



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

SEP 19 2014

The Honorable Rafael Román Meléndez  
Secretary of Education  
Puerto Rico Department of Education  
P.O. Box 190759  
San Juan, PR 00919

Dear Secretary Román Meléndez:

I am writing in response to Puerto Rico's April 28, 2014 request for a one-year extension of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility), so that Puerto Rico may continue to implement ESEA flexibility through the end of the 2014–2015 school year. Currently, Puerto Rico's ESEA flexibility request is approved subject to several conditions.

Our team has reviewed Puerto Rico's request and, pursuant to section 9401(d)(2) of the ESEA, I am pleased to extend Puerto Rico's ESEA flexibility request for one year, through the end of the 2014–2015 school year. My decision to extend Puerto Rico's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling Puerto Rico to carry out important reforms to improve student achievement and that this extension is in the public interest. As discussed below, I have also determined that one of the four conditions placed on the initial approval of Puerto Rico's ESEA flexibility request has been adequately addressed and is removed. The other conditions remain in place.

The following conditions were placed on Puerto Rico's ESEA flexibility request on October 22, 2013:

- 1) Puerto Rico must resolve all outstanding compliance findings for the School Improvement Grants (SIG) program and Title III of the ESEA by June 1, 2014
- 2) Puerto Rico must submit a high-quality plan by December 31, 2013, which must be approved by the U. S. Department of Education (ED), for resolving the outstanding monitoring and audit findings of ED programs delineated in the enclosure to my November 13, 2013 letter and include in the plan interim goals for the 2013–2014 school year
- 3) Puerto Rico must submit by December 31, 2013 to ED, for review and approval, an amended ESEA flexibility request incorporating final guidelines for teacher and principal evaluation and support systems that meet the requirements of ESEA flexibility
- 4) Puerto Rico must confer with ED on a quarterly basis (every three months from October 22, 2013) regarding its implementation of ESEA flexibility and progress toward the above conditions

To meet the second condition, Puerto Rico submitted four high-quality plans to address outstanding monitoring and audit findings. ED approved these plans, so the second condition has been satisfied and is removed.

The other three conditions remain in place. With regard to the first condition, on April 17, 2014, ED extended Puerto Rico's deadline to resolve outstanding SIG and Title III findings to October 31, 2014. As a result of the extension, this condition remains. With regard to the fourth condition, Puerto Rico conferred with ED through written quarterly updates supported by teleconference calls. Although I appreciate Puerto Rico's consistent

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efforts in providing quarterly updates, I am maintaining this condition to ensure that Puerto Rico implements its ESEA flexibility request in a high-quality manner and continues to make progress toward resolution of the remaining conditions.

With regard to the third condition that Puerto Rico submit final guidelines for teacher and principal evaluation and support systems that meet the requirements of ESEA flexibility, I know that Puerto Rico has submitted its guidelines for review. However, because peer review of those guidelines has not yet occurred, I am leaving the condition in place for the time being. Based upon the peer review scheduled for October 14-15, 2014, if ED determines that Puerto Rico's guidelines meet the requirements of Principle 3 of ESEA flexibility, I will remove the condition at that time.

This extension is subject to Puerto Rico's commitment to continue working with ED to resolve any issues regarding its Principle 3 guidelines raised through the peer review process. Puerto Rico's continued work with ED through the Principle 3 approval process, resolution of the first condition described above, implementation of its high-quality plan to resolve the second condition described above, as well as PRDE's progress in implementing ESEA flexibility, will inform ED's decision regarding renewal of Puerto Rico's ESEA flexibility after the 2014–2015 school year.

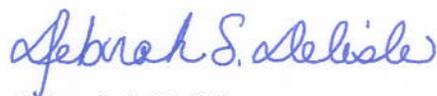
This letter also provides my approval of amendments to Principle 1 and Principle 2 of Puerto Rico's ESEA flexibility request, presented through Puerto Rico's request for extension. A summary of Puerto Rico's approved amendments is enclosed with this letter, and Puerto Rico's amended request will be posted on ED's website.

Puerto Rico continues to have an affirmative responsibility to ensure that it is in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

I am confident that Puerto Rico will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools accountable for the achievement of all students. If you need any additional assistance to implement your ESEA flexibility request, please do not hesitate to contact Susan Wilhelm of my staff at: [susan.wilhelm@ed.gov](mailto:susan.wilhelm@ed.gov).

Thank you for your commitment and continued focus on enhancing education for all of Puerto Rico's students.

Sincerely,



Deborah S. Delisle  
Assistant Secretary

Enclosure

cc: Enid Madera, Interim Director of Federal Affairs

## **Amendments to Puerto Rico's Approved ESEA Flexibility Request**

The following is a summary of approved amendments to Puerto Rico's approved ESEA flexibility request. The U.S. Department of Education (ED) approves the following amendments because Puerto Rico's ESEA flexibility request, as amended, continues to be aligned with the principles of ESEA flexibility. Please refer to ED's website ([www.ed.gov/esea/flexibility](http://www.ed.gov/esea/flexibility)) for Puerto Rico's approved ESEA flexibility request.

- **Develop and Administer Annual, Statewide, Aligned, High-Quality Assessments that Measure Student Growth (Element 1.C)**

Revision: Establishes the administration, during the 2014–2015 school year, of Statewide mathematics and Spanish language arts assessments newly-developed by Puerto Rico and aligned with new academic standards, which have been certified by Puerto Rico's Institution of Higher Education as college- and career-ready and which will be implemented beginning in the 2014–2015 school year.

- **Develop and Implement a State-Based System of Differentiated Recognition, Accountability and Support (2.A)**

Revision: Establishes the use of three years of student performance data (increase from two years), for the 2010–2011, 2011–2012 and 2012–2013 school years, for the identification of priority, focus and reward schools.

Revision: Revises methodology for the calculation of achievement gaps in the identification of focus and reward schools moving forward to allow “half-credit” for students that are assessed at the “basic” level, which is below proficiency, particularly in order to differentiate between those potential focus schools that demonstrate 0 percent proficiency otherwise.