



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

**AUG 13 2015**

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

Dear Superintendent Whiston:

I am writing in response to Michigan's request for renewal of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility), so that Michigan may continue to implement ESEA flexibility.

Our team, including my staff and other senior leaders at the U.S. Department of Education (ED), reviewed Michigan's request dated July 28, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am pleased to renew approval of Michigan's ESEA flexibility request for three years, through the end of the 2017–2018 school year.

My decision to renew approval of Michigan's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling Michigan to carry out important reforms to improve student achievement and that this renewal is in the public interest. With this renewal, Michigan will be able to continue implementing its plans to promote innovative, locally tailored strategies to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. Michigan's approved request will be posted on ED's website.

This letter also provides my approval of Michigan's proposed amendments to its ESEA flexibility request. A summary of Michigan's significant approved amendments is enclosed with this letter.

This renewal is subject to Michigan's commitment to:

- Amend its request by January 31, 2016, to include a rule that a school in Michigan may not receive the highest rating in the State educational agency's differentiated recognition, accountability, and support system if there are significant achievement and graduation rate gaps that are not closing in the school.
- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that identification of Priority schools and implementation of interventions aligned with the turnaround principles in those schools and any related duties delegated to the Michigan School Reform Office are carried out in accordance with all ESEA flexibility requirements.

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

- Demonstrate, during ED’s monitoring and follow-up of ESEA flexibility implementation, that Michigan is implementing the plan set forth in its ESEA flexibility request, including timeline and milestones, that constitutes a statewide approach for measuring student growth on the State assessments administered in the 2015–2016 school year and each year thereafter for inclusion in teacher and principal evaluation and support systems.

Michigan continues to have an affirmative responsibility to ensure that it and its local educational agencies (LEAs) are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

I am confident that Michigan will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools and LEAs accountable for the achievement of all students. If you need any additional assistance to implement your ESEA flexibility request, please do not hesitate to contact Tahira Rashid of my staff at: [OSS.Michigan@ed.gov](mailto:OSS.Michigan@ed.gov).

Thank you for your commitment and continued focus on enhancing education for all of Michigan’s students.

Sincerely,

(b)(6)

Ann Whalen  
Delegated the authority to perform the functions  
and duties of Assistant Secretary for Elementary  
and Secondary Education

Enclosure

cc: Dr. Venessa Keesler, Deputy Superintendent, Accountability Services

## Approved Amendments to Michigan's ESEA Flexibility Request

The following is a summary of significant amendments to Michigan's ESEA flexibility request. ED approves these amendments because Michigan's ESEA flexibility request, as amended, continues to be aligned with the principles of ESEA flexibility. Please refer to ED's website (<http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/mi.html>) for Michigan's complete ESEA flexibility request.

- **State-Developed Differentiated Recognition, Accountability, and Support (Principle 2)**

Revision: Michigan will move from an annual identification cycle for Priority and Focus schools to a three-year identification cycle under its system of differentiated recognition, accountability, and support. Priority and Focus school status will be based on assessments administered in the 2013–2014 school year until Michigan identifies Priority and Focus schools based on assessments administered in the 2016–2017 school year.

Revision: Michigan updated its identification methodology for Priority schools. These schools are identified based on the revised Michigan Top to Bottom (TtB) List methodology, which now equally weights student achievement and growth based on student scores, and uses mean Student Growth Percentiles aggregated at the school level to determine growth. If the total number of Priority Schools identified does not account for at least five percent of all Title I schools, then a two-year aggregate TtB ranking will be used to identify additional schools.

Revision: Michigan updated its exit criteria for Priority schools. To exit Priority status a school must: (1) have a TtB percentile rank of 5 or higher in the most recent school year, (2) meet its annual measurable objectives for English Language Arts (ELA) and mathematics in the all students group, and (3) meet accountability scorecard participation rate requirements for all required State assessments.

Revision: Michigan updated its identification methodology for Focus schools. These schools are now identified based on achievement gaps from two years of ELA and mathematics assessment results. The methodology also identifies schools with two consecutive years of graduation rates below 60 percent and includes an audit rule that precludes a school being identified as a Focus school if its "Bottom 30 percent" subgroup demonstrates achievement or growth above the State average for the "Bottom 30 percent" subgroup.

Revision: Michigan updated its exit criteria for Focus schools. To exit Focus status, a school must demonstrate achievement or growth of its "Bottom 30 percent" subgroup that is greater than the State average of the "Bottom 30 percent" subgroup for achievement or growth for two consecutive years. Schools identified based on graduation rates must maintain a graduation rate above 60 percent for two consecutive years.