



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

May 10, 2024

By Electronic Mail: ESEA.Assessment@ed.gov

Mr. Adam Schott
Principal Deputy Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW.
Washington D.C. 20202

Dear Deputy Assistant Secretary Schott:

Thank you for your March 13 response regarding the January 9 Michigan Department of Education (MDE) request for a one-year waiver, to exceed the 1.0 percent cap on alternate assessments, as stated in Section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA). MDE is submitting a revised plan to clarify new and sustained efforts, which will better assist Michigan in meeting the requirements to come into compliance with the 1.0 percent cap on the use of alternate assessments.

Your waiver denial letter stated that Michigan had 60 days to submit a plan to reduce the rate of alternative assessments in future years to come into compliance with the 1.0 percent cap on alternate assessments required by ESEA. MDE respectfully asks that the Office of Elementary and Secondary Education (OESE) reconsider the waiver denial and apply this updated information and plan as an addendum to our original waiver request.

Regarding progress, according to the *EDFacts* tables, Michigan did show some progress at reducing our alternate assessment rate in the subject of English Language Arts (ELA), reducing the rate from 1.8 percent in 2022 to 1.7 percent in 2023, despite increasing numbers of students participating in statewide summative assessments in 2023 compared to 2022. For instance, in math and ELA, about 7,000 more students were tested using statewide summative assessments in 2023 than the previous year, and over half of these students (3,700) were students with disabilities. This increased number of test takers masks, to some extent, the progress Michigan has made at reducing alternate assessment participation counts over the previous year.

To come into compliance with the 1.0 percent cap on the use of alternate assessments, MDE's revised plan focuses on five types of strategies organized from shorter term to longer term.

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New Targeted and Immediate Technical Assistance will be implemented within two to six months.

1. Engage with stakeholder groups (such as parents, educators, intermediate school districts (ISD)/local educational agencies (LEA), school psychologists, and vulnerable student population interest groups) on eligibility for alternate assessment participation and the importance of student participation in assessments in all subject areas:
 - Develop and initiate the use of an Individualized Education Program (IEP) team-facing decision-making rubric for organizing and evaluating student information to determine students with the Most Significant Cognitive Disability (MSCD). This high-leverage practice, used by other states, clarifies and reduces ambiguity in decision-making by scaling the magnitude of the student's current functioning and supports along a continuum from no impairment or support needs to significant disability or support needs. The rubric scales this information for each of the four criteria needed when assigning students to alternate assessments:
 - cognitive functioning,
 - adaptive functioning,
 - extensive support needs, and
 - a majority of instruction/goals rooted in alternate achievement standards.
 - Revise the state's Interactive Decision-Making Tool to align with the four decision-making criteria for determining a student with the MSCD and incorporate it into guidance and technical assistance.
2. Conduct a thorough data analysis to identify exemplar ISDs and LEAs that are above, meeting, or near the 1.0 percent target for alternate assessment use. The comprehensive data analysis will accurately pinpoint peer exemplars that MDE will leverage to drive improvement in alternate assessment rates across the state by facilitating the sharing of practices with ISDs and LEAs exceeding the 1.0 percent cap for alternate assessment use. This work will begin in May 2024.

Actions to be completed by the end of the 2024-25 school year:

3. Facilitate convenings between exemplary districts (those above, meeting, or near the 1.0 percent cap) and districts in Tier 2 or Tier 3 status for high rates of alternate assessment use to share best practices. This work will begin in the fall of 2024 and continue over the next school year.

4. New Assessment Registration, Support, and Monitoring

- Develop (2024-25) and implement (2025-26) an assessment selection monitoring activity using the newly implemented decision-making rubric (mentioned in #1) to determine students with the MSCD.

Monitoring will include a representative sampling strategy for universal support and more targeted sampling, as needed, for districts with disproportionality or with high rates of students participating in alternate assessments. The monitoring activity will include student file reviews (looking for supporting evidence around each required criterion), procedure reviews, and teacher interviews to ensure IEP teams appropriately determine assessment participation.

5. New MDE Professional Learning

- Explore with Michigan's Center for Educational Performance and Information (CEPI) the feasibility of directly collecting additional student data that assists with identifying which students have the most significant cognitive disabilities.

