



United States Department of Education
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 8, 2025

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

Dear Superintendent Rice:

I am writing in response to the Michigan Department of Education's (MDE's) request on January 7, 2025, for a 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 2023-2024 school year, MDE concluded that it may exceed the 1.0 percent cap on AA-AAAS in reading/language arts (R/LA), mathematics, and science in the 2024-2025 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 (for the 2024-2025 school year) of section 1111(b)(2)(D)(i)(I) in R/LA, mathematics, and science. I am declining the request because I do not find that approving the waiver will advance student academic achievement, as required in ESEA section 8401(b)(1)(C). Specifically, Michigan did not demonstrate substantial progress reducing AA-AAAS participation rates in the 2023-2024 school year compared to the 2022-2023 school year. MDE's rates also remain well above 1.0 percent. Consequently, I do not find that Michigan has made significant progress in reducing the AA-AAAS participation rates. Furthermore, the State has not demonstrated compliance with 34 CFR § 200.6(c)(4)(ii)(B), which requires that the State demonstrate that it has assessed at least 95 percent of all students with disabilities in science.

Because the State did not meet the requirements for a waiver of the 1.0 percent cap on AA-AAAS participation, the Department is maintaining the condition on MDE's Title I, Part A grant award until the State assesses less than 1.0 percent of students in R/LA, mathematics, and science on the AA-AAAS. Furthermore, because the rates of AA-AAAS participation in R/LA, mathematics, and science significantly exceeded the 1.0 percent cap in SY 2023-2024, I am amending the existing grant condition to require that MDE participate in joint monitoring calls with the Office of Elementary and Secondary Education and the Office of Special Education Programs while the State works to meet the requirement. Our staff will be in touch with your team to organize these calls. If the State fails to make progress reducing the AA-AAAS participation rate in future years, the Department may take additional action.

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.

If MDE can demonstrate that the current rate of participation on the AA-AAAS has in fact substantially declined in R/LA, mathematics, and science, how granting this waiver would contribute to improved student achievement and is in the public interest, and that MDE assessed at least 95 percent of students with disabilities in science, MDE may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements under 8401(b)(1)(C) and (F) and 34 CFR § 200.6(c)(4)(ii) and (iii). The revised waiver request must be submitted no later than 60 days from the date of this letter.

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

Sincerely,

/s/

Hayley B. Sanon
Principal Deputy Assistant Secretary
and Acting Assistant Secretary
Office of Elementary and Secondary Education

cc: Andrew Middlestead, Director, Office of Educational Assessment and Accountability



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

January 7, 2025

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,

The federal Every Student Succeeds Act (ESSA) caps the percentage of students who can take the alternate assessment at 1 percent of the total students tested. The ESSA also allows states that may exceed the 1 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 and local education agencies (LEAs) around the state to continue ensuring appropriate assessment selection for students with disabilities and further reduce participation numbers for Michigan's alternate assessment to meet the 1 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 percent alternate assessment cap requirements in ESSA. This plan was provided to Assistant Secretary Adam Schott of the Office of Elementary and Secondary Education on May 10, 2024, and is publicly available on MDE's website at Michigan Compliance Plan for Reducing Over Use of Alternate Assessments.

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The timing of the submission of Michigan’s revised plan left little time to implement changes before the Spring 2024 Summative Testing Cycle. MDE anticipates exceeding the 1 percent cap again in 2025. This waiver request includes the actions delineated in the compliance plan submitted to USED in May 2024 and updates on implementation progress.

A review of our data, participation rates, and student demographics suggests that to reduce our alternate assessment rate further will require better disambiguating students with milder intellectual impairments from those with more significant intellectual impairments. Students with disabilities in grades fourth to eighth 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 course work 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 most significant cognitive disability. Michigan is also clarifying primary instructional standards and a student’s level of needed support for demonstrating learning and generalizing 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 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. Majority of instruction/goals rooted in alternate achievement standards.

Current Activities

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

- Established a 1 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), and the Office of the State Superintendent.
- Hired an MDE OSE part-time contractor to assist in developing guidance documents, providing training, and conducting monitoring and evaluation activities for Tier 3 districts and/or districts with persistently high 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 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 each of 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 Most Significant Cognitive Disability (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
 - majority of instruction/goals rooted in alternate achievement standards.
- Continued the Tiered justification form review and feedback process for districts that assign more than 1 percent of their students to alternate assessments based on alternate achievement standards.

New and Enhanced 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 districts with high rates and begin taking action 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 percent of students to be assessed based on alternate standards.
- Facilitate convenings to share best practices from exemplar districts 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 most significant cognitive disabilities and who may appropriately take alternate assessments.
- Provide targeted technical assistance to LEAs on increasing 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 relevant to today's students.
- 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.

