



200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD

TO: Members of the State Board of Education
FROM: Lillian M. Lowery, Ed.D. *L. Lowery*
DATE: September 24, 2013
RE: Amendments to Maryland's Approved ESEA Flexibility Plan

PURPOSE

The purpose of this agenda item is to receive approval from the State Board of Education to submit to the US Department of Education (USDE) two amendments to Maryland's approved ESEA Flexibility Plan.

BACKGROUND

Maryland's ESEA Flexibility Request was originally approved in May 2012. In June 2013, US Education Secretary Arne Duncan announced USDE would consider amendments to approved state ESEA Flexibility Requests in two narrowly focused areas given the complexities of moving to Common Core State Standards and the associated changes in curricula, the transition to new assessments aligned to those standards, and the implementation of teacher and principal evaluation and support systems which include student growth as a significant factor and provide meaningful feedback to improve leadership and instruction. The two areas in which additional flexibility is being offered are as follows:

1. Allowing states up to one additional year before using their new evaluation systems to inform personnel decisions.
2. A one-year waiver to allow schools participating in field tests of new assessments aligned with college- and career-ready standards to administer only one assessment in 2013-14 to any individual student – either the current statewide assessment or the new assessment field test. Additionally, USDE will consider requests for those schools to retain their federal accountability designations for an additional year during which the same targeted interventions would continue.

EXECUTIVE SUMMARY

MSDE leadership met with local superintendents, representatives of the state education association and representatives from the Governor's office on July 15, 2013 and August 13, 2013 to explain the flexibility being offered, discuss the advantages and disadvantages, and determine whether Maryland should apply for the amendments.

At the August 13 meeting, a vote was taken on whether the state should move forward in preparing an amendment for submission to USDE for one additional year before making personnel decisions based on the new teacher and principal evaluation systems. The majority of the group was in favor of moving forward, with abstentions from Frederick County and Montgomery County, and no one opposed. A vote was taken on whether the state should move forward in preparing an amendment for submission to USDE so that no student is required to be double tested (that is, required to be tested on both the PARCC field test and the MSA). The majority of the group was in favor of moving forward, with abstentions from Frederick, Montgomery, Carroll and Queen Anne's Counties, and no one opposed.

A committee composed of MSDE staff, two local superintendents and the Executive Director of PSSAM, and two representatives of the state education association met to draft the written amendment on August 26, 2013. On August 30, 2013, MSDE sent an email to all local superintendents and the state education association inviting comment on the draft amendment. The comments were evaluated by MSDE staff and some revisions were made to the draft amendment (Attachment 2). A public notice inviting public comment on the revised draft amendments was posted on the MSDE website from September 9 to 20, 2013 (Attachment 1). Additionally, local superintendents were asked to notify interested education stakeholders in their local school systems of the opportunity to comment on the amendments. Attachment 3 lists the comments received in response to the public invitation to comment (Please note: Attachment 3 will be provided the morning of the Board meeting, as the deadline for comments is September 20, 2013). Attachments 4 and 5 are the final draft amendments for which we are seeking State Board approval to submit to USDE (Please note: Attachments 4 and 5 attached to this mailing are draft documents. Additional changes may be made based upon public comments received. Final versions will be provided the morning of the Board meeting).

ACTION

1. Request approval to submit to USDE the amendment allowing Maryland one additional year before local school systems are required to use their new evaluation systems to inform personnel decisions.
2. Request approval to submit to USDE the amendment allowing schools participating in field tests of new PARCC assessments to administer only one assessment in 2013-14 to any individual student – either the current MSA or the new PARCC field test and allowing those schools to retain their federal accountability designations for an additional year during which time the same targeted interventions would continue.

PUBLIC NOTICE AND COMMENT**COMMENT PERIOD OPEN FOR AMENDMENTS TO MARYLAND'S APPROVED ESEA FLEXIBILITY REQUEST**

BALTIMORE, MD (September 9, 2013)

The Maryland State Department of Education is seeking public comment regarding its request to the United States Department of Education (USDE) to amend its approved ESEA Flexibility Request. The proposed amendments make adjustments in two narrowly focused areas, as follows:

1. A one-year waiver to allow schools participating in the Partnership for Assessment of Readiness for College and Careers (PARCC) field tests to administer only one assessment in 2013-14 to any individual student – either the current Maryland School Assessment or the PARCC field test. MSDE is further requesting that those schools field testing the PARCC assessments in the spring of 2014 be permitted to retain their federal accountability designations for an additional year during which the same targeted interventions would continue.
2. An extension of one additional year before using new teacher/ principal evaluation systems to inform personnel decisions.

