



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

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**TO:** Members of the State Board of Education  
**FROM:** Karen B. Salmon, Ph.D.  
**DATE:** April 27, 2021  
**SUBJECT:** Waiver and Flexibility Request for Accountability, School Identification, and Reporting Requirements for School Year 2020-2021

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**PURPOSE:**

To request approval to submit the request for a waiver and for flexibility offered by the United States Department of Education (USED) related to accountability, school identification, and reporting requirements for school year 2020-2021.

**BACKGROUND/HISTORICAL PERSPECTIVE:**

On October 20, 2020, USED notified states of the opportunity to modify accountability systems to address the missing data from the 2019-2020 school year. On February 22, 2021, USED notified states of further flexibility through a request for a waiver from the Elementary and Secondary Education Act of 1965 (ESEA) in the areas of accountability and school identification, transparency and public reporting, and assessments

**EXECUTIVE SUMMARY:**

The Maryland State Department of Education (MSDE) is requesting to utilize the flexibility offered by USED to shift long-term goals by one year. Long-term goals are the annual goals that have been set for the interval improvement in performance for each assessment. The administration of the 2020-2021 English Language Arts and mathematics assessments will be extended to the fall 2021 to provide additional instructional time in the spring 2021 as students return to school. The MSDE is also requesting a waiver from administration of science assessments for the 2020-2021 school year. Through the flexibility, the MSDE will not be required to meaningfully differentiate schools or identify new Comprehensive Support and Improvement (CSI) Schools and Targeted Support and Improvement (TSI) Schools in fall 2021. The MSDE will continue to support the previously identified CSI and TSI schools. The MSDE will also report on the second technology survey that will be administered in spring 2021 on student access to technology and internet service.

Following State Board action on March 23, 2021, the MSDE posted for public comment on the MSDE website its intention to seek flexibility and a science waiver from USED. The posting and the opportunity to comment remained on the MSDE website from March 26, 2021, through April 9, 2021. The MSDE also communicated the intention to submit the request for the flexibility and the waiver to

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all local School Superintendents through the State Superintendent's weekly update on March 26, 2021. Superintendents also had the opportunity to comment through April 9, 2021.

The MSDE received four comments. The individual comments are attached. The comments included appreciation for the action on the part of the MSDE and the State Board to submit the requests to USED, support for continued administration of local assessments, and comments on the details of assessment administration and scoring. Based on the comments, the MSDE does not recommend revision to the request for the waiver or flexibility as offered by USED. In the future, further consideration will be given to reporting assessment results.

**ACTION:**

Seeking approval to submit the request for flexibility from the USED on accountability, school identification, and reporting requirements, and the waiver for the administration of the 2020-2021 science assessment.

**ATTACHMENT:**

Comments Regarding Proposed Every Student Succeeds Act (ESSA) Waiver Requests Relating to Accountability and School Identification, Transparency and Public Reporting, and Assessments for the 2020-2021 School Year.



Michael J. Martirano, Ed.D.  
Superintendent

March 31, 2021

Rhodri Evans  
Lead Policy Specialist  
Maryland State Department of Education  
200 W. Baltimore St.  
Baltimore, MD 21201

Via Email: [rhodri.evans@maryland.gov](mailto:rhodri.evans@maryland.gov)

Greetings,

For the *Every Student Succeeds Act: Waiver Requests Relating to Accountability and School Identification, Transparency and Public Reporting, and Assessments for the 2020-2021 School Year*, the Howard County Public School System (HCPSS) submits the following comments:

- **Accountability and School Identification**
  - Support the waiver to not identify CSI and TSI schools using data from the 2020-2021 school year. The consistency and quality of the available data would prevent the accurate identification of TSI and CSI schools.
  - Support waiving the 95% participation requirement since schools may not be able to assess 95% of the student population during fall testing.
- **Transparency and Public Reporting**
  - Support the reduction of reporting components for the Maryland Report Card
- **State Assessments**
  - Support the elimination of the 2020-2021 science assessment for grades 5, 8 and high school. Moving ELA and mathematics to fall of 2021 will already introduce a significant amount of testing to the start of the school year. Eliminating science helps to reduce the time spent on assessment for an individual student and reduces scheduling disruptions caused by the assessment delivery.
  - Suggest seeking additional waivers or reductions for ELA and mathematics testing. The implementation of fall testing will cause local assessment programs to be cancelled to accommodate the scheduling of state testing. Local assessment programs are the only consistent measures available to track the progress of our summer school program and to determine where students are starting the year. The state program will not have comparisons to previous years, national norms or data for grades 1-3.

