The Honorable Thomas R. Bice
State Superintendent of Education
State of Alabama
Department of Education
P.O. Box 302101
Montgomery, Alabama 36130-2101

Dear Superintendent Bice:

I am writing in response to the Alabama State Department of Education (ALSDOE) request to waive certain requirements of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, to permit ALSDOE to use the same annual measurable objectives (AMOs) to make annual yearly progress (AYP) determinations based on assessments administered in the 2011-2012 school year that ALSDOE used to make such determinations based on assessments administered in the 2010-2011 school year. ALSDOE submitted this request in response to a voluntary opportunity that was announced by Secretary Arne Duncan inviting interested States to submit requests for ESEA flexibility.

ALSDOE included in its request—

- evidence that ALSDOE has formally adopted, consistent with the State’s own standards- adaption process, college- and career- ready content standards in Reading/Language Arts and Mathematics that meet the definition of “college- and career- ready standards” in the document titled ESEA Flexibility;

- an assurance that ALSDOE will provide, in a manner that is timely and informs instruction, student growth data on current students and students taught in the previous year to, at a minimum, teachers of Reading/Language Arts and Mathematics in grades in which the State administers assessments in these subjects, consistent with the timelines and definitions required under State Fiscal Stabilization Fund (SFSF) Indicator (b)(2);

- evidence that ALSDOE identified persistent achievement and graduation rate gaps within the State that need to be closed and an assurance that ALSDOE will report these data publicly by posting the data, in a format that is easy to understand, on its website on a page that is easy to access by the public; and

- an assurance that ALSDOE will take all necessary steps to develop and submit a request for ESEA flexibility.

www.ed.gov
400 MARYLAND AVE., SW, WASHINGTON, DC 20202
The Department of Education's mission is to promote student achievement and prepare for global competitiveness by fostering educational excellence and ensuring equal access.
After review of ALSDOE's request and confirming that ALSDOE posted on its website the data related to persistent achievement and graduation rate gaps, I grant, pursuant to my authority under ESEA Section 9401, a one-year waiver of ESEA Section 1111(b)(2)(H) to permit ALSDOE to use the same AMOs to make AYP determinations based on assessments administered in the 2011–2012 school year that it used to make AYP determinations based on assessments administered the 2010–2011 school year. My approval is based on the determination that this waiver is likely to increase the quality of instruction for students and improve the academic achievement of students by enabling ALSDOE, its local educational agencies (LEAs), and its schools to devote time and resources to planning for the implementation of ESEA flexibility rather than devote additional resources to respond to the growing numbers of schools and LEAs that otherwise would be identified for improvement as a consequence of the escalating AMOs required by current law. Please note. I do not anticipate granting an extension of this one-year waiver. Accordingly, should ALSDOE choose not to submit a request for ESEA flexibility, or not receive approval of its request, it will be required to make AYP determinations based on assessments administered in the 2012–2013 school year using AMOs that meet the requirements of current law.

I appreciate the work you are doing to develop an ESEA flexibility request. If you have any questions, please send an e-mail to ESEAFlexibility@ed.gov.

Sincerely,

[Signature]

Deborah S. Delisle
Assistant Secretary