



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JUL 23 2015

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

Dear Superintendent Lowery:

I am writing in response to Maryland's request for renewal of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility), so that Maryland may continue to implement ESEA flexibility.

Our team, including my staff and other senior leaders at the U.S. Department of Education (ED), reviewed Maryland's request dated June 24, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am pleased to renew approval of Maryland's ESEA flexibility request for three years, through the end of the 2017–2018 school year.

My decision to renew approval of Maryland's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling Maryland to carry out important reforms to improve student achievement and that this renewal is in the public interest. With this renewal, Maryland will be able to continue implementing its plans to promote innovative, locally tailored strategies to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. Maryland's approved request will be posted on ED's website.

This letter also provides my approval of Maryland's proposed amendments of its ESEA flexibility request. A summary of Maryland's significant approved amendments is enclosed with this letter.

This renewal is subject to Maryland's commitment to:

- Provide to ED, no later than January 31, 2016, an amended request that incorporates Maryland's Reward School identification methodology, including criteria for identifying High-Progress Reward Schools for the school year 2016–2017 and thereafter.
- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that schools that were previously identified as Priority or Focus schools but are not identified in the State's next cohort of schools continue to make progress at improving the performance of all students and closing achievement gaps.

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<http://www.ed.gov/>

- Demonstrate, during ED’s monitoring and follow-up of ESEA flexibility implementation, that Maryland is implementing the plan set forth in its ESEA flexibility request, including timeline and milestones, that will lead to inclusion of student growth in teacher and principal evaluation and support systems based on State assessments administered no later than the 2015–2016 school year and each year thereafter.
- Provide to ED, no later than June 1, 2016, an amended request that incorporates, the Statewide approach that Maryland will use for the calculation of student growth based on State assessments administered no later than the 2015–2016 school year, and each year thereafter, in teacher and principal evaluation and support systems. Maryland committed to using a Statewide approach for the calculation of student growth based on State assessments in teacher and principal evaluation and support systems in its ESEA flexibility renewal request.

Maryland continues to have an affirmative responsibility to ensure that it and its local educational agencies (LEAs) 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. 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 Maryland will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools and LEAs accountable for the achievement of all students. If you need any additional assistance to implement your ESEA flexibility request, please do not hesitate to contact Jamila Smith or Kim Light of my staff at: OSS.Maryland@ed.gov.

Thank you for your commitment and continued focus on enhancing education for all students in Maryland.

Sincerely

(b)(6)

Ann Whalen

Delegated the authority to perform the functions and duties of Assistant Secretary for Elementary and Secondary Education

Enclosure

cc: Mary Gable, Assistant State Superintendent

Approved Amendments to Maryland's ESEA Flexibility Request

The following is a summary of significant amendments to Maryland's ESEA flexibility request. ED approves these amendments because Maryland's ESEA flexibility request, as amended, continues to be aligned with the principles of ESEA flexibility. Please refer to ED's website (<http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/md.html>) for Maryland's complete ESEA flexibility request.

- **State-Developed Differentiated Recognition, Accountability, and Support (Principle 2)**

Revision: Maryland will not assign schools new ratings under its system of differentiated recognition, accountability, and support based on assessments administered in the 2014–2015 school year. Maryland will resume assigning ratings based on assessments administered in the 2015–2016 school year.

- **Supporting Effective Instruction and Leadership (Principle 3)**

Revision: Based on analysis conducted by Maryland regarding implementation of the State's teacher evaluation system, Maryland removed its School Progress Index (SPI), a school-wide collective achievement measure, from the State teacher evaluation model. The State will utilize Student Learning Objectives in place of the SPI in summative ratings. LEAs that utilize an approved local teacher evaluation model, instead of the State teacher evaluation model, may still choose to include the SPI as a multiple measure of student growth.