



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



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TO: Tom Watkins, Superintendent

FROM: Jeremy M. Hughes, Ph.D. 
Chief Academic Officer/Deputy Superintendent

DATE: April 7, 2004

**SUBJ: PROPOSED AMENDMENTS TO MICHIGAN'S NCLB
ACCOUNTABILITY WORKBOOK**

The U.S. Office of Education recently announced that it would consider requests from states to amend the accountability workbooks states were required to submit by January 30, 2003. After numerous meetings with staff, and in many cases consulting with other states, I would like to recommend that we seek the following amendments to our Accountability Workbook. Attached are the sections of the workbook referred to below by number.

Changing from "Below Basic" to "Apprentice" the name of the bottom category of reporting on the Michigan Educational Assessment Program (MEAP) tests.

"Apprentice" is the current designation for this category in the MEAP reports. This will align the Workbook language with the actual MEAP reports.

2. Clarifying in section 5.3 that an English Language Learner student who is also a student with disabilities will be coded in both subgroup categories.
3. Amending section 5.4 to replace the "LEP" designation with the "ELL" designation. Also, including language that accepts the recent USDOE-announced flexibility regarding the assessment of ELL students who are in the first year in a U.S. school. In addition, requesting that this one-year flexibility be extended in Michigan to three years, as per Michigan's original proposal in January, 2003.
4. Amending section 5.5 to include a two-student margin of error in the calculation of proficiency in English Language Arts and Mathematics in order to increase the reliability of AYP decisions, particularly in small and rural schools.
5. Amending section 7.1 to indicate that Michigan will continue to use its present formula for calculating high school graduation rate until such time as Michigan's Single Record

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Student Database (SRSD) contains enough data to calculate the “cohort tracking” system described in the original Workbook submission.

6. Amending section 9.2 to update the appeal process for AYP, based on legislation passed by the Michigan legislature on August 6, 2003.
7. Amending section 9.3 to state that Michigan will begin administering the 3-8 grade level testing in 2005-06. The original Workbook had stated Michigan would begin this testing in 2004-05. We are unable to meet that timeline because of the State Board of Education’s adoption of new Grade Level Content Expectations in November, 2003 and the need to base the new grade level tests on these expectations.
8. Amending section 10.1 to include the new flexibility announced by USDOE for the calculation of the 95% participation-in-assessment rate.

CONSOLIDATED STATE APPLICATION ACCOUNTABILITY WORKBOOK

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>1.3 Does the State have, at a minimum, a definition of <i>basic</i>, <i>proficient</i> and <i>advanced</i> student achievement levels in reading/language arts and mathematics?</p>	<p>State has defined three levels of student achievement: <i>basic</i>, <i>proficient</i> and <i>advanced</i>.¹</p> <p>Student achievement levels of <i>proficient</i> and <i>advanced</i> determine how well students are mastering the materials in the State's academic content standards; and the <i>basic</i> level of achievement provides complete information about the progress of lower-achieving students toward mastering the <i>proficient</i> and <i>advanced</i> levels.</p>	<p>Standards do not meet the legislated requirements.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The Michigan Educational Assessment Program (MEAP) currently reports student achievement in four score categories:

- Level 1 – Exceeded Expectations
- Level 2 – Met Expectations
- ~~Level 3 – Basic~~
- Level 4 – Apprentice

Students scoring in the “Exceeded Expectations” and “Met Expectations” categories are considered to be “proficient.” The “cut scores” that determine the dividing lines between the four score categories consist of scale scores. The cut scores are determined by a Standards Setting Panel of practitioners, facilitated by an expert psychometrician contracted by the MEAP office. A Technical Advisory Panel of national testing experts provides oversight of the standards setting process.

The Michigan State Board of Education has officially adopted this definition of proficiency to be the proficiency standard to be used to calculate AYP for English Language Arts and Mathematics at the elementary, middle, and high school levels.

¹ System of State achievement standards will be reviewed by the Standards and Assessments Peer Review. The Accountability Peer Review will determine that achievement levels are used in determining AYP.

The four MEAP score categories will continue to be used to report student achievement. These requirements correspond to the NCLB requirements in the following way:

“Exceeded Expectations”	corresponds to “Advanced”
“Met Expectations”	corresponds to “Proficient”
“Basic”	corresponds to “Basic”
“Apprentice”	

MI-Access is Michigan’s Alternate Assessment Program for students with disabilities. The Michigan State Board of Education approved three performance categories for reporting MI-Access results. The labels used are “Surpassed the Performance Standard, Attained the Performance Standard, and Emerging toward the Performance Standard.” For MI-Access, the State Board of Education will be asked to approve the definition that students scoring on MI-Access as Surpassed the Performance Standard and Attained the Performance Standard will be considered proficient, once the proposed regulation is final on the inclusion of alternate assessment in the calculation of AYP.

