



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

November 21, 2024

Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202
ESEA.Assessment@ed.gov

Dear Office of Elementary and Secondary Education Assessment:

The federal Every Student Succeeds Act (ESSA) caps the percentage of students who can take the alternate assessment at 1.0 percent of the total students tested. The ESSA allows states that exceed the 1.0 percent cap to apply for a one-year waiver. This document serves as the formal request of the Michigan Department of Education (MDE) for a waiver approval through spring 2025. The waiver approval will allow MDE, intermediate school districts (ISDs), and local education agencies (LEAs), both traditional public school districts and public school academies (PSAs), to improve appropriate assessment selection for students with disabilities and further reduce participation numbers for Michigan's alternate assessment to meet the 1.0 percent cap requirement.

ESSA 1% Cap on Alternate Assessment Use Waiver History

Michigan applied for and was granted the initial waiver on May 14, 2018. In 2019, 2021, and 2022, MDE applied for and was granted an extension to the initial waiver by the U.S. Department of Education (USED). Michigan's 2020 waiver request was rescinded when USED waived assessment requirements due to the COVID-19 pandemic and subsequent school closures. In early 2023, Michigan applied for a renewed waiver, which was denied due to slightly fewer than 95 percent of all students with disabilities participating in statewide summative assessments in each subject. In early 2024, Michigan applied for a new waiver, which was again denied due to a lack of progress in reducing the rate of alternate assessment participation and for having fewer than 95 percent of students with disabilities participating in the science assessment. Additionally, the waiver denial received on March 13, 2024 placed a condition on Michigan's Title 1, Part A funds and required Michigan to provide a plan, inclusive of timelines, for how Michigan would come into compliance with the 1.0 percent alternate assessment cap requirements in ESSA. This

TATE BOARD OF EDUCATION

PAMELA PUGH – PRESIDENT • ELLEN COGEN LIPTON / TIFFANY D. TILLEY – CO-VICE PRESIDENTS
JUDITH PRITCHETT – SECRETARY • MARSHALL BULLOCK II – TREASURER
MITCHELL ROBINSON – NASBE DELEGATE • TOM MCMILLIN • NIKKI SNYDER

plan was provided to Principal Deputy Assistant Secretary Adam Schott on May 10, 2024, and is publicly available on MDE's website at [Michigan Compliance Plan for Reducing Over Use of Alternate Assessments](#).

The timing of the submission of Michigan's revised plan left little time to implement changes before the spring 2024 Summative Testing Cycle. Therefore, MDE anticipates exceeding the 1.0 percent cap again in 2025. This waiver request includes the actions in the compliance plan submitted to USED in May 2024 and updates on implementation progress.

A review of data, participation rates, and student demographics suggests that further reducing our alternate assessment rate will require better disambiguating students with milder intellectual impairments from those with the Most Significant Cognitive Disabilities (MSCD). Students with disabilities in grades four through eight who begin working toward general grade-level standards for instruction are 20 percent more likely to earn a high school diploma and 10 percent more likely to enroll in post-secondary coursework compared to similar peers who continue to work towards alternate content standards for instruction and assessment (Cullum & Trevinio, 2021). To date, Michigan's reductions in alternate standards rates have come from students with higher incident/milder disabilities receiving more appropriate assessment and greater access to general grade-level instruction. To make further gains, Michigan is providing increased monitoring and evaluation of the separate criteria needed to determine that a student has the MSCD. Michigan is also clarifying primary instructional standards and a student's level of needed support for demonstrating learning and generalizing learning across settings.

Following guidelines from the American Association for Intellectual and Developmental Disabilities (AAIDD) and the American Psychiatric Association (APA), as well as considering high-leverage practices identified in most other states, the necessary four criteria for identifying students with the most significant cognitive disabilities are:

1. Substantial impairment to cognitive functioning,
2. Substantial impairment to adaptive functioning across the conceptual, social, and practical domains of life,
3. Extensive support needs, and
4. The majority of instruction/goals are rooted in alternate achievement standards.

Current Activities

Since May 2024, Michigan has engaged in the following activities to address the overuse of alternate assessments:

- Established a 1.0 percent guiding team and workgroup at MDE. The guiding team includes division leaders, who set the expectations for and monitor the progress of the improvement activities as delineated in the plan submitted to USED. The workgroup meets monthly to design and implement all improvement activities. The guiding team and workgroup include staff from the Office of Educator Assessment and Accountability (OEAA), the Office of Educational Supports (OES), the Office of Special Education (OSE), the Division of Educator Excellence, Career and Technical Education, Special Education, and Administrative Law, and the Division of Assessment, School Improvement, and Systems Support.

