



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JAN 15 2009

The Honorable Nancy Grasmick  
State Superintendent of Schools  
Maryland State Department of Education  
200 West Baltimore Street  
Baltimore, MD 21201

Dear Superintendent Grasmick:

I am writing in response to Maryland's request to permit students to take the Advanced Placement (AP) or International Baccalaureate (IB) biology exam as a substitute for the high school science end-of-course assessment. I apologize for the delay in responding.

I am pleased to grant Maryland flexibility, under section 9401 of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB), to permit students to take the biology AP or IB exam in place of Maryland's Biology High School Assessment (HSA). The Department recognizes that the AP and IB exams are of high quality and are tied to specific college-level course content. Maryland submitted sufficient evidence that the AP and IB exams are aligned with equal or more rigorous content than the Maryland HSA course content standards and hold students to challenging academic achievement standards that meet or exceed the state's academic achievement standards on the HSA.

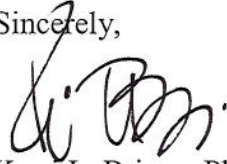
This approval for Maryland students to take the AP and IB assessments in place of the Biology HSA means that not all students will participate in the same assessment and that some students may take an assessment that does not cover the full breadth of Maryland's high school content standards. Accordingly, this flexibility agreement waives the requirements of section 1111(b)(3)(C)(i) of the ESEA, which requires the state to use the same academic assessments to measure the achievement of all children, and 34 C.F.R. § 200.3(a)(1)(i), which requires a state's assessment system to address the depth and breadth of the state's academic content standards.

This agreement is in effect for four years (the 2008–09 through 2011–12 school years). As required by section 9401(b)(3)(A) of the ESEA, within 30 days of the date of this letter, Maryland must provide all interested local educational agencies (LEAs) in the state with notice of this flexibility agreement and a reasonable opportunity to comment, and must, within 30 days thereafter, submit any comments to the Secretary. In addition, Maryland must provide notice and information to the public about this agreement in the manner in which it customarily provides similar notice to the public. Maryland must also annually submit a report under section 9401(e)(1) of the ESEA to the Department at the end of each school year that describes its implementation of this flexibility agreement.

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202  
[www.ed.gov](http://www.ed.gov)

I am confident that Maryland will continue to hold schools and school districts accountable for the achievement of all students. I wish you well in your school improvement efforts. If you need any additional assistance in implementing the standards, assessment, and accountability provisions of NCLB, please do not hesitate to contact Valeria Ford ([Valeria.Ford@ed.gov](mailto:Valeria.Ford@ed.gov)) or Patrick Rooney ([Patrick.Rooney@ed.gov](mailto:Patrick.Rooney@ed.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "K. Briggs", written over a light blue horizontal line.

Kerri L. Briggs, Ph.D.

cc: Governor Martin O'Malley  
Ron Peiffer