



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: March 23, 2021

SUBJECT: Request for Waivers Related to Graduation, Assessments, and Service Learning in the 2020-2021 School Year

PURPOSE:

To review waiver recommendations related to requirements for graduation including assessments, service learning, and completer requirements as a result of the extraordinary circumstances created by the COVID-19 pandemic and resulting school closures, virtual instruction, and hybrid schedules.

BACKGROUND/HISTORICAL PERSPECTIVE:

All Maryland school systems opened the 2020-2021 school year with virtual instruction. Beginning as early as mid-September for some, school systems have provided various models of instruction beyond virtual instruction including in-person instruction for small groups of students, hybrid schedules offering in-person instruction between one and four days per week, hybrid schedules with alternating days and alternating weeks, and full in-person instruction five days per week. As of March 1, 2021, all local school systems have developed a plan to provide students with the opportunity to return for in-person instruction beginning various weeks for identified grades through April 30. Every school system has also provided parents with the option to continue virtual instruction for their students for the remainder of the school year.

EXECUTIVE SUMMARY:

On February 22, 2021, the United State Department of Education (USED) sent a letter to all Chief State School Officers expressing a commitment to supporting states in assessing the learning of all students and offered flexibility with respect to assessment, accountability and school identification, and reporting systems for the 2020-2021 school year. In the area of assessment, USDE offered specific flexibility stating:

We emphasize the importance of flexibility in the administration of statewide assessments. A state should use that flexibility to consider:

- Administering a shortened version of its statewide assessments;
- Offering remote administration, where feasible; and/or
- Extending the testing window to the greatest extent practicable. That could include offering multiple testing windows and/or extending the testing window into the summer

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or even the beginning of the 2021-2022 school year. States that elect to extend testing windows should also consider how they can make results available to the public in a timely manner after assessments are administered.

A copy of the entire memo is provided for further detail.

The Maryland State Department of Education has determined that in light of the circumstances of the 2020-2021 school year, it is necessary to address the instructional needs of students, to provide maximum time for direct in-person instruction during the spring 2021, and to meet the needs of seniors who may not have been able to complete certain Career and Technical Education programs. With the ability to apply for flexibility from USED and as a result of reviewing the Maryland Annotated Code, the Code of Maryland Regulations (COMAR), and other documents, and based on the authority of the State Board included under Education Article section 2-205 and COMAR 13A.01.01.02-1 *Waiver from Regulations*, the State Superintendent is requesting the following waivers collectively for all local school systems for good cause, as necessary and justifiable.

COMAR 13A.03.02.06 *Maryland High School Assessments* – Request a waiver for seniors in the 2020-2021 school year from participating in assessments in Algebra I, English 10, and the Maryland Integrated Science Assessment. This request includes a waiver for seniors from completing the Bridge Plan for Algebra I and English 10. Seniors must still pass the respective course(s).

COMAR 13A.03.02.06 *Maryland High School Assessments* – Request a waiver for all students in the 2020-2021 school year (including fall 2021 per waiver from USED) from passing Algebra I, English 10, and the Maryland Integrated Science assessments. Taking the assessment will meet the graduation requirement. Students must still pass the respective courses.

COMAR 13A.03.02.06 *Maryland High School Assessments* – Request a waiver for all students from taking and passing the American Government assessment in the 2020-2021 school year. Students must still pass the respective course.

COMAR 13A.03.02.05 *Student Service - Graduation Requirement* – Request waiver of the Student Service requirement for seniors who have not met the requirements.

COMAR 13A.04.19.02 *Program for Cosmetology* – Request waiver for seniors for 500 hours of theory and 1000 hours for demonstration and practical application. Seniors would graduate as a CTE completer with at least four CTE credits and would need to complete the Requirements to practice cosmetology and for Cosmetology Operator licensure as required by the Board of Cosmetology, beyond the school year.

COMAR 13A.04.09.03 *Curriculum for Nail Technician* – Request waiver for seniors of the 250 clock hour of theory demonstration and practical application. Seniors would graduate as a CTE completer with at least four CTE credits and would need to complete requirements for licensure beyond the school year.

COMAR 13A.04.20 *Program for Barbers* – Request waiver for seniors for 1200 hours for practical application. Seniors would graduate as a CTE completer with at least four CTE credits and would need to complete the practical application for a barber to practice barbering as required by the Board of Cosmetology, beyond the school year.

