



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Sheila Alles
Interim State Superintendent
Michigan Department of Education
608 W. Allegan Street
P.O. Box 30008
Lansing, MI 48909

May 14, 2018

Dear Interim Superintendent Alles:

I am writing in response to the Michigan Department of Education's (MDE) request on January 9, 2018, for a waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), of the requirement that a State may not assess using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS) more than 1.0 percent of the total number of students in the grades assessed in the State. MDE requested this waiver because, based on State data for the 2016-2017 school year, the MDE has concluded that it will need to assess more than 1.0 percent of students using an AA-AAAS in reading/language arts, mathematics, and science in the 2017-2018 school year.

After reviewing MDE's request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, the following waiver for school year 2017–2018:

- A waiver of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in a reading/language arts, mathematics and science.

As part of this waiver, MDE assured that the State educational agency:

- Will continue to meet all other requirements of section 1111 of the ESEA and implementing regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- Assessed in the prior school year (2016-2017) at least 95 percent of all students and 95 percent of students with disabilities who are enrolled in grades for which an assessment is required.
- Will require that a local educational agency (LEA) submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with an AA-AAAS.
- Will provide appropriate oversight of an LEA that is required to submit such information to the State, and will make such information publicly available.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- Will verify that each LEA that is required to submit such information to MDE is following all State guidelines in 34 CFR § 200.6(d) (with the exception of incorporating principles of universal design) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.
- Will implement, consistent with the plan submitted in MDE’s waiver request, system improvements and monitor future administrations of its AA-AAAS to avoid exceeding the 1.0 percent cap.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Tahira Rashid of my staff at OSS.Michgan@ed.gov.

Sincerely,

/s/

Jason Botel
Principal Deputy Assistant Secretary, Delegated the
Authority to Perform the Functions and Duties of the
Assistant Secretary of Elementary and Secondary
Education

APPENDIX A



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

RICK SNYDER
GOVERNOR

BRIAN J. WHISTON
STATE SUPERINTENDENT

MEMORANDUM

DATE: November 16, 2017

TO: Local and Intermediate School District Superintendents
Public School Academy Directors

FROM: Brian J. Whiston, State Superintendent
Michigan Department of Education

SUBJECT: Alternative assessment waiver request for the 1% cap

Michigan's alternate assessment (MI-Access) is aligned to the Michigan alternate content standards in English Language Arts (ELA), mathematics, science and social studies. This alternate assessment is designed to allow students with the most significant cognitive disabilities to demonstrate their knowledge and skills.

Under No Child Left Behind (NCLB), there was no limit to the number of students who could participate in this alternate assessment, but rather, there was a 1% cap on the number of proficient scores that could come from an alternate assessment as it related to the state's accountability system.

In 2015, with the passage of the Every Student Succeeds Act (ESSA), the requirements changed for the alternate assessment. ESSA reaffirmed that the alternate assessment is an appropriate assessment for students with the most significant cognitive disabilities to demonstrate their knowledge and skills. However, the law changed, and rather than placing a cap on accountability proficiency rates for the alternate assessment, the regulations for the number of students participating in the alternate assessment shall not exceed 1%.

This shift means that states, districts, and schools need to consider carefully which students should be included in the alternate assessment, as it is designed for students with the most significant cognitive impairments.

It is important to note that decisions regarding who takes an alternate assessment continues to rest with the Individualized Education Program (IEP) team. The team must follow the state guidelines for participation in the alternate assessment.

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The Michigan Department of Education (MDE) has been taking steps to ensure that educators in the state understand the assessment selection guidance to determine which assessment a student should take. Enhanced training opportunities on the selection guidance will be offered via video training and at various workshops this winter.

There are several provisions that accompany the state level cap on participation in the alternate assessment. While ESSA does limit the total number of students in the state who are assessed using an alternate assessment based on alternate achievement standards, the following provisions are also made:

- A state may not prohibit an LEA from assessing more than 1.0 percent of its assessed students using an alternate assessment. However, LEAs that exceed this participation rate must provide justification for exceeding this rate. States must make this justification publicly available and provide oversight to LEAs that exceed this rate.

Based on data collected from the spring 2017 testing window, Michigan has calculated the current rate of students taking an alternate assessment in the state is 2.4% for English Language Arts, 2.4% for mathematics, and 2.3% for science. To demonstrate our plan to bring Michigan into compliance with this regulation, MDE will be applying for a waiver for the 2018 testing window, as provided for by ESSA, which will be submitted to the U.S. Department of Education (US ED). MDE is seeking comments on the waiver application from all interested parties.

As required, Michigan's waiver application will (inclusive of grades 3-8 and 11):

- Be submitted at least 90 days prior to the start of the testing window;
- Provide state-level data from the 2017 testing cycle to show the number and percentage of students (including sub-groups) who took an alternate assessment of all students tested in each subject;
- Demonstrate that Michigan has tested at least 95% of all students and 95% of students with disabilities across all summative assessments; and
- Provide assurances that LEAs contributing to the state exceeding the 1% cap have adhered to the participation guidelines and address any disproportionality in any sub-group of students taking the alternate assessment.

Further, the waiver will include a plan and timeline by which the state will:

- Improve the implementation of its guidelines on the alternate assessment;
- Take additional steps to support and provide oversight to each LEA that contributes to the state exceeding the 1% cap; and
- Address any disproportionality in the percentage of students taking the alternate assessment.

As we move forward to align with the requirements of ESSA as it relates to alternate assessments, it is important to note how this supports MDE's Top 10 in 10 initiatives.

- The work is aligned across offices and with appropriate agencies. The collection of data, communication and technical support is a collaborative effort between the Office of Special Education (OSE) and the Office of

Educational Assessment and Accountability (OEAA), with local information and support coordinated at the ISD level.

- Beyond looking at data in isolation, the work is aimed at focusing on child-centered needs, ensuring that students are being assessed in ways that are most appropriate to their needs and aligned to the rigorous standards to which they are being instructed on a daily basis.

For any interested party, comments may be left in the following ways:

- Survey: https://www.surveymonkey.com/r/1percent_waiver_MI
- Email: mde-oeaa@michigan.gov (be sure to include "1% alternate assessment waiver" in the subject line)
- Via mail: Michigan Department of Education, 608 W. Allegan Street, P.O. Box 30008, Lansing, MI 48909, Attn: OEAA 1% waiver – 2nd floor

The following resources are available on the MI-Access Web Site (www.michigan.gov/mi-access) with direct links provided here:

- Michigan's guidelines for participation in the alternate assessment (MI-Access): [Alternate Assessment Guidelines](#)
- Guidelines for ISD's to provide support to LEAs regarding the 1% cap: [1% cap ISD Guidance](#)
- Michigan's alternate content standards: [alternate content standards](#)

For further information, contact John Jaquith at jaquithj@michigan.gov or 517-335-1987.

cc: Michigan Education Alliance

Appendix B
Public Comment Responses (in exact language)

Question 1

1. Please comment on Michigan's current rate of participation in the alternate assessment (2.4% English Language Arts; 2.4% mathematics; 2.3% science).

Does anyone working in the field of education understand what this means for students? You want to allow schools to not educate students. This is what happens. Schools use this as a loophole. If you don't believe me, PLEASE, look at Wayne Resas Special education Plan for students with mutliple needs. Segregated, sent away, and given up on before ever given a chance. You are ruining entire life outcomes.

12/19/2017 1:12 PM



To limit the number of students within these subgroups that can take an alternate assessment is unfair. We need to be giving our students the assessment that is appropriate for each of them, individually, based on IEPs.

12/18/2017 12:41 PM



Students need to be assessed where there skills lie and aligned to IEP goals. I don't think a percentage should determine who takes which test.

12/17/2017 12:12 AM



I believe these rates of over 2% are adequate. 1% participation rate is a cookie-cutter formula that defies IDEA/MARSE rules and regulations giving the IEP Team the responsibility of determining which assessment is appropriate for the student based on their individualized level of functioning and needs. Participating in alternate assessments is a decision that should be made by the IEP Team with parent/guardian, it should not be made because of a unrealistic 1% Cap rule.