Maryland's ESEA Flexibility Request was originally approved in May 2012. In June 2013, US Education Secretary Arne Duncan announced USDE would consider amendments to approved state ESEA Flexibility Requests in the two narrow areas enumerated above because of the complexities associated with the transition to new teacher/ principal evaluation systems, new curriculum based upon new Common Core Standards, and new statewide assessments. Copies of the two proposed amendments can be found here:

http://www.marylandpublicschools.org/press/09_09_2013.html.

Written comments will be accepted from September 9, 2013 through September 20, 2013. Comments must be addressed to Ms. Debra Lichter, Federal Liaison, 200 West Baltimore Street, Baltimore, Maryland 21201 or dlichter@msde.state.md.us. If you have any concerns regarding this notice, please do not hesitate to contact Ms. Debra Lichter at 410-767-4694.

Thank you for your consideration.

Maryland State Department of Education
 Comments Received from MSEA and Maryland's Local Superintendents
 Re: Two draft amendments to Maryland's Approved ESEA Flexibility Plan
 As of September 6, 2013

Submitted By:	Comment	MSDE Response
Cheryl Bost MSEA	MSEA suggested several changes to the draft amendment request predicated upon an elimination of MSA testing in the 2013-14 school year.	MSDE did not make the suggested revisions to the draft amendment. The federal No Child Left Behind Act of 2001 requires states to administer assessments to measure the proficiency of students in, at a minimum, mathematics and reading/language arts in each of grades 3 through 8 and once in high school. Further, states are required to administer assessments to measure the proficiency of students in science, once in grades 3 to 5, once in grades 6 to 8, and once in high school. In US Education Secretary Arne Duncan's June 18, 2013 letter to Chief State School Officers offering some additional flexibilities he states, "we would consider requests from states for a one-year waiver, to allow schools participating in these field tests to administer only one assessment in 2013-2014 to any individual student – either the current statewide assessment or the field test." In a follow up conference call, the Secretary made it clear that every child must be tested. He does not suggest he

		has the authority to waive the NCLB requirement to assess all students in the grades and subject matters noted above.
John Fredericksen Wicomico County	We have reviewed it and it looks like what we discussed with our various stakeholder groups and agreed upon last month.	
Stephen Guthrie Carroll County	Requested clarification on “Influencing Transformation: Maryland’s Plan for Preparing Educators to Implement and Sustain Teacher and Principal Evaluation” and the implication to locals.	“Influencing Transformation: Maryland’s Plan for Preparing Educators to Implement and Sustain Teacher and Principal Evaluation” is the TPE service delivery model for year four of RTTT. It is not associated with modifying anyone’s TPE Plan. It coordinates technical assistance, executive officer training, professional development coordinator training, and quality control assurances. It was vetted with the PSSAM Executive Board in early August and included with Communication Bulletin 19. It was included in the amendment because it seemed to answer USDE’s interest in how Maryland would support the work behind the amendment for next year.
Carol Williamson Queen Anne’s County	In the Rationale for Principle 3.B on the second page of the document at the bottom of the rationale column, it is stated that the rating will be made available to evaluators and those evaluated to inform developmental conversations and to frame the LEAs’	The language has been revised to address the concern.

	<p>study of the effectiveness of their intended evaluation system. I have no problem collecting the data and sharing it with the evaluators and those evaluated, but not as a part of the evaluation process. We know that the data for MSA will not be positive and sharing it close to the time we evaluate teachers with our modified model (if the waiver is approved) will create suspicion that we are "counting it" as we reflect on their performance. There will be mistrust because we told them not to focus on MSA and not to worry that the data were down. Then we turn around and suggest they look at how their students performed on MSA.</p>	
<p>Theresa Alban Frederick County</p>	<p>I am sharing this feedback as an individual and not in my role as representing PSSAM. I believe that we will share feedback from PSSAM later. My concern relates to the 3rd column in the TPE application. Additional language was added after our meeting on August 26th which stated: Maryland intends to apply for ESEA Flexibility renewal in accordance with guidelines issued August 29, 2013. I know that members of my Board of Education and my community will be very upset that in applying for this waiver, we are stating that the decision has already been made to apply for the renewal waiver. I anticipate there will be comments and concerns voiced around that decision being made without consulting stakeholder groups first. If that</p>	<p>Highlighted sentence was removed from the draft amendment.</p>

