



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: November 4, 2021

TO: Local and Intermediate School District Superintendents
Public School Academy Directors

FROM: Dr. Scott M. Koenigsnecht, Deputy Superintendent
P-20 System and Student Transitions 

SUBJECT: Notice and Request for Public Comment: Alternate Assessment One Percent Cap Waiver Request

The Michigan Department of Education (MDE) will submit a waiver extension request to the U.S. Department of Education (USED) for the spring 2022 administration of Michigan's alternate assessment (MI-Access) that outlines the continued plan to address the relatively high proportion of students with disabilities participating in MI-Access. MDE is accepting public comment from November 4, 2021, through December 3, 2021, on the proposed ongoing plan to address participation rates.

Michigan's alternate assessment (MI-Access) is aligned with Michigan's 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.

The federal Every Student Succeeds Act (ESSA) caps the percentage of students who can take the alternative assessment at one percent of the total students tested. The ESSA also allows states that may exceed the one percent cap to apply for a one-year waiver. Michigan was granted the initial waiver on May 14, 2018, and in 2019 and 2021, Michigan applied for, and received, an extension. As part of this federal waiver, MDE agreed to implement a plan to ensure students are properly assessed using the state assessment system programs. Michigan's 2020 waiver request was rescinded when assessment requirements were waived by USED due to the COVID-19 pandemic and subsequent school closures.

Analysis of the 2020–2021 state assessment data, when compared to 2018–2019 data, shows a reduction in the use of the alternate assessment in Michigan from 2.0% to 1.7% in mathematics, from 2.1% to 1.7% in ELA, and from 1.9% to 1.8% in science. Since the ESSA one percent participation requirement began in 2017,

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Michigan has reduced the overall alternate assessment participation rate from 2.4% to 1.7%. Prior to the pandemic, this reduction amounted to 3,000 fewer students taking the alternate assessment.

Because the participation rate on the alternate assessment is still over one percent, Michigan intends to apply for an extension of the federal waiver under ESSA for the 2021–2022 school year. Michigan has made substantial progress on its plan and intends to take further measures to provide guidance and assistance to districts in making individualized and appropriate assessment decisions.

Michigan’s 2021–2022 waiver application for grades 3-8 and 11 must meet the following USED requirements:

- Be submitted at least 90 days prior to the start of the testing window.
- Include state-level data from the most recent testing cycle to show the number and percentage of students (including subgroups) who took an alternate assessment out of all students tested in each subject, as well as the most recent year’s participation rates or projections of participation rates for spring 2022 testing.
- Demonstrate that Michigan has tested at least 95 percent of all students and 95 percent of students with disabilities across all summative assessments during the last cycle that summative assessments were given.
- Provide assurances that local education agencies (LEAs) contributing to Michigan exceeding the one percent cap (during the last cycle that summative assessments were given) adhere to the participation guidelines and address any disproportionality in any subgroup of students taking the alternate assessment.

Further, the waiver will include a plan and timeline by which Michigan will do the following:

- Make publicly available, upon request, justification forms for exceeding the one percent participation threshold for students taking the alternate assessment.
- Require LEAs to calculate a projected participation rate for 2022, in addition to responding to 2021 participation rate data.
- Continue to collect justification forms in the electronic monitoring system to ensure ease of analysis of data.
- Conduct a review of justification forms to identify opportunities for MDE to provide:
 - Guidance/training to ISDs about reviewing and flagging trends for potential technical assistance to LEAs.
 - Support for ISDs in providing feedback to their constituent LEAs as a Tier II support.
 - Targeted assistance to districts considered to require Tier III supports.
 - Emphasis on determining the appropriate assessment for students with the most significant cognitive disabilities.

For additional information, please refer to the [MDE Mi-Access website](#). MDE invites public comment on the components of this ongoing plan. ***Any interested party may submit comments until 5:00 p.m. on Friday, December 3, 2021,*** as follows:

- Survey: <https://www.surveymonkey.com/r/Q939SHR>
- Email: MDE-OSE-Public-Comment@michigan.gov (Subject: Alternate Assessment 1 percent Cap Waiver)
- Mail: Michigan Department of Education
Office of Special Education – 1% Cap Waiver Public Comment
608 W. Allegan Street
P.O. Box 30008
Lansing, MI 48909

The following resources are available on the MI-Access website (<https://www.michigan.gov/mi-access>) with direct links provided below:

- Michigan’s alternate content expectations: [Alternate Content Standards](#)
- Michigan’s guidelines for participation in the alternate assessment (MI-Access): [Alternate Assessment Guidelines](#)
- Assessment selection guidance training module online: [Assessment Selection Guidelines Training](#)
- Interactive assessment selection tool for IEP teams: [IEP Interactive Decision-Making Tool](#)

For more information, please contact Pietro Semifero at semiferop@michigan.gov.

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Directors