- Hired an MDE OSE part-time contractor to assist in developing guidance documents, providing training, and conducting monitoring and evaluation activities for Tier 3¹ districts and/or districts with persistently high alternate assessment participation rates.
- Provided 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.
- Updated the decision flow chart, “Should My Student Take the Alternate Assessment?” in November 2023 and posted the document to the MDE website in January 2024. The flow chart is a guidance document that supports the identification of students who qualify for alternate assessments. This guidance document improves on past versions by explicitly clarifying the four necessary criteria to be eligible for alternate assessments, as well as exclusion criteria for students who should not take alternate assessments. This resource is available at: [Should My Student Take the Alternate Assessment?](#)
- Based on spring 2023 testing data, provided a list of students at high risk for misassignment to alternate standards to Intermediate School Districts (ISDs) to review with their member districts (LEAs) that have high rates of alternate assessment participation (1.4 percent or higher), and released a Flagged Student Action Plan form and District Action Plan form for ISDs to complete with identified districts. These action plan forms help organize relevant data and monitoring and evaluation activities around the four necessary criteria to qualify for alternate assessments based on alternate standards.
- Provided feedback to ISDs that submitted Flagged Student Action Plan forms on up to eight flagged students per district with alternate assessment rates of 2.7 percent or more. This feedback explained when each eligibility criterion was met or not met.
- Developed an Individualized Education Program (IEP) team-facing rubric for organizing and evaluating student information to determine students with the MSCD. MDE sought and received feedback on implementing and using this rubric from school psychologists, ISD special education administrators, and parent-teacher stakeholder groups. This high-leverage practice, modeling rubrics 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 the most significant impairment or support needs. The rubric scales this information when assigning students to alternate assessments for each of the following four criteria needed:
 - cognitive functioning,
 - adaptive functioning,
 - extensive support needs, and
 - the majority of instruction/goals rooted in alternate achievement standards.

¹ Tier 3 is defined on page 5.

- Continued use of the tiered justification form review and feedback process for LEAs that assign more than 1.0 percent of their students to alternate assessments based on alternate achievement standards.

Completed and Planned Activities For the 2024-25 Academic Year

- Based on spring 2024 testing data, released flagged student cases to ISDs in November 2024 so ISDs can notify LEAs with high rates of alternate assessment participation and begin taking action for change during the current academic year rather than the following academic year.
- Collected justification forms, as required in ESSA, for each district that assigns more than 1.0 percent of students to be assessed based on alternate standards.
- Convened an internal cross-office and ongoing 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 with support from multiple and relevant offices within MDE. These teams will continue to facilitate and monitor the work surrounding alternate assessment participation and keep the issue as a priority within the department.
- Facilitate convenings to share best practices from exemplar districts (those with low rates of alternate assessment participation) with districts in Tier 2 or Tier 3 status for high rates of alternate assessment use.
- Explore with Michigan's Center for Educational Performance and Information (CEPI) the feasibility of directly collecting student data that identifies which students have the MSCD and who may appropriately take alternate 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 will benefit from this technical assistance.
- Hold representative focus groups with stakeholders to review the current alternate assessment system to identify if and what modifications and innovative practices may be warranted to make the assessment more relevant to today's students.

2025 MDE Method for Reducing High Rates of Alternate Assessment Use

As with past waiver plans, Michigan will once again implement a tiered system of support based on the rates of alternate assessment use overall and relative risk ratios for subgroups of students within a district that point out when a historically underserved group of students is assigned to alternate standards at a much higher rate than other students. To reach more districts and further reduce Michigan's alternate assessment rates, the thresholds for Tiers 1 and 2 were reduced by a tenth of a percent and by two-tenths of a percent for Tier 3 compared to the previous academic year. For the 2024-25 testing cycle, the tiers will be based on the following criteria:

- Tier 1: Districts with alternate assessment rates of 1.1 percent to 1.2 percent or with a subgroup of students that is 2.5 or more times more likely to be assigned to alternate assessments than

other students for 2 of the last 3 years and an overall alternate assessment rate of 1.0 percent or less.

