



Nancy S. Grasmick
State Superintendent of Schools

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February 15, 2007

Patrick Rooney
Office of Elementary and Secondary Education
United States Department of Education
Federal Office Building 6, Room 3W315
400 Maryland Avenue
Washington D.C. 20202

Dear Mr. Rooney:

The Maryland State Department of Education wishes to make three requests to help us further accomplish the important goals of No Child Left Behind. We have greatly appreciated our relationship with the U. S. Department of Education and look forward to your continuing support and assistance as we work to implement the requirements of No Child Left Behind. The three requests are:

- to extend to all students the Advanced Placement/International Baccalaureate substitution assessment option granted to us earlier for a small number of students,
- to implement an interim on-time Graduation Rate in compliance with Maryland House Bill 71 (Maryland currently uses what is commonly referred to as a “lever rate.” Maryland HB 71 calls for the immediate implementation of an interim rate for 2007 and a new permanent Graduation Rate to be implemented in 2011.), and
- to extend Maryland’s modified academic achievement standards for a limited group of students with disabilities for SY 2006-07.

Details of the requests follow.

Advanced Placement/International Baccalaureate Option

The Maryland State Department of Education submitted a request to the U. S. Department of Education on March 15, 2006, and subsequently was granted flexibility for one year to include some students who receive a score of 3 or higher on specific Advanced Placement (AP) exams or a score of 4 or higher on specific International Baccalaureate (IB) exams as proficient when determining AYP in place of the algebra/data analysis and English High School Assessments (HSA). We appreciate the support we have received from USDE in recognizing that the AP and IB exams are of high quality and tied to specific college-level course content.

The U.S. Department of Education granted Maryland flexibility to allow only a small number of students to use the substitute exams while we conducted an alignment study to show that:

- AP and IB exams match or exceed the State HSA course content standards and
- Proficiency scores proposed are sufficient to ensure the student has met the State HSA performance standards.

Maryland has now completed the alignment studies and is assembling the material for submission to USDE for the peer review. We believe we have met the requirements and conditions contained in the response letter from USDE that we received May 1, 2006. As a result, we are now requesting approval to allow all students to access the AP/IB option, pending the results of the peer review. It is important to note that we expect a very limited number of students to take advantage of this option.

Specifically, we are requesting permission from USDE to allow all students who meet the criteria contained in the following chart to use the AP or IB exams as substitutes for the High School Assessments in algebra/data analysis and English, beginning with this 2006-2007 school year.

Table of Proposed Substitute Assessments

Maryland High School Assessment	Advanced Placement Test Substitute with 2-5 score*	International Baccalaureate Test Substitute with 4-7 score	Effective Year as NCLB Substitute for Accountability
Algebra/Data Analysis	<ul style="list-style-type: none"> • Calculus AB • Calculus BC • Statistics 	<ul style="list-style-type: none"> • Mathematical Studies SL • Mathematics SL • Mathematics HL 	Beginning 2006
English	<ul style="list-style-type: none"> • English Language • English Literature 	<ul style="list-style-type: none"> • English A1 	Beginning 2006

*change from earlier submission of 3-5

Our initial approval permitted the use of the substitute tests in a limited number of cases for students achieving a score of 3-5 on AP or 4-7 on IB tests. Based on the most recent feedback from local school systems, we believe that future usage of substitute exams will be, for the most part, limited as well. However, we are requesting approval to offer the substitute test option more broadly so that students electing to meet the rigorous standards of AP or IB exams can do so, thus eliminating the need for duplicate testing.

The alignment studies confirm our belief that the requisite skills for success in selected AP and IB exams are clearly inherent in the corresponding HSA exams. Further, in a small study of students that looked at AP performance versus HSA scores involving data from Maryland school systems, the results support a request for a score of 2 as proficient on the AP test. This request is also consistent with that of the State of Virginia. We are preparing the documentation and the related alignment work to send to USDE in the next few weeks for peer review. We anticipate a positive outcome from that review. It is our conclusion that students achieving a score of 2-5 on AP or 4-7 on IB tests were able to perform well only because they had achieved HSA standards prior to taking AP or IB courses and exams.