2025 MDE New 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 threshold for Tiers 1 and 2 was reduced by a tenth of a percent for each 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 percent or less.
- Tier 2: Districts with alternate assessment rates of 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 around the appropriate use of alternate standards for instruction and assessments and refer 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 who are 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 any flagged student cases, then 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. For districts falling within Tier 2, 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. Monitoring of actions taken by Tier 2 districts will be done primarily by the ISD, 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 the ISD of students who are 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, then IEP team members complete the IEP team facing rubric using criterion-relevant data. Outcomes of the review on up to eight 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 back 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. For districts falling within Tier 3, a review must also be done of 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. Monitoring of Tier 3 actions will be completed by MDE 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 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

Additionally, MDE communicated to the public its intent to request a waiver approval to exceed the 1 percent cap on alternate assessment participation in 2025, and MDE will implement its updated plan of action as initially submitted to USED in May 2024. The state superintendent of public instruction sent a memorandum to local and ISD superintendents, public-school academy (PSA) directors, ISD and LEA/PSA special education directors, and the statewide education associations, to seek public comment on the waiver request.

MDE gathered public comment through an online questionnaire. The public comment period opened November 13, 2024, and continued through December 24, 2024. Michigan collected public comment in response to the need for a waiver to test more than 1 percent of students using alternate assessments, the tiered approach to monitor and evaluate appropriate use of alternate assessments, the plan of activities involving flagged student case reviews, pre-registration warnings for high-risk student cases during test registration, the review for disproportionality, and plan for providing guidance and directed feedback on the eligibility of high-risk student cases for the use of alternate assessments.

Below are the public comment request prompts, followed by the public comments to each prompt. Following, all the prompts and public comments, is a summary response by MDE to the public comments. Please note that, with the exception of specific names of places or people, the comments were copied exactly as written:

Prompt 1:

Please share your comments regarding MDE applying again this year for a waiver to the ESSA 1% cap on alternate assessments.

Prompt 1 Comments:

Response 1: This goes against supporting students w disabilities!

Response 2: It is clear from Michigan's lack of progress in reducing the number of students taking the alternate assessment that students in special education are being held back from reaching their full potential. I can speak to this personally as my son's school encouraged us to have him take the MI-Access in early elementary school. Even though we refused, the school did not want to put effort into giving him enough supports to participate in general education, and told us the data showed that he couldn't be successful. We pulled him from the ASD segregated classroom and worked with our neighborhood school to integrate him, and his education is much better for it. Just being placed in the general education classroom raised the standards for him significantly and he has been exposed to material that he would not have in his previous placement. While he still needs a lot of supports, he is now in middle school and while he may not have perfect grades, he is passing his classes. When the school was testing him, we had to request that they give him a cognitive test because it is their policy not to do that. He does not qualify for a cognitive impairment and should have never been placed in a program with an alternate curriculum.

Response 3: There seems to be a lot of pre-determination of placement also not following IEP's as written out and absolutely not having the services possible. We have three autistic children one is in total seclusion all day long please help.

Response 4: As a Michigan resident and parent of a child with disabilities who has an Individualized Education Program (IEP), I am deeply disheartened to learn that Michigan is once again pursuing a waiver for alternate assessment (AA) participation. Michigan's continued failure to reduce the percentage of students participating in AA impacts thousands of students and undermines their ability to benefit fully from the intent of the Individuals with Disabilities Education Act (IDEA). IDEA underscores the value of individuals with disabilities in our society, stating, "Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities." Michigan's actions in this regard fall short of meeting this critical objective, and this should not be acceptable. Furthermore, I find the Michigan Department of Education's (MDE) lack of attention to this issue inconsistent with other state initiatives. Michigan has publicly emphasized the importance of education in its economic strategy. The state's award-winning 2023 talent attraction campaign, "You Can in Michigan," highlights Michigan's K-12 schools as a reason for prospective families to relocate here. However, the reality paints a starkly different picture for families of children with disabilities. Michigan ranks near the bottom nationally in several key education areas for students with disabilities. Two particularly concerning issues for my family are: 1. The state's overreliance on alternate assessment participation, as noted in this comment. 2. The high percentage of preschool-aged children with disabilities in Michigan who are educated in settings without interaction with peers without disabilities. When these issues persist and draw public scrutiny, they send a message that Michigan does not prioritize equitable education for all students. This undermines the state's efforts to attract and retain talent and casts doubt on its commitment to providing high-quality education for children with disabilities. Michigan must do better to support these students and fulfill its obligations under IDEA.

