



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 12, 2017

The Honorable Karen Salmon
Superintendent of Schools
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21201-2595

Dear Superintendent Salmon:

Thank you for submitting Maryland's consolidated State plan to implement requirements of covered programs under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), and of the amended McKinney-Vento Homeless Assistance Act (McKinney-Vento Act).

I am writing to provide initial feedback based on the U.S. Department of Education's (the Department's) review of your consolidated State plan. As you know, the Department also conducted, as required by the statute, a peer review of the portions of your State plan related to ESEA Title I, Part A, ESEA Title III, Part A, and the McKinney-Vento Act using the Department's *State Plan Peer Review Criteria* released on March 28, 2017. Peer reviewers examined these sections of the consolidated State plan in their totality, while respecting State and local judgments. The goal of the peer review was to support State- and local-led innovation by providing objective feedback on the technical, educational, and overall quality of the State plan and to advise the Department on the ultimate approval of the plan. I am enclosing a copy of the peer review notes for your consideration.

Based on the Department's review of all programs submitted under Maryland's consolidated State plan, including those programs subject to peer review, the Department is requesting clarifying or additional information to ensure the State's plan has met all statutory and regulatory requirements, as detailed in the enclosed table. Each State has flexibility in how it meets the statutory and regulatory requirements. Please note that the Department's feedback may differ from the peer review notes. I encourage you to read the full peer notes for additional suggestions and recommendations for improving your consolidated State plan.

ESEA section 8451 requires the Department to issue a written determination within 120 days of a State's submission of its consolidated State plan. Given this statutory requirement, I ask that you revise Maryland's consolidated State plan and resubmit it through OMB Max by December 27, 2017. We encourage you to continue to engage in consultation with stakeholders, including representatives from the Governor's office, as you develop and implement your State plan. If you would like to take more time to resubmit your consolidated State plan, please contact your Office of State Support Program Officer in writing and indicate your new submission date.

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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.

Please recognize that if we accommodate your request for additional time, a determination on the ESEA consolidated State plan may be rendered after the 120-day period.

Department staff will contact you to support Maryland in addressing the items enclosed with this letter. If you have any immediate questions or need additional information, I encourage you to contact your Program Officer for the specific Department program.

Please note that the Department only reviewed information provided in Maryland's consolidated State plan that was responsive to the Revised Template for the Consolidated State Plan that was issued on March 13, 2017. Each State is responsible for administering all programs included in its consolidated State plan consistent with all applicable statutory and regulatory requirements. Additionally, the Department can only review and approve complete information. If Maryland indicated that any aspect of its plan may change or is still under development, Maryland may include updated or additional information in its resubmission. Maryland may also propose an amendment to its approved plan when additional data or information are available consistent with ESEA section 1111(a)(6)(B). The Department cannot approve incomplete details within the State plan until the State provides sufficient information.

Thank you for the important work that you and your staff are doing to support the transition to the ESSA. The Department looks forward to working with you to ensure that all children have the opportunity to reach their full potential.

Sincerely,

/s/

Jason Botel
Principal Deputy Assistant Secretary,
Delegated the Authority to Perform
the Functions and Duties of the
Assistant Secretary of Elementary
and Secondary Education

Enclosures

cc: Governor
State Title I Director
State Title II Director
State Title III Director
State Title IV Director
State Title V Director
State 21st Century Community Learning Center Director
State Director for McKinney-Vento Homeless Assistance Act: Education for Homeless
Children and Youths Program

Items That Require Additional Information or Revision in Maryland’s Consolidated State Plan

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies	
A.4.iii.a.1: Academic Achievement Long-term goals	The ESEA requires the State to describe academic achievement long-term goals for all students. In its State plan, MSDE indicates that its baseline data only reflect grades 3-8. Therefore, it is unclear if the State has met the requirement to have a goal and measurements of interim progress for all students, including high school students
A.4.iv.b: Other Academic Indicator for Elementary and Secondary Schools that are Not High Schools	<ul style="list-style-type: none"> • The ESEA requires a State to describe an indicator for elementary and secondary schools that are not high schools (i.e., the Other Academic indicator). In its plan, MSDE states that academic growth is one of the measures for the Other Academic indicator. However, because MSDE does not describe how it will calculate academic growth, such as a description of the growth model or what constitutes a year’s worth of growth, MSDE has not met the requirement to fully describe this indicator. • In its plan, MSDE states that credit for course completion of a well-rounded curriculum is also included in the Other Academic indicator, and states that it will be scored using the “assigned score” approach. The ESEA requires that the Other Academic indicator be valid and reliable, allow for meaningful differentiation among schools, and be statewide. MSDE indicates that it will not measure performance on the credit for course completion component of the indicator by course grade, as Maryland does not have a standard State grading system. MSDE also does not provide information about how the scores are assigned. Accordingly, it is unclear that MSDE’s Other Academic indicator is valid and reliable, allows for meaningful differentiation, or is statewide.
A.4.iv.e: School Quality or Student Success Indicator(s)	The ESEA requires a State’s accountability system to annually measure, for all students and separately for each subgroup of students, one or more indicators of School Quality or Student Success that allow for meaningful differentiation in school performance, and are valid, reliable, comparable for the grade spans to which the indicator applies, and statewide. MSDE plans to assign points based on a distribution of raw scores, but does not provide information about how the scores are assigned for the following measures: chronic absenteeism, school climate, access to a well-rounded curriculum, on-track in 9 th grade, and credit for completion of a well-rounded curriculum. In addition, for one of the measures for the School Quality or Student Success indicator, MSDE proposes to use an aggregate measure of a school climate survey of students, educators, and parents, but does not provide detail regarding how the school climate survey measure will be calculated. For another measure for the School Quality or Student Success