- Tier 2: Districts with alternate assessment rates 1.3 percent to 2.4 percent, or with a subgroup of students that is 2.5 or more times more likely to be assigned to alternate assessments than other students for 2 of the last 3 years and an overall alternate assessment rate of 1.1 percent to 1.2 percent.
- Tier 3: Districts with alternate assessment rates of 2.5 percent or more, or with a subgroup of students that is 2.5 or more times more likely to be assigned to alternate assessments than other students for 2 of the last 3 years and an overall alternate assessment rate of 1.3 percent to 2.4 percent.

Targeted Activities for Districts in Each Tier

- Tier 1 districts will receive universal guidance on the appropriate use of alternate standards for instruction and assessments and will be referred to the decision-making flowchart as a resource.
- Tier 2 districts must complete an action plan, including training around the four necessary criteria for the appropriate use of alternate standards and assessments. In addition, beginning in November 2024, Tier 2 districts will receive a list from their ISD of students flagged for high risk of not meeting the required criteria to be eligible for alternate assessments from the spring 2024 testing data. If a district has any flagged student cases, they must review the rubric with criterion-relevant data, summarize, and report back to the ISD on up to eight flagged student cases regarding test assignment status by mid-April 2025. The district must provide updates on timelines and reviews of any remaining cases by the end of June when justification forms close out. A review must also be completed for students who continue to meet the definition of a “student with the most significant cognitive disabilities” yet are scoring in the “Surpassed the Performance Standard” performance level. An educational benefit review of such cases should be completed to determine if instructional targets are rigorous enough for such students. The ISD will monitor actions taken by Tier 2 districts primarily using universal and targeted guidance resources provided by MDE. Tier 2 districts and the ISD may request additional assistance from MDE as needed.
- Tier 3 districts must complete an action plan, including training around the four necessary criteria for appropriate use of alternate standards and assessments. In addition, beginning in November 2024, Tier 3 districts will receive a list from their ISD of students flagged for high risk of not meeting the required criteria to be eligible for alternate assessments from the Spring 2024 testing data. If the district has flagged student cases, IEP team members must complete the IEP team-facing rubric using criterion-relevant data. Outcomes of the review on up to eight student cases for up to four districts per ISD are expected to be completed by mid-April 2025, and a summary of the data and decisions around each criterion must be reviewed by MDE with directed guidance provided to the district by the end of May 2025. Tier 3 districts with more than eight flagged cases and ISDs with more than four districts in Tier 3 will complete any remaining flagged student case reviews by the end of June 2025. A review must also be completed for students who continue to meet the definition of a “student with the most significant cognitive disabilities” yet are scoring in the “Surpassed the Performance Standard” performance level. An educational benefit review of

such cases must be completed to determine if instructional targets are rigorous enough for such students. MDE will complete the monitoring of actions taken by Tier 3 districts with the involvement of the ISD. This includes targeted and directed technical assistance.

- Tier 2 and Tier 3 districts flagged with disproportionately high rates of alternate assessment assignment for a historically underserved group of students must review the students in the subgroup of the flagged category using the decision-making rubric. The districts must verify that the students meet all four required criteria for eligibility for alternate assessment participation or take corrective action, re-assigning the student to the appropriate assessment when any of the required criteria are not met.

Public Comment on Plan

MDE will gather public comment through an online questionnaire. The public comment period will open on November 22, 2024 and end on December 23, 2024. Public comment is sought on the waiver requirements. After public comment is received, this section of the document will be revised to reflect the public comment process and the required comments.

Waiver Requirements

ESSA stipulates several requirements for the waiver to exceed the 1.0 percent cap. MDE's response to each requirement is found below. Please note that the data provided is information from the most recent testing window in which state assessments were administered.

Requirement 1:

Submit the waiver request at least 90 days before the testing window starts for the relevant subject.

The testing window for all state summative assessments in Michigan begins April 7, 2025. Specifically, the seven-week testing window for MI-Access (the state summative alternate assessment based on alternate academic achievement standards) is from April 7, 2025, through May 23, 2025. The waiver request is being made 90 days prior to this testing window.

Requirement 2 (A):

Provide state-level data from the current or previous year that shows the number and percent in each subgroup who took the alternate assessment in the subject area.

As shown in Tables 1-3 below, similar to the 2022 and 2023 participation rates, the actual rate of alternate assessment for Spring 2024 is 1.8 percent. However, there were roughly 5,000 more students tested in 2024 than the previous year, most of whom were students with a disability. This number of new students with disabilities testing suggests that Michigan should have seen an increase of around 700 students taking alternate assessments. However, despite this influx of students with disabilities testing, the number of students assigned to alternate assessments continued to decrease, down by roughly 400 students.

Table 1: 2023–24 English Language Arts (Grades 3-8 and 11) Participation in Alternate Assessment, MI-Access, by Content Area and Demographic Sub-Group

Demographic Sub-group	Number of Students Tested Using an Alternate Assessment	Total Number of Students Tested	Percent of Students Tested Using an Alternate Assessment
All Students	12,757	705,179	1.8%
Students with Disabilities	12,757	100,959	12.6%
Male	8,532	361,221	2.4%
Female	4,225	343,958	1.2%
English Learner	790	49,669	1.6%
Economically Disadvantaged	8,765	387,806	2.3%
Native American	95	3,975	2.4%
Asian	365	26,423	1.4%
African American	3,469	124,745	2.8%
Hispanic	1,120	64,067	1.7%
Pacific Islander	13	590	2.2%
White	7,061	448,002	1.6%
Multi-Racial	634	37,377	1.7%

Table 2: 2023–24 Mathematics (Grades 3-8 and 11) Participation in Alternate Assessment, MI-Access, by Content Area and Demographic Sub-Group

Demographic Sub-group	Number of Students Tested Using an Alternate Assessment	Total Number of Students Tested	Percent of Students Tested Using an Alternate Assessment
All Students	12,616	707,185	1.8%
Students with Disabilities	12,616	100,738	12.5%
Male	8,413	362,228	2.3%

Demographic Sub-group	Number of Students Tested Using an Alternate Assessment	Total Number of Students Tested	Percent of Students Tested Using an Alternate Assessment
Female	4,203	344,957	1.2%
English Learner	785	52,047	1.5%
Economically Disadvantaged	8,654	388,767	2.2%
Native American	94	4,005	2.3%
Asian	361	26,876	1.3%
African American	3,443	124,776	2.8%
Hispanic	1,106	65,234	1.7%
Pacific Islander	12	596	2.0%
White	6,972	448,334	1.6%
Multi-Racial	628	37,364	1.7%

Table 3: 2023–24 Science (Grades 5, 8, and 11) Participation in Alternate Assessment, MI-Access, by Content Area and Demographic Sub-Group

Demographic Sub-group	Number of Students Tested Using an Alternate Assessment	Total Number of Students Tested	Percent of Students Tested Using an Alternate Assessment
All Students	5,461	296,192	1.8%
Students with Disabilities	5,461	40,114	13.6%
Male	3,623	154,053	2.4%
Female	1,838	147,600	1.2%
English Learner	307	20,218	1.5%
Economically Disadvantaged	3,643	159,071	2.3%
Native American	43	1,746	2.5%

Demographic Sub-group	Number of Students Tested Using an Alternate Assessment	Total Number of Students Tested	Percent of Students Tested Using an Alternate Assessment
Asian	148	11,592	1.3%
African American	1,466	51,599	2.8%
Hispanic	466	27,582	1.7%
Pacific Islander	6	272	2.2%
White	3,084	193,980	1.6%
Multi-Racial	248	14,882	1.7%

Requirement 2 (B):

Provide state-level data from the current or previous year that shows the overall assessment participation rate for all students and for students with disabilities.

In the spring of 2022, due to ongoing absences, remote learning options, and instability in enrollments during the COVID-19 pandemic, Michigan had approximately 25,000 fewer students enrolled and tested in Spring 2022 than anticipated. For spring 2023 and 2024, the student enrollment and testing counts increased and are now in line with expected long-term demographic trends. Overall, for math and English Language Arts (ELA), Michigan had more than 95 percent of all students participate in statewide summative assessments for all subjects, and more than 95 percent of students with disabilities participated as well; however, for science, the participation rate among all students and students with disabilities, fell slightly short of 95 percent (see Tables 4-6 below). MDE OSE created a parent-friendly webinar regarding the importance of all students participating in statewide summative assessments, and reminder memos have gone out quarterly to school administrators.

Table 4: 2023–24 English Language Arts (Grades 3-8 and 11) Students Participating in State Summative Assessment (M-STEP, MME, MI-Access), Overall and for Students with Disabilities by Content Area

Demographic Sub-group	Number of Students with Valid Tests	Number of Students Expected to Test	Percent of Students Participating in State Tests
All Students	705,179	721,480*	97.7%
Students with Disabilities	100,959	103,818	97.2%

Table 5: 2023–24 Mathematics (Grades 3-8 and 11) Students Participating in State Summative Assessment (M-STEP, MME, MI-Access), Overall and for Students with Disabilities by Content Area

Demographic Sub-group	Number of Students with Valid Tests	Number of Students Expected to Test	Percent of Students Participating in State Tests
All Students	707,185	721,480*	98.0%
Students with Disabilities	100,738	103,818	97.0%

Table 6: 2023–24 Science (Grades 5, 8, and 11) Students Participating in State Summative Assessment (M-STEP, MME, MI-Access), Overall and for Students with Disabilities by Content Area

Demographic Sub-group	Number of Students with Valid Tests	Number of Students Expected to Test	Percent of Students Participating in State Tests
All Students	296,127	312,802*	94.7%
Students with Disabilities	40,114	42,286	94.9%

***Note:** The number of students expected is based on public enrollment counts in tested grades during the Spring 2024 student counts and data collection window. *EDFacts* tables with enrollments based on a combination of fall enrollment and unique enrollment updates at the time of test registration, including other accountability and Federal reporting criteria, were yet to be available for the waiver. The two-count windows generally provide similar counts and participation rates.

Requirement 3 (A):

Provide assurance that districts over 1.0 percent participation in the alternate assessment followed the state’s participation guidelines.

For the 2024–2025 academic year, MDE will continue to use justification forms collected in the Special Education Compliance Monitoring System, Catamaran, as the mechanism to collect individual LEA and ISD responses and justifications for exceeding the 1.0 percent cap. Justification forms are also the mechanism for LEAs and ISDs to provide plans for continuous improvement in preparing IEP teams to determine appropriate assessment selection for students with disabilities by following the state’s participation guidelines and federal requirements. MDE will also continue to develop and provide technical assistance through guidance documents, training, and other resources specific to alternate assessment selection.

Many LEAs have provided training to staff regarding the state guidelines for participation in the alternate assessment. Areas MDE is specifically focusing on for more timely and targeted guidance are:

- Warnings in the test registration system for students with disability types and other student data that are not congruent with either the student having the most significant cognitive disabilities or receiving a majority of instruction based on alternate content expectations.

- Flagging high-risk student cases for ISDs to review with districts with high rates of alternate assessment use.
- Clarifying each of the required criteria needed for a student to meet the definition of a student with the most significant cognitive disabilities and emphasizing using sound, valid, and reliable criterion-relevant indicators for each aspect of the definition of a student with the most significant cognitive disabilities.
- Clarifying the primary instruction requirements and educational goals are based on alternate content expectations.
- Having districts with high rates of alternate assessment develop parent information and consent forms for use in the IEP process. The parent information and consent forms ensure that parents and all IEP team members understand the required criteria to be eligible for alternate assessments and discuss the strong association between the use of alternate content expectations aligned with educational goals and the potential impact on the student's ability to earn credits toward a high school diploma.
- Providing Tier 3 districts targeted technical assistance that supports districts in understanding the state participation guidelines.

Requirement 3(B):

Provide assurance that any disproportionality in students taking the alternate assessment will be addressed.

Michigan examined disproportionate participation rates on its state alternate assessment (MI-Access) based on the most recently completed test cycle (spring 2024) for statewide summative assessments. Disproportionality was examined for the following demographics:

1. Gender
 - a. Male
 - b. Female
2. Economic Disadvantage (based on poverty risk factors such as free/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. Participating in an English learner program
 - b. Not participating in an English learner program

To determine whether substantive disproportionality affected any subgroups of students, Michigan used a relative risk ratio method to analyze the participation rate in alternate assessments. For other federal reporting (e.g., 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 are participating in the alternate assessment 2.5 times more often than students who are not in the same demographic. A relative risk ratio of 1.0 means students in one demographic participate in the alternate assessment at the same rate as students who are not in the same demographic.

As depicted in Tables 7 - 12, the subgroup of students with the highest relative risk ratio across all subjects (Male) had a relative risk of 2.0 in both ELA and Science. In the past, students from economically disadvantaged households were more than twice as likely to be assigned to alternate assessments, and this risk level has decreased since 2017. In 2021, it dropped below the elevated risk threshold of 2.0 for the first time and remained at or below that threshold in 2022 and 2023. In 2024, the risk ratio is now consistently under 2.0 across all subjects.

Table 7: Simple Groups Disproportionate Alternate Assessment Participation by Demography (SY 2023-24) for English Language Arts

Simple Groups	Group Rate Comparison (In-group vs. not)	Risk Ratio
Gender (Male vs Female)	2.4% vs. 1.2%	2.00*
Economic Disadvantage	2.3% vs. 1.3%	1.77
English Language Learner	1.6% vs. 1.8%	0.89

***Note:** Risk ratios between 2.0 and 2.4 are considered elevated risk, and risk ratios ≥ 2.5 are considered disproportionately high representation among students taking the alternate assessment.

Table 8: Multi Groups Disproportionate Alternate Assessment Participation by Demography (SY 2023-24) for English Language Arts

Multi-Groups: Race/Ethnicity	Group Rate Comparison (In-group vs not)	Risk Ratio
Native American	2.4% vs. 1.8%	1.33

Multi-Groups: Race/Ethnicity	Group Rate Comparison (In-group vs not)	Risk Ratio
Asian	1.4% vs. 1.8%	0.77
African American	2.8% vs. 1.6%	1.75
Hispanic	1.7% vs. 1.8%	0.94
Pacific Islander	2.2% vs. 1.8%	1.22
White	1.6% vs. 2.2%	0.72
Two or More Races	1.7% vs. 1.8%	0.94

***Note:** Risk ratios between 2.0 and 2.4 are considered elevated risk, and risk ratios ≥ 2.5 are considered disproportionately high representation among students taking the alternate assessment.

Table 9: Simple Groups Disproportionate Alternate Assessment Participation by Demography (SY 2023-24) for Math

Simple Groups	Group Rate Comparison (In-group vs. not)	Risk Ratio
Gender (Male vs Female)	2.3% vs. 1.2%	1.92
Economic Disadvantage	2.2% vs. 1.2%	1.83
English Language Learner	1.5% vs. 1.8%	0.83

***Note:** Risk ratios between 2.0 and 2.4 are considered elevated risk, and risk ratios ≥ 2.5 are considered disproportionately high representation among students taking the alternate assessment.

Table 10: Multi-Groups Disproportionate Alternate Assessment Participation by Demography (SY 2023-24) for Math

Multi-Groups: Race/Ethnicity	Group Rate Comparison (In-group vs. not)	Risk Ratio
Native American	2.3% vs. 1.8%	1.29
Asian	1.3% vs. 1.8%	0.72
African American	2.8% vs. 1.6%	1.78

Multi-Groups: Race/Ethnicity	Group Rate Comparison (In-group vs. not)	Risk Ratio
Hispanic	1.7% vs. 1.8%	0.95
Pacific Islander	2.0% vs. 1.8%	1.12
White	1.6% vs. 2.2%	0.73
Two or More Races	1.7% vs. 1.8%	0.95

***Note:** Risk ratios between 2.0 and 2.4 are considered elevated risk, and risk ratios ≥ 2.5 are considered disproportionately high representation among students taking the alternate assessment.

Table 11: Simple Groups Disproportionate Alternate Assessment Participation by Demography (SY 2023-24) for Science

Simple Groups	Group Rate Comparison (In-group vs. not)	Risk Ratio
Gender (Male vs Female)	2.4% vs. 1.2%	2.00*
Economic Disadvantage	2.3% vs. 1.3%	1.77
English Language Learner	1.5% vs. 1.8%	0.83

***Note:** Risk ratios between 2.0 and 2.4 are considered elevated risk, and risk ratios ≥ 2.5 are considered disproportionately high representation among students taking the alternate assessment.

Table 12: Multi-Groups Disproportionate Alternate Assessment Participation by Demography (SY 2023-24) for Science

Multi-Groups: Race/Ethnicity	Group Rate Comparison (In-group vs not)	Risk Ratio
Native American	2.5% vs. 1.8%	1.38
Asian	1.3% vs. 1.8%	0.71
African American	2.8% vs. 1.6%	1.75
Hispanic	1.7% vs. 1.8%	0.93
Pacific Islander	2.2% vs. 1.8%	1.22

Multi-Groups: Race/Ethnicity	Group Rate Comparison (In-group vs not)	Risk Ratio
White	1.6% vs. 2.2%	0.72
Two or More Races	1.7% vs. 1.8%	0.94

***Note:** Risk ratios between 2.0 and 2.4 are considered elevated risk, and risk ratios ≥ 2.5 are considered disproportionately high representation among students taking the alternate assessment.

