



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 17, 2012

The Honorable Michael P. Flanagan
Superintendent of Public Instruction
Michigan Department of Education
P.O. Box 30008
Lansing, Michigan 48909

Dear Superintendent Flanagan:

Thank you for submitting Michigan's request for ESEA flexibility. We appreciate the hard work required to transition to college- and career-ready standards and assessments; develop a system of differentiated recognition, accountability, and support; and evaluate and support teacher and leader effectiveness. The U.S. Department of Education (Department) is encouraged that Michigan and many other States are designing plans to increase the quality of instruction and improve student academic achievement.

As you know, Michigan's request was reviewed by a panel of six peer reviewers during the week of March 26–30, 2012. During the review, the expert peers considered each component of Michigan's request and provided comments in the form of Peer Panel Notes that the Secretary will use to inform any revisions to your request that may be needed to meet the principles of ESEA flexibility. The Peer Panel Notes, a copy of which is enclosed with this letter, also provide feedback on the strengths of Michigan's request and areas that would benefit from further development. Department staff also have carefully reviewed Michigan's request, taking into account the Peer Panel Notes, to determine consistency with the ESEA flexibility principles.

The peers noted, and we agree, that Michigan's request includes strengths, particularly in Principle 1. Michigan's plan for transitioning to college- and career-ready standards contains several noteworthy actions, including the decision to raise achievement standards for current assessments and promising activities to support classroom instruction aligned with the new standards. The peers also noted strengths of Michigan's request in other areas. These include, with respect to Principle 2, the inclusion of academic subjects other than English language arts and mathematics and the use of multiple measures of student achievement in Michigan's proposed accountability system, and with respect to Principle 3, a strong basis in State statute for developing and implementing teacher and principal evaluation and support systems.

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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.

At the same time, based on the peer reviewers' comments and our review of the materials Michigan has provided to date, we have identified certain components of your request that need further clarification, additional development, or revision. In particular, significant concerns were identified with respect to the following:

- The low weight assigned to graduation rate in Michigan's accountability system;
- The timeline for implementation of interventions in focus schools; and
- A lack of a pilot year for implementation of teacher and principal evaluation and support systems and a lack of State authority to monitor implementation of those systems.

The enclosed list provides details regarding these concerns, as well as other key issues raised in the review of Michigan's request, that we believe must be addressed before the Secretary can approve your request for ESEA flexibility. We encourage Michigan to consider the all of the peers' comments and technical assistance suggestions in making revisions to its request, but we encourage you to focus primarily on addressing the concerns identified on the enclosed list.

Although the Peer Panel Notes for Michigan provide information specific to your request, Michigan also may benefit from comments and technical assistance suggestions made by other peer panels regarding issues common to multiple State educational agencies' (SEA) requests. For this reason, Department staff will reach out to Michigan to provide relevant technical assistance suggestions and other considerations that may be useful as you revise and refine your request.

We remain committed to working with Michigan to meet the principles of ESEA flexibility and improve outcomes for all students. We stand ready to work with Michigan as quickly as possible. In order to ensure prompt consideration of revisions or additional materials, we are asking SEAs to submit those materials by May 1, 2012. Department staff will be in touch to set up a call as early as this week to discuss the timeline and process for providing revisions or materials.

You and your team deserve great credit for your efforts thus far, and we are confident that we will be able to work together to address outstanding concerns. If you have any additional questions or want to request technical assistance, please do not hesitate to contact Nola Cromer, at 202-205-4158.

Sincerely,



Michael Yudin
Acting Assistant Secretary

Enclosure

SUMMARY OF ADDITIONAL INFORMATION REGARDING MICHIGAN'S ESEA FLEXIBILITY REQUEST

CONSULTATION

- Please describe how Michigan will meaningfully engage teachers and their representatives as the SEA continues to develop and implement ESEA flexibility. *See Consultation Question 1.*
- Please provide more specific information on the steps Michigan took to meaningfully engage diverse stakeholders and communities, especially stakeholders representing English Learners and low-performing schools, or describe how Michigan will meaningfully engage these stakeholders as it continues to develop and implement ESEA flexibility. *See Consultation Question 2.*