Attachment 5 contains performance standards set in 2002 for Mathematics for the MEAP. Performance standards for new English Language Arts assessment will be set in the spring of 2003.

Documentation of action by the Michigan State Board of Education on the definition of proficiency is contained in Attachment 6.

CONSOLIDATED STATE APPLICATION ACCOUNTABILITY WORKBOOK

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>5.3 How are students with disabilities included in the State's definition of adequate yearly progress?</p>	<p>All students with disabilities participate in statewide assessments: general assessments with or without accommodations or an alternate assessment based on grade level standards for the grade in which students are enrolled.</p> <p>State demonstrates that students with disabilities are fully included in the State Accountability System.</p>	<p>The State Accountability System or State policy excludes students with disabilities from participating in the statewide assessments.</p> <p>State cannot demonstrate that alternate assessments measure grade-level standards for the grade in which students are enrolled.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Students with disabilities participate in the State Board approved Michigan Educational Assessment System in one of several ways:

- MI-Access, Michigan's Alternate Assessment Program;
- Participation in the MEAP with accommodations; or
- Participation in the MEAP without accommodations.

All students are assessed. The State Board of Education's MEAS policy requires all students, including students with disabilities, be assessed at the state level.

The SRSD keeps track of student disabilities and allows the disaggregation of student scores. Attachment 12 contains definitions of the fields used to gather subgroup data through the SRSD.

Documentation of assessment procedures and protocols for students with disabilities for MEAP is contained in Attachment 10 and for MI-Access in Attachment 11. If a student with a disability is also an English language learner (ELL), the student must be coded for both subgroups in the SRSD. When protocols for assessing students with disabilities are followed for an ELL student and the protocols indicate that the MEAP assessment is the most appropriate for that student, then procedures for assessing ELL students must be followed including assessing the student's English language proficiency.

In Michigan, students with disabilities constitute one of the subgroups whose successful achievement of AYP will be required (along with other subgroups) in order for a school or school district to be classified as making AYP.

Michigan has an alternate assessment – MI-Access – for students with cognitive impairment. Performance categories have been approved by the Michigan State Board of Education for the

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>5.4 How are students with limited English proficiency included in the State's definition of adequate yearly progress?</p>	<p>All LEP student participate in statewide assessments: general assessments with or without accommodations or a native language version of the general assessment based on grade level standards.</p> <p>State demonstrates that LEP students are fully included in the State Accountability System.</p>	<p>LEP students are not fully included in the State Accountability System.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Students with limited English proficiency (LEP), known as English Language Learners (ELL) in the state of Michigan, comprise one of the required subgroups that must demonstrate AYP in order for a school, public school academy or school district to make AYP.

ELL students in Michigan public schools, less than four percent of the enrolled student population, speak over 125 different languages in their homes. Approximately 40% of the ELL students live in homes where Spanish is the primary language, and approximately 25% live in homes where Arabic is the primary language. The rest of the students are scattered among many other language groups. While 102 school districts and public school academies do offer some level of bilingual instruction to some of their ELL students, the majority of ELL students receive academic instruction exclusively in English. These factors informed the decision of the Michigan Department of Education not to develop native language assessments.

Starting in 2003-04, Michigan proposes to provide school districts and public school academies the following flexibility:

1. For English language learners enrolled in U.S. schools less than one full year
 - Use results from one of the approved* English Language Proficiency tests given to determine whether the ELL student should take the MEAP or MI Access English language arts (ELA) test. If taken, scores will be counted toward 95% participation for AYP, but test scores will not be counted into AYP results. If the MEAP or MI Access ELA test is not taken, participation in the English language proficiency testing program will count toward the 95% participation rate for AYP.
 - Administer the MEAP or MI Access mathematics test. Scores will be counted toward 95% participation in AYP, but scores will not be counted into AYP results.

2. For students categorized as Formerly limited English proficient (FLEP) for two years, count MEAP or MI Access scores as part of the ELL disaggregated data that is used for calculating AYP results.

