



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 6, 2021

The Honorable Michael Rice
State Superintendent of Education
Michigan Department of Education
608 West Allegan Street
Lansing, MI 48909

Dear Superintendent Rice:

I am writing in response to Michigan's request on January 11, 2021, for a waiver extension on the number of students with the most significant cognitive disabilities who may be assessed in a given subject using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS) in section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA).

After reviewing Michigan's waiver extension request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for school year 2020-2021, a one-year waiver of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in reading/language arts, mathematics, and science.

As part of this waiver, Michigan assured that it:

- Will continue to meet all other requirements of section 1111 of the ESEA and implementing regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- Assessed in the most recent years for which data was available, (SY 2018-2019) at least 95 percent of all students and 95 percent of students with disabilities who are enrolled in grades for which an assessment is required.
- Will require that a local educational agency (LEA) submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with an AAAAAS.
- Will provide appropriate oversight of an LEA that is required to submit such information to the State, and it will make such information publicly available.
- Will verify that each LEA that is required to submit such information to the State is following all State guidelines in 34 CFR § 200.6(d) – excluding (d)(6) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.
- Will implement, consistent with the plan submitted in Michigan's waiver extension request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the 1.0 percent cap.

I want to remind you of the requirement in 34 CFR § 200.6(c)(3)(iv) that the State must make publicly available the information submitted by an LEA justifying the need of the LEA to assess more than 1.0 percent of its students on the AA-AAAS, provided that such information does not reveal personally identifiable information about an individual student. I also encourage you to make available your State's plan and timeline and your progress to date in reducing the percentage of students taking the AA-AAAS.

Given the workplan submitted by Michigan, I expect to see positive results of this plan in the 2020-2021 school year and beyond. Any future requests for an extension of this waiver will be contingent on both continued

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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.

progress implementing your plan and progress in reducing the percentage of students taking the AA-AAAS in all tested subjects.

Finally, in order to help all States support implementation of the 1.0 percent participation threshold for AA-AAAS participation, the Department is supporting work by the National Center on Educational Outcomes (NCEO). In 2019, NCEO had published several resources that may be helpful to stakeholders in your State. They may be found online at https://nceo.info/Assessments/alternate_assessments.

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,

/s/

Ian Rosenblum
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Andrew Middlestead, Director, Office of Educational Assessment & Accountability
Marcia O'Brien, State Compliance Coordinator



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

January 11, 2021

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

Dear Office of Elementary and Secondary Education Assessment Team,

On January 8, 2019, the Michigan Department of Education (MDE), requested an extension of its waiver from the U.S. Department of Education on the Every Student Succeeds Act (ESSA) requirement that caps participation on the state alternate assessment to no more than 1% of all tested students. On April 12, 2019, MDE received notice this waiver request was approved by the U.S. Department of Education, and Michigan implemented its plan as outlined in the waiver request.

MDE's waiver extension request submitted January 13, 2020 was rescinded due to the March 2020 waiver submitted to USED, which was approved, that canceled all statewide assessments for spring 2020. This cancellation was caused by circumstances related to the COVID-19 pandemic and subsequent mandated school closures.

MDE is now resubmitting a waiver extension request on the 1% participation rate for spring 2021 to outline its continued plan to address participation rates for Michigan's alternate assessment (MI-Access).

In 2020, MDE reviewed participation data from statewide summative assessments over the previous three years that assessments were given. The purpose of this review was to compare and analyze the participation rates of students taking the state alternate assessment aligned with alternate academic achievement expectations (AA-AAAS), better known in Michigan as MI-Access. MI-Access is aligned to the Michigan alternate content standards in English language arts (ELA), mathematics, science, and social studies. The alternate assessment is designed to allow students with the most significant cognitive disabilities to demonstrate their knowledge and skills.

Our data analysis shows a reduction in the participation rate for the alternate assessment from 2018 to 2019 in Michigan from 2.2 percent in both ELA and mathematics to 2.0 percent in mathematics and 2.1 percent in ELA.

