



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

NOV 05 2012

The Honorable Lillian Lowery  
State Superintendent of Schools  
Maryland State Department of Education  
200 West Baltimore Street  
Baltimore, Maryland 21201


Dear Superintendent Lowery:

I am writing in response to the Maryland State Department of Education's (MSDE's) request to amend its approved ESEA flexibility request. Following discussions between the U.S. Department of Education (Department) and your staff regarding the proposed revisions to Maryland's approved request, the Department has determined that the revised request continues to be consistent with principles of ESEA flexibility. For this reason, I am approving MSDE's amended request, which we will post on the Department's website. A summary of MSDE's requested amendments is enclosed with this letter. As you know, any further requests to amend MSDE's ESEA flexibility request must be submitted to the Department for review and approval.

MSDE continues to have an affirmative responsibility to ensure that it and its districts are 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 as well as their implementation of all other Federal education programs. 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 MSDE will continue to implement the reforms it proposed under its approved ESEA flexibility request and advance its efforts to hold schools and school districts accountable for the achievement of all students. If you have any questions regarding the implementation of your ESEA flexibility request, please do not hesitate to contact Victoria Hammer of my staff at [Victoria.Hammer@ed.gov](mailto:Victoria.Hammer@ed.gov).

Sincerely,

  
Deborah S. Delisle

Enclosure

cc: Mary Gable

400 MARYLAND AVE., SW, WASHINGTON, DC 20202

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

## **Amendments to the Maryland State Department of Education's Approved ESEA Flexibility Request**

The following is a summary of the Maryland State Department of Education's amendment requests. The Department is approving the following amendments because Maryland's ESEA flexibility request, as amended, continues to be aligned with the principles of ESEA flexibility. Please refer to the Department's website ([www.ed.gov/admins/lead/account/stateplans03/index.html](http://www.ed.gov/admins/lead/account/stateplans03/index.html)) for Maryland's original and amended ESEA flexibility requests.

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

Revision: Maryland will revise the baselines and targets for its annual measurable objectives in reading and mathematics so that it includes as non-proficient all students enrolled at the time of testing but that do not take the assessments, consistent with its approved request for ESEA flexibility.

Revision: Maryland will revise its four-year graduation rate baselines and targets to use the same cohort for the calculation of its four- and five-year graduation rate baselines and targets.

Revision: Maryland will revise the indicators used to rate high schools in its index. Specifically, in the College- and Career-Readiness indicators, the State will increase the value of the four-year adjusted cohort graduation rate to 12 percentage points. Maryland will also replace the four percentage points of Career Attainment and six percentage points of Attendance with eight percentage points for College- and Career- Preparation which includes advanced placement (AP) exam performance (schools receive credit for students who receive a 3 or better on any AP exam) or concentration in career and technology education (same as career attainment) or college enrollment (schools receive credit for students that enroll in a 2- or 4-year credit bearing, public or private, in or out of State, institution). In addition, Maryland will rename its index from the school performance index to the school progress index.