March 23, 2020

Page 3

COMAR 13A.04.02.03(G) *Secondary School Career and Technology Education* – Request waiver for seniors of the requirements for supervised work-based learning experiences and industry-mentored projects for seniors. Seniors would graduate as a CTE completer with at least four CTE credits and could complete work-based learning experiences beyond the school year.

ACTION:

Request approval of the identified waivers.

ATTACHMENT:

U.S. Department of Education Letter: Assessment, Accountability, and Reporting Requirements for School Year 2020-2021 dated February 22, 2021

Request for Waivers Related to Graduation, Assessments, and Service Learning in the 2020-2021 School Year Power Point

Request for Waivers Related to Graduation, Assessments, and Service Learning in the 2020-2021 School Year



Maryland State Department of Education

March 23, 2021

Purpose

Review waiver recommendations related to:

- **requirements for graduation including assessments,**
- **service learning, and**
- **completer requirements.**

Request for Waivers related to Graduation Requirements

- COMAR 13A.03.02.06 *Maryland High School Assessments*
Request a waiver for seniors in the 2020-2021 school year from participating in assessments in Algebra I, English 10, and the Maryland Integrated Science Assessment. This request includes a waiver for seniors from completing the Bridge Plan for Algebra I and English 10. Seniors must still pass the respective course(s).

Request for Waivers related to Graduation Requirements

- COMAR 13A.03.02.06 *Maryland High School Assessments*
Request a waiver for all students in the 2020-2021 school year (including fall 2021 per waiver from USED) from passing Algebra I, English 10, and Maryland Integrated Science assessments. Taking the assessment will meet the graduation requirement. Students must pass the respective courses.
- COMAR 13A.03.02.06 *Maryland High School Assessments*
Request a waiver for all students from taking and passing the American Government assessment in the 2020-2021 school year. Students must pass the respective course.

Request for Waivers related to Graduation Requirements

- COMAR 13A.03.02.05 *Student Service*

Graduation Requirement– Request waiver of the Student Service requirement for seniors who have not met the requirements.

Request for Waivers related to Graduation Requirements

- COMAR 13A.04.19.02 *Program for Cosmetology*

Request waiver for seniors for 500 hours of theory and 1000 hours for demonstration and practical application. Seniors would graduate as a Career and Technical Education (CTE) completer with at least four CTE credits and would need to complete the requirements to practice cosmetology and for Cosmetology Operator licensure as required by the Board of Cosmetology, beyond the school year.

- COMAR 13A.04.09.03 *Curriculum for Nail Technician*

Request waiver for seniors of the 250 clock hour of theory demonstration and practical application. Seniors would graduate as a CTE completer with at least four CTE credits and would need to complete requirements for licensure beyond the school year.

Request for Waivers related to Graduation Requirements

- COMAR 13A.04.20 *Program for Barbers*

Request waiver for seniors for 1200 hours for practical application. Seniors would graduate as a CTE completer with at least four CTE credits and would need to complete the practical application for a barber to practice barbering as required by the Board of Cosmetology, beyond the school year.
- COMAR 13A.04.02.03(G) *Secondary School Career and Technology Education*

Request waiver for seniors of the requirements for supervised work-based learning experiences and industry-mentored projects for seniors. Seniors would graduate as a CTE completer with at least four CTE credits and could complete work-based learning experiences beyond the school year.

U.S. Department of Education Letter: Assessment, Accountability, and Reporting Requirements for School Year 2020-2021

February 22, 2021

Dear Chief State School Officer:

In these challenging times, we at the U.S. Department of Education stand with you and are committed to doing everything in our power to support the students, educators, and schools in your state. Please know that we are grateful for your leadership and for the extraordinary work of educators across the Nation.

I am writing to provide an update on assessment, accountability, and reporting requirements for the 2020-2021 school year. President Biden's first priority is to safely re-open schools and get students back in classrooms, learning face-to-face from teachers with their fellow students. To be successful once schools have re-opened, we need to understand the impact COVID-19 has had on learning and identify what resources and supports students need. We must also specifically be prepared to address the educational inequities that have been exacerbated by the pandemic, including by using student learning data to enable states, school districts, and schools to target resources and supports to the students with the greatest needs. In addition, parents need information on how their children are doing.