Actions to be completed over the next two school years (2024-25 through 2025-26):

6. New Considerations of Best Practices

- Convene representative focus groups with stakeholders to review the current alternate assessment system and identify modifications, if any, that may be warranted to make it relevant to today's students. Various options could be explored and discussed, including fewer assessment options and other commonly used alternate assessment formats and types, including adaptive assessments.
- Provide targeted technical assistance to LEAs to increase access to general education curriculum and instruction for students transitioning from the alternate assessment. Michigan estimates that at least 6,000 students currently working toward alternate standards, and many other learners, may benefit from this technical assistance.

MDE has engaged in the following new activities since submitting the waiver in January 2024:

1. Released a memorandum and continued and regularly scheduled e-mail reminders to all ISDs/LEAs, citing the stipulation of the 95 percent overall participation rates and 1.0 percent cap on alternate assessments. These communications were provided prior to and throughout the state assessment window.

2. Convened an internal Action Planning Team and a Guiding Team to develop, implement, and monitor the new and sustained activities to bring Michigan into compliance with the alternate assessment requirements.
3. Investigated and initiated the process for adding additional personnel resources necessary to implement the actions included in our plan and to increase MDE's capacity to provide technical assistance, monitoring, and evaluation, as well as related data and analysis related to high standards in instruction and appropriate use of alternate assessments.

MDE will maintain the following best practice activities that were introduced in the 2024 waiver plan:

1. Provide universal test pre-registration warnings to LEAs in the MDE Secure Site when student cases may not meet one or more of the required criteria to qualify for an alternate assessment.
2. Implement with ISDs having districts identified as Tier 2 or Tier 3 the Flagged Student Action Plan Form and District Action Plan Form for flagged student cases. The forms organize relevant data and monitoring and evaluation activities around each of the four necessary criteria used to qualify students for participation in alternate assessments based on alternate standards.
3. Use the flow chart "Should My Student Take the Alternate Assessment?" as a training resource for identifying which students qualify for alternate assessments. This guidance document, a partner document to the Interactive Decision-Making Tool, improves on past versions by explicitly clarifying the four necessary criteria to be eligible for alternate assessments and exclusion criteria for students who should not take alternate assessments.

MDE will maintain the following best practice activities that were first introduced in the 2023 waiver plan:

1. Review the previous year's testing data annually to flag students at high risk for inappropriate assignments to an alternate assessment. MDE and ISDs review the flagged data for Tier 2 and Tier 3 districts with high rates of alternate assessment use and provide targeted guidance to support the appropriate use of alternate assessments to ensure that students qualify.
2. Require educational benefit reviews for flagged high-risk cases where students meet all the required criteria for alternate assessments yet are surpassing standards on Michigan's alternate assessments. This practice helps to promote high expectations and greater access to general educational curriculum and

instruction for students who may have some unique support needs but demonstrate they are capable of more rigorous academic content.

MDE will also maintain the following best practice activities and requirements used in many of our previously approved waivers:

1. Differentiation of support with the continued use of a multi-tiered system of support for monitoring and evaluating the selection of alternate assessments based on alternate achievement standards.
2. Completion of justification forms for ISDs with member districts that exceed 1.0 percent alternate assessment rate, as required by ESSA.

In sum, MDE is committed to providing all students in the state with equitable access to a rigorous and challenging education that prepares them for life, career, and college. MDE is also dedicated to making necessary changes to our assessment policy and practices, providing technical assistance to ISDs/LEAS, and engaging in continued activities paired with the new action items indicated above to reduce our alternate assessment rate, increase assessment participation, and at the same time maintain an accountability system that measures student progress.

MDE requests that OESE accept this revised plan and these timelines and reconsider the denial of the original request for a one-year waiver, with the incorporation of the new and updated information.

Thank you for your consideration of this request. Should you have any questions, please contact Deputy Superintendent Dr. Michele Harmala at 517-241-4370 or harmalam@michigan.gov or Deputy Superintendent Dr. Delsa Chapman at 517-241-1119 or chapmand7@michigan.gov.

Sincerely,



Michael F. Rice, Ph.D.
State Superintendent

cc: Dr. Sue C. Carnell, chief deputy superintendent
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