Response 5: It is deeply concerning to see that Michigan's alternate assessment (AA) participation rates have remained stagnant over the past three years (2021-2022, 2022-2023, and 2023-2024). And it is troubling that Michigan continues to administer one of the highest rates of AAs in the nation, with ineffective efforts to reduce participation. Other states have shown that it is possible to comply with the 1% cap on AA participation since it took effect in 2017-2018. Many have either started below the cap or successfully reduced their rates over time, demonstrating a clear commitment to improving outcomes for students with disabilities. Michigan's lack of progress has significant consequences. Thousands of students are being steered toward assessments with lower expectations, which limits their exposure to general education academic content and reduces their opportunities to meet the requirements for a regular high school diploma.

Response 6: No way you should approve this exemption, i have seen several districts that use this and classify students in it to raise the test scores of the district, hiding the real problem.

Response 7: I support MDE in applying for a waiver to the ESSA 1% cap on alternate assessments. I believe this waiver is justified in that it requires all students who are eligible to participate but allows the IEP team, including parent/guardian, to determine the most appropriate assessment.

Response 8: Different processes needs are needing altering forms of assessing to collect data on alternate assessments.

Response 9: It is clear from the alternate assessment (AA) participation rate data shown in the table below that Michigan's activities to address and reduce AA participation have been largely ineffective. In fact, AA participation has remained unchanged for three consecutive years (2021-2022, 2022-2023, and 2023-2024). Michigan also administers one of the highest rates of AAs of any state in the nation. Many states were under the 1% cap when the provision took effect in 2017-2018 and several states that were over the cap have been able to bring their AA rates into compliance. Meanwhile, Michigan's ongoing lack of progress results in thousands of students with disabilities being funneled to an assessment with much lower expectations, exposure to the general education academic content standards, and limited access to satisfy the requirements for a regular high school diploma. Data table provided in AAoM letter with public comments submitted December 18, 2024 to Superintendent Rice via MDE-ESSA@michigan.gov. Source: US Dept. of Education response to Michigan waiver requests.

Response 10: I believe that it is imperative that MDE apply for a waiver to exceed the ESSA 1% cap on alternative assessments. In some circumstances and areas there will be groups that go over the 1% and the students are the most significantly disabled students.

Response 11: Michigan has one of the worse records in the national when it comes to students with intellectual abilities. Why should it be allowed to continue to provide such poor and unequivocal educational services compared to other students and other states? Glad to see they are starting to do something about it with the current plans, but this poor treatment and second class, separate-but-equal treatment of students with disabilities should not be tolerated any further.

Response 12: The 1% restriction impacts my district greatly as we have to give the M-STEP assessment which is based on grade level standards to students who are cognitively impaired and in CI classrooms for instruction. Even with accommodations these CI students are often not prepared or have the stamina to take this high-stakes assessment. This is further compounded by the fact that our schools are ranked according to how many of our students are proficient. It makes it even more difficult to reach our proficiency and growth goals when we are including students with significant deficits. Please allow districts to test more than 1% of our students who may need Mi-Access assessment.

Response 13: I think that the 1% is a great start to move in the right direction for fair and aligned testing to meet our students where they are at. However...1% is a very low number for some school districts that are a title 1 and free and reduced lunch population. In our district 1% would be right around 1 student per grade level. Our make-up to meet the students where they are at will not cover. This is unfair to the students with cognitive disabilities that are not covered with the waiver.

Response 14: Please apply for the waiver. It is needed to have an equitable assessment system.

Response 15: It is necessary, as I know that many schools have more than 1% of students in which the M-Step is not an appropriate or helpful indication of a student's academic proficiencies.

Response 16: I fully support the Michigan Department of Education (MDE) applying for a waiver to the ESSA 1% cap on alternate assessments again this year. With approximately 7% of Michigan's special

education students eligible under the Cognitive Impairment (CI) category, the 1% cap does not reflect the realities of our student population. A waiver ensures that students with the most significant cognitive impairments can access appropriate assessments like MiAccess, aligning with their needs and educational rights.

Response 17: This is an important step in supporting students with the most significant cognitive disabilities. Local districts don't have control over the disabilities a student has, this waiver is critical.

Response 18: MDE should continue to apply for the waiver to the ESSA 1% CAP on alternate assessments. Consideration should be made in the administration of the Functional Independence Assessment IF this assessment is what causes districts across the state to move beyond the 1% threshold. MDE should be able to communicate to ISDs and LEAs the data relative to the decision to have the multiple levels of assessments in comparison to other states and the actual participation of students in the FI Assessment.

Response 19: The 1% cap does not make sense for several reasons. We are missing the mark on allowing students with severe cognitive abilities to take a state assessment for when they receive instruction on alternate curriculum standards. All students who are instructed with alternate curriculum standards should either not take a summative state assessment or should be granted the ability to take MiAccess.

Prompt 2:

Please share your comments regarding MDE's plan for reducing the use of alternate assessments and balancing high expectations for students with support needs of students with disabilities.