Graduation Rate

According to Maryland House Bill 71 passed by the Maryland General Assembly last year, Maryland will need to implement an interim on-time Graduation Rate this year while we prepare to put in place a longitudinal data system with a unique student identifier for all students. The interim on-time Graduation Rate will be used for student accountability beginning with the class of 2007. Maryland HB 71 also calls for the implementation of a new permanent on-time Graduation Rate by 2011. The new permanent on-time Graduation Rate will allow us to accurately track individual student status and give us a more precise calculation of the on-time Graduation Rate. The establishment of a new permanent on-time Graduation Rate is anticipated no later than the 2011 graduating class.

Because the interim on-time Graduation Rate is a different measure from our currently used "leaver rate," Maryland will need to complete a new standard-setting process in order to establish new Annual Measurable Objectives for 2007 through 2010. This will entail changes to our State Accountability Plan with the possibility that we will need to revisit the AMOs in 2011 when the new permanent on-time Graduation Rate measure is in place. If there is a significant difference between the interim on-time Graduation Rate and the new permanent on-time Graduation Rate, slated for implementation in 2011, it may be necessary to perform yet one more standard setting procedure.

Maryland will submit to USDE detailed documentation and proposed AMOs following our standard setting for the interim rate. Implementation steps are outlined in some detail in House Bill 71, which is attached for your reference (See Attachment A.). We respectfully request your indulgence as we plan for the submission of the complete documentation associated with our request in the coming weeks.

Modified Academic Standards for a Limited Group of Students with Disabilities

According to Secretary Margaret Spellings' letter dated February 5, 2007, states may request additional flexibility for 2006-07 modified academic standards. Maryland received full approval of its assessment program on June 12, 2006 in a letter from former Secretary Henry L. Johnson. The modified academic achievement standards specifics for 2006-07 were part of the approved proposal.

Maryland's plan for modified academic achievement standards complies with Interim Option 3, "States may also offer their own ideas for the Secretary of Education's consideration." The Alt-MSA, Maryland's current assessment for students with severe cognitive disabilities, was administered for the first time in the spring of 2003 in a new form that produced separate mathematics and reading scores as required by NCLB. Maryland planned to implement the modified assessments for students with disabilities (Mod-MSA) in 2006-07 pending receipt of final regulations from the USDE. **Maryland is requesting an extension of the modified academic achievement standards appeal process for students with disabilities for 2006-07.**

Students eligible for taking the modified academic achievement assessments will be counted according to the following criteria:

- Not more than 2% of students at the LEA and state level will be classified as achieving at the proficient or advanced level according to modified academic assessment performance standards. These scores will be combined with the results from the MSA and Alt-MSA for determining AYP at the school, LEA and state levels.
- Students in excess of the allowable 2%, by definition, will be classified as performing at the basic level and their scores will be combined with the results from the MSA and Alt-MSA for determining AYP at the school, LEA and state levels.
- If the LEA or the State exceeds the 2% threshold of proficient or advanced performers on the modified academic achievement assessment, then a procedure will be applied to randomly determine which student scores will be converted to "basic" and attributed back to the school, LEA and/or State for the purposes of calculating AYP.

Participation rates and performance levels of students with disabilities on MSA, Alt-MSA, and Mod-MSA are included in AYP determinations. Maryland's alternate achievement standards and modified academic achievement standards are aligned with the State's academic content standards.

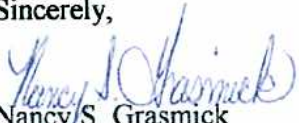
In 2005-06 the modified academic achievement assessment appeals process generated appeals by schools from over 160 schools in 18 of the 24 local educational systems that represented 1200 students. Of the appeals received in 2005-06, we approved approximately 66% of the reading appeals and 52% of the math appeals. On the basis of approved appeals for 2005-06, 115 schools were identified as having met AYP. The appeals process has greatly helped the local school system's understanding of the accepted criteria for identifying Mod-MSA students before we actually implement the Mod-MSA.