12/14/2017 8:13 AM



Just by looking at the normal distribution curve, one would expect 2.1% of the population to fall 2 standard deviations below the mean. I think we might be able to improve the participation rate and how we determine who takes which assessment through additional training and better analysis of our existing test data. IEP teams are currently making these decisions which seems consistent with the law. The question i would ask is: what are we hoping to gain from this type of assessment for students with cognitive impairments? What is the intent? What is gained through this assessment? How does it lead to better learning outcomes? How does it improve the outcome for students? How does it help instruction? What do these assessments (functional independence, participation) add to our instructional knowledge for the student? What is the intended purpose of these tests? How do they benefit the student or lead to better instruction?

12/13/2017 3:16 PM



Should we look at the need of each child

12/13/2017 2:58 PM



I wonder if the limit should be adjusted.

12/13/2017 2:25 PM



I feel they are high but in relation to other states Michigan is underfunding their Special Education Programming period .

12/13/2017 1:30 PM



The reason our current rate over 1% in the state of michigan is due to the fact that we assess ALL students. Many states only assess mild CI or those that would take Functional Independence. I do not believe we would have an issue if we only included participation rates for students participating in FI-MI-Access.

12/13/2017 10:52 AM



How does Michigan's overall participation rate compare to other states? Are other states exempting students from assessments that we are including in our alternate assessment?

12/13/2017 10:14 AM



Although the percentage is much higher than maybe anticipated, the assignment of the State assessment is made through an IEP decision making process. I would have to believe that the IEP teams are making accurate recommendations based on student's cognitive abilities.

12/12/2017 12:56 PM



When evaluating participate rate in alternate assessments there are several factors that need to be considered. The first is overall participation rate in statewide assessments. When reviewing MI School Data: Students not Tested in Michigan it is clear that Michigan's overall participation rate is incredibly high. As the participation rate increases, it is logical that the percentage of students taking alternate assessments will also increase. Michigan's rate of participation in alternate assessments may not be that high when taking the overall participation rate into consideration. If Michigan were to decrease their overall participation rate and begin exempting groups of students from assessment it would be quite easy to lower the participation in alternate assessments. I don't believe that should be our goal but it is important that we are using data that is truly comparable if we are comparing ourselves to other states. The second is the percentage of students with Cognitive Impairments (or those that function as if they have severe cognitive impairments) in the state. In 2016-2017 Michigan had 19,249 students eligible as having a Cognitive Impairment. In that same year, Michigan had 1,532,335 total students. That means that 1.25% of our students had Cognitive Impairments. While not all CI students are appropriate for alternate assessments, many would be. In addition, there are also students in other eligibility categories such as SXI (an

additional .2% of students) that would most likely be appropriate for an alternate assessment. The eligibility of ASD would also have some students that function as if they have a severe cognitive impairment that may be appropriate for alternate assessments. The third, which I couldn't find easy access to the data, is percentage of students participating in the various levels of our alternate assessments. I do believe there are students taking the Functional Independence assessment that would be appropriate for the general assessment. However, I do not believe in my experience that we have students taking Supported Independence or Participation that would be appropriate for the General Assessment. I think it would be valuable to look at the percentage participating in each level of our alternate assessment so we know if we need to be focusing our efforts on the FI level or if there would be a need to even look at SI or P in order to get us to the 1% level.

12/12/2017 11:41 AM



This seems to be consistent with many LEA's around the state, and does not seem excessive

12/9/2017 9:08 AM



According to a review of our county data regarding participation in the alternate assessment, we are almost to 1% just counting the number of students taking Supported Independence and Participation. I would be curious about the other counties throughout state as it relates to the alternate assessment participation rates in the areas of Supported Independence and Participation Assessments. Students attending programs for moderately cognitively impaired and programs for severe cognitive impairment account for 6.8% of the population of students with IEPs and 22.9% of these students are enrolled in grades 3-8 and 11.

12/8/2017 2:23 PM



In looking at data, the SXI population alone last year was at 1.7% so to think that Michigan will ever be under 1% is a challenge. Because Autism is such a broad spectrum it is a challenge to be at 1% if you also add in severely cognitively impaired students. My point being does the state know the actual percentage of significantly impaired students in the state?

12/8/2017 12:40 PM



Michigan has a higher rate of assessment participation because we assess more students than other states do.

12/6/2017 10:44 AM



I feel that limiting the cap to 1% is an can be detrimental to those students who are not cognitively at the level needed to test other than with an alternate assessment. A waiver is needed to go beyond 1%.

12/4/2017 12:49 PM



According to the American Community Survey, the percentages of people with disabilities have remained relatively unchanged since 2008. Total percentage of

people with a cognitive impairment is 4.8% which includes over age 65. 2.4% taking an alternative assessment seems aligned with the data and reasonable. 12/4/2017 11:11 AM

The request for alternative assessment(s) is an IEP team decision based on the data presented at the time of the IEP about how the student will likely perform on a standardized assessment.

12/4/2017 8:36 AM

It is an IEP team decision for each student to take an alternative assessment. It seems that if we have to stay below the 1%, it is forcing IEP teams to not look at the individual student's need based on data.

12/3/2017 8:47 PM

If these students are in fact receiving Alternate Content Standards and are accurately placed in a program that challenges their abilities then the percentages given are justified.

12/3/2017 7:05 PM

Center Based Programs are unfairly scored in that all of our students take the MiAccess. We always show a red score. Is there any way that we can be exempt? 12/1/2017 11:56 AM

Even this seems very low to me. There are hundreds of children taking tests that are way beyond their ability to comprehend them. I really wish I understood what we are trying to prove.

12/1/2017 11:54 AM

School districts who operate regional programs for students with cognitive impairments are at a disadvantage with this cap. We espouse the virtue of the IEP team making the assessment decision, yet we "punish" districts for going over the arbitrary standard. Another disadvantage is we are no longer "sending scores back" to home districts.

11/21/2017 1:39 PM

As MMC is a college preparatory curriculum, and the assortment of MSTEP assessments are intended to measure this curriculum, requiring all but 1% of students to demonstrate understanding of that content is inappropriate. Additionally, consideration of a normally distributed bell curve would suggest 2% of the population falls in the CI range. Beyond that, parts or all of MSTEP and/or MME could be inappropriate for students with severe learning disabilities. In light of these normal distributions and the nature of the MMC and it's assessments, Michigan assessing just over 2% with alternative measure suggests reasonable, if not slightly rigid, practice. Put another way, a valid argument MI is testing too many students with MSTEP and MME could be made.

11/21/2017 12:28 PM

The decision to assess a student with an alternate assessment like MI-Access is ultimately an IEP team decision. My concern with the reported percentages relates to each district's interpretation of the appropriateness for a child to be assessed using alternative tools. Do we have consistency from district to district with the definition of "severe cognitive impairment".

11/20/2017 10:58 AM

We decide at a MET/IEP meeting which students have significant cognitive impairments (data: cognitive scores) and which test they are able to take. Our building has a high number of students who qualify to take the MIAccess because they have a cognitive impairment and they are functioning as if they have a cognitive impairment. Currently our district's participation in the MIAccess is 2.3% due to these students taking the test. The students are in a Basic Classroom which has been labeled a High Needs Resource Room. These students are not spread out into other buildings. The non-participating students in the other buildings are never severe enough that there is no question that they are not counted for testing... the students in the Communication Room are so low they are unable to speak. The concern in our district is that these students in our building raise our percentage of participation in the MI Access testing although it is appropriate for the student. The shift of concern now seems to be "What is the percentage of student participation?" rather than "What is appropriate for the whole child?"

11/18/2017 7:23 AM

Very low numbers for high IEP numbers

11/17/2017 11:19 AM

This percentage seems to be accurate and although it exceeds the 1% cap, we provide educational services to significantly impaired students across the state for whom the Mi Access assessment is the best choice for assessing these students' academic knowledge.

11/17/2017 7:54 AM

I work in a district with a high number of students with disabilities. A number of those students have, or function as having a cognitive deficit. Currently my district has 3.49% of students with IEPs taking alternate assessments. As I understand the 1% cap, administering Mi-Access to only those students with significant ASD impairments, my district will be penalized (in some manner) if we administer the test to students with cognitive impairments.

11/16/2017 4:18 PM

Please look carefully at the makeup of each district and what programs are housed there. I run an ISD center-based program for the county. ALL of my students have significant disabilities. ALL are on Mi-Access. Other districts run things differently. Michigan might really have that many students who require alternative assessments. A deep dive is needed to investigate how alternative assessments are determined in each district.

