



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.

STATE BOARD OF EDUCATION

CASANDRA E. ULBRICH – CO-PRESIDENT • RICHARD ZEILE – CO-PRESIDENT
MICHELLE FECTION – SECRETARY • TOM MCMILLIN – TREASURER
NIKKI SNYDER – NASBE DELEGATE • PAMELA PUGH
LUPE RAMOS-MONTIGNY • EILEEN LAPPIN WEISER

608 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909
www.michigan.gov/mde • 517-373-3324

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