



## Analysis of Michigan's First Draft Every Student Succeeds Act (ESSA) Plan

March 7, 2017

Michigan Every Student Succeeds Act (ESSA) website:

[http://www.michigan.gov/mde/0,4615,7-140-37818\\_76731---,00.html](http://www.michigan.gov/mde/0,4615,7-140-37818_76731---,00.html)

View the draft plan at:

[http://www.michigan.gov/documents/mde/Michigan ESSA Consolidated Plan-Draft for Public Comment 551642 7.pdf](http://www.michigan.gov/documents/mde/Michigan_ESSA_Consolidated_Plan-Draft_for_Public_Comment_551642_7.pdf)

Email comments to [MDE-ESSA@michigan.gov](mailto:MDE-ESSA@michigan.gov) by **March 16, 2017**.

The analysis and recommendations in this document focus on those issues most critical to subgroup accountability and to students with disabilities. The page numbers referenced in this document are the page numbers noted on the bottom of the pages of the draft plan (not the page numbers displayed in the Adobe Reader).

Michigan's students with disabilities are performing at extremely low levels, as evidenced by their performance on the state general assessment in SY 2014-2015:

English/Language Arts		Mathematics	
Grade	% at or above Proficient	Grade	% at or above Proficient
4 <sup>th</sup>	17	4 <sup>th</sup>	17
8 <sup>th</sup>	10	8 <sup>th</sup>	5
H.S.	12	H.S.	4

Source: Michigan Data Display 216 available at <https://osep.grads360.org/#program/idea-part-b-profiles>

In addition, Michigan assigns students with disabilities to its Alternate Assessment at the **highest rate in the nation – far above the level allowable under ESSA**. The ESSA cap is 1% of all students assessed, which equals approximately 10% of students with disabilities. The SY 2013–14 alternate assessment participation data for Michigan is below:

English/Language Arts		Mathematics	
Grade	% of SWDs assessed on MI-Access	Grade	% of SWDs assessed on MI-Access
4 <sup>th</sup>	16.3	4 <sup>th</sup>	15.6
8 <sup>th</sup>	17.0	8 <sup>th</sup>	17.2
H.S.	20.5	H.S.	20.7

Source: 38<sup>th</sup> Annual Report to Congress on Implementation of IDEA available at <https://www2.ed.gov/about/reports/annual/osep/2016/parts-b-c/index.html>

Michigan’s students with disabilities dropout at a rate of 27 percent.

**Sadly, we find little in Michigan’s draft ESSA plan that will lead to improved performance for the state’s students with disabilities.**

**In fact, Michigan’s draft plan is missing significant information that is required to be included in all state plans submitted to the U.S. Dept. of Education. This is particularly disconcerting because Michigan has expressed its intention to send the final plan to the U.S. Department of Education for approval on April 3, 2017.**

**ESSA requires states to engage in timely and meaningful consultation with stakeholders in developing its state plan. That is not possible if the state plan is missing significant information on which stakeholders should be able to provide feedback.**

**Given the absence of information regarding key provisions of ESSA, Michigan should delay submission of its Consolidated Plan until the September 18, 2017 submission date in order to complete all required information and give adequate time for stakeholders to review and comment on a completed application.**

**Long-term goals (page 5)**

ESSA requires that states set long-term goals and interim measures for all students and for each student subgroup (e.g., disability subgroup) for academic achievement, graduation rate and English language proficiency. ESSA also states that for students who are behind, the goals and interim measures of progress must take into account the improvement necessary to make significant progress on closing statewide proficiency and graduation rate gaps.

**Academic Achievement Goal (page 6)**

Michigan’s long-term goal is to have 75% of schools and 75% of student subgroups meet the 2016-17 statewide proficiency rates at the 75th percentile in English language arts, mathematics, science, and social studies by the end of the 2024-2025 school year. Long-term goals will be set using 2016-17 as the baseline year once data are available.

Tables presented on page 6 are based on 2015-16 data. Michigan will increase the number of schools/subgroups meeting these values from 25% in 2016-17 to 75% in 2024-25.

**This approach to goal setting in no way complies with the ESSA requirements.**

**First, goals must apply to all students in all public schools in the state.**

ESSA requires states to establish ambitious long-term goals and measurements of interim progress for all students and for each subgroup of students for, at a minimum, improved academic achievement, as measured by grade-level proficiency on the annual academic assessments in reading or language arts and high school graduation rates. (Section 1111 (c)(4)(A))

**There is no ambiguity in this requirement: the long-term goals and measurements of interim progress apply to all students and all student subgroups.**

**In fact, it is fair to say that in formulating both Federal regulations and non-regulatory guidance the USED did not contemplate a situation in which a state might propose to hold only a percentage of its public school students to achievement of the goals. Such a proposal is indefensible.**

