



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

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

June 14, 2018

Dear Secretary Salmon:

I am writing in response to the Maryland State Department of Education (MSDE) request on March 8, 2018, for a waiver of the requirements in sections 1111(b)(1)(B) and (b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), which requires a State to hold all students to the same academic standards and administer the same aligned assessments to all students. MSDE requested this waiver to allow a student in grade 6 or 7 who is enrolled in an advanced mathematics course to be assessed with the corresponding advanced-level assessment in lieu of the grade-level assessment in mathematics.

After reviewing MSDE's request, I am pleased to grant, pursuant to my authority under ESEA section 8401(a)(3), a waiver of section 1111(b)(2)(B)(i)(I) of the ESEA, as amended by the ESSA, as well as the corresponding regulation 34 C.F.R 200.2(b)(1)(i). This waiver will permit a 6th- or 7th-grade student taking high school level courses in mathematics to take the high school assessment for that course in place of the grade-level assessment. This waiver is in effect from the 2017-2018 school year through the 2020-2021 school year. By granting this waiver, the U.S. Department of Education and MSDE have mutually agreed that:

- The MSDE will apply the rules established in section 1111(b)(2)(C)(i) through (iii) of the ESEA, as amended by ESSA, and 34 C.F.R 200.5 (b)(1) through (3) to any student who does not take the mathematics assessment typically administered in the grade in which the student is enrolled.
- If a student does not take the mathematics assessment typically administered in the grade in which he or she is enrolled:
 - The student will take the mathematics assessment the State administers to high school students to comply with assessment requirements established in section 1111(b)(2)(B)(v)(I)(bb) of the ESEA, as amended by ESSA, or a more advanced assessment;
 - The student's performance and participation on the high school assessment will be used in the year in which the student takes the assessment for the purposes of measuring academic achievement and participation as it pertains to the school-based accountability system required under the ESEA, as amended by ESSA; and
 - In high school, the student will take a more advanced, State-administered end-of-course assessment or nationally recognized high school assessment (that meets the requirements in 34 C.F.R. 200.3(d)) and the student's performance on and participation in that assessment

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will be used for the purposes of measuring academic achievement and participation as it pertains to the school-based accountability system required under the ESEA.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Ashley Briggs of my staff at OSS.Maryland@ed.gov.

Sincerely,

/s/

Jason Botel

Principal Deputy Assistant Secretary,

Delegated the Authority to Perform the Functions and

Duties of the Position of Assistant Secretary of Elementary
and Secondary Education

cc: Mary Gable, Assistant State Superintendent, Maryland State Department of Education
Doug Strader, Assessment Director, Maryland State Department of Education