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Cumulatively, there has been a reduction of approximately 3,000 students taking the alternate assessment in Michigan from 2017 to 2019. As we continue to work through our ongoing plan, MDE anticipates exceeding the 1% cap in 2021. Local education agencies (LEAs) continue to work to address assessment selection and participation to move the state toward meeting the 1% cap requirement. This document serves as a formal request to extend the waiver (originally approved on May 14, 2018) for the 2020-2021 school year. Additional steps have been added to the plan for improvement.

MDE communicated to the public its intent to file a waiver for the 1% cap on alternate assessment participation. A memorandum was sent from the state superintendent of public instruction to local and intermediate school district (ISD) superintendents and public-school academy (PSA) directors with a copy to the statewide education associations. In addition, the memo was sent to all ISD and LEA/PSA special education directors, a statewide press release was published with a copy to Michigan Alliance for Families, and an article was published in the Office of Educational Assessment and Accountability's statewide newsletter. These notices are provided as attachment 1. Public comment opened on November 19, 2020, and closed on December 18, 2020, which is a similar window of time provided for other MDE requests for public comment.

Michigan had nine total respondents who provided comments on open-ended prompts in the survey. Not all prompts received responses.

The survey was introduced with the following description:

Michigan's alternate assessment (MI-Access) is aligned to the Michigan alternate content expectations in English Language Arts (ELA), mathematics, science, and social studies. The alternate assessment is designed to allow students with the most significant cognitive disabilities to demonstrate their knowledge and skills.

In 2018-2019, as provided for under Every Student Succeeds Act (ESSA), Michigan applied for and received a waiver on the 1% cap for the participation rate regarding students taking the alternate assessment (MI-Access). In 2019-2020, MDE rescinded the waiver extension request submitted January 13, 2020, to ensure it was not in conflict with the waiver on all state assessments and accountability in light of the school building shutdowns to prevent the spread of COVID-19.

Part of the past waivers included an agreement for the Michigan Department of Education (MDE) to implement a plan to ensure students are properly assessed using the state assessment system programs. A copy of the past [waiver and approval from the US Department of Education](#) is imbedded in this hyperlink.

Based on the current numbers available from the last time state assessments were given (2018-2019), Michigan has reduced the number of students taking the alternate assessment by approximately 3,000 students. More work needs to be done to ensure students are being assessed using the test which best aligns to a student's primary instruction and instruction is targeted to a level

representing high expectations for each student. To this end, Michigan will be applying again for a waiver extension for spring 2021 as we work toward achieving these goals. The sections below outline actions taken to date, as well as proposed enhancements to our plan which will be included in the 2021 waiver.

The MDE is seeking input on the proposed enhancement to the plan. There is space for comment to be made below each component.

The results are as follows (comments are copied exactly as they were provided to MDE):

Prompt #1

2019-2020 Activities Completed (list any comments in the box):

1. Reduced participation in the alternate assessment by .1% or more
2. Collected and monitored individual district plans to provide technical assistance to staff and parents.
3. Made alternate assessment data available on the special education electronic monitoring system.
4. Provided professional development and technical assistance to special education administrators, teachers, related service providers, and parents:
 - a. Michigan Association of Administrators of Special Education (MAASE) Summer Institute Leadership Conference
 - b. Michigan Association of Administrators of Special Education (MAASE) community of practice groups
 - c. Michigan Council for Exceptional Children (MCEC) State Conference
 - d. Michigan School Testing Conference
 - e. Multiple presentations to ISDs across the State
 - f. Multiple local education agency (LEA) presentations
 - g. Regional presentations for ISD Technical Assistance Providers

The following prompt was included in the 2019-2020 survey. Feedback during the public comment period for the 2020 waiver was considered when developing MDE's definition of students with the most significant cognitive disabilities.

The U.S. Department of Education directed Michigan, as part of a 2020 enhancement activity, to generate an explicit definition of "students with the most significant cognitive disabilities" that is shared statewide, as part of ESSA requirements. Below is our statewide shared definition.

Students with the most significant cognitive disabilities, for the purpose of determining instructional targets and state assessment selection, have a disability or multiple disabilities that significantly impact intellectual functioning and adaptive behavior.

Adaptive behaviors are essential to live independently and to function safely in daily life. When adaptive behaviors are significantly impacted, the individual is unlikely to develop the skills necessary to live independently and function safely in daily life.

