

Request for Waiver of Statutory and Regulatory Requirements

Section 1111(b)(2)(B)(i)(I) of ESEA/ESSA and 34 C.F.R. 200.2(b)(1)(i)

The Maryland State Department of Education (MSDE) is requesting a waiver from specific statutory and regulatory requirements established under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), and then amended by the Every Student Succeeds Act of 2015 (ESSA).

Specifically, Maryland is requesting a waiver from the following federal statutory and regulatory requirements:

- Section 1111(b)(2)(B)(i)(I) of ESEA as amended by ESSA, which requires that “the assessments under subparagraph (A) shall, except as provided in subparagraph (D), be the same academic assessments used to measure the achievement of all public elementary and secondary school students in the State”; and the corresponding regulation:
 - 34. C.F.R. 200.2(b)(1)(i), which requires that “the assessment required under this section must, except as provided in sections 200.3¹, 200.5(b)², and 200.6(c)³ and 1204⁴ of the Elementary and Secondary Education Act as amended by the Every Student Succeeds Act, be the same assessment used to measure the achievement of all students.”

¹This exception allows an SEA to allow local educational agencies (LEAs) to administer a state-approved, locally-selected, nationally recognized high school assessment, in lieu of a statewide academic assessment.

²This exception allows SEAs, under certain conditions, to administer an end-of course mathematics assessment in lieu of a grade-level mathematics assessment for 8th grade students.

³This exception allows SEAs to administer an alternative assessment aligned to alternative academic achievement standards to students with significant cognitive disabilities.

⁴This exception allows for SEAs that have been so authorized by the Secretary to administer “innovative assessments” in lieu of statewide academic assessments to some students in the State.

This waiver, if granted, would allow each Maryland middle school student, regardless of grade-level, who is enrolled in an advanced mathematics course (Algebra I, Algebra II, or Geometry) to take the end of course assessment commensurate with their course of study instead of a grade specific mathematics assessment. For federal accountability purposes, the SEA will use the results of the advanced, high school level mathematics assessment in the year in which the assessment is administered and will administer one or more additional advanced, high level, mathematics assessments to such students in high school, consistent with the State's mathematics content standards, and use the results in high school accountability. The same waiver was requested and approved by the U.S. Department of Education (USDE) in 2014 and 2018.

ESSA section 8401(b)(3)(A) requires the State to provide the public and local education agencies (LEAs) with notice of and a reasonable opportunity to comment and provide input on a proposed waiver request. This communication serves as notice of MSDE's intent to submit a waiver request to USDE of the statutory requirements related to mathematics assessment of ESSA section 1111(b)(2)(B)(i)(I) and the corresponding regulatory requirements set forth in 34 C.F.R. 200.2 (b)(1)(i). It is also an invitation for the public to provide feedback on the proposed waiver request. Please submit your comments by **December 4, 2024**, via email to doss.msde@maryland.gov. Copies of all public comments received will be included as part of the waiver request submission to USDE.

For questions, regarding the proposed waiver request, please contact Mary Gable, Assistant State Superintendent, Division of Student Support and Federal Programs by email at mary.gable@maryland.gov or by phone at 410-767-0472.