Thank you for considering our comments as you make these important decisions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Martirano", written in a cursive style.

Michael J. Martirano, Ed.D.  
Superintendent of Schools

# Comment on MSDE's ESSA Waiver for 2020-2021 School Year.

**Shavonne Gibson** <shavonne.gibson@gmail.com>

Apr 6, 2021,  
7:17 PM

Good morning Rhodri,

I am Prince George's County parent of a second grade student and I thank you the opportunity to comment on the MSDE ESSA Waiver for the 2020-21 school year. Given the ongoing public health pandemic and many county schools not resuming with 100% in person instruction, I appreciate the fact that MSDE is seeking the waiver for accountability, transparency and public reporting, and assessment-related requirements.

I do not believe that our students and teachers should be focused on high-stakes testing while also grappling with trying to manage the ramifications of the pandemic. The focus should be on ensuring that students and teachers are provided opportunities to support their mental health and cognitive development. With the limited days in person, teachers should not be spending those days on test prep in the absence of social emotional learning.

I do hope that MSDE addresses the need for student data for ALL students in the state through other assessment types--informal, formative, and end of course so that we have a pulse on student mastery. I also don't believe that the state should resume testing in the fall. I think this date should be pushed back to the normal cadence of spring state testing. Additionally, accountability measures should be resumed next school year as well.

If I can provide additional commentary, please let me know.

Thanks,  
Shavonne Gibson

# BALTIMORE COUNTY PUBLIC SCHOOLS

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Darryl L. Williams, Ed.D. ♦ Superintendent ♦ 6901 North Charles Street ♦ Towson, MD ♦ 21204

Division of Research, Accountability, and Assessment  
Dr. Monique Wheatley-Phillip  
Chief Accountability and Performance Management Officer

Office: 443-809-0319  
Fax: 410-391-7260

TO: Rhodri Evans, Lead Policy Specialists  
Maryland State Department of Education

FROM: Dr. Monique Wheatley-Phillip  
Chief Accountability and Performance Management Officer

Dr. Mary Boswell-McComas  
Chief Academic Officer

DATE: April 7, 2021

SUBJECT: Feedback on Proposed Waiver Requests

The Maryland State Department of Education (MSDE) has asked for feedback on the *Every Student Succeeds Act* (ESSA) waiver request they are submitting relating to accountability and school identification, transparency and public reporting, and assessments for the 2020–2021 school year. The waivers will be submitted to the United States Department of Education (USED) based on feedback from Local School Systems (LSS) and approval of the State Board of Education. In collaboration with Academics, the Division of Research, Accountability, and Assessment shares the following comments on each of the three waiver sections.

## **Accountability and School Identification**

We support the submission of the waiver to remove the requirement to implement and report the results of the Maryland accountability system. We also support the submission of the waiver to remove the requirement to identify schools for Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI), and Additional Targeted Support and Improvement (ATSI).

Our concerns/feedback about the impact of this waiver includes:

- Will we have state assessment results for the 2021–2022 assessments in time for identification in Fall 2022?

## **Transparency and Public Reporting**

We support the submission of the waiver to reduce the components that are reported on the Maryland Report Card based on the 2020–2021 school year.

Our concerns/feedback about the impact of this waiver includes:

- Will data be reported on MDReportcard.org? If so, what will be reported and how will it be reported?
- If data is shared, will there be notation that students are taking a shortened version of the test based on content they may have received over 1 or 2 semesters in a prior year?

## State Assessments

We support the submission of the waiver to exempt Maryland from the requirement that MSDE administer annual assessments in science.

Our concerns/feedback about the impact of this portion of the waiver includes:

- Should the waiver not be approved by USED, Local School Systems (LSS) would need time to prepare to administer assessments in Grades 5, 8, and high school.
- Would there be a waiver to allow high school students to just take the assessment or would passing be required?

We also support the submission of the waiver to administer shortened versions of the Maryland Comprehensive Assessment Program (MCAP) assessments in English/language arts (ELA) at Grades 3 through 8 and 10 and mathematics at Grades 3 through 8, Algebra 1, Algebra 2, and Geometry.

