



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

January 25, 2021

The Honorable Phil Rosenfelt
Acting Secretary of Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Acting Secretary Rosenfelt,

I write to request waivers for the State of Michigan, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, of the assessment and accountability requirements noted below.

Overview

The typical environment for conducting state summative assessments cannot be met this spring, and the current environment under a global pandemic undermines the value and trustworthiness of any state summative assessment results that might be gathered. In addition, full statewide implementation of the general, English language proficiency, and alternate (1%) summative assessments in the spring of 2020-21 would hinder our ability to provide assessments that have individualized instructional value for students and value as a valid accountability measure for schools.

As a result, for 2020-21, these waivers would permit us to:

- Prioritize the state-required administration of benchmark assessments. For this school year, the Michigan Legislature has mandated benchmark assessments for districts across the state at the beginning and end of the year. Benchmark assessments have long been helpful to local educators across the country. This year, though imperfect as state summative assessments as a rule, these assessments help provide us with an understanding of where children are in the midst of the pandemic in the absence of being able to administer state summative assessments with the same rigorous protocols as in past years.
- Suspend administration of the statewide annual summative assessment in English Language Arts, Mathematics, and Science.
- Suspend administration of our Alternate Assessment (MI-Access) for the 1% student population.
- Suspend federally required administration of our English language proficiency assessments (WIDA).
- Suspend the calculation and reporting of annual differentiation of schools using 2020-21 data.

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Background

Commitment to Equity

Michigan Department of Education's commitment to equity, student learning, and student well-being remains unchanged. Michigan communities, families, and educators are faced with learning environments that have gone through tremendous upheavals over the past ten months. The demands upon our educators, students, and families have been unrelenting. In this extraordinary landscape, we must adjust how we operationalize our commitment to equity by acknowledging the differences in student access to the resources (technology and otherwise) that are needed to provide an adequate opportunity to learn. In this waiver request, the Michigan Department of Education (MDE) makes a commitment to support equity and student academic achievement and its plan to do so in an atypical environment.

Summative Assessment Conditions and Uses

In a "normal" environment, trustworthy summative assessment data can be used to help increase student learning over time. However, for the summative assessment data to be used for this purpose, the following assessment administration conditions need to be met.

Conditions that Ensure Fairness in Student Test-Taking Experience

- Quiet, supportive, distraction-free assessment administration environments.
- Appropriate implementation of accessibility supports.
- Consistent student opportunity to learn the tested content.
- Access to appropriate and secure test-taking devices and stable internet connections.

Conditions that Ensure Appropriate Data Use and Reporting

- Standardized test administration practices.
- Sufficient student group participation rates.
- Little to no missing data, where any existing gaps do not reflect systemic factors (e.g., access to resources).
- Secure assessment conditions, including trained proctors (to protect secure item pools).

Without uniform testing conditions, adequate participation, and appropriate test security measures, summative assessment results will misrepresent achievement within Michigan and undermine confidence in Michigan's federally mandated and approved Every Student Succeeds Act (ESSA) assessment and accountability system. In the spring of 2021, instructional conditions will still vary across the state in combinations of at-home, in-person, and hybrid instruction. Thus, the foundational conditions for summative assessment cannot be met, which means summative test results will not be reliable, comparable, generalizable, or valid for their intended purposes, especially for high-stakes ESSA-required and ESSA-related accountability.

Normally, Michigan's statewide summative assessment results can be used to help identify schools and student groups that need additional resources and supports, as well as *helping* to improve educational achievement, consistent with the uses established in ESSA Sec. 1111(b)(10). However, during this unprecedented time, Michigan's benchmark assessment solution provides an adequate substitute for these summative assessments during the 2020-21 school year only. The benchmark assessment results provide actionable data on student learning that allow educators to plan instruction based on student assessment results.

Planning for Assessment in 2020-21

Concerns about the administration of assessments and valid use of summative assessment data

Our concerns about conducting summative assessments during this unprecedented time were informed by participation in state and national meetings with assessment experts and colleagues from around the country. These concerns are:

- A majority of Michigan students have received inconsistent to no instruction in an in-person format during the 2020-21 school year.
- When these students return to in-person instruction, the focus should be on teaching and learning and ensuring social and emotional wellness rather than on preparing for and taking state summative assessments.
- Technology--both devices and connectivity--to support and extend distance learning is not available to all students. This is also true of support for remote state summative test administration.
- Students (and their families) would be required to come into a school building solely for the purposes of test administration.
- There are economic impacts of the pandemic on caregivers.
- Potential language barriers to test administration and support exist.
- Challenges of providing necessary accommodations and supports for state summative assessments (especially in a remote environment) cannot be met.
- There will be non-random missing data, where the data are most likely to be missing in the communities most profoundly affected by the pandemic.
- There is reduced capacity to support accommodations for students with disabilities.
- A potential exists to confound with mode effects (remote administration versus on-site).
- A potential for inappropriate uses of the generated data could occur (e.g., student retention, inaccurate and/or inappropriate teacher evaluation).
- The ability of the system to promote equity is reduced, due to a lack of reliable summary data.
- There are threats to validity related to remote administration.
- There is increased anxiety of students, staff, and parents.

