April 27, 2021

The Honorable Ian Rosenblum

Deputy Assistant Secretary for Policy and Programs, Delegated the authority to perform the functions and duties of the Assistant Secretary for Elementary and Secondary Education

Office of Elementary and Secondary Education

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202

Dear Deputy Assistant Secretary Rosenblum:

 I am writing to request a waiver, pursuant to section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), of the following requirements as a result of ongoing challenges related to the novel Coronavirus Disease 2019 (COVID-19):

State: Maine

Please check all that apply:

* Accountability and school identification requirements in ESEA sections 1111(c)(4) and 1111(d)(2)(C)-(D): the requirements that a State measure progress toward long-term goals and measurements of interim progress; meaningfully differentiate, on an annual basis, all public schools, including by adjusting the Academic Achievement indicator based on a participation rate below 95 percent; and identify schools for comprehensive, targeted, and additional targeted support and improvement based on data from the 2020- 2021 school year.
* Report card provisions related to accountability in ESEA section 1111(h) based on data from the 2020-2021 school year. These include:
* Section 1111(h)(1)(C)(i)(I)-(IV) and (VI) *(Accountability system description, other than the list of comprehensive, targeted, and additional targeted support and improvement schools).*
* Section 1111(h)(1)(C)(iii)(I) *(Other Academic indicator results for schools that are not high schools).*
* Section 1111(h)(1)(C)(v) *(School Quality or Student Success indicator results).*
* Section 1111(h)(1)(C)(vi) *(Progress toward meeting long-terms goals and measurements of interim progress).*
* Section 1111(h)(2)(C) with respect, at the local educational agency (LEA) and school levels, to all waived requirements in section 1111(h)(1)(C).

Consistent with the requirements of ESEA section 8401(b)(1)(C), describe how the waiving of such requirements will advance student academic achievement.

Maine schools opened their doors to some level of in-person education last fall, but many schools have been operating in a hybrid mode throughout the year due to the 3’-6' social distancing requirements and COVID-related concerns for students or their family members who have medical conditions, placing them at higher risk. As Maine strives to get more students into school for more days each week, our school-based COVID case rates have been steeply on the rise, and Maine now has the highest/100K case rate in New England. This surge has caused enormous disruptions to schools, with thousands of students and teachers impacted by quarantines due to testing positive for COVID-19 or by being deemed a close contact to a positive case. In some districts, schools have also closed temporarily due to shortages of teachers and bus drivers. With a variety of schedules and instructional modalities provided throughout the school year, it is more important than ever for us to understand what is happening with student learning. Maine continues to work hard to implement all required assessments. The pandemic has presented uneven challenges statewide and many COVID-related variables would impact data trends, and ultimately diminish public trust in our accountability system. That said, the application of our accountability model to determine a new list of schools in need of support at this point would provide a false construct upon which to base resource allocations. A waiver from our accountability system will allow Maine's educators to continue to prioritize and focus on meeting the needs of all Maine students whether this be social, emotional, or academic. Additionally, student learning and achievement will be supported by allowing the schools that were very recently identified as being in need of additional support (through application of our accountability system under non-pandemic conditions) to continue to receive such support uninterrupted, thereby supporting student achievement where we know this support is most needed.

Consistent with the requirements of ESEA section 8401(b)(1)(F), in order to maintain or improve transparency in reporting to parents and the public on student achievement and school performance in school year 2020-2021, including the achievement of subgroups of students, I assure that:

þ The State will make publicly available chronic absenteeism data, either as defined in the State’s School Quality or Student Success indicator, if applicable, or EDFacts, disaggregated to the extent such data are available by the subgroups in ESEA section 1111(c)(2), on State and local report cards (or in another publicly available location).

þ The State will make publicly available data on student and/or teacher access to technology devices and high-speed internet, disaggregated by the subgroups in ESEA section 1111(c)(2), to the extent such data are collected at the state or LEA level.

