



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JAN 08 2009

The Honorable Nancy Grasmick
State Superintendent of Schools
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21201

Dear Superintendent Grasmick:

As we approach our seventh year of implementing the accountability provisions of the Elementary and Secondary Education Act, I want to take a moment to thank you and your colleagues for all your hard work to help realize the goals of the *No Child Left Behind Act of 2001* (NCLB) which has led to real and meaningful improvements in student achievement. These outcomes are due, in no small part, to the efforts of the dedicated educators in your state. We have seen an increased attention on high expectations for every child, an improvement in student performance across the board and a decrease in achievement gaps.

As Secretary Spellings is fond of saying, "what gets measured, gets done." With that in mind, I want to take this opportunity to update you on the status of some NCLB cornerstones with respect to Maryland. Detailed information on specific components of your state's assessment and accountability system is contained in an attachment to this letter.

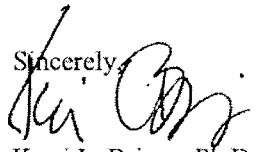
- Assessment system: An assessment system that produces valid and reliable results is fundamental to an accountability system that holds schools and districts accountable for educating all students. Information regarding both the reading/language arts and mathematics assessment system used in determining adequate yearly progress for schools and districts in your state as well as details of the 2007-08 administration of science assessments are attached.
- Accountability components: The Department's new Title I regulations provide for greater scrutiny to states' accountability systems, including establishing a uniform and more accurate measure of calculating high school graduation rates that is comparable across states and requiring that states ensure that statistical measures maximize the inclusion of students and student subgroups in accountability determinations. Hence, the regulations also require that all states submit portions of their Accountability Workbook for peer review. In the attachment to this letter you will find information on Maryland's minimum group size, annual measurable objectives, confidence interval, full academic year definition, and graduation rate.
- Departmental flexibilities: Over the past several years, the Secretary has offered several flexibilities to states, such as growth model and differentiated accountability pilots, assessing students with disabilities and recently arrived limited English proficient students, and discretionary grant programs, such as the Teacher Incentive Fund, Enhanced Assessment Grants, and State Longitudinal Data System Grants. I am pleased to note that Maryland is participating in several of these endeavors.
 - Maryland was approved to include its differentiated accountability model as part of its system of interventions beginning in the 2008-09 school year through the 2011-12 school year.
 - Teacher Incentive Fund (TIF): Maryland has one TIF grantee, Board of Education of Prince George's County in the amount of \$2,945,722 (Year 1: \$572,425, Year 2: \$2,418,297).

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- Statewide Longitudinal Data System Grant: Maryland has received a statewide longitudinal data system grant in the amount of \$5,690,718.
- Two percent transition flexibility: Maryland was approved in 2007–08 to use the transition flexibility (option 2 in our guidance dated December 2008) regarding calculating adequate yearly progress (AYP) for the students with disabilities subgroup. For schools that do not make AYP based solely on the students with disabilities subgroup, school Individualized Education Program (IEP) teams will review individual students' IEPs to affirm the identity of those students who might have received proficient scores on a modified assessment if one had been available. Maryland will cap student eligibility at 2.0 percent of all students assessed at the state and district level. Maryland is eligible for this flexibility because the SEA is developing an alternate assessment based on modified academic achievement standards for certain students with disabilities.
- General Supervision Enhancement Grant: Maryland Department of Education is working towards the development of an alternate assessment based on modified academic achievement standards. (Year 1: \$396,330; Year 2: \$283,953; and Year 3: \$ 283,953)

In addition, for your information, I am enclosing a file that provides information across all states on the current assessment status, participation in flexibilities offered by the Department, AYP information, and discretionary grants. I wish you continued success in raising the achievement in Maryland. NCLB has focused our attention on closing achievement gaps and increasing the awareness of those students who have often been left behind: economically disadvantaged, limited English proficient, and students with disabilities. I have enjoyed the opportunity to work with you and all your colleagues across the country on such important issues.

Sincerely,

Kerri L. Briggs, Ph.D.

Enclosures

cc: Governor Martin O'Malley
Ronald Peiffer

Assessment System

Maryland's assessment system met the requirements to be considered *Fully Approved*. This means that Maryland's assessment system includes academic content standards in reading/language arts, mathematics, and science; student achievement standards in reading/language arts and mathematics; alternate achievement standards for students with the most significant cognitive disabilities in reading/language arts and mathematics; and assessments and alternate assessments in each of grades 3 through 8 and one grade in high school in reading/language arts and mathematics. I encourage you to consider whether there are any areas in which the Department can provide or facilitate technical assistance to Maryland in meeting the statutory or regulatory requirements or as you consider changes to your current assessment system.

- Maryland's science assessments are not yet fully compliant.
 - In 2007–08, the Department required that the state meet four minimal criteria related to the content area of science: have science content standards; have a general and alternate science assessment; include all students in one of the science assessments (i.e., either the general or alternate); and report the results of the science assessments. Maryland appears to have met these requirements. Following the May 2008 technical review, please see the outstanding evidence listed in an attachment to my letter of September 26, 2008 and enclosed. Beginning with the 2008–09 school year, science assessments will be included in the states' assessment status. For additional detail, please see the enclosed fact sheet.
- I know that Maryland submitted evidence regarding its alternate science assessment for review from October 25 through November 2. My staff will be sharing the peer notes and formal feedback as soon as possible.
- Maryland has developed an alternate assessment based on modified academic achievement standards (AA-MAAS).