	language is unnecessary, I would suggest removing it.	
Theresa Alban Frederick County	The other feedback I would share relates to the column that addresses stakeholder feedback. I would include the exact date on which the waivers are put on the MSDE website. When I first read it, I thought they had been posted on the website immediately after the State BOE meeting on August 27 th .	The stakeholder feedback column was revised to be more specific as to the process followed and related dates.
Jennifer Bell- Erwanger Baltimore City	<p>The amendment does not define “test measure.” Additional information should explicitly state which test measures are included since there could be potential confusion about whether HSAs would also be included as well as any test measure used for Student Learning Objectives.</p> <ul style="list-style-type: none"> In the column labeled “Brief Description of Requested Amendment”, the wording should be clarified to say whether we are delaying the use of test measures to inform personnel decisions, or whether we are delaying the implementation of the entire evaluation system. From previous discussions with MSDE (as well as what is stated in the 'Rationale' section) the focus has been primarily on delaying the use of test measures in personnel decisions, but the current language seems to propose delaying the entire system. 	<p>We revised the language and replaced “test measure” with “MSA growth measure.”</p> <p>The language in the Brief Description says, “Maryland proposes to delay personnel decisions based upon new evaluation systems one additional year.” The delay of the personnel decisions is the only flexibility being offered by USDE.</p>

<p>Carl Roberts PSSAM</p>	<p>The members of the PSSAM executive committee appreciate the process used to arrive at the draft of flexibility waiver which to their knowledge is still due to the US Dept of Ed by 9/30/13. They offer the following points:</p> <ul style="list-style-type: none"> - If the guidelines from USDE that are received indicate that there is a requirement to change the drafted language, you will reconvene the committee representatives even if by conference call. - In the 9/30 draft language indicating that a subsequent ESEA waiver will be sought for FY15 & FY16 provide a more collaborative description to include constituents in the study to determine what a new waiver application might include. 	<p>Should the amendment language need to be changed based upon further guidance received from USDE, MSDE agrees to reconvene the smaller committee that participated in the drafting of the amendment.</p> <p>MSDE deleted the reference to the ESEA Flexibility Renewal based upon a comment received from Dr. Alban (see above). Based upon USDE ESEA Flexibility Renewal Guidance released on August 29, 2013, it is clear USDE understands the current ESEA Flexibility Plan expires June 30, 2014. As previously stated, Dr. Jack Smith will be convening a stakeholder group to discuss the path forward for ESEA Flexibility beyond June 30, 2014.</p>
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**ESEA FLEXIBILITY
Amendment Submission Template**

Dear Assistant Secretary:

I am writing on behalf of the Maryland State Department of Education to request approval to amend the State's approved ESEA flexibility request. The relevant information, outlined in the *ESEA Flexibility Amendment Submission Process* document, is provided in the table below.

Flexibility Element(s) Affected by the Amendment	Brief Description of Element as Originally Approved	Brief Description of Requested Amendment	Rationale	Process for Consulting with Stakeholders, Summary of Comments, and Changes Made as a Result
Principle 3.B. Ensure LEAs implement teacher and principal evaluation and support systems.	Originally, Maryland school systems intended to use the new evaluation systems to inform personnel decisions in 2014-15.	The Maryland State Department of Education (MSDE) proposes to delay personnel decisions based upon new evaluation systems one additional year.	Given the complexities of moving to developing and implementing college-ready and career-ready standards, the changes in curricula that teachers and principals must now start to teach, the transition to new assessments aligned to those standards, and the implementation of teacher and principal evaluation and support systems which include student growth as a significant factor and provide meaningful feedback to improve leadership and	MSDE leadership met with local superintendents, representatives of the state education association and representatives from the Governor's office on July 15, 2013 and August 13, 2013. A committee composed of SEA staff, LEA staff and representatives of the state education association met to draft the written amendment on August 26, 2013. The State Board was briefed by the State Superintendent at an open meeting on August 27, 2013. On August 30, 2013, the SEA sent an email to all LEAs and the state education association inviting

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			<p>instruction; the State believes an amendment to defer the application of test scores to personnel decisions will provide time that is critical to elevating teacher and principal confidence in performance ratings resulting from these collective initiatives. This additional time will allow LEAs and the State to confirm that component measures are performing as intended and that combined measures equate to ratings that accurately reflect educator performance and result in appropriate professional development that is associated with the individual's developmental needs.</p> <p>LEAs will complete their evaluation processes according to their approved plans. Ratings will be used to inform developmental conversations and to frame the LEAs' study of the effectiveness of their intended</p>	<p>comment on the draft amendment. The comments were evaluated by SEA staff and some revisions were made to the draft amendment. A public notice including the revised draft amendment was posted on the SEA website from September 9 to 20, 2013. The request and any comments received were presented to the State Board at an open meeting on September 24, 2013.</p> <p>Some comments were received. Attached are comments submitted in response to the invitation to comment.</p>