	<p>indicator, MSDE proposes to use access to a well-rounded curriculum, but does not describe how this measure is calculated. Because MSDE has not described how it will calculate this indicator, it is unclear whether MSDE meets the statutory requirements.</p>
<p>A.4.v.a: State’s System of Annual Meaningful Differentiation</p>	<p>The ESEA requires a State to describe its system of annual meaningful differentiation. In its State plan, MSDE states that annual measurements of interim progress and equity status will be included in its accountability system. It is unclear whether MSDE plans to use annual measurements of interim progress and equity status for summative determinations and if so, how these data will factor into its system of annual meaningful differentiation. Therefore, it is unclear if MSDE meets the statutory requirements.</p>
<p>A.4.v.b: Weighting of Indicators</p>	<ul style="list-style-type: none"> • The ESEA requires that the Academic Achievement, Other Academic for elementary and middle schools, Graduation Rate for high schools, and Progress in Achieving English Language Proficiency indicators each receive substantial weight individually and, in the aggregate, much greater weight than the School Quality or Student Success indicator or indicators, in the aggregate. For high schools, the Academic Achievement, Graduation Rate, and Progress in English Language Proficiency indicators do not receive much greater weight, in the aggregate, than the School Quality or Student Success indicators, given that, for weighting purposes, the Readiness for Postsecondary Success indicator is considered a School Quality and Student Success indicator as it cannot be placed in any other indicator. • In its plan, MSDE proposes to include, in the Other Academic indicator, performance on the science assessment for elementary schools and performance on the science and social studies assessments for middle schools once these data are available in the 2018-2019 school year for science and in the 2019-2020 school year for social studies. Because MSDE’s description of its proposed Other Academic indicator includes some measures that will not be included for accountability purposes in the 2018-2019 and 2019-2020 school years, it is unclear what weight MSDE will attribute to the Other Academic indicator during the period in which these measures are not available.
<p>A.4.vi.a Comprehensive Support and Improvement Schools—Lowest Performing</p>	<p>The ESEA requires a State to describe a methodology for identifying low-performing schools for comprehensive support and improvement that considers performance on all indicators. Because MSDE does not indicate that it will first identify schools for comprehensive support and improvement by the beginning of the 2018-2019 school year, it is unclear whether MSDE meets the requirement, consistent with the Department’s April 2017 Dear Colleague letter that provided additional flexibility for a State to identify such schools by the beginning of the 2018-2019 school year.</p>

<p>A.4.vi.b: Comprehensive Support and Improvement Schools—Low Graduation Rates</p>	<p>The ESEA requires a State to describe a methodology for identifying all public high schools in the State failing to graduate one third or more of their students for comprehensive support and improvement. Because MSDE does not indicate that it will first identify schools for comprehensive support and improvement by the beginning of the 2018-2019 school year, it is unclear whether MSDE meets the requirement, consistent with the Department’s April 2017 Dear Colleague letter that provided additional flexibility for a State to identify such schools by the beginning of the 2018-2019 school year.</p>
<p>A.4.vi.e: Targeted Support and Improvement Schools—“Consistently Underperforming” Subgroups</p>	<p>The ESEA requires a State to describe in its State plan its methodology for annually identifying schools with one or more consistently underperforming subgroups as determined by the State, if any. In its State plan, MSDE includes in its definition of “consistently underperforming” a measure of schools meeting annual targets, but does not describe how schools are setting targets or how those targets apply to indicators that are not aligned to State goals. MSDE has not met the statutory requirements because this methodology is not described.</p>
<p>A.4.vi.f: Targeted Support and Improvement Schools—Additional Targeted Support</p>	<p>The ESEA requires a State to describe a methodology for identifying schools in which any subgroup of students, on its own, would lead to identification under ESEA section 1111(c)(4)(D)(i)(I) using the State’s methodology under ESEA section 1111(c)(4)(D) that considers the performance on all indicators. Because MSDE does not indicate that it will first identify schools for additional targeted support by the beginning of the 2018-2019 school year, it is unclear whether MSDE meets the requirement, consistent with the Department’s April 2017 Dear Colleague letter that provided additional flexibility for a State to identify such schools by the beginning of the 2018-2019 school year.</p>
<p>A.5: Disproportionate Rates of Access to Educators</p>	<p>The ESEA requires a State to describe the extent, if any, that low-income and minority children enrolled in schools assisted under Title I, Part A are served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers. Although MSDE describes disproportionate rates of access to ineffective, out-of-field, or inexperienced educators for all schools, MSDE does not specifically address how students in schools assisted under Title I, Part A are not served at disproportionate rates by ineffective, out-of-field, or inexperienced educators.</p>
<p>Title I, Part C: Education of Migratory Children</p>	
<p>B.1: Supporting Needs of Migratory Children</p>	<p>The ESEA requires that a State describe how, in planning, implementing, and evaluating the Migrant Education Program, it will address the unique educational needs of migratory children, including preschool migratory children and migratory children who have dropped out of school, through measurable program objectives and outcomes. The State did not provide any information addressing this requirement.</p>

Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk	
C.2: Program Objectives and Outcomes	MSDE identifies broad Title I, Part D program goals and supporting strategies. MSDE does not, however, describe objectives and outcomes that will be used to assess the effectiveness of the Title I, Part D program in improving the academic, career, and technical skills of children in the program. The ESEA requires the State plan to describe program objectives and outcomes established by the SEA that will be used to assess the effectiveness of the Title I, Part D program in improving the academic, career, and technical skills of children in the program.
Title II, Part A: Supporting Effective Instruction	
D.3: System of Certification and Licensing	In its State plan, MSDE provides a description of its certification and licensing system for teachers. However, MSDE does not provide such a description for principals or other school leaders. The ESEA requires each State to provide a description of the system of certification and licensing for principals or other school leaders.
D.5: Data and Consultation	In its State plan, MSDE describes how it will use data to continually update and improve the activities supported under Title II, Part A. However, MSDE does not describe how it will engage in ongoing consultation with stakeholders, or identify the stakeholders with whom it would consult. The ESEA requires the State to describe how it will use ongoing consultation as described in ESEA section 2101(d)(3) to continually update and improve the activities supported under Title II, Part A. Additionally, the ESEA requires a State to describe ongoing consultation for all required stakeholders consistent with ESEA section 2101(d)(3), which includes teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a State that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of Title II.
Title IV, Part B: 21st Century Community Learning Centers	
G.1: Use of Funds	MSDE describes how it will use the funds set aside for administrative purposes but does not clearly delineate between the administrative functions and the activities it will undertake with the five percent “State activity” funds. The ESEA requires that a State describe the State activities it will carry out under the program, which may include monitoring and evaluating programs; providing capacity building, training, and technical assistance; conducting a comprehensive evaluation of the effectiveness of programs; providing training and technical assistance to applicants or recipients; ensuring activities are aligned with external organizations, if available; working with stakeholders to review and improve State policies to improve program

	implementation; coordinating funds with other Federal and State funds; and/or providing a list of pre-screened external organizations.
Title V, Part B, Subpart 2: Rural and Low-Income School Program	
H.1: Outcomes and Objectives	The ESEA requires a State to provide information on program objectives and outcomes for activities under Title V, Part B, Subpart 2, including how the SEA will use funds to help all students meet the challenging State academic standards. While MSDE provided a description about its program objectives and outcomes under the ESEA generally, MSDE did not identify its objectives and outcomes for activities under the Rural and Low-Income School program (RLIS) (e.g., which of the objectives and outcomes under the ESEA programs in 5222(a) are the objectives and outcomes for RLIS; or objectives and outcomes tailored specifically to MSDE’s plans for RLIS). The ESEA requires a State to include a description of how it will use RLIS funds to help all students meet the challenging State academic standards.
Education for Homeless Children and Youths Program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B	
I.4.iii: Access to Services	MSDE describes how it will work with LEAs to develop procedures to ensure that homeless students are given the opportunity to immediately enroll in magnet schools, charter schools, advanced placement coursework, career and technical education, and online learning. MSDE does not, however, describe any existing procedures. MSDE also does not discuss procedures that ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing summer school, if such programs are available at the State and local levels. The McKinney-Vento Act requires the State to describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet schools, summer school, career and technical education, advanced placement, and charter school programs, if such programs are available at the State and local levels.
I.5: Strategies to Address Other Problems	In its State plan, MSDE provides a strategy to ensure that homeless children and youth are immediately enrolled and that the LEA addresses problems resulting from enrollment delays that are caused by requirements of immunization and other required health records, residency requirements, lack of birth certificates, guardianship issues, and uniform or dress code requirements. MSDE does not, however, describe a strategy to address problems resulting from enrollment delays that are caused by <i>lack of school records or other documentation</i> . The McKinney-Vento Act requires a State to provide strategies to address problems resulting from enrollment delays that are caused by—(iii) lack of school records, or other documentation.