Prompt 2 Comments:

Response 1: MDE should be doing more to reduce the amount students who take the MI-ACCESS. This is the only state in the nation that offers three different alternate tests. Rather than focus time and energy on these tests, they should be redirecting their resources to educate ISDs and districts on why their special education students should be taking the gen ed assessment, how high expectations lead to better outcomes, and how to better integrate students. I am sure that many districts want to do these things but need more support, and it starts with the state providing direction.

Response 2: I think parent and advocate involvement would go a long way on a personal note. I spend a lot of time with the school staff showing them exactly how I manage situations but every time it seems to not work out.

Response 3: A key factor contributing to Michigan's high rate of alternate assessment (AA) participation is likely the variety of AAs offered by the state: MI-ACCESS Functional Independence (FI), MI-ACCESS Supported Independence (SI), and MI-ACCESS Participation (P). It is highly probable that many students assigned to MI-ACCESS Functional Independence—representing roughly half of all students with disabilities (SWDs) assigned to an AA—should instead be assessed using Michigan's general assessment. However, the Michigan Department of Education (MDE) has consistently failed to address this issue in its plans to reduce AA participation. My perspective aligns with that of the Autism Alliance of Michigan (AAoM), which has recommended several detailed data reviews to better understand the impact of Michigan's three AAs. These recommendations include: 1) Analyzing participation rates for each AA. 2)

Examining participation rates disaggregated by disability category and making this data publicly available. 3) Further analyzing participation rates for each AA by student subgroup. To date, no waiver requests have included a breakdown of AA participation by disability category, which is a significant oversight. Additionally, relying on local education agencies (LEAs) to create and implement “standard parent information and consent forms” is inappropriate. The MDE should develop and mandate the use of standardized documents across all LEAs. Without uniformity, families moving between districts are likely to face confusion and inconsistency. The recently introduced “decision-making rubric” also raises concerns. It appears overly complex and may be intimidating for parents. Furthermore, the process for scoring the rubric and the extent of parental involvement in this decision-making procedure remain unclear.

Response 4: Michigan’s high alternate assessment (AA) participation rate is likely influenced by the variety of AAs offered: MI-ACCESS Functional Independence (FI), Supported Independence (SI), and Participation (P). Many students assigned to FI—roughly half of all students with disabilities taking AAs—could likely be assessed using the regular state assessment, but MDE has not addressed this in its reduction plans. With this, MDE should conduct in-depth data reviews to assess the impact of these assessments, including analyzing participation rates for each AA, disaggregating data by disability category and subgroup, and making this information publicly available. Additionally, requiring local education agencies (LEAs) to develop their own parent consent forms creates inconsistency and confusion, so MDE should provide a standardized form for statewide use. Lastly, the new “decision-making rubric” is unclear as well as intimidating for parents.

Response 5: IT is a joke, the michigan department of education has been rubber stamping ISD plans for years allowing them to not spend the money were it would help, leaving special needs students in situations that should result in crimanl charges against the ISD

Response 6: I support MDE's plan for reducing the use of alternate assessments and I believe it is balanced setting high expectations for students with disabilities.

Response 7: We need more than a cookie cutter approach as special needs children process differently.

Response 8: One of the factors driving Michigan’s high AA participation rate is very likely the assortment of AAs offered by the state: MI-ACCESS Functional Independence (FI), MI-ACCESS Supported Independence (SI) and MI-ACCESS Participation (P). It is highly likely that many students assigned to the MI-ACCESS Functional Independence (roughly half of all SWDs assigned to an AA) should, in fact, be assessed on Michigan’s regular assessment. Yet MDE consistently fails to address this issue in its plans for reducing the use of AAs. The Autism Alliance suggests that MDE engage in several in-depth data reviews in order to establish the impact of the three alternate assessments currently being offered. These would include (a) examine the participation rate for each of the AAs, (b) further examine participation rate for each AA by disability category (making this disaggregated data publicly available) and (c) further examine participation rate for each AA by student subgroup. To date, no waiver requests have provided a breakdown of AA participation by disability category. Relying on local education agencies (LEAs) to develop and implement a “standard parent information and consent form” is inappropriate. The MDE should develop these important documents and require all LEAs to use them. This is likely to lead to confusion among parents who move across LEAs in the state. The newly developed “decision-making

rubric” appears to be overly complicated and will likely be very intimidating to parents. It is unclear who will score the rubric and how parents will play an equal role in this procedure.

Response 9: I agree with the plan and feel that we should always have high expectations for students but also understand that some students do have the most significant disabilities, and they don't always fit into nice little neat eligibilities.

