar will be an opportunity for you and your staff to ask questions and learn more about the process. In the meantime, should you have any questions, please do not hesitate to reach out to your ESEA flexibility State contact.

Thank you for your commitment to improving educational outcomes for all students. I look forward to our continued partnership in this critical work.

Sincerely,

Deborah S. Delisle

Assistant Secretary