Thank you for the opportunity to make these requests. We greatly appreciate your support and assistance as we work to implement the requirements of No Child Left Behind. Upon notification of approval of our proposed amendments to the Maryland State Accountability Plan, we will submit the changes to the State Accountability Workbook and begin implementation for 2006-07.

Patrick Rooney
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Please contact me or Dr. Ronald Peiffer, Deputy State Superintendent for Academic Policy, at 410-767-0473 if you have any questions or need additional information.

Sincerely,



Nancy S. Grasmick

State Superintendent of Schools

NSG:sks/skt

c: Zollie Stevenson, U.S. Department of Education

F1

61r0880
CF 61r1150

(PRE-FILED)

By: **Delegates Gutierrez and Marriott**

Requested: October 18, 2005

Introduced and read first time: January 11, 2006

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2006

CHAPTER _____

1 AN ACT concerning

2 **Public Schools - Graduation Rate Formula - Collecting, Maintaining,**
3 **Analyzing, and Reporting**

4 FOR the purpose of requiring county boards of education to collect, maintain, and
5 analyze certain graduation rates using certain formulas by certain dates;
6 requiring county boards to report certain information to the public and to the
7 State Department of Education in a certain format; requiring the Department to
8 compile certain information, calculate certain graduation rates, and post certain
9 graduation rates on its website; stating a certain purpose; authorizing certain
10 county boards and the Department to develop and implement certain additional
11 indicators; requiring the Department to ensure that certain information is
12 comparable for certain purposes; requiring the Department to implement
13 certain training, a certain system for verification of the accuracy of certain data,
14 and a public awareness campaign; requiring the Department to provide certain
15 technical support and serve as a certain repository; requiring certain reports;
16 requiring a certain report to be posted on a certain website; requiring the use of
17 certain graduation rates for certain purposes; defining certain terms; and
18 generally relating to the collecting, maintaining, analyzing, and reporting of
19 graduation rate and interim graduation rate data.

20 BY adding to
21 Article - Education
22 Section 7-203.2
23 Annotated Code of Maryland
24 (2004 Replacement Volume and 2005 Supplement)

1 Preamble

2 WHEREAS, The high schools of the State play an integral role in preparing
3 students for college and work in the 21st century; and

4 WHEREAS, It is of critical importance to the success of our economy, civic life,
5 and assurance of equal opportunity that public high schools provide this preparation;
6 and

7 WHEREAS, Without accurate data regarding graduation rates it is extremely
8 difficult to evaluate the efficacy of the State's system of public education; and

9 WHEREAS, Better information can lead to better policies and program
10 implementation; and

11 WHEREAS, Parents and community members, who are critical to ensuring
12 strong educational accountability, are hampered in their efforts to improve our
13 schools if they do not have accurate data; and

14 WHEREAS, It is of critical importance that accurate data be collected,
15 maintained, analyzed, and publicly reported by our State's education system with
16 respect to high school student graduation rates; and

17 WHEREAS, Existing data from independent researchers indicate that when
18 graduation rates are disaggregated by racial and ethnic groups, students with
19 disabilities, students who are limited English proficient, and socioeconomically
20 disadvantaged students, many of these subgroups are experiencing particularly low
21 rates of high school graduation; and

22 WHEREAS, The State of Maryland should be committed to developing and
23 implementing a student record data system with unique student identifiers that can
24 track students from kindergarten through postsecondary education; and

25 WHEREAS, The State of Maryland should be committed to maintaining a data
26 and public reporting system that accurately accounts for all students when
27 calculating high school graduation rates and informs the public of progress toward
28 the goal of universal high school graduation; now, therefore,

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
30 MARYLAND, That the Laws of Maryland read as follows:

31 **Article - Education**

32 7-203.2.

33 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
34 INDICATED.

35 (2) (I) "FOUR-YEAR COHORT" MEANS A GROUP OF STUDENTS WHO
36 ENTER NINTH GRADE TOGETHER.

