



Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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March 2014

Deborah S. Delisle
Assistant Secretary
Office of Elementary and Secondary Education
United States Department of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Dr. Delisle:

I am writing on behalf of the Maryland State Department of Education (MSDE) to request a waiver of the following provisions of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. This waiver will help MSDE and its local educational agencies (LEAs) in Maryland implement our approved ESEA flexibility request in order to increase the quality of instruction and improve the academic achievement of all students in Maryland.

Waiver of Requirements to Use the Same Assessment for All Students at Each Grade Level

We are requesting a waiver of the requirements of ESEA sections 1111(b)(1)(B), 1111(b)(2)(C)(i), and 1111(b)(3)(C)(i) and the corresponding regulatory provisions that require LEAs and MSDE to use the same assessment for all students at each grade level. Maryland's recent efforts to increase rigor and our commitment to improve the quality of instruction and increase academic achievement for all students provide a context for this request.

The Maryland State Board of Education adopted the Code of Maryland Regulations (COMAR) 13A.03.02.07A stating "Beginning with the 2001-2002 school year, to be awarded the Maryland High School Diploma, all students, including elementary and middle school students who take high school level courses, shall take the Maryland High School Assessment for Algebra/Data Analysis, Biology, English, and Government after the student completes the required course."

In 2010, Maryland committed to raise standards and expectations for all students by adopting the Common Core State Standards (CCSS), which were approved by the State Board of Education in June of that year. In Maryland's Race to the Top (RTTT) application, we explained that adopting new standards with correspondingly aligned assessments and training would improve student achievement. Maryland has committed to the implementation of the Partnership for Assessment of Readiness for College & Careers (PARCC), field testing PARCC Assessments in each Maryland school in the 2013-2014 school year and fully implementing PARCC Assessments in the 2014-2015 school year.

Maryland is implementing these college and career ready standards and is committed to providing the opportunity for all students to take the highest level of courses applicable for that student.

Dr. Deborah Delisle

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As the College and Career Ready Standards are implemented, Maryland expects that more students will be able to take higher level courses earlier in their school careers. We are proposing that beginning with the implementation of the PARCC Assessments in the 2014-15 school year, we allow any student enrolled in a high school level course to take the assessment associated with this course. This will most often occur with the Algebra I assessment since very few students take English II before high school.

For example, an 8th grade student who is enrolled in high school Algebra I would take the PARCC Algebra I end of course assessment instead of the PARCC 8th grade Mathematics assessment. There is a population of students who enroll in high school course work prior to attending high school. As Algebra I is a required course for all students seeking a Maryland high school diploma and students must take and pass the end of course assessment for Algebra I, all Maryland students are assessed in Mathematics. Likewise English 9, 10, 11 & 12 are also required for high school graduation and have end of course assessments.

The chart below indicates the number of students in grades 5, 6, 7 and 8 who took the Algebra High School Assessment (HSA) in 2011, 2012, and 2013.

	2011		2012		2013	
Grade	n	%	n	%	n	%
05	5	0.0	6	0.0	0	0.0
06	331	1.0	386	1.1	404	1.1
07	11877	34.2	11775	34.2	11590	31.6
08	22554	64.9	22287	64.7	24642	67.3
TOTAL	34767	100	34454	100	36636	100

In the 2012-2013 school year, .66 percent of 6th grade students, 18.6 percent of 7th grade students, and 40.5 percent of 8th grade students took the Algebra HSA.

MSDE requests this waiver so that, if a student takes a high school level course and the corresponding end of course (EOC) assessment prior to entering high school, which is when these assessments would otherwise be used for federal accountability purposes, that student's score on the relevant EOC may be used for federal accountability purposes at the school in which the student is enrolled in lieu of the corresponding grade-level statewide assessment rather than "banking" the score until the student is in

high school, as MSDE previously did. Further, MSDE wishes to be able to use EOC assessments for Algebra I and English II for federal accountability purposes for those students who take Algebra I or English II, respectively, prior to entering high school. To this end, MSDE requests a waiver of ESEA Sections 1111(b)(1)(B) and 1111(b)(3)(C)(i) and the corresponding regulatory provisions so that MSDE can use, with respect to a student who is not yet enrolled in high school but who takes a high school level course and the corresponding EOC assessment, the student's score on that assessment for federal accountability purposes for the grade in which the student is enrolled.

MSDE assures that it will continue to:

- Report on its State Report Card the following data,
 - For the “all students” group and each subgroup described in ESEA Section 1111(b)(2)(C)(v)(II)-
 - Information on student achievement at each proficiency level;
 - Data comparing actual achievement levels to the State's annual measurable objectives (AMOs);
 - The percentage of students not tested;
 - Performance on the other academic indicators for elementary and middle schools; and
 - Graduation rates for high schools.
 - Continue to comply with all other reporting requirements in ESEA Section 1111 (h)(1)(C) and ensure that its LEAs continue to comply with all other reporting requirements in ESEA Section 1111 (h)(2)(B), including the requirement for both MSDE and its LEAs to report information on achievement at each proficiency level disaggregated by gender and migrant status.

Please feel free to contact me, or Dr. Jack Smith, Chief Academic Officer, by phone or email if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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