



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

July 30, 2018

The Honorable Sheila A. Alles
Interim State Superintendent
Michigan Department of Education
608 W. Allegan Street
P.O. Box 30008
Lansing, MI 48909

Dear Superintendent Alles:

I am writing in response to the Michigan Department of Education's (MDE's) waiver request of section 1111(b)(2)(B)(v)(i) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), which requires a State educational agency (SEA) to use the same assessments for all public school children in the State. MDE is requesting this waiver to enable it to grant waivers to up to five percent of local educational agencies (LEAs) to allow those LEAs to use locally determined assessments in place of the statewide assessments.

After careful review, I am denying your waiver request, pursuant to my authority under ESEA section 8401(b)(4)(A)(i) and (iii). I have determined that the State has not demonstrated that the requested waiver would advance student achievement or maintain or improve transparency in reporting to parents and the public on student achievement and school performance, as required under ESEA sections 8401(b)(1)(C) and (F). Ensuring that all students are being held to the same, high standards is an essential part of the ESEA. Removing any check on the quality of the assessments an LEA administers, which may cover different content and have different achievement standards, will not improve academic achievement or improve transparency to parents and the public, both of which are requirements for granting a waiver. In addition, having comparable, statewide assessment data on how schools are performing is a key aspect of the State's accountability system to provide useful information to parents, stakeholders and the public. Finally, I want to remind you that there is a new permission, under ESEA section 1204 and 34 CFR §§ 200.104-108, for States to pilot an innovative assessment system before transitioning that system to statewide use.

MDE may revise its waiver request, consistent with ESEA section 8401(b)(4)(B)(ii) to meet the requirements under section 8401(b)(1)(C) and (F) and resubmit the revised waiver request. In doing so, MDE would also need to request a waiver of ESEA sections 1111(b)(1)(B)(i) and 1111(b)(2)(B)(i), which require an SEA to use the same academic achievement standards and assessments, respectively, for all public school children in the State. If MDE decides to resubmit, it must do so no later than 60 days from the date of this letter.

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<http://www.ed.gov/>

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Michigan continues to have an affirmative responsibility to ensure that all students in grades three through eight and once in high school are assessed annually in reading/language arts and mathematics, and once in each of three grade spans in science as required in the ESEA. I know that you agree that it is critically important to measure student achievement and to hold all students to the same high expectations. The assessment requirements in the law are focused on ensuring that parents and educators have the information they need to help every student be successful and protecting equity for all students.

We appreciate our continued relationship with MDE and remain committed to working with you. If you need additional assistance, please contact Tahira Rashid of my staff at: OSS.Michigan@ed.gov.

Sincerely,

/s/

Frank T. Brogan
Assistant Secretary for Elementary and
Secondary Education

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