1 (II) "FOUR-YEAR COHORT" ALSO INCLUDES A STUDENT WHO:

2 1. TRANSFERS INTO THE GROUP:

3 A. DURING THE NINTH GRADE OF THE GROUP'S FIRST YEAR
4 IN HIGH SCHOOL;

5 B. DURING THE TENTH GRADE OF THE GROUP'S SECOND
6 YEAR IN HIGH SCHOOL;

7 C. DURING THE ELEVENTH GRADE OF THE GROUP'S THIRD
8 YEAR IN HIGH SCHOOL; OR

9 D. DURING THE TWELFTH GRADE OF THE GROUP'S FOURTH
10 YEAR IN HIGH SCHOOL;

11 2. IS RETAINED IN GRADE; OR

12 3. IS ENROLLED IN A GED PROGRAM.

13 (III) "FOUR-YEAR COHORT" DOES NOT INCLUDE A STUDENT WHO:

14 1. DIES BEFORE GRADUATION;

15 2. TRANSFERS OUT OF THE GROUP; OR

16 3. THE COUNTY BOARD CONFIRMS HAS PERMANENTLY LEFT
17 THE UNITED STATES.

18 (IV) STUDENTS RETAINED IN GRADE ARE ONLY COUNTED ONCE AS
19 MEMBERS OF THEIR ORIGINAL COHORT.

20 (3) "GRADUATION RATE" MEANS THE PERCENTAGE OBTAINED FROM
21 APPLYING THE GRADUATION RATE FORMULA.

22 (4) (I) "GRADUATION RATE FORMULA" MEANS THE NUMBER OF
23 STUDENTS WHO GRADUATE ON TIME WITH A MARYLAND HIGH SCHOOL DIPLOMA
24 DIVIDED BY THE NUMBER OF STUDENTS IN THE FOUR-YEAR COHORT.

25 (II) "GRADUATION RATE FORMULA" DOES NOT INCLUDE STUDENTS
26 WHO GRADUATE ON TIME WITH A GED OR OTHER CERTIFICATE NOT ALIGNED WITH
27 STATE STANDARDS.

28 (5) (I) "ON TIME" MEANS ON OR BEFORE THE CONCLUSION OF A
29 FOUR-YEAR COHORT'S FOURTH YEAR OF HIGH SCHOOL.

30 (II) "ON TIME" INCLUDES A SENIOR SUMMER SESSION IN A
31 JURISDICTION THAT OFFERS SENIOR SUMMER SESSIONS.

32 (6) (I) "TRANSFER OUT" MEANS A STUDENT WHO THE COUNTY BOARD
33 CONFIRMS, VIA WRITTEN DOCUMENTATION, HAS ENROLLED IN ANOTHER HIGH

1 SCHOOL OR OTHER EDUCATIONAL PROGRAM FROM WHICH THAT STUDENT IS
2 EXPECTED TO RECEIVE A REGULAR MARYLAND HIGH SCHOOL DIPLOMA.

3 (II) "TRANSFER OUT" DOES NOT INCLUDE A STUDENT ENROLLED
4 IN:

5 1. A GED PROGRAM; OR

6 2. AN ALTERNATIVE EDUCATION PROGRAM THAT DOES NOT
7 ISSUE OR PROVIDE CREDITS TOWARD A REGULAR MARYLAND HIGH SCHOOL
8 DIPLOMA.

9 (B) THE PURPOSE OF THIS SECTION IS TO:

10 (1) INITIATE A PROCESS BY WHICH THE STATE MAY ACHIEVE THE GOAL
11 OF COLLECTING, MAINTAINING, ANALYZING, AND PUBLICLY REPORTING DATA
12 RELATING TO THE GRADUATION RATES OF STUDENTS IN PUBLIC HIGH SCHOOLS AS
13 AN ESSENTIAL STEP IN ADDRESSING GAPS IN EDUCATIONAL ACHIEVEMENT AMONG
14 A DIVERSE STUDENT POPULATION; AND

15 (2) EXPLICITLY DELINEATE THE DUTIES AND RESPONSIBILITIES OF THE
16 DEPARTMENT AND THE COUNTY BOARDS IN THIS REGARD.

