STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

RICK SNYDER
GOVERNOR

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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-0047

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 Innovative Assessment Demonstration Authority (Docket ID ED-2016-OESE-0047) under the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA).

Michigan views ESSA as an important opportunity for states, including ours, to craft plans that allow us to support our districts and schools in meaningful ways, and that allow us to use assessment and accountability as vehicles for those end goals. Michigan has set a goal of being a Top 10 performing state in 10 years, and our ESSA plan is one component of achieving that goal. We are most excited about the opportunity to ask the question, "What type of assessment and accountability system helps support our 10 in 10 goals, and what supports do we most need to provide schools to achieve those goals as well?"

While the Michigan Department of Education (MDE) commends the overall approach taken in the regulations, there are several provisions we believe need to be revised or clarified before the regulations are finalized. We request the Department give serious consideration to the four issues described below.

I. Definition of "Demonstration Authority Period" and Timeline to Implement

The proposed regulations would define "demonstration authority period" to clarify that, upon submitting an application, an SEA must be ready to use its innovative assessment and accountability system in at least some of its LEAs for purposes of accountability and reporting.

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We believe Michigan will need to expend significant time and resources to design and build our innovative system of assessment before we are ready to implement them in a group of districts. While are pleased by the Department's desire to provide technical assistance to interested states leading up to their application, as described in the background section of the NPRM, we remain concerned that Michigan and our leading districts will find it difficult to make the financial, technical, and operational commitments to build an innovative system of assessments if the likelihood of federal approval of such a system remains largely unknown. We encourage the Department to consider outlining more defined pathways toward approval, such as through a planning period or a conditional approval process that precedes final approval. In the latter case, the Department could offer a two-step peer review process, beginning with conditional approval at the design phase followed by final approval once the state demonstrates readiness to implement and to use the assessments for purposes of accountability and reporting. Such a two-step process would provide states valuable feedback to ensure their assessment design is headed in an approvable direction, thereby emboldening them to invest additional capacity to become implementation- and accountability-ready. It would also help signal to states where further investments need to be made.

II. Definition of Baseline Year

The proposed regulations define the baseline year for an affected LEA as the *first* year in which the LEA used the system. Within the proposed selection criteria for experience, the Department encourages states to plan and pilot their efforts at some level prior to submitting an application. As this pilot would be the *first* year in which the LEA used the system, Michigan suggests the Department clarify the definition of the baseline year as the first year in which the LEA used the Department-approved system, versus the piloting some states will do prior to submitting the application.

III. Individual Assessments versus a System of Assessments

The proposed regulations would provide that the innovative assessment system *and* each assessment in the system must meet all of the requirements of Section 1111(b)(2) and the application requirements in order for a state to transition out of the demonstration authority and use its assessment system for purposes of Section 1111(b)(2).

We believe this proposal is not consistent with statute which requires the assessment *system* to meet all of the requirements of Section 1111(b)(2) – but not each individual assessment. We believe it would be impractical if not impossible to require each individual assessment in the system to meet all such requirements, especially in the case of modular assessments that target subsets of standards or competencies that roll-up to a comprehensive view of student achievement across the breadth of standards. In these cases, it is not feasible for *each* assessment to demonstrate comparability to state tests which may cover standards across an entire course.

Furthermore, the increased burden of testing time on districts to satisfy all of the requirements of section 1111(b)(2) would likely discourage districts from participating.

IV. Definition of Comparability

While Michigan is pleased by the attention the Department has given to the issue of comparability, and by the flexibility inherent in proposing four options for demonstrating comparability, we believe it is critical for the Department to remain open to states proposing "option 4" – alternative methods for establishing comparability between our innovative assessment system and our statewide system. Additionally, we urge the Department to avoid defining comparability criteria at the level of scale score or raw score interchangeability because innovative systems of assessments likely will be designed to capture a broader range of knowledge, skills, and abilities through different assessment formats which will not be perfectly interchangeable with standardized multiple-choice formats. We ask the Department to avoid the pitfall of too narrowly defining comparability criteria and instead encourage the Department to make judgments on the strength of the theory and evidence provided to support comparability in each case.

Thank you for the opportunity to provide Michigan's views on the proposed regulations. Again, we find many positive features in the proposed regulations, along with the provisions listed above that we urge the Department to revise. If you would like to further discuss the issues put forward, please do not hesitate to contact me.

Sincerely,

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