State assessment and accountability systems play an important role in advancing educational equity. At the same time, it is clear that the pandemic requires significant flexibility for the 2020-2021 school year so that states can respond to the unique circumstances they are facing; keep students, staff, and their families safe; and maintain their immediate focus on supporting students' social, emotional, and academic development.

We remain committed to supporting all states in assessing the learning of all students. The Department is, therefore, offering the following flexibility with respect to your assessment, accountability, and reporting systems for the 2020-2021 school year:

- **Accountability and School Identification.** We are inviting states to request a waiver for the 2020-2021 school year of the accountability and school identification requirements in the *Elementary and Secondary Education Act of 1965* (ESEA). A state receiving this waiver would not be required to implement and report the results of its accountability system, including calculating progress toward long-term goals and measurements of interim progress or indicators, or to annually meaningfully differentiate among its public schools using data from the 2020-2021 school year. This flexibility would explicitly include waiving the requirement that the Academic Achievement indicator be adjusted to account for a participation rate below 95 percent. The state would also not be required to

identify schools for comprehensive support and improvement (CSI), targeted support and improvement (TSI), and additional targeted support and improvement (ATSI) based on data from the 2020-2021 school year. Each state that receives the accountability and school identification waivers would be required to continue to support previously identified schools in the 2021-2022 school year, resume school identification in the fall of 2022, and ensure transparency to parents and the public, as described below, including publicly reporting the percentage of students not assessed, disaggregated by student subgroup. The Department will follow up shortly with an optional state accountability waiver template. Beyond the scope of these waivers, we also encourage states and school districts to consider other steps within your purview to further reduce the stakes of assessments this year, such as excluding their use from students' final grades and grade promotion decisions.

- **Transparency and Public Reporting.** It remains vitally important that parents, educators, and the public have access to data on student learning and success. The Department will therefore maintain all state and local report card requirements, including the requirements to disaggregate data by student subgroup (except for reporting related to accountability, such as school ratings). As a condition of waiving accountability and school identification requirements, the Department will require all states to publicly report disaggregated chronic absenteeism data and, to the extent the state or school district already collects such information, data on student and educator access to technology devices like laptops or tablets and to high-speed internet at home. Transparency on opportunity to learn measures, such as chronic absenteeism and access to key resources like technology, can help inform decisions about student supports for the 2021-2022 school year and beyond.
- **Assessments.** It is urgent to understand the impact of COVID-19 on learning. We know, however, that some schools and school districts may face circumstances in which they are not able to safely administer statewide summative assessments this spring using their standard practices. Certainly, we do not believe that if there are places where students are unable to attend school safely in person because of the pandemic that they should be brought into school buildings for the sole purpose of taking a test.

We emphasize the importance of flexibility in the administration of statewide assessments. A state should use that flexibility to consider:

- Administering a shortened version of its statewide assessments;
- Offering remote administration, where feasible; and/or
- Extending the testing window to the greatest extent practicable. That could include offering multiple testing windows and/or extending the testing window into the summer or even the beginning of the 2021-2022 school year. States that elect to extend testing windows should also consider how they can make results available to the public in a timely manner after assessments are administered.

In particular, we know that English language proficiency (ELP) assessments are often given earlier in the school year than content assessments and are underway already in most states. We specifically encourage states to extend the testing window for their ELP assessment, including beyond the end of the 2020-2021 school year, if necessary, to ensure that districts are administering this assessment when it safe for them to do so.

The intent of these flexibilities, and the accountability waivers described above, is to focus on assessments to provide information to parents, educators, and the public about student performance and to help target resources and supports. For that reason, we are not inviting blanket waivers of assessments. We also recognize that individual states may need additional assessment flexibility based on the specific circumstances across or within the state, and we will work with states to address their individual needs and conditions while ensuring the maximum available statewide data to inform the targeting of resources and supports.

If a request for a waiver is appropriate, prior to submitting a waiver request (including through the optional template described above), as required under ESEA section 8401(b)(3)(A), you must provide the public and interested local educational agencies notice and a reasonable time for them to comment in the manner in which the state educational agency customarily provides notice and the opportunity to comment to the public.

If you have any questions, please contact OESE.TitleI-a@ed.gov.

Sincerely,

Ian Rosenblum
Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Governors
State Title I Directors
State Title III Directors
State Special Education Directors
State Assessment Directors