11/16/2017 3:45 PM

As a special education director we have students who are in a Moderate Cognitively Impaired program and have been exposed to a modified curriculum throughout their educational career. It is not in the best interest of them to expect them to participate in the MStep, even if they aren't considered "Significant" to many. The MStep causes a tremendous amount of stress to students who aren't in special education. Our job as educators is to look at what is best for the students on an individual level, not to make sure we meet a certain percentage. Requiring the state to be at 1% or under isn't in the best interest of our students.

11/16/2017 3:10 PM

Based on MiSchool Data 2016-2017 the state of Michigan had 3500 students with a Severe Multiple Impairments (1.7%) eligibility. While this data is not reflective of the students in grades 3-8 & 11, it does provide us with a piece of information. Additionally, this data does not include other students "who function as if they have a significant cognitive impairment." IDEA, to my knowledge, does not limit the number of students who may partake in an alternate assessment; it is an IEP team decision. I am not making excuses just stating facts. Please understand we can always improve.

11/16/2017 2:49 PM

I would like to know the percentage of students that have an IEP that categorizes them as cognitively impaired, etc.

11/16/2017 1:34 PM

The current Michigan rate reflects IEP team decisions regarding the appropriateness of participation for any one student. IEP teams (parents included) know these students better than any legislator. The overall understanding needs to exist that 2.4% or even 3% of all students does show that the vast majority of students who receive special education services are taking the general education assessment. IEP teams have been selective with their decisions with regard to who will participate in the alternative assessment. Legislators and the guidelines that are written need to have some level of flexibility for the IEP process.

11/16/2017 1:30 PM

2.2% of the population has an IQ below 70 Students with cognitive impairments are working at the best of their ability and that includes an alternative curriculum with an alternative assessment.

Question 2

2. Please comment on what should be included in the plan and timeline for improvement.

Try inclusion, real inclusion. Kids with complex needs CAN LEARN. They need to be provided the resources. Iep's need to be looked at, for the students who already are not being educated, look at the student when you see the amount of time a non verbal multi impaired child is getting for speech services, who is attending a segregated school. Every kid in there needs these servuces. Lumping the kids together is the worst thing you could do for them. This system is a giant failure and nobody cares about the 1%.

12/19/2017 1:12 PM



The plan should include monitoring the number of students that are educated using the alternate content standards, not at the assessment point.

12/18/2017 12:41 PM



I think the timeline should be extended indefinitely. Students should not have to take assessments that will frustrate them unnecessarily. No valuable information will be gained from students who are overwhelmed. This is why we have IEPs.

12/17/2017 12:12 AM



Nothing, a 1% Cap rule is forcing IEP Teams to make decisions they otherwise would not have made for a student regarding participation in the regular or alternate assessments. Why should there be issued plans of improvement and timelines forced on school districts or programs who are following IDEA/MARSE rules and regulations in an attempt to do what's right for their student. MDE should not be mandating additional participation rate requirements and creating more red-tape and work for districts and staff who are already overly regulated. This is part of the reason good people leave education and we are faced with educator shortages.

12/14/2017 8:13 AM



Maybe we should take a closer look at the existing data in comparison to other classroom or standards based assessment to determine how these data points correlate, and how we are using this data.

12/13/2017 3:16 PM

If support is in place for each child they will succeed. We cant say what that % will be

12/13/2017 2:58 PM

An honest look at the value of standardized assessment.

12/13/2017 2:25 PM

There should be more time spent on looking at the offering of programs and support for special education students. In addition, public schools need more to support in the general education setting to be proactive to students at a younger age. The funding for special education needs to be looked at across the state.

12/13/2017 1:30 PM

Only assess students participating in FI Mi-Access, or only include participation rates for students administered FI MiAccess.

12/13/2017 10:52 AM

According to MI School Data, 1.25% of our total student population is CI. This information should be factored into the plan for improvement. How does the rate of students with CI, SXI or other eligibility categories compare to this 1% target?

12/13/2017 10:14 AM

What should be included in the plan is the purpose of the data we are trying to gain from the assessments given. There are students that will not perform well on the assessment or students that will not be able to engage in the assessment due to lack of skills to do so. If they are not allowed to access an alternate assessment than the State will not be able to gain a true picture of where those students are

functioning. The information gained from these assessments should be useful in helping students and teachers target areas of improvement through instruction.

12/12/2017 12:56 PM

Data to the districts on participation rates at all three levels of our alternate assessment so we can identify at a district and ISD level where the issues are. Professional development on assessment selection guidelines. It may be helpful to include performance levels on standardized assessments (ex: Cognitive scores) that would be indicative of a possible need to consider alternate assessments. Comparison of overall participation rates as well as participation in alternate assessments. If not already available it would be helpful to consider a nationwide study of this data.

12/12/2017 11:41 AM

Possibly an incremental change from the current 2.4% to 2.0% to 1.5%

12/9/2017 9:08 AM

While local districts need to carefully consider the decisions for students taking functional independence, I believe the decision chart and intentional review of students taking alternate assessments by district will help to identify areas of improvement.

12/8/2017 2:23 PM

Start with what we know, the percentages of students with significant cognitive impairment. Address those students who take FI specifically to discern if we are testing to many.

12/8/2017 12:40 PM

I am not sure how you can plan for students that are not cognitively able to test the regular test. Many of the district schools in our county have diminishing numbers in their student population. The 1% is not realistic.

12/4/2017 12:49 PM

2.4% seems reasonable. why would we force a student to take a test that is beyond their cognitive function?

12/4/2017 11:11 AM

Again, the request for alternative assessment(s) is an IEP team decision based on the data presented at the time of the IEP about how the student will likely perform on a standardized assessment. If, however, the student shows growth over time, the IEP team should consider general assessments as well.

12/4/2017 8:36 AM

MDE can create an online PD but why do we need to improve if it is a team decision to take an alternate assessment. Data drives this decision.

12/3/2017 8:47 PM

If / when has your district provided training to staff and those involved in the IEP process on the guidelines for choosing the appropriate assessment for the student / training on alternate content standards / training on MI-Access. How many students do you serve that cross district lines/ county lines (School of Choice). These districts should not be penalized for providing service to students who choose them and therefore increase special education numbers. What is your percent for each subcategory (FI, SI, P)? Do any of these students have access to the general education curriculum/ content standards for the content area in which they are taking a MI-Access assessment?

12/3/2017 7:05 PM

Center Based Programs are unfairly scored in that all of our students take the MiAccess. We always show a red score. Is there any way that we can be exempt?

12/1/2017 11:56 AM



Putting all children in rigorous programming from birth, basically taking them from the impoverished homes and parenting which robs them of the necessary tools to meet these rigorous demands. Oh, and eliminate birth defects while you are at it, and neurological damage. I guess maybe all of this by next year?

12/1/2017 11:54 AM



There should be a waiver for students who are on alternate curriculum and/or in programs for students with significant disabilities.

11/21/2017 1:39 PM



Students who require functional life skills curricula should not be administered MSTEP or MME. Instead, they should be provided an assessment (i.e. MiAccess) that respects their dignity and their ability to show growth in areas they have received targeted instruction.

11/21/2017 12:28 PM



To ensure there are consistent practices across the state, clear definitions should be reported to assist with determining the appropriateness of an alternate assessment.

11/20/2017 10:58 AM



Special Education teachers know the students that they are working with. We have already read through the IEP and have determined educational plans for each child on our caseload. If we received a transfer student with an IEP of concern we have already held an IEP and contacted former teachers regarding our concerns about goals and/or MET scores and have decided as an IEP Team appropriate teaching goals along with appropriate assessments and testing needs for these students.

Several of my transfer students had MI Alternative Testing (MI Access on their IEPs) which I immediately questioned and amended to read "MStep" since they are participating in the general education content standards and come to the Resource Room for intense small group instruction in reading or math. The plan should be for Special Education teachers to submit the names of students on their current caseload, the name of the test that is on the student's IEP and give rationale or justification for each test that has been selected. These names along with the test rationale should be sent to the Special Education Director and then submitted to the state within the next two weeks due to the shortened week next week because of Thanksgiving break. Timeline for improvement should be to make an amendment to the student's IEP within that time if changes need to be made.

11/18/2017 7:23 AM



Educate schools/teacher/counselors... let IEP teams know what is available.

11/17/2017 11:19 AM



I am not sure how we improve the fact that we service students with moderate to severe cognitive impairments. If I were a parent of one of these students, this statement would be insulting. The decision to utilize an alternative assessment is an IEP team decision of which the parent is a part.