Beginning in March of 2020, we have instituted five (5) technology and connectivity related surveys to

Maine SAUs to identify where students and/or teachers lacked access to either technology equipment or

high-speed broadband. The data from these surveys has been made public and has been used to

support the procurement of technology devices and to target neighborhoods where Maine students and

teachers live in order to prioritize areas for broadband expansion in our state. As a result of these

efforts, 100 percent of districts that expressed needs related to devices or connectivity received

supports in the form of additional devices and necessary hotspots to provide connectivity at no local

cost to the SAU. Although we still have many regions where access to internet service is impossible, our data will support upcoming infrastructure expansion to target areas where students and teachers live.

We have also worked with Maine School Boards Association and Maine Superintendents of Schools Association to implement statewide surveys around instructional modalities, student access to in-person education, and types of hybrid and remote learning programs offered to students. Early in the school year, we analyzed enrollment data and trends and worked with districts that had large impacts to student counts, to identify and reach out to the families of missing students. We are currently preparing to deploy a social/emotional and mental health survey to collect data on whole child (and staff) wellbeing. To support this work, we developed multiple statewide Student Attendance and Engagement Summits, providing schools with technical assistance and best practices for outreach, for supporting flexible and ongoing opportunities and pathways for return to school throughout the year.

Maine DOE also regularly collects behavior, discipline, bullying, enrollment, attendance, truancy, graduation, and dropout data. Maine DOE and Maine SAUs will continue to provide and report all required data as outlined above to the extent possible. We are currently supporting school administrative units during the implementation of spring assessments in ELA, and Mathematics, including alternate assessments and continue to prepare for the implementation of Science assessments. ACCESS for ELs was administered beginning in January through mid-April. Data from these assessments will be shared locally and will be used to inform Multi-Tiered Systems of Support (MTSS) within each SAUs to target the provision of interventions and programs to support individuals and student groups based on need. Maine DOE is supporting SAUs in developing comprehensive frameworks designed to address the academic, behavioral, and social-emotional needs of each student in the most inclusive and equitable learning environment. MTSS analyzes and organizes all available resources within the school context, such as people, facilities, time, data, curriculum & instruction, and any additional resources to ensure a comprehensive continuum of support.

Consistent with the requirements of ESEA section 8401(b)(1)(F), in order to ensure that schools will continue to provide assistance to the same populations served by Title I, Part A (e.g., subgroups in section 1111(c)(2)), I assure that:

þ Any school that is identified for comprehensive, targeted, or additional targeted support and improvement in the 2019-2020 school year (i.e., any school that was in that status as of the 2019-2020 school year), except for comprehensive support and improvement schools identified based on low graduation rates that meet the State’s exit criteria, will maintain that identification status in the 2021-2022 school year, implement its support and improvement plan, and receive appropriate supports and interventions.

Currently identified schools within Maine will continue to receive access to a school-assigned leadership

coach, access to additional funds to support school improvement and the implementation of school

leadership teams, targeted professional development and opportunities for priority registration within

these professional learning opportunities.

Additionally, Maine Title I schools will continue to serve and meet the needs of every student identified for additional support and intervention within Title I through either a targeted assistance model or schoolwide model. Schools will continue to use their comprehensive needs assessment to inform local efforts and areas of focus for the school.

þ The State will identify comprehensive, targeted, and additional targeted support and improvement schools using data from the 2021-2022 school year in the fall of 2022 to ensure school identification resumes as quickly as possible.

Consistent with the requirements of ESEA section 8401(b)(3)(A), prior to submitting this waiver, the

State provided interested LEAs and the public with notice and a reasonable opportunity to comment and provide input on this waiver request and considered the feedback and input in finalizing this request. The comments and input received, as well as the State’s description of how it addressed the comments and input, are enclosed with this request.

Thank you for your consideration.

Sincerely,

Pender Makin, Commissioner of Education