



It's all about student learning. Period.

50 Education Way, Dover, NH 03820 | P.O. Box 1217, Dover, NH 03821-1217 | Web: measuredprogress.org | Office: 603.749.9102 | Fax: 603.749.6398

December 13, 2011

Lucy A. Wall
Legal Counsel
Massachusetts Department of Elementary &
Secondary Education
75 Pleasant Street
Malden, MA 02148

Dear Ms. Wall:

On behalf of Measured Progress, I am enumerating in this letter our respective organizations' agreement regarding the payments for our error in reporting the Grade 10 Mathematics results in late August and September. (*Organizations are the Massachusetts Department of Elementary and Secondary Education, or "ESE", and Measured Progress Inc., or "Measured Progress".*)

But first, let me express appreciation that you and your colleagues accepted our regrets that we allowed this error to occur. We are also grateful that you recognized the priority, speed, and earnestness that we devoted to correcting this error. We at Measured Progress work painstakingly to avoid significant errors; however, on the rare occasion when a situation of this nature occurs, correction is our only immediate priority.

We also realize we need to be contractually fair and are thus relieved to have met with you on November 16th to sort out our obligations. Please review my enumeration of our agreement below and provide a confirmation by initialing the bottom of this letter and returning a copy. We agreed that:

- 1) Measured Progress will incur a contractual default payment of \$202,500 (two hundred, two thousand, five hundred dollars). Measured Progress will pay this amount to the ESE, by crediting two contract invoices (January 31, 2012 and February 29, 2012) in the amount of \$ 101,250 each.
- 2) Measured Progress will make payments available to the schools that administered the spring 2011 Grade 10 Mathematics test in the amount of 50 cents per student, with total payments expected to be approximately \$35,000, or thirty-five thousand dollars.
 - a. Measured Progress will post a reimbursement form on its website. ESE will post a message to school districts announcing the availability of reimbursements and directing districts to the Measured Progress website. Schools and districts will be instructed to submit a reimbursement form to Measured Progress by January 20, 2012.

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- b. Measured Progress will then send the checks and a cover letter to the schools and districts that have submitted a reimbursement form.
- c. The amounts to be paid will align to the Measured Progress records of Parent Reports sent from each school. In any case of a discrepancy between the Measured Progress records and a submitted reimbursement form, Measured Progress will work with ESE to resolve the discrepancy.

Thank you again for working with us to finally and completely resolve the financial side of this issue. We are glad to have a path to bring all obligations for this issue to a close and move forward with educational improvement.

Sincerely,



Robert A. Kmetz
Chief Financial Officer and Treasurer
Measured Progress Inc.

Agreement Confirmed:

Signed: _____

Printed Name: _____

Title: _____

An authorized Officer of the Massachusetts Department of Elementary and Secondary Education