11/17/2017 7:54 AM



PLEASE look at how many kids we have in the state who have significant cognitive impairments. That should give MDE an idea of the need. Training in determining the right assessments should be offered as well. This could start in spring - in getting a plan. Summer for the work (with educators from around the state) Roll out spring of 2019 with training in late spring and summer.

11/16/2017 3:45 PM



I think that if we continue to have open dialog with the IEP team then we are doing what is best for the student. The disability doesn't drive programming, so as a team we need to make sure it doesn't drive testing either.

11/16/2017 3:10 PM

The flow chart--Should My Student Take the Alternate Assessment?--s a good tool for teams to use in making decisions; PD--possibly a short online video; one year timeline

11/16/2017 2:49 PM

A decision tree on what assessment should be used for each student that can be used across the state

11/16/2017 1:34 PM

There should be a waiver for districts, specifically those districts who operate regional or center-based programs. These programs often provided services and assess students that are significantly impacted by their disability. Operating these programs where other districts send their students will effect/increase the percentage of the operating district's rates.

11/16/2017 1:30 PM

The plan should include a realistic percentage of students taking the test.

11/16/2017 1:12 PM

Question 3

3. Other comments

Showing 25 responses

This is against the ADA, segregating our kids.

12/19/2017 1:12 PM

My district was at a 1.1% alternate assessment participation rate last year. Don't force our IEP Teams to have to pick the .1% student who'll have to take the regular assessment if the IEP Team has already determined that .1% student is appropriate to take the alternate assessment. Special education CI and SXI Programs are also going to be punished when it comes to alternate assessment participation rates at 100% versus the 1% Cap. I don't believe a cookie-cutter 1% can realistically take into account every school district or program's population or spectrum of students with disabilities. These assessment decisions should be left to the determination of the student's IEP Team - who knows the student's level of functioning and assessment needs. I would much rather see students who score "meets or exceeds expectations" on MI-ACCESS be required to then take the M-STEP the following year. If the student scores "not-proficient" on the M-STEP, then MI-ACCESS could be reconsidered the following year again for that student.

12/14/2017 8:13 AM



I am left wondering the purpose for this type of assessment. How does it aid instruction, benefit the student or improve our educational system. Are we simply attempting to meet some compliance standard, or is this data being used in a manner that improves outcomes for kids?

12/13/2017 3:16 PM



Please consider that every one has their own needs.

12/13/2017 2:58 PM



Other concern is the way teachers are viewed by the state and the university's are currently losing students because teachers are not supported in the school system.

12/13/2017 1:30 PM



How does the participation break down for the various levels of the alternate assessment; FI, SI and P? FI is probably where we are going to have the most flexibility in considering whether students should be taking the general assessment. I encourage the department to seek this data when moving forward with the Waiver.

12/13/2017 10:14 AM



I'm concerned that the 1% target is an arbitrary number that isn't grounded in data. When reviewing eligibility rates and students that function within the range of performance that is appropriate for alternate assessments I'm concerned that 1% is not an attainable goal. I think that providing a summary of some of the data mentioned in number 1 may provide a stronger case for Michigan's waiver.

12/12/2017 11:41 AM



It may be helpful to provide examples of the meaning of alternate curriculum in the MDE guidelines for alternate assessment

12/9/2017 9:08 AM



As mentioned in item #1, our students with the most severe needs are increasing in number and account for a sizable percentage of our population taking the alternate state assessment (Supported Independence and Participation) that is close to the 1% participation cap.

12/8/2017 2:23 PM



I am not sure Michigan can ever be at or below 1% if proportionately our total significantly impaired population is over 1%. Given that, we can always be training on expectations.

12/8/2017 12:40 PM



Districts that host regional programs and center based programs will have higher percentages of students taking alternate assessments. This should be considered before requiring technical support for such sites.

12/6/2017 10:44 AM



Not all students test well. I understand that we have to prepare students to be productive in our society, but not all students need to be at college level. We just need to make sure that all of our students are trained and can be productive. Skilled trades individuals are just as important, if not more important as college trained individuals.

12/4/2017 12:49 PM



lowering the percentage is only for adult rationale. it is not taking into account student function, ability and stress. this is not a good decision and should be reconsidered based on real data from the field, from educators that are working with this population regularly.

12/4/2017 11:11 AM



None noted at this time

12/4/2017 8:36 AM



Center Based Programs are unfairly scored in that all of our students take the MiAccess. We always show a red score. Is there any way that we can be exempt?

12/1/2017 11:56 AM



I know that my comments are probably not even helpful. How I wish that the people making these tests and guidelines and laws had to come and try to teach students with learning disabilities, autism, cognitive, physical and otherwise health impaired and emotional difficulties this demanding curriculum. This entire test-driven reform has done little to improve anything, rather put us further behind in the world against countries who are practical in how they spend their money to educate their children.

12/1/2017 11:54 AM



As a whole, I feel that our staff does an excellent job in ensuring that only the students with the most significant impairments take the alternate assessment. When students are on a modified curriculum (which is decided by the IEP team and includes parents) it would be inappropriate to use any other assessment. Even though we provide programming for students from 7 school districts in our K-12 regional programs, our percentage is only just over 2%. I think that should be applauded not punished. Parents have begun to question the entire assessment process. While in attendance at IEP's where we review the "Should my child take an alternate assessment" document, I have parents who have stated that if their child is "forced" to take MSTEP, they will not allow it.

11/21/2017 1:39 PM



It would seem the pendulum of inclusiveness has swung a bit too far with regards to state level testing. The original intent of testing all students regardless of abilities was noble and respected dignity. The evolution of this idea into testing children with a singular measure reminds me of the old age: Fair is not equal. Equally testing all but 1% of school age children with college-centric assessments does not represent progress for students with disabilities. Nor does it represent workforce needs in the State of MI. Similarly, testing 2-5% of students with an alternative measure should not be seen as "watering things down" or "lowering expectations." Instead, it should be viewed as a reasonable response to quantifiable student differences.

11/21/2017 12:28 PM



Overall, the concept of capping the number of students who take an alternate state assessment at 1% is concerning even if the decisions are left to IEP teams. What are the complete determining factors that identifies 1% (or less) as the appropriate cut off percentage?

11/20/2017 10:58 AM



It is appropriate to question what is on any IEP and to determine and justify appropriate current plans of instruction and assessing academic goals for each student. However, the two choices that we have for our students are MStep and MIAccess. Not all students "fit into one of these boxes" and yes, there are exceptions to every rule. There are students with physical limitations, emotional and/or behavioral concerns. There are students who are Autistic and high functioning on a daily basis but become very anxious when taking any test on the

computer. Our professional and ethical responsibility is to help every student be successful at his or her ability, yet there seems to be a "One size fits all" mentality when it comes to state assessment. We are penalized as a district if parents choose to have their child exempted from the test so the pressure is there to "test the child" regardless of what's best for the child. What about having the allowance for some special education children tested with the state assessment every three years to align with their MET scores? It seems that accountability (test data) and "teach to the test" mentality has become more important than to do what is right for these unique individuals who are learning and growing under our guidance. These children and our parents entrust us to do the right things...

11/18/2017 7:23 AM



The State of Michigan needs to accommodate students with needs! Schools need to be accommodating.

11/17/2017 11:19 AM



The State should provide waivers for districts that provide programs for students with moderate to severe cognitive impairments. There should be no "oversight" for these districts.

11/17/2017 7:54 AM



How was the 1% cap determined, and what are the consequences for districts with a higher number of students with cognitive deficits?

11/16/2017 4:18 PM



I think it will be interesting to dissect the data of the students who are currently taking alternate assessment. What categories, cognitive levels, etc?

11/16/2017 1:34 PM



Let IEP teams make these decisions regardless of an arbitrary percentage rate set by legislation. This is a major issue as it relates to using high risk assessments where it may make no sense to have a special education student participate and the data obtained by that assessment is not useful to the child or the districts. As stated in previous answer, a 3% participation rate matches the 3% of students who are impacted severely by a disability. Again, some flexibility needs to be had when applying rules to center-based and regional programs.

