



**RICK SCOTT**  
GOVERNOR

September 5, 2014

Secretary Arne Duncan  
United States Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Secretary Duncan:

This letter is a response to your August 14 letter denying our request to exempt English Learners (EL) from new federal accountability regulations.

This "one size fits all" decision reinforces the image that the federal government has again over-reached their authority to enforce a bureaucratic plan, completely disregarding Florida's obvious record of student success under the current rules. Your decision does not sufficiently recognize the unique needs of Florida students and we are requesting that you reverse course within the next 30 days, or we will review our legal options to exercise reasonable decision-making in this critical area.

As you know, Florida is a national leader in educating English Learners. With more than 265,000 EL students, our state has a remarkable track record. In myriad rankings, Florida has been a leader in closing the achievement gap for English Learners.

Your recent decision fails to acknowledge our success by disallowing local decision-making about what is best for student success to take precedence over federal policies. It also ignores the clear sentiment of the Florida Legislature as expressed in Senate Bill 1642 (Ch. 2014-23, L.O.F.) which I signed into law in May.

Florida has traditionally allowed two years to measure the success of English Learners and this policy has resulted in dramatic performance improvements by these students. Our English Learners have increased grade level performance by 154 percent from 2001 to 2010.

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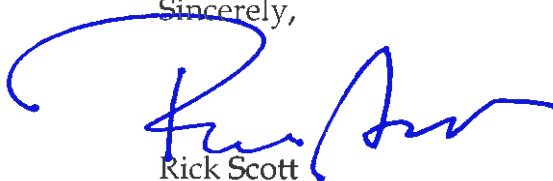
Your letter stated that "current law requires assessing all students in tested grades and including their results ... in order to ensure that teachers and parents of ELs have information on students' progress and that schools are held accountable for the academic achievement of ELs." In fact, all Florida students participate in an assessment from the time they enter school, because it is essential to their learning to provide students, their parents and teachers with information about their progress.

In addition, your letter seems to imply that English Learners' assessment results would not be included in school accountability determinations. This is false. All English Learners' assessment results would continue to be included in school accountability determinations for both learning gains and achievement. We have simply requested that EL students' achievement results be included in our school grades model after being in school two years, when students have had time to learn the language skills necessary to demonstrate their knowledge on the assessment.

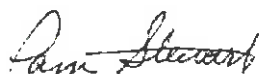
If you are truly interested in accurately measuring the results of Florida students while respecting and celebrating the diversity of their backgrounds, you will withdraw your denial of our exemption and allow us to operate consistent with our long-standing policy. Granting the amendment regarding English Learners is in the best interest of all Florida students and our schools, and is completely permissible for a state under current waiver authority.

We look forward to your quick response and any opportunity to discuss this issue with you before your one-size-fits-all decision negatively impacts the futures of many Florida students - for whom a great education is the essential foundation to making their dreams come true in our country.

Sincerely,



Rick Scott  
Governor



Pam Stewart  
Commissioner of Education