MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

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TO: Members of the State Board of Education

FROM: Bernard J. Sadusky, Ed.D. B.J.S.

DATE: December 6, 2011

SUBJECT: U.S. Department of Education ESEA Flexibility

PURPOSE:

To provide information to the State Board on Maryland's progress in completion of the U. S. Department of Education Elementary and Secondary Education Act (ESEA) Flexibility Application which is designed to improve academic achievement and increase the quality of instruction for all students in a manner that was not originally contemplated by the No Child Left Behind Act of 2001.

BACKGROUND/HISTORICAL PERSPECTIVE:

Maryland has indicated (non-binding) that they will be submitting an ESEA Flexibility Application in February 2012. Eleven states submitted an application in November 2011. The states include Colorado, Florida, Georgia, Indiana, Kentucky, Massachusetts, Minnesota, New Jersey, New Mexico, Oklahoma and Tennessee.

EXECUTIVE SUMMARY:

The U.S. Department of Education has offered the opportunity to request flexibility on behalf of the State, the LEAs and schools, in order to better focus on improving student learning and increasing the quality of instruction. This voluntary opportunity provides flexibility regarding specific requirements of NCLB in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction.

To receive the waiver, a State must submit a request that addresses four principles to increase the quality of instruction for students and improve student academic achievement in the State and LEAs. The State must describe how it will ensure that the LEAs will fully implement College- and Career-Ready Expectations for all Students (Principle 1); State-Developed Differentiated Recognition, Accountability, and Support (Principle 2); Supporting Effective Instruction and Leadership (Principle 3); and Reducing Duplication and Unnecessary Burden (Principle 4).

In addition to addressing the four principles, the State would also need to agree to 15 assurances. Upon approval of the ESEA Flexibility submission, the State would receive a waiver of ten ESEA requirements and their associated, regulatory, administrative, and reporting requirements. The key waiver areas include: Removal of Adequate Yearly Progress (AYP) and the 2014 timeline for achieving 100% proficiency; Removal of school and district improvement requirements including Supplemental Education Services (SES), choice, corrective action, restructuring, etc.; and Removal of improvement plan requirements and Title I and Title II fund restrictions for districts that miss Highly Qualified Teacher requirements.

The purpose of this update is to provide information on ESEA Flexibility Application consultation strategies to date and to provide information on draft recommendations on Principles 1, 2 and 3.

ACTION:

For information and discussion.

BJS:mlg