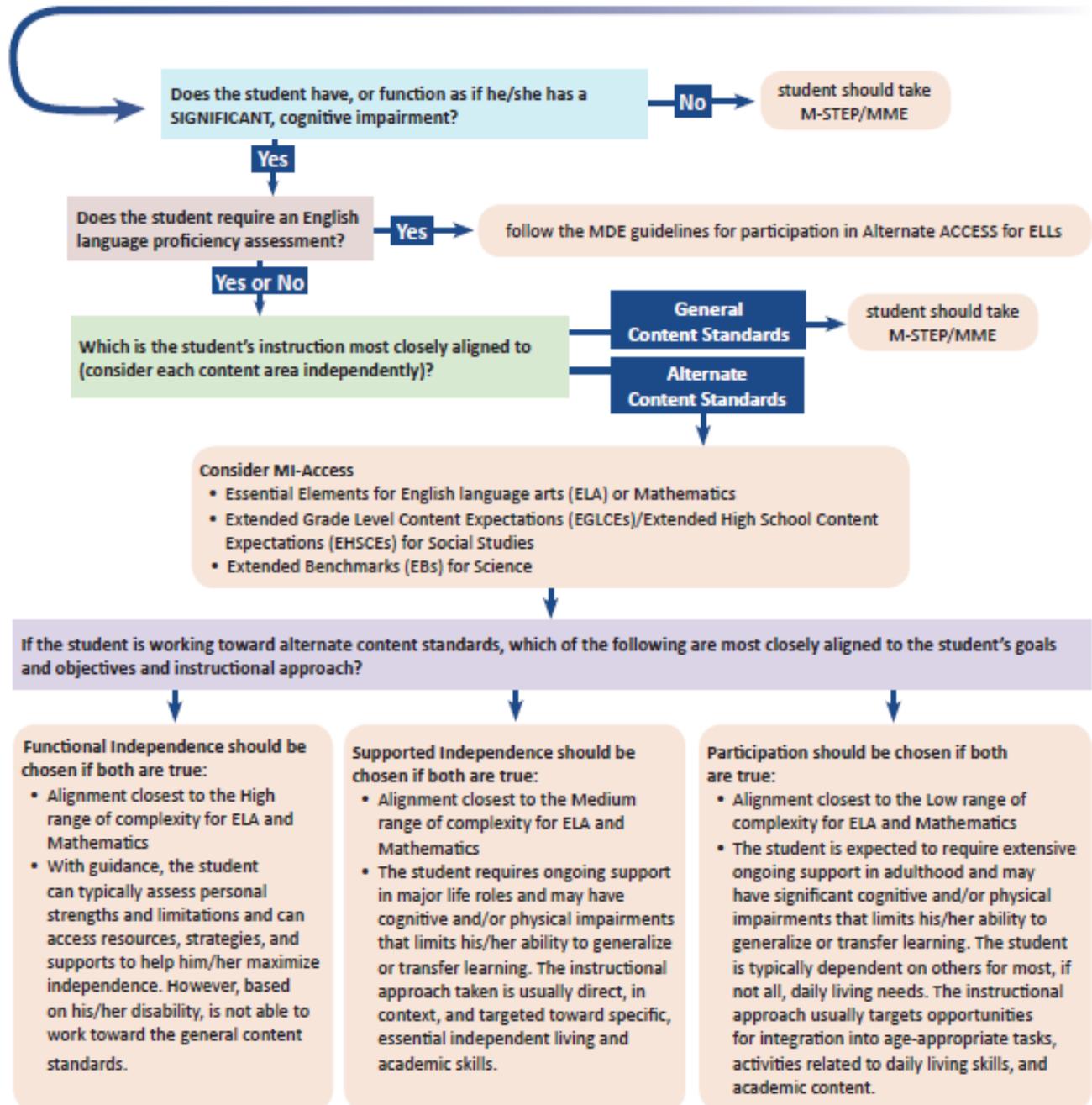
11/16/2017 1:30 PM

Appendix C Guidelines for Participation in Michigan’s Alternate Assessment

Should My Student Take the Alternate Assessment?

MI-Access is currently Michigan’s alternate assessment based on alternate achievement standards. The following guidance is helpful in considering if a student should be taking the alternate assessment or the general assessment.

It is the role of the Individualized Education Program (IEP) team to determine which assessment a student should take. The following guiding questions are provided for the IEP team to consider:



If the IEP team determines that MI-Access is the most appropriate state level assessment for any given student, the school must provide information to that student’s parents regarding any implication this decision may have on the student completing the requirements for a regular high school diploma.

Appendix D Sample of data provided to Intermediate School Districts

ISD & Sub-District Name	Total Assessment Completers	Regular Assessment	Alternative Assessment	Alt. Assessment FI	Alt. Assessment SI	Alt. Assessment P	Alternative Assessment Participation Rate
ISD							
Charter 1	103	103	0	0	0	0	0.0%
LEA 1	295	292	3	3	0	0	1.0%
Charter 2	35	35	0	0	0	0	0.0%
Charter 3	65	62	3	2	1	0	4.6%
LEA 2	2066	2026	40	40	0	0	1.9%
LEA 3	334	328	6	6	0	0	1.8%
ISD	168	80	88	21	32	35	52.4%
Charter 4	368	363	5	5	0	0	1.4%
LEA 4	1445	1428	17	16	1	0	1.2%
LEA 5	584	580	4	4	0	0	0.7%
LEA 6	2209	2163	46	44	1	1	2.1%
LEA 7	209	207	2	2	0	0	1.0%
Charter 5	171	170	1	1	0	0	0.6%
LEA 8	1398	1358	40	37	3	0	2.9%
LEA 9	824	821	3	3	0	0	0.4%
LEA 10	1235	1226	9	9	0	0	0.7%
LEA 11	139	135	4	4	0	0	2.9%
LEA 12	488	481	7	7	0	0	1.4%
ISD Total	12136	11858	278	204	38	36	2.3%



Exceeding 1% Cap Justification Form

The *Every Student Succeeds Act* (ESSA) places a 1% cap on alternate assessment (MI-Access) participation at the state level. Local educational agencies (LEAs) that contribute to the state exceeding its participation cap must submit information to their ISD justifying the need to exceed the 1% threshold. In addition, intermediate school districts (ISDs) that run programs (functioning as an LEA) must complete the form as an LEA.

Each ISD collects information from its LEAs to submit to the state.

Author: Michigan Department of Education

Last updated: 12/18/17

District Information

Date

Local Educational Agency (LEA)

Phone

LEA Contact

Phone

Intermediate School District (ISD)

Baseline

Did more than 1% of students tested using state assessments in any content area take the alternate assessment (MI-Access)?

Yes

No

*If you answer no, date stamp the form and keep it on file for future reference.
If you answer yes, complete the remainder of the form.*

Justification

Do not submit any student identifiable information with this form.

Did your individualized education program (IEP) teams utilize the alternate assessment participation guidelines to make assessment participation decisions?

Yes No

Indicate how all members of the IEP teams have been informed or trained on the participation guidelines? *Check all that apply.*

Training Method	School Administration	Special Education Staff	Parents	Related Service Staff
Face-to-face training				
Online training				
Given copy of guidance documents				
No training provided				
Other, please explain below				

If you selected other in the above table, please explain.



Identify the factors that contributed to your LEA exceeding the 1% cap of students allowed to participate in MI-Access. *Select at least one and all that apply.*

The IEP teams lack the necessary knowledge to effectively use the participation guidelines when defining a student as having a significant cognitive disability.

A small LEA size results in a greater impact on participation rates (for example, a district size of 180 students with 2 students with significant cognitive disabilities results in a higher than 1% participation rate).

Provide clarification or explain the impact of this factor:

The LEA operates a center-based program serving other students within the ISD or region that results in an expected higher population of students with significant cognitive impairments.

If students from other LEAs are removed from this count, what is the adjusted participation rate?

(Be sure to keep students who are residents of the LEA in the count when calculating the percentage.)

Provide clarification or explain the impact of this factor:

Other (please explain)



Assurances

Please provide the following assurances. *Select all that apply.*

Our LEA will provide IEP team members with additional training on the state guidelines for participation in the alternate assessment.

Our LEA will continue to allow IEP team members to decide which students take an alternate assessment.

Resources and Technical Assistance

What resources or technical assistance does your LEA need from your ISD or the MDE to ensure that students are being assessed using the appropriate state summative assessment tool?

Submission Process

LEAs must send this completed form to their ISD director of special education no later than **February 15, 2018**.

The ISD director of special education will collect all LEA forms and submit to the state no later than **March 9, 2018**.

Questions?

