



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



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SUPERINTENDENT OF
PUBLIC INSTRUCTION

April 25, 2006

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

Dear Madame Secretary:

I am writing to express concern that recent decisions made by the U.S. Department of Education (USDOE) will have a devastating effect on the education community here in Michigan.

Your department has denied Michigan's requests to adjust our state's Accountability Workbook with a reasonable and equitable plan of fairness for all schools when calculating "n" size for the so-called "subgroups" and taking into account flexibility for schools with various grade configurations. We only asked for an equitable sliding scale minimum group size so that larger school buildings weren't penalized for being proportionately larger than a smaller school building. This is the same flexibility that USDOE has granted to other states in the past.

Secretary, you were quoted in an *Associated Press* article this week that your agency "will look at a state's entire education plan, not just the way it sets its group size." and also that you will consider "whether a one-size-fits-all solution makes sense or not." In all due respect, until there is a national standard on "n" size, Michigan and other states will continue to be unduly measured against states like Florida, which has an "n" size of 100.

In addition, we recently were denied our appeal to your department's decision to scuttle our nationally-acclaimed alternate assessment program that provides real value to our most cognitively impaired students, their teachers, and their parents.

In the Title I peer review of our state's standards and assessment program, your department claims that two of our three-tiered alternate assessments don't align with our state standards, and thus cannot be counted for AYP, after the assessments already had been given last autumn. The USDOE says that not only will those scores not count, but the students cannot even be considered as having taken the assessment.

These are the most cognitively impaired students, many of which are in wheelchairs who cannot hold a pencil or speak or hold their heads up. Instead of allowing us to give them useful assessments to measure progress, USDOE would want us to give them an actual math and reading assessment so we can be aligned with our state standards.

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Deputy Secretary of Education Raymond Simon met recently with a large group of local school superintendents in West Michigan to listen to their concerns on the implementation of NCLB. Mr. Simon was quoted in the *Grand Rapids Press* as saying he realizes the (NCLB) law needs to be refined, and that the (U.S.) Education Department realizes changes are needed, and some are in the works.

When these same superintendents see the results of these decisions on Michigan's very reasonable amendments to its State Plan, and its nationally-acclaimed alternate assessment, they will be bewildered and outraged.

These decisions by USDOE will increase by hundreds the number of Michigan schools not making AYP. Local superintendents around the state of Michigan may be faced with a decision to abandon their long-standing philosophy of inclusion and integration of special needs and minority students into all of their schools and instead segregate them into separate buildings. I know they still will dedicate themselves to giving all students a quality education.

The Michigan Department of Education has stood firmly behind the No Child Left Behind Act since its inception. My entire career has been rooted in the philosophy that all children can learn and that all children will learn. The requests for amendments to our plan never have been based on making it easier for schools to make AYP; trying to "hide" any group of students; or making schools less accountable. The decisions of my department and the State Board of Education have been based on fairness and equity for school districts and students.

I respectfully ask that you reconsider the decisions made by your agency and grant us the fair and equitable amendments we requested, and allow us to continue to use our nationally-acclaimed alternate assessment in calculating AYP.

Michigan's Accountability Workbook amendments were submitted to USDOE on February 3 and we did not learn of your department's decisions until just yesterday. That has delayed our scheduled preliminary AYP reports to school districts. Our staff repeatedly contacted USDOE during that time period in hopes of getting a decision. A prompt response to this letter would be appreciated in order to minimize any further delays in informing schools and families of their schools' status.

Sincerely,

Michael P. Flanagan