Given these and other threats to validity, summative assessment cannot meet its intended aims this spring. We cannot make trustworthy academic achievement comparisons between schools sufficient for identification of comprehensive and targeted supports, nor can we provide reliable and generalizable student group reporting. MDE has also worked over the past several years to create useful reports that can allow these summative assessments to provide some measure of actionable information at the school and district levels. However, given the constraints mentioned, such reports would be of dubious value this year.

Additionally, summative assessments should not become a top priority when, or if, students return to in-person instruction this spring. We find our efforts are better focused on providing supports for the academic and social-emotional needs of our students, rather than using limited in-person time with students in preparation for and administration of state summative assessments. We actively sought and attained a state statutory mandate requiring benchmark assessments for the 2020-21 school year. We believe data from these assessments will help educators identify students' strengths and weaknesses and design instruction to best support student-learning during this unprecedented season.

Pursuant to ESSA Sec. 1111(c)(8), which states, "*the State educational agency will inform the Secretary and the public of how Federal laws, if at all, hinder the ability of States to hold local educational agencies and schools accountable for student academic achievement,*" MDE would be hindered in its ability to hold districts and schools accountable for student academic achievement if summative assessments were administered outside of the foundational conditions elaborated above. The results from such an administration would be neither valid nor reliable.

Remote Administration Concerns

An additional looming concern is remote administration of any high-stakes assessments. Anticipating that many students will continue to participate in remote learning through the end of this school year, implementing remote administration of a secure statewide summative assessment poses significant technical and adaptive threats, such as internet connectivity and technology, item security threats, student accessibility (particularly for students with significant cognitive disabilities), reduced ability to ensure a standardized test administration, and system capacity limitations.

Via its Technical Advisory Committee (TAC) and Executive Committee, the WIDA consortium already confirmed that it will not permit remote administration of the WIDA assessments for English learners. Michigan feels the same about any remote administration of our general or alternate assessments. Our concerns include uneven opportunity to learn, uncertainty about access and support, privacy concerns, and lack of test security. We would worry that any results from a remote administration would not be comparable to previous administrations of the state summative assessment and could not be interpreted and used as in prior years. These concerns were discussed with our own Michigan Technical Advisory Committee (TAC), where the members concurred with our concerns.

Further, item security threats inherent in remote administration would seriously impair summative assessments in future years. Any item administered remotely would need to be considered “released” because of the non-secure home testing environment. Content would be compromised, and the items could not be reused. Losing an entire year’s worth of content would dramatically impair Michigan’s ability to create future assessments, along with threatening the comparability between years.

Assessment Resource Prioritization

The global health crisis has certainly strained the education system in Michigan and all states. We feel that it would be too difficult to properly resource these required summative assessments and meet the state statutory requirement to administer benchmark assessments statewide this spring (schools already administered these assessments in the fall). This state requirement for benchmark assessments applies to the 2020-21 school year only. In the 2021-22 school year, assuming the education environment becomes more stable, schools would again administer federally required summative assessment(s).

2020-21 Strategic Waiver Requests

MDE is committed to equity and acknowledges the need to support our most affected students to meet their postsecondary dreams in 2020-21 and beyond. Table 3 outlines the requirements within ESSA that MDE is requesting be waived and those that MDE can maintain.

Engagement

MDE will provide the public and all local education agencies in Michigan with notice of and the opportunity to comment on this request (e.g., by posting information regarding the waiver request and the process for commenting on MDE’s website). This waiver request was published on January 25, 2021 and remains posted for public comment. Due to the urgency of this matter, MDE has posted this waiver for comment and submitted it to USED concurrently.

MDE has provided descriptions of our 2020-21 commitments in the table below. The commitments are our formal proposal to the United States Department of Education regarding the procedures and deliverables that we would provide under the waivers in relation to ESSA assessment and accountability requirements.

Below outlines MDE’s 2020-21 assessment plan in detail.

- **ESSA Requirement:** lists the assessment-related portions of federal law.
- **Waiver Requested**
 - **Yes:** MDE is asking to waive this requirement entirely.
 - **No:** MDE is not asking to waive this requirement.
 - **Partial:** MDE is asking to waive parts of the requirement, but not all.
- **MDE Requests and Commitments:** what MDE plans to do if the waiver is granted.