17 (C) (1) BEGINNING ON OR BEFORE SEPTEMBER 1, ~~2010~~ 2011, AND EACH YEAR
18 THEREAFTER, A COUNTY BOARD SHALL:

19 (I) COLLECT, MAINTAIN, AND ANALYZE GRADUATION RATES FOR
20 PUBLIC SCHOOLS, ~~SCHOOL DISTRICTS~~ LOCAL SCHOOL SYSTEMS, AND THE STATE;
21 AND

22 (II) REPORT THE INFORMATION REQUIRED UNDER ITEM (I) OF THIS
23 PARAGRAPH TO:

24 1. THE PUBLIC IN THE AGGREGATE AND DISAGGREGATED
25 BY AMERICAN INDIAN, AFRICAN AMERICAN, HISPANIC, WHITE, ASIAN/PACIFIC
26 ISLANDER, STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT, STUDENTS WHO
27 RECEIVE FREE AND REDUCED PRICED MEALS, AND STUDENTS WHO RECEIVE
28 SPECIAL EDUCATION SERVICES; AND

29 2. THE DEPARTMENT.

30 (2) BEGINNING ON OR BEFORE OCTOBER 1, ~~2010~~ 2011, AND EACH YEAR
31 THEREAFTER, THE DEPARTMENT SHALL:

32 (I) COMPILE THE INFORMATION RECEIVED UNDER PARAGRAPH (1)
33 OF THIS SUBSECTION AND CALCULATE A GRADUATION RATE FOR THE STATE; AND

34 (II) POST THE INFORMATION OBTAINED UNDER THIS SUBSECTION
35 FOR EACH COUNTY ON ITS WEBSITE IN THE AGGREGATE AND DISAGGREGATED BY
36 AMERICAN INDIAN, AFRICAN AMERICAN, HISPANIC, WHITE, ASIAN/PACIFIC

1 ISLANDER, STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT, STUDENTS WHO
2 RECEIVE FREE AND REDUCED PRICED MEALS, AND STUDENTS WHO RECEIVE
3 SPECIAL EDUCATION SERVICES.

4 (D) (1) THE COUNTY BOARDS AND THE DEPARTMENT MAY DEVELOP AND
5 IMPLEMENT ADDITIONAL INDICATORS TO COLLECT, MAINTAIN, ANALYZE, AND
6 PUBLICLY REPORT DATA REGARDING ALTERNATIVE HIGH SCHOOL COMPLETIONS.

7 (2) THE DEPARTMENT SHALL ENSURE THAT THE INFORMATION
8 COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS COMPARABLE FOR
9 PUBLIC SCHOOLS AND SCHOOL DISTRICTS LOCAL SCHOOL SYSTEMS IN THE STATE.

10 (E) THE DEPARTMENT SHALL:

11 (1) IMPLEMENT TRAINING FOR ADMINISTRATORS AND OTHER
12 PERSONNEL RESPONSIBLE FOR COLLECTING, MAINTAINING, ANALYZING, AND
13 PUBLICLY REPORTING DATA REGARDING FOUR-YEAR COHORTS AND GRADUATION
14 RATES;

15 (2) IMPLEMENT A STANDARD PROCESS FOR VERIFYING THE ACCURACY
16 OF DATA INCLUDING:

17 (I) STATISTICAL CHECKS AND ANALYSES; AND

18 (II) ON-SITE AUDITS OF RECORD-KEEPING PROCEDURES;

19 (3) IMPLEMENT A PUBLIC AWARENESS CAMPAIGN INCLUDING
20 OUTREACH TO CIVIC ASSOCIATIONS, COMMUNITY-BASED GROUPS, AND PARENT
21 ORGANIZATIONS AND THE SOLICITATION OF SUGGESTIONS AND COMMUNITY
22 SUPPORT REGARDING THE NEED FOR COLLECTING, MAINTAINING, ANALYZING, AND
23 PUBLICLY REPORTING ACCURATE DATA REGARDING FOUR-YEAR COHORTS AND
24 GRADUATION RATES;

25 (4) PROVIDE TECHNICAL SUPPORT TO THE COUNTY BOARDS WITH
26 COLLECTING, MAINTAINING, ANALYZING, AND PUBLICLY REPORTING GRADUATION
27 RATE DATA; AND

28 (5) SERVE AS A CENTRAL REPOSITORY FOR THIS DATA.