As assessments are developed to meet the annual testing requirements of grades three through eight, they will be developed to better accommodate ELL students as well as native English speakers. This will ensure that all students, including ELL students, are assessed on the same standards to meet the same academic expectations. The Office of Educational Assessment and Accountability is projecting that these grade level tests will be ready for statewide administration in 2005-06 as required by NCLB

Although Michigan appreciates the flexibility of Secretary Paige's announced policy on ELL students, it offers only one third of the original proposal, which we made and stand behind. The flexibility proposed for one year should be extended to cover the first three years a student is in school in the U. S. The MDE believes that the required English Language Proficiency test should be used to judge an ELL student's readiness to take the MEAP tests during the first 3 years the student is enrolled in U.S. schools. If an ELL student's level of proficiency is judged not sufficient to be able to yield valid and reliable results, the student's math and reading assessments should not be included in the AYP calculation. Michigan requests that the U.S. Department of Education consider this proposal.

*While MDE continues to work in collaboration with other states to develop a statewide English language proficiency test, the department has recommended that schools use one of the following tests to assess English language proficiency: Woodcock-Munoz Language Survey, Language Assessment Scales (LAS and Pre-LAS), IDEA Proficiency Test (IPT), Bilingual Verbal Abilities Test (BVAT), Stanford English Language Proficiency Test, Maculaitis Test of English Language Proficiency (MAC II).

CONSOLIDATED STATE APPLICATION ACCOUNTABILITY WORKBOOK

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>5.5 What is the State's definition of the minimum number of students in a subgroup required for reporting purposes? For accountability purposes?</p>	<p>State defines the number of students required in a subgroup for reporting and accountability purposes, and applies this definition consistently across the State.⁵</p> <p>Definition of subgroup will result in data that are statistically reliable.</p>	<p>State does not define the required number of students in a subgroup for reporting and accountability purposes.</p> <p>Definition is not applied consistently across the State.</p> <p>Definition does not result in data that are statistically reliable.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

In 2003 the Michigan State Board of Education determined the number thirty (30) as constituting the minimum number of students in a subgroup for accountability purposes. This decision was based upon investigation of research and scholarly papers that indicated the number thirty (30) was large enough to yield data that meets a reliability threshold for AYP reporting. This has been Michigan's compromise between the competing goals of more disaggregated reporting and greater statistical reliability.

For 2003 data, Michigan applied the rule that wherever a subgroup size is less than thirty (30), data for the students in the subgroup will be reported to the school or district, for instructional purposes, even though not included in the determination of AYP for the school or district. Michigan carried the number up to the district and state levels as required.

Based on the implementation of AYP in Michigan for 2003, the Michigan Department of Education analyzed the decisions made regarding AYP. Michigan made 18,610 AYP decisions in terms of student proficiency, counting an AYP decision for each content area (English language arts and mathematics) for the whole school and for each subgroup where the number tested was equal to or greater than 30. Of the total number of AYP proficiency decisions, 504 were cases where the proficiency decision was based on the score of one student and an additional 490 decisions were based on the scores of two students, making a total of 994 decisions based on the scores of two or fewer students. This accounts for 5.3% of all AYP decisions. Making AYP decisions on the basis of one or two students is troubling, despite the reliability of the MEAP assessments.

Michigan was asked, by our local school districts, to address the reliability issues that are related to the AYP decisions based on one or two students. We were asked to look at increasing the minimum group size, the use of confidence intervals, and other commonly accepted techniques used to address reliability issues. We ran simulations of the 99% and 95% confidence intervals

⁵The minimum number is not required to be the same for reporting and accountability.

used in other states for AYP decisions. We also gathered impact data on the use of larger sizes of the minimum group size. These approaches were rejected because:

- The confidence interval approach would be confusing, leading to different targets, based on school size, at the same content area and grade range;
- The confidence interval approach may be viewed as lowering the targets; and
- Increasing the minimum group size leaves many schools in which the strictest definition of AYP is not applied (participation and proficiency, including safe harbor).

The technique proposed is a margin of error, similar to those reported for surveys and polls. It is proposed that the margin of error be set not in terms of percentage points, but in terms of the number of students. Michigan will give each school a two-student margin of error for proficiency. This technique is chosen because it will improve the reliability and confidence in AYP decisions, and it will not result in a dramatic reduction in AYP status of schools or districts. The following table shows simulated impact data for this approach, listing the number of Michigan schools meeting each AYP component, using several margins of error.