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			<p>evaluation system. The State believes this step satisfies the requirements found within the Flexibility Waiver of 2012 and the Race to the Top Grant. LEAs will then extract the MSA growth measures and use the remaining portions of the evaluation to inform personnel decisions.</p> <p>This process will accommodate the concerns previously noted and build teacher and principal confidence in the accuracy and fairness of state and local evaluation processes in advance of their application to personnel decisions. During this transition, the state will be implementing "Influencing Transformation: Maryland's Plan for Preparing Educators to Implement and Sustain Teacher and Principal Evaluation." This plan addresses elements of Technical Assistance, Leadership Development,</p>	

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			<p>Communications, and Quality Control that are critical to executing local evaluation plans, increasing the capacity of internal and external stakeholders, and elevating confidence in the evaluation as a developmental process.</p> <p>When implemented statewide, these new evaluation systems will be used to continually improve instruction; differentiate performance at three levels; determine performance levels using multiple valid measures, including as a significant factor data on student growth for all students and other measures of professional practice; evaluate teachers and principals on a regular basis, and provide clear, timely, and useful feedback to drive support and professional development.</p>	

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Please contact Dr. Jack R. Smith at jrsmith@msde.state.md.us or by phone at 410-767-0368 if you have any questions regarding this proposed amendment.

The Maryland State Department of Education acknowledges that the U.S. Department of Education may request supplementary information to inform consideration of this request.

Chief State School Officer

Date

09/06/13;5:00PM

**ESEA FLEXIBILITY
Amendment Submission Template**

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Principle 1.C. Develop and administer annual, statewide, high-quality assessments that measure student growth.	In Maryland's approved 2012 ESEA Flexibility Plan, the State indicated it would be a member of the PARCC assessment consortium.	The Maryland State Department of Education (MSDE) is requesting a one year waiver to allow schools participating in the PARCC field tests to administer only one assessment in 2013-14 to any individual student – either the current Maryland School Assessment or the	Maryland continues to be a member of the PARCC assessment consortium. To date Maryland has been allocated 49,441 field testing slots and plans to field test one classroom of approximately 25-30 students in every school in the spring of 2014. Maryland believes in strong accountability and understands the federal law requiring every student in grades 3 through 8 to be tested annually in both reading/ language arts and	MSDE leadership met with local superintendents, representatives of the state education association and representatives from the Governor's office on July 15, 2013 and August 13, 2013. A committee composed of SEA staff, LEA staff and representatives of the state education association met to draft the written amendment on August 26, 2013. The State Board was briefed by the State Superintendent at an open meeting on August 27, 2013. On August 30, 2013, the SEA sent an email to all LEAs and the state education association inviting

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		<p>PARCC field test.</p> <p>MSDE is further requesting that those schools field testing the PARCC assessments in the spring of 2014 be permitted to retain their federal accountability designations for an additional year during which the same targeted interventions would continue.</p>	<p>mathematics, as well as once in high school. That being said, Maryland believes it is unfair and unreasonable to expect almost 50,000 students to take two statewide assessments in the spring of 2014. The State e supports a philosophy of “one child – one test.”</p> <p>Additionally, because students field testing the PARCC assessments will not receive scores, which inhibits the State’s ability to calculate a School Progress Index for 2013-14, MSDE is requesting that those schools field testing the PARCC assessments in the spring of 2014 be permitted to retain their federal accountability designations for an additional year. In those schools where PARCC is field tested, the accountability status will be frozen as of the end of the 2012-13 school year. While as of this date,</p>	<p>comment on the draft amendment. Comments received related to this amendment were positive in nature and no changes were made. A public notice including the draft amendment was posted on the SEA website from September 9 to 20, 2013. The request and any comments received were presented to the State Board at an open meeting on September 24, 2013.</p> <p>Some comments were received. Attached are comments submitted in response to the invitation to comment.</p>

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			<p>Maryland has not received the additional guidance on "double testing" mentioned in Secretary Duncan's June 18, 2013 letter to Chief State School Officers, MSDE understands there has been some discussion regarding the setting of thresholds for "freezing" accountability status. Maryland would expect its plan for field testing one classroom in every school would meet any thresholds that may be imposed.</p>	

Please contact Dr. Jack R. Smith at jrsmith@msde.state.md.us or by phone at 410-767-0368 if you have any questions regarding this proposed amendment.

The Maryland State Department of Education acknowledges that the U.S. Department of Education may request supplementary information to inform consideration of this request.

Chief State School Officer

Date

09/06/135:00PM