29 (F) (1) ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE STATE BOARD
30 SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE
31 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY, REGARDING:

32 (I) THE IMPLEMENTATION OF THIS SECTION;

33 (II) STATISTICAL ANALYSES AND DATA VERIFICATION PROCESSES
34 DEVELOPED UNDER THIS SECTION; AND

1 (III) DISCREPANCIES DISCOVERED WHILE COLLECTING,
2 MAINTAINING, ANALYZING, AND PUBLICLY REPORTING THE INFORMATION
3 REQUIRED UNDER THIS SECTION.

4 (2) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL BE
5 POSTED ON THE DEPARTMENT'S WEBSITE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That on or before September 1,
7 2006, September 1, 2007, September 1, 2008, ~~and~~ September 1, 2009, and September
8 2010, each county board shall:

9 (1) collect, maintain, and analyze an interim graduation rate by dividing
10 the number of students that receive a regular high school diploma in a given year by
11 the number of students that enrolled in the ninth grade four years earlier; and

12 (2) report the information required under item (1) of this section to:

13 (i) the public in the aggregate and disaggregated by American
14 Indian, African American, Hispanic, White, Asian/Pacific Islander, students who are
15 limited English proficient, students who receive free and reduced priced meals, and
16 students who receive special education services; and

17 (ii) the State Department of Education.

18 SECTION 3. AND BE IT FURTHER ENACTED, That on or before October 1,
19 2006, October 1, 2007, October 1, 2008, ~~and~~ October 1, 2009, and October 1, 2010, the
20 State Department of Education shall:

21 (1) compile the information received under Section 2 of this Act and
22 calculate an interim graduation rate for the State; and

23 (2) post the information obtained under Section 2 of this Act for each
24 county and the interim graduation rate for the State on its website in the aggregate
25 and disaggregated by American Indian, African American, Hispanic, White,
26 Asian/Pacific Islander, students who are limited English proficient, students who
27 receive free and reduced priced meals, and students who receive special education
28 services.

29 SECTION 4. AND BE IT FURTHER ENACTED, ~~That in That:~~

30 (a) Unless the State Board of Education chooses to comply with subsection (b)
31 of this section before 2011, in 2006, 2007, 2008, and 2009, and 2010, for the purpose of
32 determining Adequate Yearly Progress under the federal No Child Left Behind Act,
33 the State Department of Education shall use the interim graduation rates determined
34 under Sections 2 and 3 of this Act as the additional high school indicator.

35 (b) Notwithstanding the provisions of subsection (a) of this section, by 2011,
36 the State Department of Education shall use as the additional high school indicator
37 the graduation rate as defined under § 7-203.2 of the Education Article, as enacted by
38 Section 1 of this Act, including permissible adjustments consistent with the federal

1 No Child Left Behind Act that allow additional time for students with disabilities,
2 students with limited English proficiency, and other students when educationally
3 appropriate based on an individualized review of a student's pathway to graduation.

4 SECTION 5. AND BE IT FURTHER ENACTED, That on or before August 1,
5 2006, the State Department of Education shall report to the Governor and, subject to
6 § 2-1246 of the State Government Article, to the General Assembly, regarding
7 measures being taken to implement Sections 2 and 3 of this Act and shall include the
8 categories and codes being used for identifying, tracking, calculating, and publicly
9 reporting transfers out of a four-year cohort, as defined by § 7-203.2 of the Education
10 Article. This report shall be posted on the Department's website.

11 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2006.