Impact Data on Margin of Error - 2003 AYP Data

Content Area	Margin of Error				
	0	1 student	2 students	3 students	4 students
English Language Arts	3,039	3,069	3,103	3,136	3,168
Mathematics	2,742	2,792	2,829	2,873	2,896

The table shows that 3,039 schools met the English language arts proficiency target without a margin of error. With a margin of error of one student, 30 additional schools (3,069 – 3,039) will meet the English language arts proficiency target. This increases to 64 schools (3,103 – 3,039) that would meet the English language arts proficiency target if given a margin of error of two students.

Michigan plans to use a margin of error of two students for AYP decisions in terms of proficiency beginning with the 2004 AYP reporting cycle. Based on analysis of 2003 data and on the simulated impact data, it is anticipated that this policy will not result in a large number of schools suddenly making AYP due to this new procedure.

Our analysis indicates that this plan will have a greater impact on smaller schools than on larger schools. The margin of error works somewhat like a confidence interval, but with a much more finely directed impact. The smaller schools are the schools where we are troubled by making decisions based on a small number of students' scores.

By reducing the number of decisions based on one or two students, Michigan will increase the reliability of the AYP decisions that it makes. We want to be as confident as possible in the AYP decisions for Michigan schools.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Michigan's Single Record Student Database (SRSD) is described earlier in this document. Michigan has established the SRSD to track data at the student level over time. It is Michigan's intention to use this data as the basis of calculation of graduation rate. However, collection of the SRSD began only in 2002. Therefore, Michigan has not had the opportunity to track a cycle of a cohort through the new system. Michigan plans to continue to use the current hybrid method of calculating a graduation rate until such time as the four-year graduation rate can be calculated on a cohort basis. Michigan's current method for calculating graduation rates is contained in the attached document. The following methodology outlines Michigan's plan to calculate a cohort based graduation rate. We will begin to use this methodology when the data becomes available.

For purposes of calculating graduation rate, a "school year" will be considered as from the start of a school's academic year through August 31. This allows the graduation rate to include seniors who graduate during the summer.

2. A beginning target percentage graduation rate will be established for the state. This beginning target will be established in a manner similar to the calculation of achievement targets for adequate yearly progress in English Language Arts and Mathematics. All high schools in the state will be arranged in descending order of graduation rate percentage, along with the enrollment for each school. The graduation rate of the high school at the 20th percentile of total state high school enrollment will become the initial target graduation rate for the state. The initial target graduation rate will remain constant for two years, 2003-04 and 2004-05, but will be increased in 2005-06, 2008-09.
3. It is estimated at this time that the 20th-percentile-of-total-enrollment formula will result in a beginning statewide target graduation rate of approximately 80%.
4. Schools above this rate will be considered as making AYP. Schools below the rate will be considered making AYP if they achieve a certain percentage growth within the first two years of establishing the target rate, and a certain percentage growth every year thereafter ("safe harbor").
5. For schools whose graduation rate is initially below the state target rate, the amount of improvement needed to achieve "safe harbor" will be calculated by subtracting a school's actual graduation rate from the state target rate. In order to be considered making AYP by a "safe harbor" approach, a school will be expected to reduce this gap number by ten percent (10%), to be achieved over a period of two years.
6. Four years will be considered the normal period of time for a high school student to earn a regular diploma. For a high school containing grades below grade 9, e.g. 7-12 high school, only grades 9-12 will be considered. For a 10-12 high school, the normal period will be four years and, for purposes of calculating graduation rate, it will be necessary to

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
9.2 What is the State's process for making valid AYP determinations?	State has established a process for public schools and LEAs to appeal an accountability decision.	State does not have a system for handling appeals of accountability decisions.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Because of the validity and reliability associated with the MEAP tests, Michigan is reasonably assured of the validity of its AYP decisions.

When the reporting process was a paper report, an appeal process was in place. The appeal process has changed in two ways: the Report Card with AYP status is an electronic process now; the state Legislature amended the State School Aid Act to ensure that the appeal process is completed each year before the school Report Card is issued.

Michigan has established the following process for schools and school districts to appeal the AYP determinations made by the MDE:

1. The Michigan School Report Card website has an administrative function which allows each school or school district to log in and view the underlying data.
2. When the data for School Report Cards is finalized, schools are notified to view the Report Card and are given two weeks to contact MDE with supporting data if they think the Report Card shows an incorrect AYP determination.
3. MDE reviews the evidence submitted to determine validity and makes any needed changes.

