



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

JEREMY M. HUGHES, Ph.D.
INTERIM SUPERINTENDENT
OF PUBLIC INSTRUCTION

March 31, 2005

The Honorable Margaret Spellings
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary Spellings,

The Michigan Department of Education (MDE) is requesting an exception permitting it to exceed the one percent cap of student scores of advanced and proficient on alternate assessments based on alternate academic achievement standards when calculating adequate yearly progress (AYP). We are requesting the exception to the 1% cap for the 2004-05 school year assessment cycle. Data indicate that Michigan requires a cap of 2.1% for the 2004-05 school year assessment cycle. As specified in the final regulations published on December 9, 2003, we will include in this request:

- Documentation of the incidence of students with the most significant cognitive disabilities in tested grades.
- An explanation of why the incidence exceeds 1%.
- Documentation of the ways in which the state is addressing section 200.6(a)(2)(iii) in the final regulation.

In Michigan all students are assessed using either the Michigan Education Assessment Program (MEAP) assessment, the MEAP with accommodations, or the MI-Access, Michigan's Alternate Assessment Program that tests students on alternate academic achievement standards. Additional information about our state assessment system is provided in Attachment A. Statewide data from the 2003-04 assessment cycles indicates that 4.28 percent of all students in the tested grades participated in an alternate assessment based on alternate academic achievement standards aligned with the state's challenging achievement standards. Although more than 4% of tested students used the alternate assessment, MDE counted as proficient, for the purposes of AYP, no more than 1% of each tested cohort. The table below shows the 2003-04 data.

2003-04 Student Count Data in the Grades Currently Assessed

Subject	All Students	Students w/Disabilities	Alt.Assessment on Alt Stand.	Percent on Alt. Assessment
ELA (Grades 4, 7 and 11)	385,133	48,871	17,064	4.4%
Math Grades 4, 8 and 11)	383,959	48,425	15,905	4.1%

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In Michigan’s fall student count for the 2004-05 school year, 95,136 students with disabilities were counted in the grades tested out of a total of 700,182 students. Among the students with disabilities we estimate that 14,882 are students with the most significant cognitive impairments. The table below shows the estimated 2004-05 data.

Estimate of Testing Cohort for 2004-05

	Grade	4	5	7	8	11	Total
General Ed		117496	120031	128751	128798	109971	605047
Special-Education		16803	16921	17522	17247	11761	80254
Sp.Ed.Sig.Cog. Impairment		2666.4	2936	3344	3341.2	2594	14882
Total		136965	139888	149617	149386	124326	700182
	Grade	4	5	7	8	11	Total
Est. MEAP Participation		134299	136952	146273	146045	121732	685301
Est. MI-Access Participation of students with a significant cognitive disability		2666.4	2936	3344	3341.2	2594	14882
Total		136965	139888	149617	149386	124326	700182
	Grade	4	5	7	8	11	Total
% MEAP		98.05%	97.90%	97.76%	97.76%	97.91%	97.87%
% MI-Access		1.95%	2.10%	2.24%	2.24%	2.09%	2.13%

The continuum of educational options for students with disabilities in Michigan ranges from full inclusion to centralized and highly specialized schools. Michigan has a strong commitment to excellent educational services and options for students with disabilities as evidenced by our strong special education laws and commitment to the education of students with disabilities from birth to the age of 26 (The Revised School Code, Sections 380.1701-380.1766). This commitment has drawn families to Michigan to obtain this high quality of education and service for their students. Evidence of this can be seen in the data below from the Annie E. Casey Foundation’s Kids Count website. Their data are based on national census data for children with disabilities between the ages of 5 and 15, which shows Michigan as the state with the tenth highest population. The table below shows that Michigan’s percent of children with disabilities exceeds the percent of the states that surround us and exceeds the national average.

