



Lillian M. Lowery, Ed.D.  
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD

March 25, 2014

Arne Duncan  
Secretary of Education  
United States Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Secretary Duncan:

I am writing to request a one-year extension of Maryland's ESEA flexibility, so that Maryland can continue to implement ESEA flexibility through the end of the 2014–2015 school year.

Maryland seeks to extend ESEA flexibility through the end of the 2014–2015 school year because the implementation of the flexibility described in this ESEA flexibility request has enhanced the ability of the Maryland State Department of Education and the local school systems to increase the quality of instruction for all students as well as improve their achievement levels. Maryland was again among the top public school system's in the nation and believes that the flexibility of the waiver has allowed the State and its Local Education Agencies (LEAs) to focus on implementing the Maryland College and Career Ready Standards, transition to the College and Career Ready PARCC Assessments, provide support, recognition, and intervention to all Maryland public schools, and develop a teacher and principal evaluation system that incorporates student growth as a major component. The waiver has allowed Maryland to target resources and implement rigorous interventions for Priority and Focus Schools.

Extension of Maryland's ESEA flexibility through the end of the 2014–2015 school is also in the public interest because the extension supports Maryland's continued focus on ensuring students graduate college- and career-ready, supports efforts to improve all schools in the State, and supports the closing of achievement gaps between student subgroups. Maryland's effective means of gathering stakeholder consultation and input include the formation of a statewide ESEA Extension workgroup, public presentations, and a public posting period for the extension request. The ESEA Extension Workgroup was chaired by Jack Smith, Chief Academic Officer and Penelope Thornton Talley, Chief Performance Officer. Public School Superintendents Association of Maryland (PSSAM) representatives to this committee included Kevin Maxwell, Chief Executive Officer of Prince George's County Public Schools and Theresa Alban, Superintendent of Frederick County Public Schools. Other members represented the Governor's Office, the Maryland State Education Association (MSEA), Baltimore Teachers Union (BTU), Maryland Association of Boards of Education (MABE), Maryland Association of Student Councils (MASC), Maryland Association of Secondary School Principals (MASSP), and MSDE.

As part of the extension process, Maryland proposes changes to its currently approved ESEA flexibility request. Attached please find the following documents:

- (1) A completed amendment request template, reflecting the necessary consultation of stakeholders and describing any substantive amendments the State is making to its approved request, including those required to address ESEA flexibility Part B monitoring “next steps,” conditions on the State’s request, high-risk status, or any optional substantive amendments proposed;
  - Attached please find Maryland’s amendment template for a change to the Teacher Principal Evaluation (TPE) Models. Also attached is Maryland’s TPE Amendment Request.
  - As noted in the letter Maryland received from Dr. Monique Chism on March 12, 2014, Maryland has no “next steps” that must be addressed from the ESEA flexibility Part B Monitoring report.
- (2) A redlined version of the Maryland’s currently approved ESEA flexibility request reflecting all proposed changes; and
  - Attached please find Maryland’s redline of the currently approved ESEA flexibility request which reflects the proposed amendment (page 155). This redline also reflects a previously submitted amendment request to adjust the definition of reward schools (changing AYP to AMO and adjusting the percentage gap from 18% to 10% (page 107-108, 110-113)), adjusting the dates and rules for exiting priority schools (page 117, 124-125), adjusting the definitions of exiting focus school status (page 133), and indicating Maryland’s approval of the double testing flexibility granted by USDE (page 65-66).
- (3) Any additional evidence or documentation required to support the extension request.
  - In addition to the documents listed above, Maryland has submitted a request would allow Maryland to give only the course related assessment to students. Specifically, MSDE is requesting a waiver to the requirements of ESEA sections 1111(b)(1)(B), 1111(b)(2)(C)(i), and 1111(b)(3)(C)(i) and the corresponding regulatory provisions that require LEAs and MSDE to use the same assessment for all students at each grade level. Maryland is proposing that beginning with the implementation of the PARCC Assessments in the 2014-15 school year, MSDE allow any student enrolled in a high school level course prior to high school take the assessment associated with this course and not be required to also take the PARCC Assessment for that grade in that content area. (Please see attached request)

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I understand that these documents will be reviewed to ensure that they comply with the principles and timelines of ESEA flexibility.

Thank you for your consideration of this request.

Sincerely,



Lillian M. Lowery, Ed.D.  
State Superintendent of Schools

**Attachments:**

- (1) Completed amendment request template and TPE Amendment
- (2) Red-lined version of ESEA flexibility request
- (3) Waiver request for same assessment for all students at each grade level