If you have any questions regarding this form, please contact your ISD director of special education or contact John Jaquith at the MDE at JaquithJ@michigan.gov.

Every Student Succeeds Act (ESSA) and the 1% Cap

The MDE Guide for Intermediate School Districts (ISDs)

Revised 8/4/17

1) A Brief History

The 2003 ESEA regulations placed a 1% cap on the percentage of the total tested student population that could count as proficient for accountability purposes from the alternate assessment based on alternate achievement standards. This was not a cap on participation in the assessment.

In 2015, with the passage of the Every Student Succeeds Act (ESSA), the requirements changed for the alternate assessment (based on alternate achievement standards). This act also officially eliminated an alternate assessment based on “modified” achievement standards.

In addition, ESSA reaffirmed that the alternate assessment is an appropriate assessment for students with the most significant cognitive disabilities to demonstrate their knowledge and skills, but rather than placing a cap on accountability proficiency rates for the alternate assessment, ESSA places a 1% cap on alternate assessment participation.

This shift in policy means that states, districts, and schools need to consider carefully which students should be included in the alternate assessment, as it is designed for students with the most significant cognitive impairments.

2) Michigan’s Approach to the 1% Cap

A. Understanding the Cap

- The 1% cap on participation is imposed at the state level. The state may not impose a cap on Intermediate School Districts (ISDs) or Local Education Agencies (LEAs), and ISDs may not impose a cap on LEAs.
- The ESSA language includes assurances regarding informing parents about the standards to which their child’s academic achievement will be measured, and how participation in an alternate assessment may impact the student’s completing requirements for a regular high school diploma.
- The Act continues to give final authority to the Individualized Education Program (IEP) team regarding decisions around which assessment is given to a student. However, the IEP team must follow the state guidelines for participation in the alternate assessment.
- LEAs that contribute to the state exceeding its participation cap (without having a direct cap imposed), must provide information to the state regarding why this is the case, and the state must provide guidance and technical assistance to such agencies.
 - Rationale from each LEA regarding exceeding the cap will be collected and compiled by each ISD. (Future guidance on how to submit this will be provided by MDE).
 - The information compiled by each ISD will then be sent to the state.

B. Baseline and Waiver

- **Baseline:** Currently in Michigan, approximately 2.3% of all students tested in English/language arts and mathematics are assessed using the alternate assessment (MI-Access). Please see the [“Calculating](#)

Alternate Assessment Participation Rates” table at right. This formula was used to calculate this current baseline.

- **Waiver:** States will be provided the opportunity to request a waiver of the 1% cap. The Michigan Department of Education (MDE) may consider participating in this option, as it works with ISDs and local agencies to come into alignment with the requirements of the statute. However, the state must meet the following requirements:
 - Provide assurances that each LEA that exceeded the 1% participation cap followed the state’s guidelines for participation in the assessment.
 - Address disproportionality in the percentage of students in any subgroup taking the assessment.
 - Provide a plan and timeline for meeting the 1% cap in future school years.
 - Request the waiver prior to the assessment window for which the waiver will apply.
 - Demonstrate that at least 95% of students in all subgroups have been assessed at the state level in the previous assessment year (or more, as required by the U.S. Department of Education).

C. Review and Technical Assistance through ISDs

- Data regarding participation rates for each ISD and LEA will be provided by MDE.
- ISDs are encouraged to share this information with each local agency, and to walk locals through the process of calculating their own participation rates

using data to better understand how the rate is calculated. Use the following calculation formula and guidelines:

Calculating Alternate Assessment Participation Rates

Formula
TSALT ÷ TSTIG = rate
Guidelines
<ol style="list-style-type: none"> 1. TSALT = Total number of students tested on the state alternate assessment (any level of MI-Access FI, SI, P) in grades 3, 4, 5, 6, 7, 8 and 11 for the given content area. 2. TSTIG = Total number of students tested on any state assessment in grades 3, 4, 5, 6, 7, 8, and 11 for the given content area. 3. Calculate for each EACH content area (English/language arts, mathematics, science). 4. Calculate for EACH LEA and ISD, in a complete file sortable/filterable by ISD.

- Section 3, below, presents guidance that is based on an April, 2017 brief published by the National Center on Educational Outcomes.* It should be shared with all districts. In addition, ISDs should offer facilitated conversations and assistance to any LEAs exceeding the 1% participation cap.

3) Strategies for meeting the 1% cap on participation in the state alternate assessment (MI-Access)

ISDs will facilitate and explore options with LEAs using LEA data.

- Gather district and school data on current participation rates for the alternate assessment.
 - Rates for participation will be provided by the state as a baseline.

- Compare rates across schools and correspond such rates to programs being operated in each building.
- Compare rates across grade levels.
- ISDs will consider how to account for students attending center-based programs according to how those programs are administered within the ISD.

- Review the current [assessment selection guidance](#) document on the use of MI-Access.
 - Determine if current IEP team practice aligns with assessment selection guidance.
 - Provide professional development to IEP teams regarding assessment selection and the use of MI-Access.
- Gather data on the characteristics of students participating in the alternate assessment.
 - While the following factors are not a part of the decision process for selecting an alternate assessment, trends should be explored regarding the rates across:
 - » Eligibility
 - » Placement/program
 - Compare characteristics of students participating in the alternate assessment against the assessment selection guidance document.
- Review local policies surrounding use of the alternate assessment.
 - Determine if there are any local written or unwritten policies regarding participation in MI-Access:
 - » Are any such policies or practices in conflict with Michigan’s assessment selection guidance on the alternate assessment?
 - Determine the local practice on assessment guidance and determine:
 - » whether guidance has been implemented appropriately;
 - » whether local policy or practices need to be revised; and
 - » whether training needs for teachers and IEP team members have been considered.
- Provide professional development for IEP team members and other educators on the nature of the alternate assessment and who should participate in it.
 - Provide targeted professional development for LEAs exceeding the 1% cap.
 - Facilitate conversations with parents regarding the implications of a student’s instructional path that may include an alternate assessment, which may result in the student potentially not meeting requirements for a regular high school diploma.
 - ISDs may consider eliciting the assistance of MDE for larger scale professional development. (Contact baa@michigan.gov with the subject: “Professional Development Request: Alternate Assessments.”)
- Provide informational sessions for parents of students with disabilities so that they can participate in the IEP decision-making process about assessment participation.
 - Training on Michigan’s alternate content expectations:
 - » What they are
 - » Instructional implications
 - » Implications on the impact of a student completing requirements for a general high school diploma
 - Training on MI-Access
 - » Characteristics of students who typically take this assessment.
 - » Understanding all state assessment options and how this fits into local assessment practices.
 - » Understanding the participation guidance document.

*(Source: *Strategies for Meeting the 1% State-Level Cap on Alternate Assessment Participation*, NCEO Brief Number 12; April 2017, <https://nceo.umn.edu/docs/OnlinePubs/NCEOBrief12OnePercentCap.pdf>)



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

RICK SNYDER
GOVERNOR

BRIAN J. WHISTON
STATE SUPERINTENDENT

January 9, 2018

Jason Botel, Principal Deputy Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave.,
SW Washington, DC 20202
jason.botel@ed.gov

Dear Mr. Botel,

The Every Student Succeeds Act (ESSA) amended a provision of Title I of the Elementary and Secondary Education Act of 1965 related to students participating in alternate assessments of each State Education Agency's (SEA's) statewide assessment. The ESSA requires SEAs to submit waiver requests to the United States Department of Education, in the event they expect more than 1% of their students tested in a given content area and will participate in the state's alternate assessment.

The Michigan Department of Education (MDE) has conducted an extensive review of data from Michigan's statewide assessments in 2016 – 2017. The purpose of the review was to determine the participation rates of students taking the alternate assessments aligned with alternate academic achievement standards (AA- AAAS), better known as MI-Access.

The data revealed that an average of 2.4% percent of Michigan students participated in each of the content areas included on MI-Access in 2016 – 2017. Table 1 listed below displays participation rates by subject for the 2016 – 2017 MI-Access assessment. Based on the data, the state anticipates exceeding the 1% threshold enacted by the ESSA for school year 2017 – 2018.