PRINCIPLE 1: COLLEGE- AND CAREER-READY EXPECTATIONS FOR ALL STUDENTS

- Please demonstrate that the plan to transition to college- and career-ready standards includes all of the elements of a high-quality plan, including key milestones or activities, a detailed timeline, party or parties responsible, evidence, resources, and significant obstacles. *See 1.B, Part A.*
- Please provide additional detail on Michigan's plan to transition from assessing some students with disabilities using alternate assessments based on modified academic achievement standards to assessing these students using the State's high-quality assessments by school year 2014–2015. *See 1.B, Part B.*
- Please clarify how Michigan's pre- and in-service programs for general education teachers will impart the skills needed to instruct students with disabilities and English Learners. *See 1.B, Part A.*
- Please clarify whether Michigan has revised or will revise its teacher preparation standards to ensure alignment with college- and career-ready standards in mathematics (as well as in reading). *See 1.B, Part A.*
- Please provide additional information on the following activities related to the transition to college- and career-ready standards or an explanation of why the activity is not included:
 - Analyzing the linguistic demands of the college- and career-ready standards to inform the development of English language proficiency (ELP) standards corresponding to the college- and career-ready standards and ensuring that English Learners will be able to access the college- and career-ready standards, particularly if Michigan decides not to join the World-Class Instructional Design and Assessment consortium developing new ELP assessments. *See 1.B, Part A.*
 - Developing and disseminating high-quality instructional materials that are aligned with the new college- and career-ready standards and are designed to support the teaching and learning of all students, including interim assessments and formative tools. *See 1.B, Part A.*
 - Working with the State's institutions of higher education and other principal preparation programs to better prepare incoming principals to provide strong, supportive instructional leadership on teaching to the new standards. *See 1.B, Part A.*

PRINCIPLE 2: STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, AND SUPPORT

- Please address concerns regarding Michigan’s accountability scorecard and “Top to Bottom” school ranking methodology:
 - Address the concern that the alternate assessment based on alternate achievement standards in social studies that Michigan is currently developing is not ready to be included in accountability determinations until that assessment is finalized. *See 2.A.i.a and 2.A.ii.b.*
 - Address the concern that a school receives a “green flag” for the performance of its “bottom 30 percent” student subgroup when the subgroup meets the safe-harbor target but a “yellow flag” for the performance of other subgroups if those subgroups meet the target. *See 2.A.i.a.*
 - Address concerns regarding the use of the proposed “weighted performance level change” factor which could mask a pattern of low growth for some students when their low growth is offset by high growth by other students. *See 2.A.i.a.*
 - Clarify what the average of 2-11 z-scores means in practice. *See 2.A.i.*
 - Clarify whether a “grand mean” z-score is sensitive to changes in student achievement or school improvement. *See 2.A.i.*
 - Address the concern that test participation is considered separately from the achievement portion of the index score and might lead to unintended consequences such as schools not testing certain students. *See 2.A.i.*
- Please address concerns regarding Michigan’s use of a combined subgroup:
 - Address concerns regarding a lack of accountability for individual ESEA subgroups, particularly that the use of a new combined subgroup (the “bottom 30 percent” subgroup) could mask the performance of ESEA subgroups, by providing additional safeguards for ESEA subgroups. *See 2.B.*
 - Address the concern that Michigan’s minimum n-size of 30 is too high and could mask the performance of small subgroups of students. *See 2.A.i.b.*
- Please address concerns regarding graduation rate:
 - Address the concern that the current weighting of graduation rates (10 percent) is low. *See 2.A.i.a.*
 - Describe how Michigan’s proposed system of differentiated recognition, accountability, and support considers graduation rates for all student subgroups. *See 2.A.i.a.*
- Please demonstrate that Michigan has identified the required number of priority, focus, and reward schools that meet the respective definitions of those groups of schools in ESEA flexibility and clarify if the use of “grand mean” z-scores converted to percentile ranks in the “Top to Bottom” school-ranking methodology can be successfully used in the identification of reward, priority, and focus schools. Refer to the document titled *Demonstrating that an SEA’s Lists of Schools meet ESEA Flexibility Definitions.*
- Please address concerns regarding reward schools:
 - Clarify which demographic characteristics Michigan will use in its Beating the Odds reward school identification strategy. *See 2.C.i.*
 - Describe the tangible rewards that Michigan will provide to reward schools, such as bonuses, grants, or increased autonomy, and address the concern that the rewards and recognitions proposed do not go far enough to meaningfully capture and disseminate successful practices from reward schools and do not include meaningful professional rewards for educators in those schools. *See 2.C.iii.*