**In addition to the clear violation of ESSA stated above, Michigan’s long-term goals for academic achievement in Reading/Language Arts and Mathematics do not reflect the expectation for “ambitiousness” intended by the drafters of the Act. For example, in 2024-25 Michigan expects less than half - 48.57% - of its students to be proficient in mathematics. See table below from page 6 of the draft plan.**

Content Area	Baseline Year	Long Term Goal (75% of schools/subgroups attaining this value in 2024-25)
English Language Arts	2015-16	61.19%
Mathematics	2015-16	48.57%
Science	2015-16	29.52%
Social Studies	2015-16	36.96%

**These goals reflect the expectation for a mediocre level of achievement that is certain to cement Michigan’s inferior ranking in public education among states for decades to come. (Michigan received an overall grade of C- and a ranking of 34<sup>th</sup> in the 2017 Education Week Quality Counts State of the States**

and a grade of D in K-12 achievement ([www.edweek.org/go/qc17](http://www.edweek.org/go/qc17)). Michigan is the only state in the nation that has made no progress on the National Assessment of Educational Progress according to a 2017 report by the Brookings Institution ([www.psc.isr.umich.edu/events/archive/detail/2554](http://www.psc.isr.umich.edu/events/archive/detail/2554)))

### **Growth Goals**

Goals for student growth are also formulated using an expectation of 75% of school and student attainment by 2024-25. **As with goals for academic achievement, such expectations do not comply with ESSA.**

**Equally troubling is Michigan's use of student growth percentiles (SGPs) as the measurement of student growth.** As explained in the research brief, *Why We Should Abandon Student Growth Percentiles*, by the Center for Educational Assessment at the University of Massachusetts Amherst, the use of SGPs on statewide assessments encourages comparing students to one another, when the tests are actually designed for comparing students to performance standards in a specific subject area. The brief provides several additional reasons to avoid use of SGPs in accountability systems. (See [https://www.umass.edu/rempp/pdf/CEAResearchBrief-16-1\\_WhyWeShouldAbandonSGPs.pdf](https://www.umass.edu/rempp/pdf/CEAResearchBrief-16-1_WhyWeShouldAbandonSGPs.pdf))

**Therefore, Michigan should reformulate its approach to student growth using more acceptable, reliable and widely understood methods.**

### **Graduation Goals**

Here again, Michigan proposes graduation goals that it expects only 75% of schools and students to achieve. **While the setting of the same 4-year graduation goal for all student subgroups is admirable, the expectation that only a portion of students will reach that goal is again not in compliance with ESSA.**

**Michigan's proposed methodology of weighting 4-5-and 6-year ACGRs also does not comply with ESSA.**

**The state must use only the 4-year ACGR for making determinations regarding schools identified for comprehensive support and improvement.**

**Once Michigan brings its long-term goals for academic achievement, growth and graduation into compliance with ESSA, the state should also make a commitment to hold all goals and interim targets steady; and not reset downward when/if actual performance falls short of the targets. Constantly re-setting targets renders the long-term goal meaningless.**

### **Meaningful Stakeholder Consultation (page 13)**

ESSA requires the state to conduct outreach and get input from stakeholders, including organizations representing students with disabilities, for the development of this draft plan. The plan claims that outreach to and input from all stakeholder

groups happened, but nothing on the face of the plan points to involvement by the disability community. It is difficult to ascertain whether there was any meaningful consultation with civil rights or disability groups.

If you do not believe Michigan has included the disability community in meaningful stakeholder consultation in the development of the draft, you should make an issue about it in your comments on the plan.

### **Assessments** (page 21)

States are required to develop their assessments using the principles of universal design for learning (UDL). The state should describe how this requirement is being met in this section of the plan.

ESSA requires states to define “students with the most significant cognitive disabilities.” This definition is to be used in IEP team guidance regarding which students meet the criteria for participation in the state’s alternate assessment aligned with alternate academic achievement standards. In addition, ESSA sets a cap on the number of students who may participate in an alternate assessment in the state at 1% of all students in the assessed grades (combined). **While not a required part of the state plan, the Michigan plan should address the definition of students with the most significant cognitive disabilities and list the strategies the state will employ to not exceed the 1% cap on alternate assessments, particularly in light of the significant numbers of students with disabilities the state has been assessing using its alternate assessment.** Addressing these issues in the state plan encourages stakeholder input on these provisions.

It is critically important to ensure that the alternate assessment is used only for those students for whom the test was designed and field-tested and does not inappropriately lower achievement expectations for students who should take the general assessment. It is also important for the definition of students with the most significant cognitive disabilities to acknowledge that these students are working on the grade level content standards, even though the achievement expectations are not the same as for students taking the general assessment.

### **Accountability System** (page 24)

#### **Indicators** (page 26)

Certain indicators will be used to provide meaningful differentiation between schools for the accountability system. How well or poorly schools do on the measures for these indicators (for all students and each subgroup) will determine if they are identified for **comprehensive** or **targeted support and improvement**.

The indicators will also be the basis for the information that is reported for each school, including a summative score. Most of the indicators and their measures are required by ESSA, others are left to state discretion. These distinctions are critically

important. States are required to add at least one indicator of School Quality or Student Success to the indicators defined by ESSA. These are referred to as the non-academic indicators. Although they are supposed to be linked by evidence to improved academic outcomes, they are not direct academic indicators like those that measure achievement, growth, graduation rate and English language proficiency.

The academic achievement indicator described in the plan aligns with ESSA requirements. However, the plan does not provide specific measures for the growth indicator or the progress in achieving English Language proficiency indicator. For graduation rate, the plan includes a 5- and 6-year graduation rate in addition to the 4 year adjusted cohort graduation rate (ACGR). **ESSA only permits the 4-year ACGR to be used to identify schools for comprehensive support and improvement, so it is important to ensure the 5- and 6-year graduation rates are not used for this purpose.**

For the School Quality or Student Success indicator the plan says Michigan will use several indicators including K-12 Teacher Longevity and K-12 School Administrator Longevity. ESSA requires that all indicators of School Quality or Student Success must be able to be disaggregated by student subgroup and must have clear evidence that high performance or improvement is likely to increase student learning.

**It is unlikely that the indicators of teacher and administrator longevity can meet these requirements.**

## **Subgroups**

### **Minimum Number of Students (page 29)**

ESSA requires states to establish the minimum subgroup size (n-size) for two purposes: accountability and reporting. While ESSA requires the minimum subgroup size to be the same for all student subgroups and for all purposes of the statewide accountability system, it allows states to set a lower n-size for purposes of reporting.

Michigan is setting its n-size for accountability at 30 students and 10 for reporting. Michigan proposes to set an n-size of 10 for accountability for English Learner Progress. **However, ESSA requires the n-size for all indicators for accountability to be the same.**

The ESSA application requests information on “the number and percentage of all students and students in each subgroup ... for whose results schools would not be held accountable under the State’s system for annual meaningful differentiation of schools required by 34 C.F.R. § 200.18;”

In response to this question, Michigan provides data on the percentage of schools that would meet the n-size in 2015-2014:

*“In 2015-16, using an n-size of 30, 87.6% of schools would have 30 or more students from the All Students subgroup, 0.8% of schools for American Indian or Alaska Native, 6.2% of schools for Asian, 26.7% of schools for Black or African American, 13.3% of schools for Hispanic or Latino, 0.0% of schools for Native Hawaiian or Pacific Islander, 4.1% of schools for Two or More Races, 74.6% of schools for White, 77.6% of schools for Economically Disadvantaged, 11.7% of schools for English Learners and 36.4% of schools for Students with Disabilities.”*

**This response fails to provide the information requested, that is, the number and percentage of students and schools in the all student and each student subgroup that will not be held accountable in the system for annual meaningful differentiation. Additionally, such information should be supplied for both assessment and graduation.**

**If we are to assume that 36.4% of Michigan schools meet or exceed the n-size of 30 (based upon 2015-2016 school year data) then we extrapolate that 63.6% of schools will NOT be held accountable for the students with disabilities subgroup (the appropriate answer to the question).**

**In other words, Michigan proposes to hold a mere one-third of its schools accountable for the performance of students with disabilities.**

**Taking into consideration that only 75% of schools and students are expected to meet the proposed long-term goals for achievement, growth and graduation, it is presumed that even in the 36.4% of schools accountable for students with disabilities; only 3 out of 4 students will be held to the goals. The end result is that the vast majority of students with disabilities in Michigan will be completely ignored by the state accountability system.**

#### **Weighting of indicators (page 31)**

The draft plan states that:

*“Michigan has set initial weights for all seven of its indicators. Many schools will not have all seven indicators due to school configuration or demographics. In cases where schools have fewer than seven indicators, the weights from the missing indicators are reallocated to the remaining indicators proportionally according to the initial weighting of all seven indicators. The initial weights of each indicator are: Academic Achievement = 29%; Academic Progress = 34%; Graduation Rate = 10%; English Learner Progress = 10%; School Quality/Student Success = 14%; General Participation = 2%, English Learner Participation = 1%.”*

**This weighting proposal assigns too much weight to academic progress (particularly given the problems with the use of student growth percentiles) and too little weight to achievement and graduation rate.**

**Furthermore, participation is not an indicator and should not be included in the weighting system. Rather, it is a key component of the accountability system and the state must clearly articulate how it will address schools that fail to meet or exceed the participation requirement (Section 1111(c) (4))**

**95% Participation Rate Requirement (page 32)**

ESSA requires that at least 95% of all students in the assessed grades (and at least 95% of each subgroup - including the disability subgroup) must be assessed annually.

**The approach proposed by Michigan regarding participation (e.g., two standalone participation components) is convoluted. Further, it is unlikely that the public will understand the approach. ESSA is clear regarding how the calculation is to be made – see Section 1111(c)(4)**

**Therefore, for both transparency and relatability, Michigan should redefine this approach to comply with ESSA.**

**Including all schools in the accountability system (page 34)**

The draft plan states that schools designed to serve special populations will be included in the accountability system as follows:

“Michigan has committed to developing a new, voluntary, parallel system of accountability for alternative education programs based on an application and relevant school demographics. Alternative accountability will have similar components, point scales and labels as the accountability scorecard but different weights and business rules. Overall, alternative accountability will be somewhat more growth-oriented than the accountability scorecard.”

ESSA requires all public schools to be included in the accountability system. ESSA does allow states to define different ways some schools would be included.

**However, no system is voluntary, as this statement proposes.**

**Identification of Schools for Targeted and Comprehensive Support and Improvement**

**Michigan provides little information regarding the criteria for the identification of schools for targeted and comprehensive support and improvement – one of the cornerstones of ESSA.**

**The state also fails to provide the methodology for identifying any school with a “consistently underperforming” subgroup of students – a designation of particular importance to obtaining attention for students with disabilities. We recommend that “consistently underperforming” be defined as a subgroup that has not met (or is not on track to meet) the state’s long-term goals and interim measures of progress for two consecutive years.**



**Instead, Michigan asks to be allowed to provide this information at a later date. Such an approach will likely leave stakeholders without any opportunity to review or comment on the methodology Michigan may propose.**

### **Supporting Excellent Educators (page 42)**

#### **Skills to Address Specific Learning Needs**

The request for information on how the state will improve the skills of teachers, principals, or other school leaders in identifying students with specific learning needs and providing instruction based on the needs of such students, consistent with section 2101(d)(2)(J) of the ESEA is answered with three “examples” of ongoing efforts.

**None of these efforts speak to the need to improve the skills of teachers in providing instruction based on the needs of students with specific learning needs, including students with disabilities. Michigan should include specific information on how it will address the unacceptably high dropout rate and the exceedingly low academic achievement rate of students with disabilities, documented at the beginning of these comments.**

#### **UDL and Inclusion**

The “Supporting Excellent Educators” and “Supporting All Students” sections of the plan should include strategies that will benefit all students, including students with disabilities. Universal Design for Learning (UDL) should be discussed in many places throughout the plan, but especially in these two sections where UDL implementation initiatives would have the most impact for all students. A document that discusses in greater detail how UDL can be included in ESSA state plans can be found at [http://www.udlcci.org/policy-two-pagerdraft-2-4-17\\_vers41/](http://www.udlcci.org/policy-two-pagerdraft-2-4-17_vers41/).

There also should be a discussion about capacity building and implementation of best practices for inclusive education.

### **Program-Specific Requirements**

#### **Children and Youth who are Neglected, Delinquent, or At-Risk (page 93)**

The information provided on students with Current Special Education Status raises significant concern regarding the appropriateness of services being delivered to students with IEPs. Michigan clearly needs to do a more comprehensive evaluation of how best to serve these students. The state must also ensure that Child Find is being carried out in accordance with IDEA in correctional facilities.

#### **Consolidate State Plan Assurances (page 104)**

The state is supposed to assure it has coordinated its ESSA plan with other programs such as the Individuals with Disabilities Education Act. This box is checked even though the ESSA plan does not mention any coordination with the

State Systemic Improvement Plan (SSIP) for students with disabilities. There is a tool to help states align their ESSA plan and their SSIP at [https://ncsi.wested.org/wp-content/uploads/2017/02/SSIP-ESSA-Alignment-Tool\\_NCSI-CCSSO\\_Winter2017.pdf](https://ncsi.wested.org/wp-content/uploads/2017/02/SSIP-ESSA-Alignment-Tool_NCSI-CCSSO_Winter2017.pdf).

Ricki Sabia

Senior Education Policy Advisor

National Down Syndrome Congress

PH: 301-452-0811

Email: [ricki@ndscenter.org](mailto:ricki@ndscenter.org)

See ESSA resources at <https://www.ndscenter.org/political-advocacy> (click on policy documents and webinar archives)

Candace Cortiella

Director

The Advocacy Institute

PH: 540-364-0051

Email: [Candace@advocacyinstitute.org](mailto:Candace@advocacyinstitute.org)

See ESSA resources at [www.advocacyinstitute.org/ESSA](http://www.advocacyinstitute.org/ESSA)

© 2017 National Down Syndrome Congress and The Advocacy Institute