Students with the most significant cognitive disabilities are supported with an Individualized Education Program (IEP) and the instruction is based on Michigan's alternate content expectations in English language arts (ELA), mathematics, science and/or social studies.

Significant cognitive disabilities impact students both in and out of the classroom and across multiple life domains, including academic domains.

Special Note: MI-Access is not designed for most students whose primary disability is a specific learning disability, speech language impairment, emotional impairment, or other health impairment.

Prompt #1 Comments

1. It's silly to collect and monitor individual district plans. These are IEP team decisions. All you're doing is creating a bureaucratic hoop to jump through.
2. Below are the activities that I participated in around this expectation: Although this has provided IEP teams insight on next steps, I cannot say that these tasks or learning opportunities prevented an IEP team from determining that a student needs an alternate state assessment. Reduced participation in the alternate assessment by .1% or more Collected and monitored individual district plans to provide technical assistance to staff and parents. Made alternate assessment data available on the special education electronic monitoring system. Provided professional development and technical assistance to special education administrators, teachers, related service providers, and parents Michigan Association of Administrators of Special Education (MAASE) summer institute and community of practice groups Multiple local education agency (LEA) presentations
3. I feel the cap of 1% is an unfair and arbitrary number. The school I work for runs 3 self-contained classrooms for students who do not have the ability to work within the general education setting successfully. JUST testing those students (who have less than 20% access to general education curriculum puts us over the 1%. I think this should be considered. The demographics of the school are not as simple as 1% across the board.
4. Read the comments on Facebook from the public and think about how in the world we will be successful decreasing the cap. I don't think it should be 10%, but we certainly need more than 1% in many cases and districts.
5. Regarding the provision of future of Professional Development, one area that may be of benefit to educators is a focus on the Essential Elements and how to incorporate into the development of lesson planning and instructional design. Too often, educators are not familiar with the alternate standards, and so, are not using to anchor their instruction.
6. Great work on the PD. I would suggest including Principals, Superintendents, and Curriculum Directors in the PD.

Prompt #2

Posting of Justification Forms and use of Catamaran (Justification is required under ESSA).

- In 2019-2020, justification forms were collected electronically based using Catamaran data tracking system.
- Technical assistance was provided to ISDs and member districts on how to submit data using Catamaran.
- Technical assistance recommendations were made, and information shared between MDE and ISD using Catamaran.
- Justification forms are available for review online: https://www.michigan.gov/mde/0,4615,7-140-22709_28463-459598--,00.html.

Prompt #2 Comments

1. While the timing of justification forms makes sense for the MDE due to the need to apply for a waiver, the identification of Tier II and III districts did not flow well with the justification form. Tier II and III districts had already identified a plan in Catamaran and were confused about the addition of Tier II and III activities that then had to be identified, completed, and monitored OUTSIDE of Catamaran. I am requesting that the MDE-OSE find a more logical way to allow for these activities to flow in Catamaran if this continues to be a priority.
2. The justification forms for the 20/21 year were very simple and an easy task to complete. The forms from years prior were more cumbersome and unnecessary if your district was within the 1% cap...
3. This system has worked fine.
4. I am hopeful that finding previous Justification forms is made easier with the new Catamaran website changes.
5. Should the justification also be posted on school websites?

Prompt #3

Given the school building shutdowns in spring of 2020, there is no statewide assessment data to collect to provide justification to MDE regarding assessment participation rates. MDE did review and provide feedback related to technical assistance to ISDs on the justification forms submitted in 2019-2020 (based on 2019 data).

MDE will collect the following information from ISDs, districts and public school academies projecting the participation rates for spring 2021. This projected rate will:

- Aid in the application to extend the U.S. Department of Education waiver for the 1% cap on participation in the alternate assessment, due January 11, 2021. The application requires a state to provide 2020 pre-ID data or projected participation rates for spring 2021 based on student IEP data. As the pre-ID process was incomplete at the time of shut down, projection rates are required.
- Provide current information on participation rates to districts. This information can help districts determine training needs and also support the monitoring of participation rates.