Response 10: The proof will be in the pudding. Many things sound promising, but how effectively will they be implemented? The disjointed layers of oversight and FAPE enforcement seems to guarantee poor implementation; if an ISD doesn't want to do it, or if a local district does not want to do it, or if the various players merely check boxes without checking facts or changing adult behavior toward struggling learners, there is little chance of progress. How will MDE ensure the various levels of players follow the rules in place so that the discrimination and segregation in educational settings and standards that systematically disadvantage struggling learners, will not continue to do so?

Response 11: We do NOT abuse this waiver. Come on in and see the 1% is not a representation of our population.

Response 12: Students in self-contained programs with cognitive impairments should be able to take an alternate assessment instead of the M-STEP.

Response 13: I believe that it is important to assess all students, but if we are writing IEP's for students as a team, it should be up to the IEP team not the state or the ISD to determine the best test to give a student.

Response 14: I support MDE’s plan to reduce the use of alternate assessments while maintaining high expectations for all students, including those with disabilities. Balancing these expectations with the appropriate supports ensures equitable access to meaningful educational opportunities and fosters success for students with diverse needs.

Response 15: Local districts understand the flow chart for identifying students who need alternate assessments, have high expectations for students who need specifically designed instruction. MDE's plan supports this.

Response 16: This reviewer is pleased to see that the department will be creating and/or revising technical assistance. Specific TA needed for districts include the following: -How to use the IEP team facing rubric and examples of a summaries being requested by teams (current spreadsheet does not list a space for this or a description of what should be included in summary) -Updated online training that emphasizes the four criteria outlined in the rubric -Curricular, instructional and programmatic strategies for bridging learning from alternate standards to general standards for students with moderate cognitive disabilities (particularly for students unable to meaningfully benefit and participate in general ed. setting) -For flagged students in Tier II and III, provide information on which level of MI-Access the flagged student participated in (currently not available in MDE shared spreadsheet of data).

Response 17: MDEs decision to have multiple levels of alternate assessments is a contributing factor to surpassing the 1%. When MDE develops the various tools/resources for the decision-making relative to

the type of assessment that is taken, it does not consider the impact this makes at the local level. Districts that operate county programs are the districts that are being identified as Tier 1, 2 or 3. This penalizes the districts that operate the programs as the students should be attributed back to their local district. The percentage rates are below 1% when the student numbers are deducted, yet those districts who are willing to operate the county programs are required now to complete the list of tasks relative to the students in the programs that cause the district to surpass the 1% threshold. This causes negative perceptions and frustrations for those willing to house and operate these programs. It is like they are being punished when in fact they are supporting the county.

Response 18: This is an unfair expectation. Please consider the life and academic challenges that students with severe cognitive disabilities face on a daily basis, the last thing needed is a state assessment that is too difficult.

Prompt 3:

Please share any other comments or thoughts regarding the waiver to test more than 1% of students using alternate standards for instruction and assessment.

Prompt 3 Comments:

Response 1: Students can thrive with adequate support in school. Give them a chance!

Response 2: Michigan Alliance for Families provides some great education for families, but there are holes in what they offer. They should offer more education on alternate assessments and diploma vs. certificate of completion, and offer it to families of young children. MDE should look at the big picture, that even though change is hard, supporting high standards for students with disabilities leads to more high school diplomas, more independence, and a better change at being able to work and live independently. Isn't that better for all of us?

Response 3: RESA does refer to our family as the 1%ers. That is OK, but with the schools, we need to create a mythical land that doesn't exist because they don't look at it through the eyes of the within the child's disabilities

Response 4: My perspective aligns with the Autism Alliance of Michigan (AAoM), which continues to strongly advocate for the Michigan Department of Education (MDE) to convene an Alternate Assessment Advisory Group. This group should be tasked with reviewing all current resources and providing recommendations for new or improved resources to better serve students with disabilities. It is essential that such a group includes representatives from state disability organizations (e.g., Autism Alliance of Michigan, The Arc), the state's parent training and information center (Michigan Alliance for Families), and the state's protection and advocacy organization (Disability Rights Michigan). AAoM has also emphasized the importance of strengthening MDE's collaboration with organizations that support parents of students with disabilities. In particular, the Michigan Alliance for Families should receive additional support, including supplemental funding, to create and distribute resources on alternate assessments and the critical decision-making process for determining how students will participate in state assessments. Currently, the Michigan Alliance for Families' website only links to MDE resources, and its 2024-2025 calendar of events does not include any programming focused on assessment participation decisions. To

address this gap, MDE should prioritize activities that empower parents with accessible and practical resources. Examples include podcasts, webinars, and YouTube videos demonstrating the application of the decision flow chart, “Should My Student Take the Alternate Assessment?” Such resources would help ensure parents are fully informed and engaged in this important process. It is worth noting that many of these recommendations have been raised previously as public comments on prior waiver requests. Additionally, we encourage the MDE to consult the AAoM Blueprint for Alternate Assessment Cap Compliance, submitted on November 1, 2024, for further guidance on actionable steps.

Response 5: I encourage MDE to establish an Alternate Assessment Advisory Group to review current resources and recommend improvements. This group should include representatives from state disability organizations, such as the Autism Alliance of Michigan (AAoM), Michigan Alliance for Families, and Disability Rights Michigan. MDE must also strengthen its collaboration with organizations supporting parents of students with disabilities, particularly Michigan Alliance for Families. Supplemental funding should be provided to develop resources like webinars, podcasts, and videos to guide families through assessment decisions. Currently, Michigan Alliance for Families lacks targeted events or comprehensive resources on this critical topic. Many of these suggestions have been made before, including in the AAoM Blueprint for Alternate Assessment Cap Compliance sent in November 2024. I urge MDE to prioritize these actions in future waiver requests to better support students and their families.

Response 6: Michigan has abused their teachers and has developed a situation where you would have to be a fool to take a teaching position, which has forced them to lower the standards to become a teacher to the point where the testing of the state has suffered permanently handicapping students whose parents can't afford to put them into a better situation.

Response 7: MDE has continued to support all students with disabilities including IEP teams, and parents, in determining the most appropriate assessment for their student. MDE continues to see a decline in students assessed and working towards alternate content standards and assessments.

Response 8: Standard testing and methods allow our special needs to fall through the cracks, let's prevent that and act.

Response 9: The Autism Alliance continues to encourage the MDE to assemble an Alternate Assessment Advisory Group to review all current resources and make recommendations for new or improved resources. Such a group should include representatives of state disability organizations (Autism Alliance of Michigan, The Arc, etc.), the state's parent training and information center (Michigan Alliance for Families), the state protection and advocacy organization (Disability Rights Michigan). AAoM strongly encourages MDE to strengthen its collaboration with organizations that work on behalf of parents of students with disabilities. In particular, enhance work with Michigan Alliance for Families including providing supplemental funding to support the development and dissemination of information on the alternate assessment and the important process of determining how students will participate in the state's assessments. Currently the only information offered on the Michigan Alliance for Families website involves links to information on the MDE website. Additionally, the Michigan Alliance for Families 2024-2025 calendar of events does not include a single event focused on making assessment participation decisions. Activities might include podcasts, webinars, and YouTube videos showing the use of the decision flow chart “Should My Student Take the Alternate Assessment?” in action. It is critical that MDE

step up its activities aimed at parents. Many of these suggestions were submitted as public comments on previous waiver requests. Additionally, we would like to refer the Michigan Department of Education to the AAoM Blueprint for Alternate Assessment Cap Compliance that was sent on November 1, 2024. We hope the MDE will consider including these activities in any further waiver request. Please feel free to contact Colleen Allen, President & CEO of the Autism Alliance of Michigan colleen.allen@aaomi.org and Heather Eckner, Director of Statewide Education heather.eckner@aaomi.org with any questions or concerns.

Response 10: A 1% cap goes against the I in IEP. It also takes decisions away from IEP teams.

Response 11: Some of the ideas and plans sound promising, but Michigan has a long way to go, and MDE's lack of transparency and lack of showing any progress for the past 4 years, means that MDE and its many ISDs, have a lot of work to do to earn the public's trust, and the trust of parents, whose children have been targeted by and harmed by the second-tier education system that is allowed for struggling learners throughout the state.

Response 12: 1% is too low. That is 21 students across a district of 2100 and 7 schools. One school alone has a class of 14 students diagnosed with cognitive impairments. Staying under 1% in smaller districts with higher special education numbers will be extremely challenging and unfair to many students.

Response 13: The 1% cap suggests that only a small subset of all students can participate in alternate assessments like MiAccess. Given that CI students make up approximately 7% of the special education population, the cap inherently excludes a significant portion of eligible students who genuinely require this assessment format. Forcing students with cognitive impairments to take general education assessments undermines the principles of accessibility and fairness. Standardized assessments are often inappropriate for these students and fail to reflect their abilities or progress accurately, leading to invalid data and unnecessary stress for both students and educators. The 1% cap is not grounded in the realities of student populations in states like Michigan, where the prevalence of CI is higher. This federal policy seems to assume uniformity across states, ignoring demographic and educational variances. IDEA mandates that students with disabilities receive appropriate accommodations and modifications to ensure access to a free and appropriate public education (FAPE). A rigid 1% cap on alternate assessments may conflict with this obligation, as it denies students the right to assessments aligned with their educational needs. Imposing a 1% cap on alternate assessment participation, such as MiAccess, disproportionately affects Michigan students with cognitive impairments. Policies should prioritize equity and the individual needs of students rather than adhering to arbitrary caps that do not reflect the realities of the special education population. Adjusting or waiving the cap in states like Michigan ensures that all students receive the assessments that best support their educational development and success.