In October 2003 the state Legislature passed PA 158 to amend the State School Aid Act with the following provision: "Before publishing a list of schools or districts determined to have failed to make adequate yearly progress as required by the federal no child left behind act of 2001, Public Law 107-110, 115 Stat. 1425, the department shall allow a school or district to appeal that determination. The department shall consider and act upon the appeal within 30 days after it is submitted and shall not publish the list until after all appeals have been considered and decided."

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>9.3 How has the State planned for incorporating into its definition of AYP anticipated changes in assessments?</p>	<p>State has a plan to maintain continuity in AYP decisions necessary for validity through planned assessment changes, and other changes necessary to comply fully with NCLB.¹¹</p> <p>State has a plan for including new public schools in the State Accountability System.</p> <p>State has a plan for periodically reviewing its State Accountability System, so that unforeseen changes can be quickly addressed.</p>	<p>State's transition plan interrupts annual determination of AYP.</p> <p>State does not have a plan for handling changes: e.g., to its assessment system, or the addition of new public schools.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Michigan has contracts for 3-8 development and vertical equating for both MEAP and MI-Access.

In January 2003, Michigan began a contract with a new test development firm to revise the current MEAP testing program and transform it into the grade-level testing program required by NCLB. MI-Access is also working with a test development vendor in the development of the grades 3-8 assessments for all of MI-Access. Michigan also needs to add the three additional grades/ages for the current MI-Access assessments. Michigan will also be vertically equating the MI-Access assessments.

The contract requires that the grade level tests be vertically equated, allowing each year's testing to be an accurate measure of student progress from the previous year's instruction and testing. As new tests are developed, either as a whole (e.g., all English Language Arts tests, grades 3-8) or in part (e.g., new English Language Arts test at grade 4), the tests are required to be equated, either as a whole, or with the grade level tests that will be retained.

Due to extended timelines for adopting Grade Level Content Expectations for grades K-8.

¹¹ Several events may occur which necessitate such a plan. For example, (1) the State may need to include additional assessments in grades 3-8 by 2005-2006; (2) the State may revise content and/or academic achievement standards; (3) the State may need to recalculate the starting point with the addition of new assessments; or (4) the State may need to incorporate the graduation rate or other indicators into its State Accountability System. These events may require new calculations of validity and reliability.

Michigan will begin its annual testing in grades 3-8 in 2005-06. This will result in some changes in AYP calculations, notably collapsing scores from grades 3-5 for the elementary level and grades 6-8 for the middle school level. A determination will be made in 2005-06 regarding whether new starting points will need to be set.

In addition, Michigan will evaluate its starting points when the MI-Access grade 3-8 and assessments, both Phase 1 and Phase 2, are implemented.

Students attending public schools that are in their first year of operation will be included at the district and state levels in determining district AYP. New schools will receive an "AYP alert" based on the annual objectives in their first year of operation. AYP determinations for new schools will commence with their second year of operation, at which time students attending the new school will be included at the school, district, and state levels.

PRINCIPLE 10. In order for a public school or LEA to make AYP, the State ensures that it assessed at least 95% of the students enrolled in each subgroup.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>10.1 What is the State's method for calculating participation rates in the State assessments for use in AYP determinations?</p>	<p>State has a procedure to determine the number of absent or untested students (by subgroup and aggregate).</p> <p>State has a procedure to determine the denominator (total enrollment) for the 95% calculation (by subgroup and aggregate).</p> <p>Public schools and LEAs are held accountable for reaching the 95% assessed goal.</p>	<p>The state does not have a procedure for determining the rate of students participating in statewide assessments.</p> <p>Public schools and LEAs are not held accountable for testing at least 95% of their students.</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Michigan's policy is that all students enrolled must participate in the MEAS. The assessment administration window is specifically designed so that schools may administer the assessment on a different day to students who may have been absent from school. This policy has always resulted in most, if not all, Michigan students participating in the MEAS.

The Michigan State Board approved the "Policy To Include All Students In The Michigan Educational Assessment System" on October 18, 2001. This policy is included in Attachment 18.

Schools are required to administer the state assessments within a designated assessment administration "window." In order to assure that schools and districts meet the 95% tested requirement, a single day will be designated within the assessment window. The SRSD will be used to determine the actual enrollment on those days. This up-to-date enrollment count will be used to determine whether 95% of the enrolled students have participated in the testing. As allowed by recent federal guidance, Michigan will calculate participation based on the current single year, and will use two-year and three-year averaging for participation as needed. Michigan will also allow appeals based on medical emergencies and other individually justified situations.

Michigan's high school assessments are governed by several provisions of state law including statutes which provide for: