



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 7, 2023

The Honorable Michael Rice
Superintendent
Michigan Department of Education
608 West Allegan Street, PO 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, 2023 (with additional information provided on January 27, 2023) for a one-year extension of the State's 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 2021-2022 school year, MDE has concluded that it will 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 2022-2023 school year.

After reviewing MDE's waiver request, I am declining to exercise my authority under section 8401(b) of the ESEA for a one-year waiver (school year 2022-2023) of section 1111(b)(2)(D)(i)(I) of the ESEA because MDE did not assess at least 95 percent of all students with disabilities during the 2021-2022 school year.

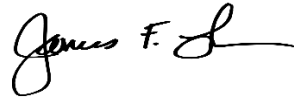
If the data reported by MDE to the Department's EDFacts system in December 2022 are erroneous and the State can demonstrate that it has met the 95 percent assessment participation requirement in 34 CFR § 200.6(c)(4)(ii), MDE may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements under 8401(b)(1)(C) and (F) and 34 CFR § 200.6(c)(4)(ii). The revised waiver request must show how the requirements are being met in 34 CFR § 200.6(c)(4), including the requirement of demonstrating substantial progress towards achieving each component of the prior year's plan and timeline. The revised waiver request must be submitted no later than 60 days from the date of this letter.

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
<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.

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 my staff at ESEA.Assessment@ed.gov.

Sincerely,

A handwritten signature in black ink that reads "James F. Lane". The signature is written in a cursive style with a large, looped initial "J" and a distinct "F".

James F. Lane, Ed.D.
Senior Advisor, Office of the Secretary
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Jerry Cullum, Special Education Research Consultant, MDE