Response 14: Thank you for submitting the waiver and hope the USDOE supports this year rather than denying.

Response 15: If the county applies for the SEE/S2E2 so the scores are applied back to their local district, why can't this also be used for those taking the alternate assessment and surpassing the 1%?

Response 16: If we are not allowed to have students with severe cognitive impairments take the MiAccess (which will be greater than 1%) there is an equity problem with our state's educational system.

Response to Public Comment:

MDE appreciates parents, advocacy organizations, and other constituents for taking the time to provide feedback and acknowledges that there are various points of view. All public comment was considered. Based on identified common themes from comments received, MDE revised the titles of two sections in the waiver letter to state: **New and Enhanced** Planned Activities For the 2024-25 Academic Year (pg. 4) and 2025 MDE **New** Method for Reducing High Rates of Alternate Assessment Use (pg. 4).

Additionally, MDE is clarifying the following:

1. As required by the federal Every Student Succeeds Act (ESSA), MDE must apply for a waiver when it expects to exceed the 1 percent cap as a state and is required to review and collect justification from any district that tests more than 1 percent of students using alternate assessments. ESSA contains a requirement for a 1 percent cap on the participation of students in the state alternate assessment, based on alternate academic achievement standards, an alternative assessment that is reserved for the subset of students who have: a) the most significant cognitive disabilities and b) a demonstrated lack of progress with general grade-level content and education standards. The 1 percent cap is designed to limit the number of students with disabilities who are assessed with a state's alternate assessment. Any state that anticipates exceeding the 1 percent cap is required to submit a waiver to the U.S. Department of Education (USED) for any one or more subject areas, and this waiver must include plans and timelines for ensuring appropriate use of alternate assessments and reducing the overuse of alternate assessments.
2. MDE is committed to increasing targeted technical assistance to ISDs and LEA staff earlier in each school year, earlier in the decision process, and earlier in the monitoring process. These efforts will help districts and IEP teams make informed decisions. MDE recently made data and guidance documents available to ISDs and LEA staff. For example, a new IEP team-facing decision-making rubric for determining which students should participate in the alternate assessment was made available for all districts and IEP teams to use when making decisions. IEP teams are required to use the IEP-team-facing decision-making rubric for flagged student cases in districts with high alternate assessment rates.
3. MDE provided technical assistance and guidance to ISDs and LEAs this fall. MDE will be increasing directed sessions and future instruction that are district-focused, starting with Tier 3 districts with high rates of alternate assessment use. These resources inform the public and stakeholders of the necessary inclusion and exclusion criteria for the appropriate use of alternate standards in assessments and balance high expectations for students at the same time.
4. MDE increased dedicated staff time that supports the appropriate use of alternate standards-based instruction and assessment, including hiring a new contractor to facilitate the implementation of the action plan. MDE structured internal administrative and guiding teams to organize and coordinate the cross-cutting work among staff from multiple MDE offices (Office of Assessment and Accountability, Office of Special Education, and Office of Educational Supports).
5. MDE will continue to apply a tiered system of support and work with ISDs to reach more LEAs. MDE is also increasing the level of involvement in the directed and targeted supports to local

school districts with the highest rates of alternate assessment use (Tier 2 and Tier 3 districts), including directed feedback regarding student cases that are flagged for high risk of not meeting the criteria for alternate assessments. Over the next year, MDE will convene communities of practices by bringing together exemplar districts with districts that have high rates of alternate assessment use to share practices that promote high expectations and access to general grade-level instruction for students with disabilities.

6. MDE values stakeholder input and feedback related to the alternate assessment system in Michigan. MDE will hold representative focus groups to review the current alternate assessment system to determine what modifications, if any, are needed. MDE will also explore the need for establishing an advisory committee regarding alternate assessments, which will include parent, advocate, teacher, district, and policy perspectives.

While MDE is implementing various high-leverage activities that have effectively reduced the percentage of students participating in alternate assessments in other states, MDE recognizes other efforts will be needed to decrease the percentage of students participating in the alternate assessment to comply with the 1% requirement. For example, the MDE OSE is convening a Least Restrictive Environment (LRE) capacity building and improvement initiative to enhance ISD and local districts' understanding of and participation in general education for students with disabilities. The LRE capacity building initiative should impact the percentage of students participating in the alternate assessment as ISD and district staff across the state increase understanding and application of LRE regulations, best instructional practices, supplementary aids, and services to guide IEP teams through making placement decisions impacting assessment selection.