Prompt #3 Comments:

1. Regarding projected data entry, it would be helpful if districts were given a solid, efficient way to collect the enrollment (grades 3-8 & 11) and the MI-Access assignment data. I am concerned that this task is not consistent among districts and is taking some much longer than it should to obtain it. I also worry about the accuracy of the data that is being entered. Perhaps the state can suggest the best way to collect it.
2. Sounds good.

Prompt #4

The MDE's focus regarding participation in the alternate assessment (MI-Access) will focus on:

- Additional technical assistance needed for IEP teams to make decisions about the appropriate assessment for each and every student with a disability
- Determining technical assistance needed to IEP teams about how to target instruction unique to a student's need:
 - Encouraging high expectations for all students
 - Use of state content standards and/or alternate content expectations

Prompt #4 Comments

1. Encouraging high expectations for all students but then issuing low marks for poor achieving districts seems unfair. Assessment should be at the student's level of instruction with varying levels of questions so that there will be a success as well as a challenge. Also, a student's level of anxiety should be taken into consideration when determining which assessment to assign.
2. This entire process is asinine. Let teams make the best decision for kids and forget the arbitrary numbers.
3. Perhaps it would be helpful to highlight the percentage of MI-Access takers who "surpass" two or more years in a row, to illustrate the need for instructional change and assessment reconsideration. It may also be helpful to provide more written technical assistance on inappropriate matches. Perhaps the Should My Student Take the Alternate Assessment factors that shouldn't impact test selection could have a companion/supplemental section where it is more fleshed out (maybe even descriptions of those factors or scenarios).
4. The technical assistance for the IEP teams and school administrators is critical.

MDE appreciates individuals taking the time to provide feedback. All public comment feedback has been considered. Based on some common threads, the MDE would also like to add the following observations:

1. The department is committed to increasing professional development opportunities, providing technical assistance tools, and presenting innovative approaches to making continued progress toward the 1% cap, considering the threshold and requirements set by ESSA.
2. Michigan continues to underscore the requirement for IEP teams to be the group to determine individual students' assessment participation. MDE's office of educational assessment and accountability (OEAA) and office of special

education (OSE) will continue to work with all districts to ensure IEP teams have the proper training and tools to make appropriate decisions.

3. The department is working to ensure the decision-making resources are utilized by all IEP teams and academic competences are being measured with the appropriate assessment tool.
4. The State of Michigan is cognizant of the many students for whom an alternate assessment is necessary and will continue to provide a valid and reliable assessment to meet their needs. There is continued evidence to suggest not all students who currently participate in the alternate assessment are appropriately determined. The purpose of a statewide plan is to ensure students who are taking the alternate assessment meet the guidelines for participation.
5. MDE appreciates the need for local districts to have access to the data necessary to provide justification to the state. Plans to enhance Catamaran for the coming year are underway in an effort to continue to make the process easier for districts. With regard to the request to have information available to general education administration, local districts can request access to Catamaran for any designated staff members within the district.
6. MDE is planning to address instruction and use of alternate content expectations.
7. While MDE publicly posts the justification forms on its website, there are no requirements for local or intermediate school districts to post.

ESSA stipulates several requirements for this waiver. MDE’s response to each requirement is found below. Please note 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 on April 12, 2021. Specifically, the testing window for MI-Access (the state summative AA-AAAS) is from April 12, 2021 through May 28, 2021. This is a seven-week testing window. This 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.

Table 1: 2018 – 2019 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
English Language Arts (Grades 3-8 and 11)			
All Students	15,661	753,017	2.1%
Male	10,452	384,856	2.7%

Female	5,209	368,161	1.4%
English Learner	1,026	51,997	2.0%
Economically Disadvantaged	10,764	391,504	2.7%
Native American	117	4,708	2.5%
Asian	306	25,907	1.2%
African American	4,260	132,401	3.2%
Hispanic	1,184	60,753	1.9%
Pacific Islander	18	611	2.9%
White	9,136	497,253	1.8%
Multi-Racial	640	31,384	2.0%
Mathematics (Grades 3-8 and 11)			
All Students	15,425	753,760	2.0%
Male	10,259	385,194	2.7%
Female	5,166	368,566	1.4%
English Learner	1,016	52,969	1.9%
Economically Disadvantaged	10,588	391,676	2.7%
Native American	112	4,707	2.4%
Asian	300	26,335	1.1%
African American	4,201	132,341	3.2%
Hispanic	1,169	61,009	1.9%
Pacific Islander	18	611	2.9%
White	8,995	497,390	1.8%
Multi-Racial	630	31,367	2.0%
Science (Grades 4, 5, 7, 8 and 11)			
All Students	6,299	329,562	1.9%
Male	4,208	168,122	2.5%
Female	2,091	161,440	1.3%
English Learner	385	20,346	1.9%
Economically Disadvantaged	4,251	163,731	2.6%
Native American	42	2,135	2.0%
Asian	122	11,580	1.1%
African American	1,744	56,239	3.1%
Hispanic	455	26,043	1.8%
Pacific Islander	6	247	2.4%
White	3,684	220,886	1.7%
Multi-Racial	246	12,432	2.0%

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.

Table 2: 2018 – 2019 Total Students Participating in State Summative Assessment (M-STEP, MME, MI-Access), by Content Area and Demographic Sub-group

Demographic Sub-Group	Number of Students with Valid Tests	Number of Students Expected to Test	Percent of Students Participating in State Tests
English Language Arts (Grades 3-8 and 11)			
All Students	751,047	761,766	98.6%
Students with Disabilities	96,704	99,431	97.3%
Male	384,384	389,628	98.7%
Female	368,093	372,138	98.9%
English Learner	52,004	53,581	97.1%
Economically Disadvantaged	391,897	399,106	98.2%
Native American	4,669	4,760	98.1%
Asian	25,849	26,441	97.8%
African American	131,903	134,861	97.8%
Hispanic	60,578	61,703	98.2%
Pacific Islander	606	609	99.5%
White	496,206	501,734	98.9%
Multi-Racial	31,236	31,658	98.7%

Mathematics (Grades 3-8 and 11)			
All Students	728,009	761,766	95.6%
Students with Disabilities	97,128	99,431	97.7%
Male	384,384	389,628	98.7%
Female	368,093	372,138	98.9%
English Learner	51,426	53,581	96.0%
Economically Disadvantaged	392,609	399,106	98.4%
Native American	4,674	4,760	98.2%
Asian	26,277	26,441	99.4%
African American	132,081	134,861	97.9%
Hispanic	60,888	61,703	98.7%
Pacific Islander	606	609	99.5%
White	496,709	501,734	99.0%
Multi-Racial	31,242	31,658	98.7%

Science (Grades 4, 5, 7, 8 and 11)			
All Students	323,121	329,689	98.0%
Students with Disabilities	40,266	42,144	95.5%
Male	164,547	168,177	97.8%
Female	158,574	161,512	98.2%
English Learner	19,981	20,353	98.2%
Economically Disadvantaged	159,232	163,793	97.2%
Native American	2,076	2,136	97.2%
Asian	11,491	11,580	99.2%

African American	54,354	56,246	96.6%
Hispanic	25,498	26,053	97.9%
Pacific Islander	246	247	99.6%
White	217,286	220,992	98.3%
Multi-Racial	12,170	12,435	97.9%

For the 2020-2021 school year, the state required all districts to submit a projection of students designated to take the alternate assessment. A compilation of the data resulted in a statewide aggregate projection rate for students taking the alternate assessment, as assessments were not provided in 2020. Data submission for the 2021 assessment window resulted in an overall projection rate for the state of Michigan of 1.87%.

Requirement 3 (A): Provide assurance that districts over 1.0 percent participation in the alternate assessment followed the state’s participation guidelines.

During the review of 2020 justification forms from LEAs, which tested more than 1% of students using the alternate assessment, LEAs indicated they were using the state guidelines for participation in the alternate assessment. LEAs also outlined any training provided to staff and parents regarding the state guidelines for participation in the alternate assessment. A majority of LEAs, in their comments about training, cited resources provided by MDE as being used at the local level including, but not limited to, the assessment selection flowchart, online assessment selection guidelines training module, and the assessment selection IEP team interactive decision-making tool.

Requirement 3(B): Provide assurance that any disproportionality in students taking the alternate assessment will be addressed.

Michigan examined disproportionality in participation on its state alternate assessment (MI-Access) based on the last test cycle state assessments were given (2018-2019), 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. The following 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 participation in an English learner program

To determine if substantive disproportionality of students occurred, Michigan used a relative risk ratio method to analyze the rate of participation 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 at a rate 2½ 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.

Michigan examined two consecutive years of test participation in math and ELA. Districts that tested the same sub-group at 2½ times more often than students who were not in that sub-group were flagged for more targeted supports and review. These findings have been shared with ISDs and districts to review as part of their targeted guidance and ISD staff will be trained to identify and target 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 will be employed for each year of data:

1. Districts with 30 or more total students tested using the alternate assessment will be examined for over-assignment;
2. For any demographic sub-group, a district must have at least 10 students tested using the alternate assessment in order to be evaluated on over-assignment for that sub-group.

Statewide, Michigan has identified one demographic (economically disadvantaged) for which we find some elevated risk ratios but none that exceed the threshold of 2½ times higher than students not in the sub-group. See tables 3-5 for statewide results in school year 2018-19.

Table 3: Disproportionate Alternate Assessment Participation by Demography (SY 2018-2019) for English Language Arts

Simple Groups	Group Rate Comparison (In-group vs not)	Risk Ratio
Male vs Female	2.7% vs 1.1%	1.92
Economic Disadvantaged	2.7% vs 1.4%	2.03*
English Language Learner	2.0% vs 2.1%	0.95
Multi-Groups: Race/Ethnicity	Group Rate Comparison (In-group vs not)	Risk Ratio
Native American	2.5% vs 2.1%	1.20
Asian	1.2% vs 2.1%	0.56
African American	3.2% vs 1.8%	1.75
Hispanic	1.9% vs 2.1%	0.93
Pacific Islander	2.9% vs 2.1%	1.42
White	1.8% vs 2.6%	0.72
Two or More Races	2.0% vs 2.1%	0.98

Note: * = risk ratio ≥ 2.0 , ** = risk ratio ≥ 2.5 . relative risk ratios of 2.50 or above are considered disproportionately high representation among students taking the alternate assessment.

Table 4: Disproportionate Alternate Assessment Participation by Demography (SY 2018-2019) for Math

Simple Groups	Group Rate Comparison (In-group vs not)	Risk Ratio
Male vs Female	2.7% vs 1.4%	1.90
Economic Disadvantaged	2.7% vs 1.3%	2.02*
English Language Learner	1.9% vs 2.1%	0.93
Multi-Groups: Race/Ethnicity	Group Rate Comparison (In-group vs not)	Risk Ratio
Native American	2.4% vs 2.0%	1.16
Asian	1.1% vs 2.1%	0.55
African American	3.2% vs 1.8%	1.76
Hispanic	1.9% vs 2.1%	0.93
Pacific Islander	2.9% vs 2.0%	1.44
White	1.8% vs 2.5%	0.72
Two or More Races	2.0% vs 2.0%	0.98

Note: * = risk ratio ≥ 2.0 , ** = risk ratio ≥ 2.5 . relative risk ratios of 2.50 or above are considered disproportionately high representation among students taking the alternate assessment.

Table 5: Disproportionate Alternate Assessment Participation by Demography (SY 2018-2019) for Science

Simple Groups	Group Rate Comparison (In-group vs not)	Risk Ratio
Male vs Female	2.5% vs 1.3%	1.93
Economic Disadvantaged	2.6% vs 1.2%	2.10*
English Language Learner	1.9% vs 1.9%	1.00
Multi-Groups: Race/Ethnicity	Group Rate Comparison (In-group vs not)	Risk Ratio
Native American	2.0% vs 1.9%	1.03
Asian	1.1% vs 1.9%	0.54
African American	3.1% vs 1.7%	1.86
Pacific Islander	2.4% vs 1.9%	1.27
Hispanic	1.8% vs 1.9%	0.91
White	1.7% vs 2.4%	0.69
Two or More Races	2.0% vs 1.9%	1.04

Note: * = risk ratio ≥ 2.0 , ** = risk ratio ≥ 2.5 . relative risk ratios of 2.50 or above are considered disproportionately high representation among students taking the alternate assessment.

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 school years.

Each ISD implemented monitoring procedures and evaluation methods developed by the department to ensure the standards and criteria related to assessment selection are being achieved by the ISD, their constituent districts, and their PSAs. References in this document to LEAs includes local districts and PSAs.

In addition to ISD-developed oversight of participation in the alternate assessment, MDE established a three-tier system of support to provide additional oversight and support to LEAs that assess more than 1% of students using the alternate assessment. This tiered process began as part of the plan implemented in 2018-2019 and will continue in 2020-2021 with updated criteria.

- Tier I for all includes:
 - Communications for the available training online
 - In-person training on assessment selection as requested by ISDs or LEAs (the following have been provided):
 - MCEC Supervisors of Low Incidence Programs Conference
 - Michigan School Testing Conference
 - Michigan Council for Exceptional Children Conference
 - Michigan Association for Administrators of Special Education (MAASE) Summer Institute
 - MAASE Community of Practice
 - Area 3 at Van Buren ISD for a professional development event
 - ❖ Included participation from schools within Van Buren ISD, Allegan Area Educational Service Agency (ESA), Kalamazoo Regional Educational Service Agency (RESA), Lewis Cass ISD, Hillsdale ISD, West Shore Educational Service District (ESD)
 - Macomb ISD professional development event
 - Kent ISD professional development event
 - Muskegon Area ISD professional development event
 - Resources developed by MDE, ISDs or LEAs for others to access and use (such as developing standards-based IEPs based on alternate content expectations).
- Tier II for LEAs whose participation exceeds 1.8% or whose data indicates issues of disproportionality in state testing for students with disabilities.
 - ISDs provided a list of LEAs which require support at this level as well as the plan that was carried out by the ISD.
- Tier III for LEAs whose participation rates fall within the highest 3% of all participation rates in the state, or whose participation rate exceeded 1.8% and whose data indicates issues of disproportionality in state testing for students with disabilities.
 - Individual plans for support developed for these LEAs were completed by both ISD and/or MDE personnel.
 - In the past year, MDE provided direct technical assistance for the following LEAs, in cooperation with their ISDs:
 - ❖ Benton Harbor Area Public Schools
 - ❖ Pontiac School District
 - ❖ Eastpointe Community Schools
 - ❖ Fitzgerald Public Schools

- ❖ Mount Clemens Community Schools
 - For any LEA designated as tier II or tier III as an MDE Partnership District at the time of review, the LEA's plan will be shared with district liaisons from the MDE Office of Partnership Districts for potential assistance in implementation and monitoring.

MDE created a formal definition of students with the most significant cognitive disabilities during the 2019-2020 school year. This definition was shared in draft form for feedback during tier I and tier III events, ISD special education director's meetings, office of special education data advisory committee meetings, regional ISD monitor meetings, and included in the public comment request completed for this waiver. The definition is embedded into MDE's assessment selection flow chart, online assessment selection guidelines training, and the IEP interactive decision-making tool. This definition is:

Students with the most significant cognitive disabilities, for the purpose of determining instructional targets and state assessment selection, have a disability or multiple disabilities that significantly impact intellectual functioning and adaptive behavior.

Adaptive behaviors are essential to live independently and to function safely in daily life. When adaptive behaviors are significantly impacted, the individual is unlikely to develop the skills necessary to live independently and function safely in daily life.

Students with the most significant cognitive disabilities are supported with an Individualized Education Program (IEP) and the instruction is based on Michigan's alternate content standards in English language arts (ELA), mathematics, science and/or social studies.

Significant cognitive disabilities impact students both in and out of the classroom and across multiple life domains, including academic domains.

Special Note: MI-Access is not designed for most students whose primary disability is a specific learning disability, speech language impairment, emotional impairment or other health impairment.

MDE posted the ISD justification summaries from each ISD for the 2018-2019 school year. [Justification forms for LEA and ISDs, organized by ISDs, submitted in 2020](#), were uploaded. The most recent posting is found on the 1% cap page linked from the alternate assessment home page.