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Table 1: 2016 – 2017 Participation in Alternate Assessment, MI-Access, by content

Content	Number of Students participating in alternate assessment (MI-Access)	Number of students participating in statewide summative assessments (M-STEP/Michigan Merit Exam, MI-Access)	Percent of students participating in alternate assessment (MI-Access)
English Language Arts (Grades 3-8 and 11)	18830	771950	2.4%
Mathematics (Grades 3-8 and 11)	18421	773767	2.4%
Science (Grades 4, 7 and 11)	7747	335091	2.3%

Table 2: 2016 – 2017 Total Students "tested" using state summative assessment (M-STEP, MME, MI-Access), by content

Content	Number of students participating in statewide summative assessments (M-STEP/Michigan Merit Exam, MI-Access)	Number of students expected to test in statewide summative assessments (M-STEP/Michigan Merit Exam, MI-Access)	Percent of total students tested
English Language Arts (Grades 3-8 and 11)	769087	782421	98.30%
Mathematics (Grades 3-8 and 11)	771390	782421	98.59%
Science (Grades 4, 7 and 11)	332390	340032	97.75%

Pursuant to 34 CFR § 200.6(c)(4), MDE is seeking a waiver for all subject areas for the 2017 – 2018 school year from the Secretary of the United States Department of Education. The 2017 – 2018 testing window for the alternate assessment, MI-Access, is from April 9, 2018 through May 25, 2018. The purpose of requesting this waiver is to acknowledge our baseline and to describe our plan to ensure that students are held to high academic standards and that students are being assessed using the assessment tools that are most appropriate to each student.

Input from MDE's Assessment of Students with Disabilities Advisory Committee was obtained and included in the creation of this waiver and plan. Feedback included the importance of including the following information:

- The current state participation rates;
- Consideration of the percentage of students identified with a cognitive impairment within a specific county and within the state;
- A consideration that Michigan has long been committed to assessing all students, regardless of ability or disability, and that we do not offer exemptions to certain populations of students;
- For English Language Arts and Mathematics, Michigan has adopted rigorous alternate content standards based on the Essential Elements developed by the Dynamic Learning Maps Consortia, of which Michigan was a part of developing;
- Social Studies alternate content standards are aligned to the general Michigan content standards and new alternate content standards in science are currently being developed to align with recent changes to the general science content standards; and
- Michigan emphasizes that decisions regarding assessment selection are a local Individualized Education Program (IEP) team decision.

Additional feedback included the following suggestions for local education agencies (LEAs) to include in their examination of their data on participation rates:

- Identify students that are being taught to general content standards but taking an alternate assessment;
- Identify the use of the state guidelines for participation in the alternate assessment as well as training provided to staff on: assessment selection, the alternate content standards and the alternate assessment;
- Identify how many students enroll in schools outside of their resident district. The districts serving these students should not be penalized for providing service to students who choose them and therefore increase special education numbers; and
- LEAs operating center-based programs for students with significant cognitive impairments that are open to students regionally, should have their participation rates looked at from a variety of perspectives, including examining rates with and without resident district students included.

PUBLIC COMMENT

MDE communicated to the public its intent to file a waiver for the 1% cap on alternate assessment participation. This communication was sent from our state superintendent to local and intermediate school district superintendents and public-school academy directors with a copy to the Michigan Education Alliance. In addition, the communication was sent to all intermediate school district (ISD), Local Education

Agency (LEA) and public-school academy (PSA) special education directors, as a state-wide press release, and as a memo to Family Matters, Michigan Alliance for Families and the Special Education Advisory Committee. An article in our state-wide newsletter regarding student assessments provided a link to the communication and it was also posted on the Office of Special Education, MI-Access, and the general assessment websites. The memo is provided as Appendix A. Public comment opened on November 15, 2017 and closed on December 20, 2017, which provided to the public a similar window to other MDE surveys.

Michigan had 36 total respondents who provided comments on the following open-ended opportunities found in the survey:

1. Please comment on Michigan's current rate of participation in the alternate assessment (2.4% English Language Arts; 2.4% Mathematics; 2.3% Science). (36 responses)
2. Please comment on what should be included in the plan and timeline for improvement. (34 responses)
3. Other comments. (25 responses)

Summary results and *responses* are as follows (For full details, see Appendix B):

PROMPT #1: Please comment on Michigan's current rate of participation in the alternate assessment (2.4% English Language Arts; 2.4% Mathematics; 2.3% Science):

- Comments were primarily in defense of Michigan's current participation rate citing beliefs that more than 1% of students function as if they have a cognitive impairment, alternate assessment participation should be based on student needs and is an IEP team decision, the belief that Michigan assesses more students than other states, concern that putting students who now take the alternate assessment into the regular assessment will be detrimental to the individuals. Because of these thoughts, many commented that districts should not be punished for being over 1%.

Response: Evidence signifies that most states also assess ALL students.

Although there are a variety of data sets that can be considered to provide research and documentation regarding the validity of a 1% cap, the State of Michigan is required to follow federal guidance and reporting requirements. Michigan underscores that the practice of IEP teams determining alternate assessment participation continues to be the expectation. The MDE will continue to work with all districts to ensure IEP teams have the proper training and tools to make appropriate decisions.

- Comments included concern for districts being punished when providing programming to or assessing students with cognitive impairments.

Response: There is no penalty for an ISD, LEA or PSA who exceeds the 1% cap. Justification is required from the district so the ISD and MDE can determine if technical assistance is needed to ensure students take the appropriate assessment. The department is aware of district programming variations and have provided consideration of that factor in the justification form for districts who exceed the 1% cap.

- One commenter asked the question, "do we have consistency from district to district with the definition of "severe cognitive impairment?"

Response: Michigan provides cognitive impairment eligibility guidance in R 340.1705, but has not defined what is meant by "functioning as if he/she has a significant cognitive impairment" for the purposes of assessment consideration.

- One commenter questioned all decisions made regarding students with disabilities and whether this waiver reduces expectations.

Response: The department is working to substantiate that the decision-making tool is utilized by all IEP teams to ensure that students' academic competences are being measured with the appropriate assessment tool. MDE is committed to reinforcing high standards and providing aligned assessments for all students.

PROMPT #2: Please comment on what should be included in the plan and timeline for improvement:

- Twenty-five comments were general and did not provide input regarding what should be included in a plan to address Michigan exceeding the 1% cap.
- Sixteen comments provided input such as creating online professional development, providing a clear definition of a significant cognitive impairment, making sure staff have access to decision making tools, focusing on appropriateness of those students taking the functional independence assessment, making sure staff understand the purpose of alternate assessments and more.

Response: All the ideas will be considered when creating the plan. MDE is reminding the commenters that although the state will look at the percentages of students identified with a cognitive impairment, and will work to define "significant cognitive impairment" relating to participation in the alternate

assessment, the State of Michigan is required to follow federal guidance and reporting requirements specific to the 1% cap.

PROMPT #3: Other comments:

- There were twenty-five additional comments of varying types, most of which were similar in nature to the comments for prompts 1 and 2.

Response: All ideas will be considered when creating the plan. MDE is reminding the commenters that although the state will look at the percentages of students identified with a cognitive impairment, and will work to define "significant cognitive impairment" relating to participation in the alternate assessment, the State of Michigan is required to follow federal guidance and reporting requirements specific to the 1% cap.

DISPROPORTIONATE REPRESENTATION IN ALTERNATE ASSESSMENT PARTICIPATION

Michigan examined disproportionality regarding participation in the state alternate assessment (MI-Access) for the following demographics:

- 1) Gender
 - a. Male
 - b. Female
- 2) Economically disadvantaged (based on poverty risk factors such as free and reduced lunch eligibility, homelessness, migrant status, and direct certification for government food assistance)
 - a. Disadvantaged
 - b. Not Disadvantaged
- 3) Racial/Ethnic groups
 - a. Native American
 - b. Asian
 - c. African American or Black
 - d. Pacific Islander
 - e. Hispanic
 - f. White
 - g. Two or more races
- 4) English Language Learners status
 - a. Participation in a Learning English Program
 - b. Non-participation in a Learning English Program

To determine if substantive disproportionality of students occurred, Michigan uses a Relative Risk Ratio method to analyze the rate of participation in alternate assessments. For other federal reporting, (i.e., in the Annual Performance Report), Michigan uses multiple years of data and a threshold Risk Ratio of 2.5 for each

demographic subgroup. For assessments, this threshold means students in one demographic subgroup are participating in the alternate assessment at a rate of 2½ times more often than students who are not in that demographic. A relative Risk Ratio of 1.0 means that students in one demographic participate in the alternate assessment at the same rate as students who are not in that demographic.