Our concerns/feedback about the impact of this portion of the waiver includes:

- The addition of fall testing may necessitate the delay or cancellation of local assessments which provide an LSS with consistent measures of student progress and growth.
- How will the addition of fall testing affect the 2% cap on the time permitted to spend on testing per the More Learning, Less Testing Act of 2017?
- What will the reporting structure be for the fall assessments? Will we receive Individual Student Reports (ISRs)? Will the results still be reported using the same proficiency levels as past administrations?
- When will schools receive results for the fall assessments?
- How will the results be used in terms of public reporting? Students are being tested at a time that is removed from the content being assessed.
- Secondary Mathematics assessments in Algebra 1, Algebra 2, and Geometry provide an additional concern. Some students will be a full year removed from the assessed content. In addition, students will have progressed to various other Mathematics courses in 2021–2022. Scheduling testing based on 2020–2021 course work will be a challenge. For example, students may be sitting in Algebra 2, but we will need to give them the Geometry assessment this fall.
- Will there be a differentiation in reporting of scores for in-person vs. remote testing?

Thank you for the opportunity to provide comments as you make the important decisions for all of our students.

Cc: Dr. Darryl Williams, Superintendent  
Brenda Stiffler, Senior Executive Assistant

**OFFICE OF THE SUPERINTENDENT**

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**Theresa R. Alban, Ph.D.**  
Superintendent of Schools  
superintendent@fcps.org

April 9, 2021

Rhodri Evans  
Maryland State Department of Education  
200 West Baltimore Street  
Baltimore, Maryland 21201

Re: Every Student Succeeds Act: Waiver Requests Relating to Accountability and School Identification, Transparency and Public Reporting, and Assessments for the 2020-2021 School Year

Ms. Evans,

Please find the following comments with respect to the Every Student Succeeds Act Waivers proposed by the Maryland State Department of Education.

ESSA Waiver Feedback due April 9

The waiver template suggests that states would be exempt from the requirement to collect and publish data from the 2020-2021 school year. During weekly Local Accountability meetings, there is an indication that the state plans to post performance data (not accountability) on the public facing website. This may result in the public making general comparisons between schools and districts which seems to be in misalignment to the intention of the federal waiver. It is important to understand the following concerns regarding administering assessments in the fall of 2021 and releasing results thereafter.

The consideration to provide an additional assessment window in the early fall of 2021 provides multiple concerns.

1. The fall assessment will be a shortened version of the 2020-2021 assessment. There are concerns with the comparability of the two test formats, especially at the high school level where students have a choice of taking one or the other. If a shortened version is comparable, perhaps the shorter version should become the standard testing format. There are also concerns that the shorter assessment actually portrays the full view of a student's progress.
2. Without a standard setting for the fall assessment, it may skew results that will be used for accountability purposes. While states may be exempt from the requirement to collect and publish accountability data from the 2020-2021 school year, the state will still post performance data. Naturally, the public will make general comparisons which seems to contradict the intention of the waiver.
3. Assessments have not been administered at the typical 80% mark of instruction. Students in districts with block schedules may take an assessment up to a year after the course. For example, a student may have passed algebra I in fall of 2020, passed geometry in Spring of 2021, and be in algebra 2 when they are required to take the algebra I assessment in fall of 2021. This will likely have an impact on the student's motivation when taking the assessment.

The burden of testing will fall heavily on our high schools should assessments be delayed. High schools will be required to test next year's ninth grade students in eighth grade mathematics and English/language arts assessments. Not only will this cause a degree of difficulty by increasing the amount of testing within high school, but the tests are administered on two different testing platforms.

Remote administration will be difficult to oversee and test security is a concern.

1. There will be challenges for training staff to deliver a remote administration as well as using the Pearson Access platform that has yet to be used for district testing.
2. Human provided accommodations will not be allowed in the remote administration which will render the data incomparable with those administered in the school building.
3. The timing necessary to implement remote administration is questionable. To provide an atmosphere wherein remote administration is possible, students taking assessments remotely would need to be identified by early July.
4. Other challenges include technology concerns as all students using remote administration will need to have access to a FCPS device.

Thank you for the opportunity to voice our concerns and provide valuable input concerning the proposed waivers.

Sincerely,

A handwritten signature in blue ink that reads "Theresa Alban". The signature is written in a cursive, flowing style.

Theresa R. Alban, Ph.D.  
Superintendent of Schools