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.

For the tiered system of support, which internally sorts LEAs for the purposes of technical assistance, the cut scores for inclusion in tier II and tier III has been reduced to 1.8% from 2.0% to reflect current participation rates.

In 2020, justification forms were submitted by ISDs and LEAs as a task in Catamaran. Catamaran is the system used with MDE's office of special education, ISDs, and LEAs to complete reporting and compliance tasks. Both ISD and LEA forms are downloadable into accessible reports to be posted on the MDE website.

MDE is increasing LEA's use of data when completing the justification process by providing a comparison of local data over the past three assessment windows. In addition to responding to data from the past testing cycle, LEAs exceeding 1% participation in 2019 were prompted to calculate a projected rate for 2020 based on current student population.

MDE had planned to host a series of workshops to be held around the state in the spring of 2020 for ISD personnel. At these workshops, MDE planned to work with ISDs to review LEA submissions and provide technical assistance guidance back to LEAs. As a result of the statewide school closure due to the pandemic, the format was changed to a recorded webinar and was made available to ISD personnel. MDE continues to have direct input regarding LEAs meeting the requirements for tier II and tier III support.

Based on interactions with ISD and LEA personnel, MDE is hypothesizing that LEAs may need additional support for IEP teams on properly targeting instruction for students with disabilities, in particular for students who fall outside of the definition of students with the most significant cognitive disabilities.

During the 2020-2021 school year, MDE is shifting the focus of presentations to include properly targeting instruction for students with the most significant cognitive disabilities, using state general content standards as the foundation. During presentations, MDE will gather input regarding the types of supports districts need to ensure educators are knowledgeable in the area of instruction for students with the most significant cognitive disabilities.

Requirement 4 (C): Submit a plan and timeline by which the state will address any disproportionality in the percentage of students taking the alternate assessment.

There were no sub-groups in which the risk ratio would indicate a concern with disproportionality regarding participation in the alternate assessment at the state level. Thirty-three districts within the state were identified as having risk ratios for a particular sub-group indicating an issue with disproportionality which needed to be considered for further discussion. This additional data set was sent to the affected ISDs in November 2019. ISDs were expected to facilitate conversations with all of their affected LEAs on the disproportionality list. In addition, any LEA assessing more than 1% of all students using the alternate assessment, and flagged for disproportionality, submitted their plan to address disproportionality in their justification forms to their ISD in February 2020.

Requirement 5: Demonstrate substantial progress toward each component of the prior year's plan and timeline, which was required under Requirement 4 (c).

Michigan has made substantial progress toward the 1% requirement over the previous two assessment cycles. This is evidenced by the reduction in the percentage and number of students taking the alternate assessment and by the projected rate of 1.87% for the 2021 testing window. There were nine fewer districts flagged for issues of disproportionality across subgroups in the previous cycle. For the state overall, the risk ratio for the economically disadvantaged subgroup was reduced over the past three assessment cycles. All components outlined in Michigan's plan were met. Details of how each component was met is found within the answers to requirement 4A. In addition to all components having been met, MDE has expanded the plans for improvement for 2020 and 2021 by:

- Narrowing the criteria in the three-tier system of support as outlined in Requirement 4A;
- Defining students with the most significant cognitive disabilities;
- Increasing LEA use of their own data in justifications;
- Increasing collaboration between the state and ISD on justification review in a train-the-trainer model; and
- Enhancing the MDE focus, beyond assessment selection, to include a collaborative process for developing IEP team guidance for properly targeting instruction for students with disabilities.

The plan outlined in this waiver request is necessary for increasing the general understanding of the purpose of MI-Access as evidenced, in part, by some of the public comments shared in the first section. MDE is confident the current plan will result in continued reduction in the percentage and number of students taking the alternate assessment in the state of Michigan.

Sincerely,



Michael F. Rice, Ph.D.
State Superintendent

Attachment 1

[Spotlight article referencing public comment November 19, 2020](#)

[Spotlight article referencing public comment December 10, 2020](#)

[Link to Spotlight important date notification referencing public comment](#)

[MDE communication regarding public comment](#)