- Address the concern that rewards are not differentiated based on the type of reward school (Beating the Odds, Highest Performing, Highest Progress, schools moving beyond 85% proficiency). *See 2.C.iii.*
- Please address concerns regarding priority schools:
 - Describe how Michigan will ensure that the elements of its intervention plan (*i.e.*, diagnostic interventions, reform/redesign plan, professional learning, Statewide System of Support, surveys of enacted curriculum, etc.) are consistent with the School Improvement Grant intervention models it requires in priority schools. *See 2.D.iii.a.*
 - Provide Michigan’s rationale for requiring LEAs with priority schools to set aside funds for choice-related transportation. *See 2.D.iii.b.*
 - Provide additional information regarding how the needs of English Learners and students with disabilities in priority schools will be addressed. *See 2.D.iii.b.*
 - Demonstrate that Michigan’s proposed exit criteria for priority schools are rigorous and will result in significant progress in improving student achievement and narrowing achievement gaps. *See 2.D.iv.*
- Please address concerns regarding focus schools:
 - Provide evidence that the methods used to identify focus schools do not dilute or mask the performance of individual ESEA student subgroups. *See 2.E.i.b.*
 - Clarify how the proposed interventions in focus schools will be aligned with the specific demonstrated needs of schools and classrooms and are sufficiently robust to close achievement gaps for all students, including students with disabilities and English Learners. *See 2.E.i.b and 2.E.iii.*
 - Clarify whether the timeline for implementation of interventions in focus schools entails that interventions will be implemented in school year 2012—2013. *See 2.E.iii.*
 - Provide Michigan’s rationale for requiring LEAs with focus schools to set aside funds for choice-related transportation. *See 2.D.iii.b.*
 - Demonstrate that Michigan’s proposed exit criteria for focus schools are rigorous and will ensure that school that exit focus status have made significant progress in improving student achievement and narrowing achievement gaps, including for the subgroup(s) of student for which the school was identified. *See 2.E.iv.*
 - Describe the steps that Michigan will take to ensure meaningful consequences for focus schools that do not make progress after full implementation of interventions. *See 2.E.iv.*
- Please address concerns regarding the system of supports and incentives for other Title I schools:
 - Provide more detail on and evidence of the efficacy of the tools, resources, supports, and interventions (*i.e.*, Michigan’s Continuous Improvement Tools, culture/climate intervention, surveys of enacted curriculum, professional development) proposed for other Title I schools not making AYP. *See 2.F.i.*
 - Provide more detail regarding the instructional practices that will be employed to address the needs of English Learners and students with disabilities in other Title I schools. *See 2.F.ii.*
- Please address concerns regarding SEA, LEA, and school capacity to improve student learning:
 - Address the concern that Michigan’s school improvement framework, with its 90 indicators, is too complex and burdensome to contribute meaningfully to improvement efforts. *See 2.G.*
 - Describe Michigan’s process for the rigorous review and approval of external providers used by the SEA and its LEAs to support the implementation of interventions in priority and

focus schools. *See 2.G.*

PRINCIPLE 3: SUPPORTING EFFECTIVE INSTRUCTION AND LEADERSHIP

- Please address concerns regarding the plan for developing and adopting guidelines for evaluation and support systems:
 - Demonstrate that the plan to develop interim guidelines includes all of the elements of a high-quality plan, including key milestones or activities, a detailed timeline, party or parties responsible, evidence, resources, and significant obstacles. *See 3.A.i.*
 - Provide a contingency plan in the event that the interim guidelines, although aligned to State statutory requirements for evaluation systems and therefore likely aligned to the final, binding guidelines recommended by the Council, are subject to changes through legislative action. *See 3.A.i.*
 - Provide Michigan's rationale for increasing over time the weighting of student growth used in educator evaluations. *See 3.A.i.*
- Please ensure that continuous feedback is sought directly from teachers and principals as guidelines for local teacher and principal evaluation and support systems are developed and implemented (*e.g.*, through surveys, focus groups, listening sessions, and participation on the Governor's Council for Educator Effectiveness, etc.). *See 3.A.i, Option A.ii.*
- Please address concerns regarding Michigan's process for ensuring that each LEA develops, adopts, pilots, and implements evaluation and support systems consistent with the State's guidelines:
 - Address the concern that Michigan's timeline would ensure that LEAs implement educator evaluation and support systems by school year 2014–2015 but does not include a pilot year in school year 2013–2014. *See 3.B.*
 - Describe how Michigan will monitor compliance and ensure that LEAs are appropriately developing and implementing evaluation systems that meet the requirements of both State statute and ESEA flexibility. *See 3.B.*
 - Please explain how Michigan plans to work with teachers and administrators, or as appropriate, their designated representatives, in order to ensure each LEA develops, adopts, pilots, and implements evaluation and support systems. *See 3.B.*