Additionally, for each district, Michigan examined the spring 2024 data and the two most recent years of alternate assessment administrations for participation in mathematics and ELA. Districts that tested the same subgroup of students 2.5 or more times as often as students who were not in that subgroup for two or more years were flagged for more targeted support and review as part of the justification form and review process. There were 30 districts with disproportionate use of alternate assessments spread across 10 ISDs. Findings have been shared with ISDs and districts as part of targeted guidance. ISD staff will be trained to identify and support districts with substantively high disproportionate use of alternate assessments. For districts to be included in the disproportionality analyses and identification process, two minimum N-sizes were employed for each year of data:

1. Districts with 30 or more total students tested using the alternate assessment were examined for over-assignment.
2. Districts with at least ten students from any demographic subgroup tested using the alternate assessment were evaluated for over-assignment of that subgroup.

Requirement 4 (A):

Submit a plan and timeline by which the state will improve the implementation of its participation guidelines, including if necessary, revising its definition of “students with the most significant cognitive disabilities” in future academic years.

Planned Activities and Timeframe

- Continue to use and provide clarity and training on the decision flow chart “Should My Student Take the Alternate Assessment?” that was updated in November 2023 and posted on the MDE website in January 2024. The flow chart is a guidance document that supports the identification of students who qualify for alternate assessments. This guidance document improves on past versions by explicitly clarifying the four necessary criteria to be eligible for alternate assessments, as well as exclusion criteria for students who should not take alternate assessments. This resource is available at: [Should My Student Take the Alternate Assessment?](#)
- Make revisions to the Interactive Decision-Making Tool. Revisions will align language with the Should My Student Take the Alternate Assessment flow chart and incorporate the new rubric outlined in the next bullet.
- Continue to use the November 2024 updated IEP team-facing rubric requiring the review of relevant data around each of the four required criteria for being eligible for alternate assessments.

The IEP team-facing rubric 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 the most significant impairment or support needs.

- Continue to require the justification form activities for ISDs and districts with Tier 2 and 3 alternate assessment rates. In November 2024, ISDs and districts with Tier 2 or 3 alternate assessment rates will receive lists of students at high risk for misassignment to alternate standards. ISDs and districts will be directed to use the updated rubric and complete student action plans to document the review of criterion-relevant data to determine if each student assigned to alternate assessments meets all four required criteria.
- Continue to work with Michigan's Center for Educational Performance and Information (CEPI) regarding the feasibility of directly collecting student data that identifies which students have the most significant cognitive disabilities who may appropriately take alternate assessments.
- Provide district test administrators with pre-registration warnings in the MDE Secure Site when student cases may not meet one or more of the required criteria to qualify for an alternate assessment, beginning in January 2025, when test pre-ID and registration start.
- Convene representative focus groups with stakeholders to review the current alternate assessment system to identify if and what modifications and innovative practices may be warranted to make the assessment more relevant to today's students.
- 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 will benefit from technical assistance.

Requirement 4 (B):

Submit a plan and timeline by which the state will take additional steps to support and provide appropriate oversight to each LEA that the state anticipates will assess more than 1.0 percent with the alternate assessment.

Planned Activities

Each ISD must revise and implement monitoring procedures and evaluation methods to align with state guidelines for participation in the alternate assessment.

In 2018-19, MDE established a three-tiered system to provide additional oversight and support to LEAs that assess more than 1.0 percent of students using the alternate assessment. MDE will continue to use a multi-tiered system of support in 2024-25 with the following updated criteria in response to USED's increased emphasis on verification of alternate assessment appropriateness. As previously noted, to reach more districts and further reduce Michigan's alternate assessment rates, the thresholds for Tiers 1 and 2 were reduced by a tenth of a percent and by two-tenths of a percent for Tier 3 compared to the previous academic year.

- All districts with alternate assessment rates exceeding 1.0 percent will complete justification forms and receive universal, general guidance on inclusion criteria for alternate achievement

standards in assessment and instruction. For districts with small student populations where fewer than five students taking alternate assessments set them over 1.0 percent, or for districts with alternate assessment rates between 1.1 and 1.2 percent and have not disproportionately over-assigned demographic subgroups of students to alternate assessments, the universal supports and guidance will be the primary form of support provided.

