UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

MAY 1 5 2012

The Honorable Stephen L. Bowen
Commissioner of Education
Maine Department of Education
23 State House Station
Augusta, Maine 04333-0023

Dear Commissioner Bowen:

I am writing in response to the Maine Department of Education (MDOE) request to waive certain requirements of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, to permit Maine to use the same annual measurable objectives (AMOs) to make adequate yearly progress (AYP) determinations based on assessments administered in the 2011–2012 school year that Maine used to make such determinations based on assessments administered in the 2010–2011 school year. MDOE submitted this request in response to a voluntary opportunity that was announced by Secretary Duncan when he invited interested States to submit requests for ESEA flexibility.

MDOE included in its request—

- evidence that Maine has formally adopted, consistent with the State's own standards-adoption process, college- and career-ready content standards in reading/language arts and mathematics that meet the definition of "college- and career-ready standards" in the document titled *ESEA Flexibility*;

- an assurance that Maine will provide, in a manner that is timely and informs instruction, student growth data on current students and students taught in the previous year to, at a minimum, teachers of reading/language arts and mathematics in grades in which the State administers assessments in those subjects, consistent with the timelines and definitions required under State Fiscal Stabilization Fund (SFSF) Indicator (b)(2);

- evidence that Maine identified persistent achievement and graduation rate gaps within the State that need to be closed and an assurance that Maine will report these data publicly by posting the data, in a format that is easily understandable, on its website on a page that is easily accessible by the public; and

- an assurance that Maine will take all steps necessary to develop and submit a request for ESEA flexibility.

After reviewing MDOE's request and confirming that MDOE posted on its website the data related to persistent achievement and graduation rate gaps, I am granting, pursuant to my authority under ESEA section 9401, a one-year waiver of ESEA section 1111(b)(2)(H) to permit Maine to use the same AMOs to make AYP determinations based on assessments administered in the 2011–2012 school year that it used to make such determinations based on assessments administered the prior school year. MDOE assured that it will post its 2010-2011 graduation rate gap data on its website on May 1, 2012. My approval is based on the determination that this waiver is likely to increase the quality of instruction for students and improve the academic achievement of students by enabling MDOE, its local educational agencies (LEAs), and its schools devote time and resources to planning for the implementation of ESEA flexibility rather than devoting additional resources to respond to the growing numbers of schools and LEAs that otherwise would be identified for improvement as a consequence of the escalating AMOs required by current law. Please note that I do not anticipate granting an extension of this one-year waiver. Accordingly, should MDOE choose not to submit a request for ESEA flexibility, or not receive approval of its request, it will be required to make AYP determinations based on assessment administered in the 2012–2013 school year using AMOs that meet the requirements of current law.

I appreciate the work you are doing to develop an ESEA flexibility request. If you have any questions, please send an e-mail to ESEAflexibility@ed.gov.

Sincerely,

Michael Yudin
Deputy Assistant Secretary for Policy and Strategic Initiatives
Delegated Authority to Perform the Functions and Duties of the Assistant Secretary for Elementary and Secondary Education

cc: Governor Paul LePage
Rachelle Tome