



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING

RICK SNYDER  
GOVERNOR

BRIAN J. WHISTON  
STATE SUPERINTENDENT

September 9, 2016

Ms. Jessica McKinney  
U.S. Department of Education  
400 Maryland Avenue SW., Room 3W107  
Washington, DC 20202-2800

Re: Docket ID ED-2016-OESE-0053

Dear Ms. McKinney,

Michigan appreciates the opportunity to provide comment and feedback on the Department of Education's (Department) Notice of Proposed Rulemaking (NPRM) on the Title I – Improving the Academic Achievement of the Disadvantaged – Academic Assessments (Docket ID ED-2016-OESE-0053) under the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA).

The Michigan Department of Education (MDE) would like to take this opportunity to comment on Proposed Regulations pertaining to ESSA Statute 1111(b)(2)(D) – Alternate Assessment Aligned with Alternate Academic Achievement Standards for Students with the Most Significant Cognitive Disabilities.

Section 1111(b)(2)(D)(i)(I) caps at the State level the number of students with the most significant cognitive disabilities who may be assessed with an alternate assessment aligned with alternate academic achievement standards at 1.0 percent. Proposed Section 200.6(c)(4) details information States would be expected to submit if they determine the need to request a waiver of the State-level cap of 1.0 percent of students taking an alternate assessment. We believe the MDE will need to expend significant time and resources to meet each of the waiver criteria provisions, most notably the resource expenditure that will be incurred by verifying that *each* relevant LEA is compliant with Michigan's guidelines regarding the appropriate use of alternate assessments aligned with alternate academic achievement standards. Michigan currently has over 900 LEAs. Given the amount of work a waiver process entails, Michigan encourages the Department to allow states to submit a transition plan of how and when they will meet the new criteria and allow some flexibility in time allowed to make this switch.

Sincerely,

A handwritten signature in black ink, appearing to read "Venessa A. Keesler".

Venessa A. Keesler, Ph.D.  
Deputy Superintendent, Division of Educator, Student, and School Support  
Michigan Department of Education  
[keeslerv@michigan.gov](mailto:keeslerv@michigan.gov)  
517-241-1119

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