



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 17, 2012

The Honorable Bernard J. Sadusky
Interim State Superintendent of Schools
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201

Dear Superintendent Sadusky:

Thank you for submitting Maryland's request for ESEA flexibility. We appreciate the hard work required to transition to college- and career-ready standards and assessments; develop a system of differentiated recognition, accountability, and support; and evaluate and support teacher and leader effectiveness. The U.S. Department of Education (Department) is encouraged that Maryland and many other States are designing plans to increase the quality of instruction and improve student academic achievement.

As you know, Maryland's request was reviewed by a panel of six peer reviewers during the week of March 26–30, 2012. During the review, the expert peers considered each component of Maryland's request and provided comments in the form of Peer Panel Notes that the Secretary will use to inform any revisions to your request that may be needed to meet the principles of ESEA flexibility. The Peer Panel Notes, a copy of which is enclosed with this letter, also provide feedback on the strengths of Maryland's request and areas that would benefit from further development. Department staff also have carefully reviewed Maryland's request, taking into account the Peer Panel Notes, to determine consistency with the ESEA flexibility principles.

The peers noted, and we agree, that Maryland's request was particularly strong regarding the alignment of resources and activities related to its transition to college- and career-ready standards; its plans for interventions in priority, focus, and other Title I schools; the newly developed index to be used in the State's new differentiated recognition, accountability, and support system; and the work to date on its teacher and leader evaluation and support system.

At the same time, based on the peer reviewers' comments and our review of the materials Maryland has provided to date, we have identified certain components of your request that need further clarification, additional development, or revision. One specific concern identified was the process the State will use to validate the measures in its teacher and leader evaluation and support systems and inform full implementation of the system.

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

The enclosed list provides details regarding this concern, as well as other key issues raised in the review of Maryland's request, that we believe must be addressed before the Secretary can approve your request for ESEA flexibility. We encourage Maryland to consider all of the peers' comments and technical assistance suggestions in making revisions to its request, but we encourage you to focus primarily on addressing the concerns identified on the enclosed list.

Additionally, Maryland has requested an additional waiver in its ESEA flexibility request, not among the waivers that comprise ESEA flexibility, which would allow it to allocate Section 1003(a) funds to schools that are not priority or focus schools. Please note that the Department is currently considering this additional waiver and will follow up with your staff in the coming days about whether it may be approved on the same timeline as your request for ESEA flexibility or will be resolved at a later date.

Although the Peer Panel Notes for Maryland provide information specific to your request, Maryland also may benefit from comments and technical assistance suggestions made by other peer panels regarding issues common to multiple State educational agencies' (SEA) requests. For this reason, Department staff will provide relevant technical assistance suggestions and other considerations raised by other peer panels that may be useful as you revise and refine your request.

We remain committed to working with Maryland to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with Maryland as quickly as possible to arrive at an approvable request, and are asking SEAs to submit revisions or additional materials responding to the issues described in the enclosed list by May 1. Department staff will be in touch to set up a call as early as this week to discuss the process for providing revisions or materials and respond to any questions you may have about how to move forward as expeditiously as possible.

You and your team deserve great credit for your efforts thus far, and we are confident that we will be able to work together to address outstanding concerns. If you have any additional questions or want to request technical assistance, please do not hesitate to contact Victoria Hammer, at 202-260-1438.

Sincerely,

Michael Yudin
Acting Assistant Secretary

Enclosure

SUMMARY OF ADDITIONAL INFORMATION REGARDING MARYLAND'S ESEA FLEXIBILITY REQUEST

PRINCIPLE 1: COLLEGE- AND CAREER-READY EXPECTATIONS FOR ALL STUDENTS

- Please provide additional information on the professional development and other supports for principals to prepare them to provide strong, supportive instructional leadership based on the new standards. *See 1.B.*

PRINCIPLE 2: STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

- Please address concerns regarding the Maryland State Department of Education (MSDE) new differentiated recognition, accountability, and support system:
 - Address the concern that test participation is considered separately from the index score and might lead to unintended consequences such as schools not testing certain students. *See 2.A.i.*
 - Clarify how attendance is used in the “College- and Career-Readiness” element of the school performance index. *See 2.A.i.*
- Please demonstrate that the MSDE has identified the required number of priority schools that meet the definition of priority schools in ESEA flexibility. *See 2.D.i* and refer to the document titled *Demonstrating that an SEA’s list of Reward, Priority, and Focus Schools Meet ESEA Flexibility Definitions*.
- Please clarify that a school not identified as a priority or focus school and not meeting annual measurable objectives (AMOs) for each subgroup will be identified for support. *See 2.F.1.*
- Please describe the process in place for the rigorous review and approval of any external providers used by MSDE and its LEAs to support the implementation of interventions in priority and focus schools. *See 2.G.i.*

PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

- Please address concerns regarding ensuring that LEAs implement the teacher and principal evaluation and support systems:
 - Explain how the MSDE plans to work with teachers and administrators, or as appropriate, their designated representatives, in order to implement the evaluation and support plans outlined in the request. *See 3.B.*
 - Describe the process by which MSDE will use the results of the pilot of the teacher and principal evaluation system to validate the evaluation measures and otherwise inform full implementation of the system. *See 3.B.*