Waiver Requests

ESSA Requirement	Waiver Requested? Yes/No/Partial	MDE Requests and Commitments
Assessment requirements in section 1111(b): the requirements to administer all required assessments in school year 2020-2021.	Yes	MDE requests a waiver of ELA, math, and science summative general, English Language Proficiency (ELP), and alternate assessments for 2020-21.
Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D): the requirements that a State annually meaningfully differentiate all public schools and the requirements to identify schools for comprehensive and targeted support and improvement and additional targeted support and improvement based on data from the 2020-2021 school year.	Partial	<p>MDE requests a waiver from using 2020-21 data in our Comprehensive Support and Improvement (CSI) school identification process as outlined in the Template for Addendum to the ESEA Consolidated State Plan due to the COVID-19 National Emergency under the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act.</p> <p>Additionally, MDE is requesting a waiver from identifying Targeted Support and Improvement (TSI) schools using 2020-21 data.</p> <p>MDE will continue to monitor implementation progress with districts and schools updating plans and approaches to better address the needs of focal student groups given the impacts of the COVID pandemic and shifts to distance learning.</p>
Report Card Provisions Section 1111(h)		
Section 1111(h)(1)(C)(i) (accountability system description).	No	No waiver is requested. MDE will continue to provide a description of our current accountability system.
Section 1111(h)(1)(C)(ii) (assessment results).	Yes	MDE requests a waiver from reporting ELA, mathematics, and science results for 2020-21 for our general, ELP, and alternate assessments.
Section 1111(h)(1)(C)(iii)(I) (other academic indicator results).	Yes	MDE requests a waiver from reporting academic achievement growth for 2020-21 given the lack of summative data but will resume reporting growth as soon as state summative tests resume.

ESSA Requirement	Waiver Requested? Yes/No/Partial	MDE Requests and Commitments
Section 1111(h)(1)(C)(iv) (English language proficiency assessment results).	Yes	MDE requests a waiver for reporting aggregate-level ELP assessment results.
Section 1111(h)(1)(C)(v) (school quality or student success indicator results).	Yes	MDE requests a waiver for calculating and reporting school quality and student success metrics through our accountability system.
Section 1111(h)(1)(C)(vi) (progress toward meeting long-term goals and measurements of interim progress).	Partial	MDE requests a waiver from reporting progress toward long-term goals and measurements of interim progress for academic achievement as required in 1111(c)(4)(A)(i)(I)(aa) based on data from 2020-21. MDE will continue to report progress toward long-term goals and measurements of interim progress for high school graduation rates as required in 1111(c)(4)(A)(i)(I)(bb).
Section 1111(h)(1)(C)(vii) (percentage of students assessed and not assessed).	Yes	MDE requests a waiver from reporting the percentage of students assessed and not assessed in ELA, mathematics, and science for all assessments.
Section 1111(h)(1)(C)(xi) (number and percentage of students with the most significant cognitive disabilities taking an alternate assessment).	Yes	MDE requests a waiver from reporting the number and percentages of students with significant cognitive disabilities who are taking an alternate assessment for 2020-21.
Section 1111(h)(2)(C) with respect to all waived requirements in Section 1111(h)(1)(C) as well as 1111(h)(2)(C)(i)-(ii) (information showing how students in a local educational agency (LEA) and each school, respectively, achieved on the academic assessments compared to students in the State and LEA).	Yes	MDE requests a waiver from all academic achievement reporting for 2020-21.

Conclusion

This is not the time for high-stakes assessment or accountability. This has been a profoundly difficult school year, with most of our students learning at a distance. There have been daily unknowns, whether children were learning in person, at a distance, or in a hybrid. The stability and structure that we as educators take great pains to produce for our children have been disrupted throughout the school year, in spite of the significant efforts of local educators.

This is the time for care, connection, and support. As more staff members and vulnerable family members get vaccinated, more students will begin to return to school buildings. It is unclear when a majority of our students will be in school to test in person, let alone the federal statutory requirement of 95 percent. We need to pour the maximum amount of time into children's academic and social-emotional needs, not spend the better part of the spring on state testing. We will test as many students as safely as possible with the benchmark assessment systems used in the state. In the meantime, we respectfully request that these waivers be granted to allow Michigan schools to support the needs of Michigan students, based on our collective knowledge of how best to do so in this unprecedented school year.

Thank you for your consideration of these waiver requests.

Sincerely,

A handwritten signature in black ink that reads "Michael F. Rice". The signature is written in a cursive, flowing style.

Michael F. Rice, Ph.D.
State Superintendent