



UNITED STATES DEPARTMENT OF EDUCATION

THE DEPUTY SECRETARY

April 5, 2006

Dr. Nancy S. Grasmick  
State Superintendent of Schools  
Maryland Department of Education  
200 West Baltimore Street  
Baltimore, Maryland 21201

Dear Superintendent Grasmick:

Like Secretary Spellings, I applaud your commitment to carrying out the core principles of the No Child Left Behind Act (NCLB), particularly the accountability provisions in Title I of the Elementary and Secondary Education Act (ESEA), as amended by the NCLB. Your strong actions with respect to persistently low-performing schools in the City of Baltimore are consistent with both the letter and the spirit of the law.

As you know, under section 1116(b)(8)(B) of Title I, if a school fails to make adequate yearly progress (AYP) for five or more years, a local educational agency (LEA) must implement one of five statutory alternative governance arrangements with respect to that school, consistent with State law: (1) reopen the school as a public charter school; (2) replace all or most of the school staff; (3) contract with another entity to operate the school; (4) turn over operation of the school to the State, if the State agrees; or (5) implement any other major restructuring of the school's governance arrangement that makes fundamental reforms to improve student academic achievement in the school. If a State educational agency (SEA) determines that an LEA has failed to carry out this responsibility, the State educational agency (SEA) must take such corrective actions as the SEA determines to be appropriate and in compliance with State law. *See* Section 1116(b)(14) of Title I of ESEA. However, a State law that precludes an LEA or SEA from carrying out its Federal statutory responsibilities may jeopardize the State's ability to receive Title I funds. The U.S. Department of Education holds the SEA responsible for ensuring that effective restructuring occurs in persistently low-performing schools.

It is my understanding that the Maryland General Assembly has passed a bill, House Bill 1215, that would place a moratorium for one year on the Maryland Department of Education's (MDE) ability to impose any major restructuring of a governance arrangement of a public school in the Baltimore City Public Schools (BCPS), or to remove a school from the direct control of BCPS. Because this bill appears to apply retroactively, it is my understanding that it seeks to preclude you from taking any actions this year or next (at least through May 30, 2007) with respect to any BCPS schools that have continually failed to make AYP.



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To the extent the MDE cannot carry out its responsibilities under NCLB to restructure persistently low-performing schools in LEAs such as the BCPS, the MDE puts its Title I funds in potential jeopardy. As you know, Maryland currently receives approximately \$171 million in Title I funds. An SEA that does not, or cannot, carry out its statutory responsibilities, particularly with respect to the accountability provisions that are central to the success of NCLB, would be subject to potential enforcement actions, including the withholding of funds.

Thank you for your strong commitment to carry out the core provisions of NCLB and your leadership to tackle the tough challenges in order to improve the academic achievement of Maryland's public school children.

Sincerely,

A handwritten signature in black ink that reads "Raymond Simon".

Raymond Simon