



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 05 2011
AUG 03 2011

The Honorable Bernard J. Sadusky
Interim State Superintendent of Schools
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201

Dear Interim Superintendent Sadusky:

I am writing in response to Maryland's request to amend its state accountability plan under Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. Following discussions between the U.S. Department of Education (Department) and your staff, Maryland requested six changes to its accountability plan, which are now included in the amended plan that Maryland submitted to the Department on February 24, 2011, with additional revisions submitted on June 30, 2011. I am pleased to approve Maryland's amended plan, which we will post on the Department's website. A summary of Maryland's requested amendments is enclosed with this letter. As you know, any further requests to amend Maryland's accountability plan must be submitted to the Department for review and approval as required by section 1111(f)(2) of Title I of the ESEA.

Please also be aware that approval of Maryland's accountability plan for Title I, including the amendments approved herein, does not indicate that the plan complies with Federal civil rights requirements, including 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*, and requirements under the *Individuals with Disabilities Education Act*.

I am confident that Maryland will continue to advance its efforts to hold schools and school districts accountable for the achievement of all students. If you need any additional assistance to implement the standards, assessment, and accountability provisions of the ESEA, please do not hesitate to contact Valeria Ford (Valeria.Ford@ed.gov) of my staff.

Sincerely,

Michael Yudin,
Deputy Assistant Secretary for Policy
and Strategic Initiatives

Enclosure

cc: Governor Martin O'Malley
Mary Gable

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Amendments to Maryland's Accountability Plan

The following is a summary of Maryland's amendment requests. Please refer to the Department's website (<http://www.ed.gov/admins/lead/account/stateplans03/index.html>) for Maryland's accountability plan.

Use of Advanced Placement (AP) and International Baccalaureate (IB) exams as substitutes for high school end-of-course assessments (1.3)

Revision: Maryland will continue to offer AP and IB exams as substitutes for its high school end-of-course assessments in English/language arts, mathematics, and science under waivers of 34 C.F.R. § 200.3(a)(1)(i) (the Department initially granted in August 2007 for English/language arts and mathematics) and January 2009 for science. To facilitate the continuation of this practice, pursuant to section 9401(d)(2) of the ESEA, Maryland's request to extend its current waivers is granted through 2013-14 unless the reauthorization of the ESEA changes the requirements on which the original waivers were based. In granting this extension, the Department recognizes that AP and IB exams are of high quality and are tied to college-level courses. As intended, the existing waivers have enabled Maryland to use AP and IB exams in lieu of its high school end-of-course assessments when determining adequate yearly progress. By holding students to standards that meet or exceed Maryland's content standards, the exams and associated coursework facilitate increased student achievement as well as college and career readiness. As such, extending the existing waivers is in the public interest.

Definition of adequate yearly progress (AYP) includes all the required student subgroups (5.1, 6.1)

Revision: Maryland will update the major racial and ethnic groups for which it disaggregates student achievement data when making AYP determinations to correspond with the racial and ethnic categories that States must use for reporting purposes pursuant to the guidelines in *Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education*, 72 Fed. Reg. 59266 (Dec. 3, 2007) ("Final Guidance"). In so doing Maryland schools will have the potential for 23 data elements instead of the current 19 when making AYP determinations.

Students with disabilities included in the State's definition of adequate yearly progress (5.3)

Revision: Maryland will update its workbook to clarify the process it uses for redistributing scores as non-proficient if an LEA or the State exceeds the 1% cap on students scoring proficient or advanced on alternate assessments based on alternate academic achievement standards or the 2% cap on students scoring proficient or advanced on alternate assessments based on modified academic achievement standards.

Definition of the minimum number of students in a subgroup required for AYP (5.5)

Revision: For purposes of determining the cohort graduation rate, Maryland will use an N of 30 for accountability for the all students group beginning in 2010-11 and an N of 30 for the disaggregated subgroups beginning in 2011-12.

Definition for the public high school graduation rate (7.1)

Revision: Beginning with AYP determinations for the 2010-11 school year, Maryland will change from use of the National Center for Education Statistics (NCES) synthetic graduation rate to the regulatory four-year adjusted cohort graduation rate and incorporate a five-year adjusted cohort graduation rate for use in AYP determinations. Attendant to these changes, Maryland will increase its graduation rate goal to 95% and revise its targets, including the addition of separate, more aggressive targets for the five-year rate.

Valid and reliable academic indicators (7.3)

Revision: Maryland will update this element to indicate that it will make use of its statewide longitudinal data system to measure on-time graduation for 2010-11.