For each assessment content area (English Language Arts, Math and Science), Michigan examined 3 years of test participation aggregated to improve reliability of the analyses (especially in cases where districts have smaller numbers of students). These findings will be shared with ISDs and districts to review as part of their general guidance, and ISD staff will be trained to identify and target districts with substantively high disproportionate representation in alternate assessment participation. Statewide, Michigan has identified one demographic (i.e., the economically disadvantaged) for which we find some elevated Risk Ratios. See Table 3 - 5 for statewide results.

Table 3: Disproportionate Alternate Assessment Participation by Demography (3-year aggregate) for English Language Art

Gender	Group Rate Comparison (In-group vs not)	Risk Ratio
Male vs Female	3.15% vs 1.68%	1.87
Economic Disadvantaged	3.45% vs 1.49%	2.32*
English Language Learner	2.36% vs 2.44%	0.97
Race	Group Rate Comparison (In-group vs not)	Risk Ratio
Native American	3.41% vs 2.41%	1.40
Asian	1.31% vs 2.47%	0.53
African American	3.75% vs 2.16%	1.74
Pacific Islander	3.05% vs 2.43%	1.25
Hispanic	2.33% vs 2.44%	0.96
White	2.16% vs 3.01%	0.72
Two or More Races	2.25% vs 2.44%	0.92

Table 4: Disproportionate Alternate Assessment Participation by Demography (3-year aggregate) for Math

Gender	Group Rate Comparison (In-group vs not)	Risk Ratio
Male vs Female	3.05% vs 1.67%	1.83
Economic Disadvantaged	3.35% vs 1.46%	2.29*
English Language Learner	2.19% vs 2.39%	0.92
Race	Group Rate Comparison (In-group vs not)	Risk Ratio

Gender	Group Rate Comparison (In-group vs not)	Risk Ratio
Native American	3.25% vs 2.43%	1.34
Asian	1.24% vs 2.48%	0.50
African American	3.68% vs 2.17%	1.69
Pacific Islander	3.17% vs 2.43%	1.30
Hispanic	2.24% vs 2.45%	0.92
White	2.11% vs 3.13%	0.67
Two or More Races	2.21% vs 2.44%	0.91

Table 5: Disproportionate Alternate Assessment Participation by Demography (3-year aggregate) for Science

Gender	Group Rate Comparison (In-group vs not)	Risk Ratio
Male vs Female	2.98% vs 1.62%	1.84
Economic Disadvantaged	3.33% vs 1.44%	2.32*
English Language Learner	2.28% vs 2.31%	0.98
Race	Group Rate Comparison (In-group vs not)	Risk Ratio
Native American	3.12% vs 2.43%	1.28
Asian	1.20% vs 2.45%	0.49
African American	3.56% vs 2.35%	1.52
Pacific Islander	3.10% vs 2.43%	1.28
Hispanic	2.21% vs 2.44%	0.90
White	2.07% vs 2.59%	0.80
Two or More Races	2.14% vs 2.44%	0.88

* = Risk Ratio \geq 2.0, ** = Risk Ratio \geq 2.5

Note: Data examined alternate assessment participation rates aggregated over 3 years (School Years 2014 – 2015, 2015 – 2016, 2016 – 2017). Relative Risk Ratios of 2.50 or above are considered disproportionately high representation among students taking the alternate assessment.

GUIDELINES FOR PARTICIPATION

Michigan’s guidelines for IEP teams to use in determining which assessment a students should be taking can be found here and in Appendix C:

http://www.michigan.gov/documents/mde/Should_My_Student_Take_the_Alternate_Assessment_556705_7.pdf.

In addition to making this document publicly available, professional development has been provided by MDE over the course of the past year from the Office of Educational Assessment and Accountability and the Office of Special Education in the following venues:

- The Michigan State Testing Conference in February, 2017
- MI Council for Exceptional Children Conference, March, 2017
- MI-Access Test Administration webcast, March, 2017
- Mi-Access Standard Setting, July and August, 2017
- Michigan Association of Administrators of Special Education Summer Conference, August, 2017
- Multiple articles appearing in the MDE eNewsletter: Spotlight on Student Assessment
- Michigan Association of Administrators of Special Education fall meeting, December, 2017.

PLAN FOR IMPROVEMENT

The Michigan Department of Education will partner with each ISD in Michigan to implement a plan to address the 1% cap. ISDs divide the state into smaller regions and serve a variety of oversight and services to LEAs and PSAs. There are approximately 56 ISDs, 546 LEAs, and 297 PSAs in Michigan. As sub-recipients of IDEA federal funding, part of the ISD responsibility under R 340.1839 of the Michigan Administrative Rules for Special Education, includes:

Each ISD shall implement monitoring procedures and evaluation methods developed by the department to ensure that the standards and criteria established are being achieved by the ISD, their constituent LEAs, and their PSAs.

MDE will:

- Provide each ISD with both ISD summary and LEA/PSA data regarding participation rates for students taking MI-Access. Data will be updated and re-distributed as it becomes available for each test administration cycle (a sample can be found in Appendix D);
- Provide a justification form for districts that currently exceed the 1% participation rate, to provide feedback to the ISD and MDE regarding why this is the case and any plans they have to provide training to IEP teams (see Appendix E);
- Provide guidance for holding discussions and data review for LEAs on the 1% cap. This guidance will be updated as MDE receives and responds to the data from each ISD, LEA and PSA. For example, future versions will include addressing disproportionate representation in alternate assessment participation. The current guidance Every Student Succeeds Act (ESSA) and the 1% GAP: The MDE Guide for Intermediate School Districts (ISD) document is found in Appendix F and at the website below:

http://www.michigan.gov/documents/mde/1_Cap_Guidance_for_ISDs_595801_7.pdf.

- Develop a template for collecting LEA level data for ISDs to use in structuring support and technical assistance;
- Provide state level training, that will include, but is not limited to:
 - Online accessible training on the assessment selection guidance for special education staff and IEP team members;
 - In person training on assessment selection, assessment supports and accommodations and understanding alternate content standards (various state conferences); and
 - Continued training modules on supports and accommodations for all Michigan assessments.
- Work with interested parties to further define what it means, in consideration of alternate assessment participation, for a student to function as if they have a significant cognitive impairment; and
- Consider other technical assistance activities as gleaned throughout the process.

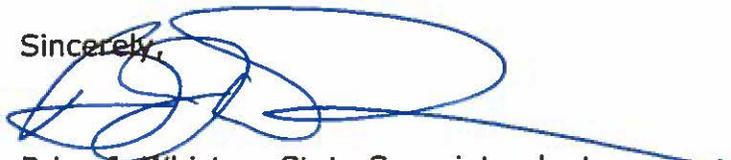
In partnership with MDE, each ISD will:

- Review the data of each LEA regarding the current participation rate for students taking MI-Access;
- Collect justification forms and additional information as needed from any district that has a participation rate over 1%;
- Structure support and technical assistance to districts based on their current rate of participation, identified needs and additional information provided by the district;
 - Focus will be on training for IEP team members on assessment selection decisions, including but not limited to:
 - Assessment selection guidelines
 - Characteristics of adaptive behavior as outlined in assessment selection guidelines
 - Review of current alternate content standards in English Language Arts, Mathematics, Science and Social Studies
 - Potential implication for a student earning a regular high school diploma when a path of alternate content standards and assessment is chosen
- Provide the ISD's participation rate and justification, if over the 1% CAP and
- Provide an ISD level summary of technical assistance for LEA, PSA and ISD program staff to address strict adherence to the assessment selection guidance and related topics.

The Michigan Department of Education believes its plan will reduce the percentage of Michigan students participating in the alternate assessment, MI-Access to be closer to the 1% cap required by ESSA. Beyond meeting the requirements of ESSA, the MDE is committed to providing ISDs, LEAs, PSAs and IEP teams information and assistance to ensure that students are held to high academic achievement standards and that students are assessed using the tools most appropriate for individual student needs.

Please contact John Jaquith, jaquithj@michigan.gov or (517) 335-1987, to discuss the content of this waiver request or to answer any questions you may have. We look forward to working with the United States Department of Education staff to achieve a positive response to this request.

Sincerely,



Brian J. Whiston, State Superintendent
Michigan Department of Education

Attachments

cc: Michigan Education Alliance
oss.michigan@ed.gov