



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 13, 2024

The Honorable Michael F. Rice
State Superintendent
Michigan Department of Education
608 W. Allegan Street, P.O. Box 30008
Lansing, MI 48909

Dear Superintendent Rice:

I am writing in response to the Michigan Department of Education's (MDE's) request on January 9, 2024, for a one-year waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), which stipulates that a State may not assess more than 1.0 percent of all students in the grades assessed using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). MDE requested this waiver because, based on State data for the 2022-2023 school year, MDE has concluded that it may need to assess more than 1.0 percent of students using an AA-AAAS in reading/language arts (R/LA), mathematics, and science in the 2023-2024 school year.

After reviewing MDE's request, I am declining to exercise my authority under section 8401(b) of the ESEA for a one-year waiver for the 2023-2024 school year of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess more than 1.0 percent of students with an AA-AAAS in R/LA, mathematics, and science. I am declining the request because I do not find that approving the waiver will advance student academic achievement, as required in ESEA section 8401(b)(1)(C). Michigan assessment data for the 2022-2023 school year show that rates of AA-AAAS participation have increased in R/LA, mathematics, and science when compared to the 2021-2022 school year and the rates are well above 1.0 percent. In addition, MDE did not meet the following requirements for waivers of the 1.0 percent cap on AA-AAAS participation:

- 34 CFR § 200.6(c)(4)(ii), which requires the State to assess at least 95 percent of all students and 95 percent of all students with disabilities in each required subject. Based on MDE's submission, the State did not meet the 95 percent threshold for all students with disabilities in science.
- 34 CFR § 200.6(c)(4)(iv)(A), which requires a plan and timeline by which the State will improve the implementation of its guidelines for participation in the AA-AAAS.
- 34 CFR § 200.6(c)(4)(iv)(B), which requires that the State will take additional steps to provide oversight to LEAs that exceed the 1.0 percent cap.

In addition, the Department notes that the plan MDE submitted is substantially the same as the plan submitted in the prior year. Given the lack of progress to date, the Department does not believe the plan is sufficient for MDE to address the high rates of students taking the AA-AAAS.

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<http://www.ed.gov/>

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

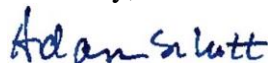
Because MDE's rates of participation on the AA-AAAS in the 2022-2023 school year were well above the 1.0 percent cap (i.e., above 1.70 percent in all three subject areas), the Department is placing a condition on the State's fiscal year 2023 Title I, Part A grant award. To remove this condition, MDE must:

1. Within 60 days of receipt of this letter, submit an updated plan for reducing the rate of AA-AAAS participation in future years in order to come into compliance with the 1.0 percent requirement. Please submit Michigan's plan to ESEA.Assessment@ed.gov.
2. Submit evidence that the plan and timeline are made publicly available on the State's website when the plan is provided to the Department.
3. Demonstrate substantial progress in reducing the percentage of students tested on alternate assessments in the 2023-2024 school year as validated by the MDE ED*Facts* assessment participation data submission.

If MDE can demonstrate that current the rate of participation on the AA-AAAS has in fact declined, and how granting this waiver would contribute to improved student achievement and is in the public interest, MDE may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements under 8401(b)(1)(C) and (F) and 34 CFR § 200.6(c)(4)(ii) and (iii). The revised waiver request must be submitted no later than 60 days from the date of this letter.

I appreciate your work to improve Michigan's schools and provide a high-quality education for your students. If you have any questions, please contact my staff at ESEA.Assessment@ed.gov.

Sincerely,



Adam Schott
Principal Deputy Assistant Secretary
Delegated the Authority to Perform the
Function and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Jerry Cullum, Education Research Consultant
Andrew Middlestead, Director of Assessment and Accountability