State	Number	Percent (national = 5.8)
Michigan	108,655	6.6
Illinois	111,378	5.5
Indiana	61,622	6.3
Minnesota	43,780	5.4
Ohio	113,374	6.3
Wisconsin	53,192	6.2

In addition to the total counts for incidence rates for special education, a pie graph showing the incidence rates by each special education category can be found in Attachment B to provide evidence of the number of special education students who potentially participate in MI-Access, Michigan's Alternate Assessment Program. The criteria for qualifying for each special education category can be found on the MDE website at this location http://www.michigan.gov/mde/0,1607,7-140-5235_6785---,00.html. Click on "Revised Rules for Special Education" on the right menu and see pages 1-8. The paper copy of this document will contain Attachment C with this information.

We have implemented a request for exception to the 1% cap application process to handle the documented requests from districts that educate students with the most significant cognitive impairments and for whom these students comprise more than one percent of their population. Information and the application can be found on the MDE website at this location, http://www.michigan.gov/mde/0,1607,7-140-22709_28463-106771--,00.html. The paper copy of this document will contain Attachment D with this information. Even with the flexibility in the regulations to apply the exceptions to the total state population of students with the most significant cognitive disabilities, we have discovered that Michigan needs to extend the cap to 2.1% to meet the needs of the legitimate requests from LEAs.

Michigan has developed extensive guidance and professional development materials for IEP teams to assist them in selecting the appropriate state assessment and in making assessment accommodation choices for students with disabilities (See Attachment E). The document titled *Draft Guidelines for Participation in State Assessment for Students with Disabilities* is currently being reviewed by a team of Michigan educators (special education, general education, and English language learners). The charge to this Team is to develop guidelines for participation in state assessment for ALL students, not just students with disabilities. The Team is revisiting the assessment accommodations for three purposes:

- ☆ To ensure all accommodations are included for the full range of students,
- ☆ To include information related to the 1% cap regulation and how IEP Team decisions may impact the calculation of a school's and district's AYP, and
- ☆ To clarify information related to assessment requirements for English language learners.

In addition, the Michigan Educational Assessment Program (MEAP) Coordinators Manual also lists the standard and non-standard assessment accommodations and it provides some information about the use of accommodations in an effort to include as many students as possible in the state's assessment that is based on Michigan's rigorous academic achievement standards. Additional guidance has been provided by the Office of Educational Assessment and Accountability on the MI Access, the state's alternate assessment based on alternate academic achievement standards, to assist IEP Teams understand how to determine the appropriate state assessment (MEAP and/or MI-Access). These various guidance documents can be viewed at the MDE website at this location: www.mi.gov/mi-access and at the MI-Access Information Center at www.mi-access.info.

State assessment information and results for both MEAP and MI-Access have been shared with parents and the public in a variety of ways, but MDE continues to work to coordinate the current efforts and add materials to make the information to parents more effective. The MDE/ OEAA Assessment for Students with Disabilities Program (ASWDP) also works very closely with the Michigan Parent Advisory Committees (PAC), at the state and county levels, to provide information. This information will continue to be shared with parents, school district administrators, assessment coordinators, and IEP teams to help

ensure clear and consistent communication with parents about the implications of having their child assessed with an alternate assessment.

Educators throughout the state have been working toward the goal of providing access to and progress in the general curriculum for all students with disabilities, especially those with the most significant cognitive disabilities. Michigan's State Board of Education's appointed Special Education Advisory Committee has worked tirelessly to develop and disseminate a document called Universal Learning for All Students (See Attachment F). We want to ensure that students are appropriately included in the state's assessment and accountability system in increasing numbers. Extending the 1% cap to 2.1% for the 2004-05 school year will help ensure that districts are accountable for all of their students. It will also assist Michigan in reinforcing the commitment of ensuring a fair and consistent application of the final regulation related to the 1% cap.

If you have questions about this request, please contact me at 517-373-9235 or by email at hughesj@michigan.gov. I look forward to hearing from you regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy Hughes", with a stylized flourish extending to the right.

Jeremy M. Hughes, Ph.D.
Interim Superintendent of Public Instruction
Michigan Department of Education