- Districts with alternate assessment rates between 1.3 percent to 2.4 percent or between 1.1 and 1.2 percent overall who also have disproportionately over-designated some subgroup of students to take alternate assessments will receive Tier 2 support. The Tier 2 threshold was reduced from 1.4 percent last year to 1.3 percent for Spring 2024. These districts will be asked to review with their ISD the IEPs of students with disability types, general educational instruction levels, or alternate assessment performance statuses that may not be compatible with a designation as a student with the most significant cognitive disability.
 - Flagged student cases will require a review and confirmation that appropriate, evidence-based diagnostic criteria are in use for determining whether the student meets all four criteria for the appropriate use of alternate standards in assessments and instruction. This includes three criteria for accurately identifying students with the most significant cognitive disability (substantial intellectual impairment, substantial impairment in adaptive functioning, and extensive support needs) and includes a fourth criterion that the student is also receiving a majority of instruction and curriculum based on alternate content expectations. Staff and parents will review the newly developed decision-making rubric to help interpret criterion-relevant data to determine if each criterion is met. When all criteria are met, the student is eligible for Mi-Access. When any criteria are not met, the student may not take Mi-Access.
 - Furthermore, these districts will have to conduct an educational benefit review for all students who continue to meet all four criteria but are surpassing the alternate standards to ensure that high expectations and rigorous instruction are equitably made available for all students with disabilities. The results of the educational benefit review will need to be reviewed by the ISD for approval.
 - For districts in Tier 2, a standard parent information and consent form about the use of alternate standards and assessments will need to be developed and used in future IEP planning meetings.
- Districts with either alternate assessment rates of 2.5 percent or higher or who have both disproportionately over-assigned a demographic subgroup of students to alternate assessments and have overall alternate assessment rates greater than 1.2 percent will receive Tier 3 support. These districts will be asked to review with their ISD the IEPs of students with disability types, general educational instruction levels, or alternate assessment performance statuses that may not be compatible with a designation as a student with the most significant cognitive disability.
 - The ISD and district must create and submit a written action plan using a provided template, including timelines to address district-level actions and review all flagged cases of students taking the alternate assessment. The district plan must be approved by MDE.
 - Districts in Tier 3 must review flagged student cases using a newly developed decision-making rubric to determine if the student meets all four required criteria. When all criteria

are met, the student is eligible for Mi-Access. When any criteria are not met, the student may not take Mi-Access.

- Furthermore, these districts will have to conduct an educational benefit review for all students who continue to meet all four criteria but are surpassing the alternate standards to help ensure that high expectations and rigorous instruction are equitably made available for all students with disabilities. The results of the educational benefit review will need to be reviewed by MDE for approval.
- For districts in Tier 3, a standard parent information and consent form about the use of alternate content expectations and assessments will need to be developed and used in future IEP planning meetings.

Timeline

- Tier 1 districts will have their justification forms reviewed and will be provided general guidance for training and requirements by the end of March 2025.
- Tier 2 districts will review flagged student cases beginning in November 2024 and must review the students' IEP records using the decision-making rubric. Summaries must be shared with the ISD for up to 8 student cases from up to 4 districts by mid-April 2025. All remaining flagged student cases must be reviewed and approved by the ISDs, who will provide targeted feedback by the end of June 2025.
- Tier 3 districts will review flagged student cases beginning in November 2024 and must review the student's IEP records using the decision-making rubric. Summaries must be shared with MDE for up to 8 student cases from up to 4 districts per ISD by mid-April 2025. MDE will provide directed feedback by the end of May 2025, and all remaining flagged cases will be reviewed, with summaries submitted to MDE by the end of June 2025. MDE will provide directed guidance to the ISDs on these remaining cases by August 2025.

As you can see from the above, a considerable amount of work is focused on reducing the percentage and number of students taking the alternate assessment in Michigan. MDE is confident that the plan outlined in this waiver request, once fully implemented, will reduce these numbers in the state.

Thank you for your consideration of the above request.

Sincerely,



Michael F. Rice, Ph.D.
State Superintendent

Attachments regarding last year's public comment:

[Public Comment Notice Memo 2023 - 123: Alternate Assessment One Percent Cap Waiver Request, November 15, 2023](#)

[Spotlight on Student Assessment and Accessibility, November 16, 2023](#)