



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JAN 09 2013

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 pleased to inform you that the U.S. Department of Education (Department) has determined that Maryland's guidelines for teacher and principal evaluation and support systems meet the requirements for Principle 3 articulated in the Department's September 23, 2011, document titled *ESEA Flexibility*, as qualified below.

During the week of July 16, 2012, two peer experts reviewed Maryland's guidelines and Principle 3 of Maryland's request. Staff from the Department also reviewed Maryland's submission, as well as the information Maryland submitted in response to the August 13, 2012 feedback provided to Maryland following the July peer review.

Based on our review of Maryland's submission and the information submitted in response to the peer review feedback, in addition to discussion with the State's Race to the Top program officer, the Department has determined that Maryland's guidelines meet the requirements of Principle 3 of ESEA flexibility, provided that Maryland implements those guidelines as specified below. Specifically, it is a requirement of both Race to the Top and ESEA flexibility that States use data from the assessments required under Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, in determining student growth for use in teacher and principal evaluation systems. The guidelines that Maryland submitted as part of its Principle 3 submission specify use of student learning objectives (SLOs) to measure student growth for use in high school teacher and principal evaluations but are silent on use of the Statewide high school assessments to determine such growth. Therefore, in order to confirm that Maryland's guidelines for teacher and principal evaluation and support systems meet the requirements of Principle 3 under ESEA flexibility, as well as the definition of a qualifying evaluation system under Race to the Top, Maryland must:

- 1) In implementing its guidelines, require that each high school teacher (in tested grades and subjects) and high school principal include at least one SLO with a data point on student performance on the Statewide high school assessments (*i.e.*, the Maryland High School Assessments or HSAs) in the evaluation system as the State moves forward with the implementation of the field test, but no later than the full implementation of the qualifying evaluation system (in the 2013-2014 school year).
- 2) Commit to using student growth, as measured by the common, high-quality assessments in the evaluation of high school teachers and principals when such assessments are available. It is the Department's understanding that Maryland is a member of the Partnership for

Assessment of Readiness for College and Careers (PARCC) and, therefore, has committed to use the PARCC assessments for that purpose.

With this approval, Maryland's complete request for ESEA flexibility remains fully approved through the 2013–2014 school year. To maintain this approval, Maryland must meet the requirements above. If Maryland fails to meet the requirement above, the Department may initiate action to terminate Maryland's ESEA flexibility, which would mean that Maryland and its local educational agencies would be required to immediately resume complying with all ESEA requirements. We will continue to monitor Maryland's implementation of ESEA flexibility, including the development, piloting, and implementation of evaluation and support systems consistent with Maryland's guidelines to ensure that it meets these requirements.

I would also like to take this opportunity to inform you that the Department has determined that the proposed amendment that Maryland submitted on August 30, 2012 also meets the requirements of Principle 3 of ESEA flexibility. Through this amendment, Maryland has increased the contribution of student learning objectives from 30% to 35% and decreased the contribution of the school progress index from 20% to 15% in a high school principal's evaluation rating. This change will align the teacher and principal evaluation systems proposed under the State's approved Race to the Top application and its ESEA flexibility request.

While the Department understands and expects that Maryland may make additional changes to its guidelines as a result of its ongoing development and piloting efforts, Maryland should ensure that any such changes are consistent with Principle 3 of ESEA flexibility by consulting with the Department. Depending on the nature and extent of such changes, Maryland may need to submit a request to amend its approved ESEA flexibility request. If you have any questions regarding the amendment process or anything else related to Maryland's implementation of ESEA flexibility, please contact Victoria Hammer at 202-260-1438 or [Victoria.Hammer@ed.gov](mailto:Victoria.Hammer@ed.gov).

A copy of Maryland's approved request for ESEA flexibility, including its guidelines for teacher and principal evaluation and support systems, will be posted on the Department's Web site at: <http://www.ed.gov/esca/flexibility/requests>. I look forward to continuing to support you as you implement Maryland's ESEA flexibility request and work to improve the quality of instruction and academic achievement for all students.

Sincerely,



Deborah S. Delisle

cc: Mary Gable  
Lisa Bishop