Accountability System

- Minimum group size (the state-defined minimum number of students necessary to have valid and reliable AYP determinations): Maryland's minimum group size is 5. (The average across all states is approximately 30 students.)
- Annual measurable objectives (AMO) (the yearly target for the percentage of students required to be proficient or above for a school to make AYP):
 - 2008–09: Maryland's goal for this year for reading/language arts is 77 percent of students in grades 3-6, 76 percent of students in grades 6-9, and 74 percent of high school students scoring proficient and for mathematics it is 74 percent of students in grades 3-5, 69 percent of students in grades 6-8, and 67 percent for high school students.
 - AMO type: Maryland set its AMOs consistent with the statutory requirements, using an annual increase method.
- Confidence interval: The state applies a confidence interval ranging from 95 to 99.74 percent.
- Full academic year definition (for purposes of determining whether a student's score must be included in AYP determinations): In Maryland, a student must be enrolled on September 30 in order to be included in AYP determinations.
- Graduation rate:
 - Currently, Maryland is using a graduation rate that can be described as a completer rate, meaning that it takes the number of graduates divided by the number of graduates plus the number of students that dropout each of the previous four years.
 - As required by the recently issued Title I regulations, states must report graduation rate data, in the aggregate and disaggregated by subgroup, using the four-year adjusted cohort graduation rate beginning with report cards providing assessment results for the 2010-11 school year.

- The graduation rate target Maryland requires for the district or school to make AYP is 83.2 percent or 0.1 percentage point improvement from the previous year.
- According to the National Governor's Association 2008 report *Implementing Graduation Counts: State Progress to Date, 2008*, Maryland will have capability of calculating the NGA Compact 4-year graduation rate in 2011.

SUMMARY OF ADDITIONAL EVIDENCE THAT MARYLAND MUST SUBMIT TO MEET ESEA REQUIREMENTS FOR ITS GENERAL SCIENCE STANDARDS AND ASSESSMENTS

2.0 - ACADEMIC ACHIEVEMENT STANDARDS

1. Evidence that descriptions of competencies associated with each achievement level have been finalized and that they reference specific grade-span content.
2. Evidence of diverse representation in development of alternate achievement standards in science.

3.0 - FULL ASSESSMENT SYSTEM

1. Evidence of the comparability of online and paper-and-pencil forms based on the operational Maryland School Assessments (MSA) and High School Assessments (has). The analyses must include checking the decision consistency of categorization of students at the performance levels.
2. Evidence of the comparability of the multiple operational MSA forms used in 2008.
3. Documentation that the MSA and HSA assessments measure higher-order thinking.

4.0 - TECHNICAL QUALITY

1. Consequential validity of the MSA.
2. Evidence that reporting structures are consistent with the sub-domain structures of the MSA.
3. Evidence that the MSA is appropriately related to internal or external variables. Evidence that both the MSA and HSA are related to external variables (e.g., other tests, student grades, etc.) is needed.
4. Analyses of reliability of the MSA based on the 2008 results.
5. Documentation of the use of the DIF analysis results to correct or eliminate items that exhibited bias.
6. A plan for monitoring item bias and improving the tests over time.
7. Evidence that accommodations used during administration of the MSA and HSA yield meaningful scores.
8. Evidence of how consistency of forms over time will be ensured.
9. Operational criteria for the administration, scoring, analysis, and reporting components of Maryland's assessment system.
10. Documentation for monitoring the on-going quality of the assessment system.
11. Documentation that the monitoring of accommodations is occurring (e.g., summary monitoring reports, lists of audits conducted, etc.).
12. Evidence that the validity of scores for students based on accommodated administration include results from operational assessments indicating that policies and procedures have been followed.

5.0 - ALIGNMENT

1. Evidence of alignment of the operational MSA and content standards.
2. Evidence demonstrating the cognitive challenge of the MSA and HSA tests as well as a rationale for the use and placement of item types (BCR and SR).
3. Documentation that the operational assessments reflect the same degree and pattern of emphasis as are reflected in the state's academic content standards.
4. Detailed assessment specifications or a more complete description of the test development process and a description of how the assessment reflects both the content knowledge and skills specified in the academic content standards for both the MSA and the HSA.

6.0 - INCLUSION

1. Actual data for all student and subgroup enrollment and the number or percentage tested during 2007-08 for the MSA and HSA.

7.0 - REPORTING

1. Evidence that a summary report including the number of students enrolled and tested/not tested is produced for science.
2. A report of participation and assessment results for all students (including migrant students) and for each of the required subgroups in its reports at the school, district, and State levels.
3. Evidence that science assessment results are readily available to all parents, teachers and principals.
4. Evidence that schools are delivering reports to parents, teachers and principals as soon as practically possible after the assessments are given.
5. Final reports used for 2008 results.