Waiver Requirements

ESSA stipulates several requirements for the waiver to exceed the 1 percent cap. 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 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			
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%

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

Demographic Sub-group	Number of Students Tested Using an Alternate Assessment	Total Number of Students Tested	Percent of Students Tested Using an Alternate Assessment
Economically Disadvantaged	3,643	159,071	2.3%
Native American			
Asian	148	11,592	1.3%
African American	1,466	51,599	2.8%
Hispanic	466	27,582	1.7%
Pacific Islander			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 memos have gone out quarterly to all 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%

Demographic Sub-group	Number of Students with Valid Tests	Number of Students Expected to Test	Percent of Students Participating in State Tests
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*	98.00%
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. ED Facts 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 not yet available in time 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 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 not congruent with either the student having the most significant cognitive disabilities or receiving a majority of instruction based on alternate content expectations.
- Flagged high-risk 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 an emphasis on 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 requirements around primary instruction and educational goals being based on alternate content expectations.
- Having districts with high rates of alternate assessment develop parent information and consent forms to 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 in understanding the state participation guidelines by the part-time contractor hired by MDE OSE.

Requirement 3(B):

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

Michigan examined disproportionality 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 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 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 through 12, the sub-group of students with the highest relative risk ratio across all subjects (Male students), 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
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
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

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 LEA, Michigan examined the Spring 2024 data as well as the two most recent years of alternate assessment administrations for participation in mathematics and ELA. Districts that tested the same sub-group of students 2.5 or more times as often as students who were not in that sub-group, for two or more years, were flagged for more targeted support and review as part of the justification form and review process. In all, 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 and 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 10 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.

- 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?](#)
- Revisions to the “Interactive Decision-Making Tool” are currently in the planning stages to align language between the two documents and incorporate the new rubric outlined in the next bullet.
- Continue the use of the November 2024 updated IEP team-facing rubric requiring the review of relevant data around each of the 4 required criteria for being eligible for the use of 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 expecting ISDs and districts with Tier 2 and 3 alternate assessment rates with more than 1 percent of students using alternate assessments in early fall to begin completion of justification

form activities. ISDs and districts with Tier 2 or 3 alternate assessment rates will receive lists of students at high risk for misassignment to alternate standards in November 2024. 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 of the required criteria.

- Continue 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.
- Beginning in January 2025, when test pre-ID and registration begins, test administrators will receive 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.
- Convene representative focus groups with stakeholders to review the current alternate assessment system and identify modifications, if any, that may be warranted to make it 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 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 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. To reach more districts and further reduce Michigan’s alternate assessment rates, the threshold for Tiers 1 and 2 was reduced by a tenth of a percent for each, and by two-tenths of a percent for Tier 3, compared to the previous academic year.

- All districts with alternate assessment rates exceeding 1 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 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 either alternate assessment rates between 1.3 percent to 2.4 percent or between 1.1 and 1.2 percent overall—but who also have disproportionately over-designated some subgroup of students to take alternate assessments—will receive tier 2 support. This 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 the ISD the IEPs of students who have 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 of appropriate, evidence-based diagnostic criteria are in use for determining whether the student meets all 4 criteria for the appropriate use of alternate standards in assessments and instruction. This includes 3 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 4th criterion that the student is also receiving a majority of instruction and summative curriculum based on alternate content expectations. Staff and parents will review the newly developed 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 one of the criteria is not met, the students may not take Mi-Access.
 - Furthermore, these districts will have to conduct an educational benefit review for all students who continue to meet all 4 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 the ISD for approval.
 - Lastly, for districts in this tier, 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 the ISD the IEPs of students who have 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 disability.
 - The ISD and district must create and submit a written action plan using a provided template with timelines to address district-level actions and review all flagged cases of students taking the alternate assessment. This district plan must be approved by MDE.
 - Districts in this tier must review flagged student cases using a newly developed rubric to determine if the student meets all 4 required criteria. When all criteria are met, the student is eligible for Mi-Access. When any one of the criteria is 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 4 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.
- Lastly, for districts in this tier, 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 provided general guidance for training and requirements by the end of March.
- Tier 2 districts will review flagged student cases beginning in November 2024 and must review the student's IEP records using the rubric. Summaries must be shared with the ISD for up to 8 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 rubric. Summaries must be shared with MDE for up to 8 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.

MDE is confident the plan outlined in this waiver request, once implemented, will result in renewed reductions in the percentage and number of students taking the alternate assessment in the state of Michigan.

Sincerely,

Michael F. Rice, Ph.D.
State Superintendent

Links regarding public comment:

[Public Comment Notice Memo 2024_Alternate Assessment One Percent Cap Waiver Request, November 21, 2024](#)

[Spotlight on Student Assessment Announcement for Public Comment on the Waiver, Pg 12, December, 5, 2024](#)